

**CITY OF NORWALK  
ZONING COMMISSION  
October 4, 2018**

**PRESENT:** Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti

**STAFF:** Steve Kleppin

**OTHERS:** Atty. Liz Suchy; Atty. Jay Klein; Diana Londano; Atty. Al Vasko; Ray Sullivan; Jason Enters

**I. CALL TO ORDER**

Mr. Sumpter called the meeting to order at 7 p.m.

**II. ROLL CALL**

Mr. Kleppin called the roll.

**III. PUBLIC HEARINGS**

**a. #4-16SPR/#17-16CAM – Owner: LaJoie Auto Wrecking Co. Inc & La Joie’s Auto Parts, Inc.; Applicant: F&G Construction, Inc. – 46 Meadow St – Contractor’s storage yard – Public hearing for permit revocation due to non-compliance – Status report**

Mr. Kleppin gave the commissioners a brief history. He noted that Mr. Wrinn was out on vacation but that another staff member had taken pictures that day of the site. He passed them around to the commissioners for review. He explained that the main area of concern, on the eastern side of the property, seemed to be further in compliance than it had been. He suggested waiting until the next meeting in 2 weeks to have another inspection.

Atty. Suchy reported that she had pictures from the previous Tuesday which seemed to address the issue of the parking spaces. She had also gone to the site that day with the Zoning Department staff member. She believed that most of the site seemed to be in compliance and that it was markedly different than it looked in June. Mr. Sumpter said that the public hearing would be kept open until the next meeting on October 17. Mr. Schulman asked if the staff could inspect this site. Mr. Kleppin said that this site and others were being inspected on a regular basis.

**IV. DISCUSSION/ACTION ON PENDING APPLICATIONS**

**a. #2-17SPR/#14-17CAM – NWMFP Norwalk Town Ctr. II/3 Q Property LLC – The Pinnacle @ Waypointe South Block - 467 West Av/17 Butler St/3 Quincy St – New 7 story, 519,820 sf mixed use development with 330 dwelling units, 496 seat iPic movie theater (41,604 sf), 22,509 sf restaurant, 0 sf retail, 23,979 sf fitness center and 942 space parking garage - Request for one year extension of time - Report & recommended action and**

**b. #3-17SPR/#15-17CAM – 6 Butler Properties, LLC – 6 Butler St – Demolish existing building at 6 Butler St; dismantle historic building at 3 Quincy St and reconstruct/rehabilitate historic bldg. for reuse as 1,395 sf restaurant on first floor & 3,840 sf**

**office on second floor – Request for one year extension of time - Report & recommended action**

Mr. Sumpter said items a. and b. could be discussed together.

Jay Klein, the attorney for the applicant, noted that the demolition was about halfway through and they were making progress. Final construction drawings are still being worked on since they are working with the tenants. An extension would help with this project. There was a discussion about violations on the site but Atty. Klein was not aware of them. Mr. Kleppin noted that one was taken care of but the other was being handled. There was a discussion about whether the applicant should not be granted an extension until the violation had been resolved. Mr. Schulman suggested that an extension be granted for 1-2 months. If the violation had not be cleared up then no further extension be granted. It was decided that the applicant would return to the next meeting on October 17 and report about the violation.

**V. RECEIPT/REVIEW AND ACTION ON NEW APPLICATIONS**

**a. #X-18CAM – CB Restaurant & Lounge – 83 Wall St – Request to add live music - Report & recommended action**

Diana Londano, 25 Cam Street, Norwalk, CT 06851 began the presentation by explaining that she had submitted all the necessary paperwork including the noise report. There was a discussion about a discrepancy that the commissioners noted in it. They asked that the noise expert be present at the next meeting so that they could ask about the discrepancy. She noted that they had been trying to renew their liquor license and have a deadline. Mr. Kleppin read the ordinance into the record for clarification to the commissioners. The commissioners decided to add this to the Zoning Commission agenda on October 17. They also discussed adding a condition so that they could meet the liquor license renewal deadline.

**\*\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the request to play live music at CB Restaurant and Lounge, 83 Wall Street, be **APPROVED** with the following conditions:

1. That all conditions of the sound report by Infinite Harmonies, Brookfield, CT, dated September 7, 2018 be complied with at all times;
2. That the maximum master output level of the sound equipment be as stated in the report;
3. That once in operation, the sound engineer return to the site and provide confirmation to the staff that the noise ordinance is being complied with.
4. Staff will confirm information contained in the applicant’s sound report prior to issuing any permits or sign-offs.

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be October 12, 2018.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti**

**No one opposed.**

**No one abstained.**

**b. #6-18SPR – EDG Properties – 71 - 75 Connecticut Ave – New mixed use development with 33 units and 14,800 sf medical office – Report and recommended action**

Atty. Vasko began the presentation with a discussion of the proposed development. He then discussed the last meeting. He then described the changes the applicant had made based on the commissioners' comments which included the retaining wall. They would try to soften it since it is quite tall. Mr. Schulman also noted that there be no left turns from the site which the Department of Public Works ("DPW") had also requested.

Ray Sullivan, the architect, continued the presentation also showed the commissioners aerial photos of the property which included vegetation on the property. He said that currently there is a lot of overgrowth on the property. He explained the changes that would be made to the retaining wall. He also noted that the state owned the back of the property which meant they could not get onto it.

Jason Enters explained the requirements of the CT Department of Transportation ("DOT") to the commissioners.

Mr. Kleppin said that he had sent out a draft resolution for this application. He was waiting for approvals from other departments and DOT.

Jason Enters explained that he had a discussion with DOT including about the left turn. Mr. Schulman noted that if the DOT recommended both turns out of the property, the Zoning Commission could still recommend no left turn. There was a discussion about graffiti on the site. Mr. Witherspoon also asked about a final landscaping plan. There was as a discussion about imposing conditions on the wall especially adding vegetation to it.

**\*\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** that the site plan application **#6-18SPR** – EDG Properties – 71 - 75 Connecticut Avenue – Proposed mixed-use development with 33 residential dwelling units and 14,800 sf of medical office and related recreation area and site improvements be approved, subject to the following conditions:

1. Per the Zoning Location Survey dated 7/10/18, prepared by Rocco V. D'Andrea, Inc, on file with the Planning & Zoning Department.
2. Per the engineering plans, (1) Existing Conditions, (2) Grading Plan, (3) Utility Plan, (4) Sedimentation and Erosion Control Plan, (5) Notes and (6) Notes, dated 7/10/18, prepared by Rocco V. D'Andrea, Inc, on file with the Planning & Zoning Department.
3. Per the architectural plans SP-01, A-100, A-101, A-200, A-201, A-2-2, A-100, dated 7/12/18, prepared by The Sullivan Architectural Group, on file with the Planning & Zoning Department.
4. Consistent with the condition of approval required as part of the variance granted by the Zoning Board of Appeals, the lower level parking area shall be screened and a modified plan be submitted to staff for approval prior to obtaining a zoning permit.
5. That final CEAC signoffs shall be submitted prior to the start of construction including a final review by the Zoning Inspector to confirm that the proposed plans comply with zoning for maximum height/average grade calculations; and
6. Final approval by CT DOT be obtained prior to obtaining a zoning permit; and
7. The exiting traffic shall be right turn only, unless determined by CTDOT that is must exit in both directions; and
8. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required erosion and sediment controls; and
9. That all soil and erosion controls be installed and maintained prior to the start of any

construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and

10. That a Connecticut licensed engineer shall certify that all of the required improvements, including any required off-site improvements, were installed to City standards and that the development as constructed complies with all relevant regulations and that such certification be submitted prior to the issuance of a Certificate of Zoning Compliance; and
11. That any changes to the plan or the use of the facility be submitted to staff for review and approval; and
12. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
13. That any and all HVAC units shall be properly screened and located in conformance with the applicable zoning setbacks; and
14. That all signage, existing and proposed, conform to the zoning regulations; and
15. That the hours of garbage pick-up be no earlier than 7:00 a.m. and no later than 7:00 p.m. and that any deliveries be no earlier than 8:00 a.m. and no later than 6:00 p.m.; and
16. That any sidewalks to be installed or replaced provide be a full 5' clearance from any obstruction; and
17. That there shall be no light trespass onto neighboring properties and that cutoff shields be installed on all lighting to prevent any stray light from being emitted off the property; and
18. That any graffiti on the site, now or in the future, be removed immediately; and

**BE IT FURTHER RESOLVED** that the application complies with the Norwalk Building Zone Regulations, including Section 118-521 Business #1 zone and Section 118-1451, Site Plan Review.

**BE IT FURTHER RESOLVED** that the effective date of this action be October 15, 2018.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti**

**No one opposed.**

**No one abstained.**

**c. #5-18R – Zoning Commission – Proposed amendment to Section 118-1460 Violations and Penalties to allow the Commission to revoke any permit for noncompliance - Report & recommended action**

Mr. Kleppin began the presentation by explaining how the proposed amendment had come about. He explained the process and said it would also be referred to the Planning Commission and WCCOG. It may be on the Zoning Commission agenda later in the month or in November. It was noted that the Zoning Commission did want to vote on this proposed amendment.

**VI. APPROVAL OF MINUTES: September 20, 2018**

**\*\* MR. SCHULMAN MOVED to approve the September 20, 2018 Zoning Commission minutes.**

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti**  
**No one opposed.**  
**No one abstained.**

**VII. REPORT OF NOMINATING COMMITTEE: Election of officers**

Mr. Schulman noted that since two of the commissioners had been on vacation, they would report at the next meeting.

**VIII. COMMENTS OF DIRECTOR**

Mr. Kleppin discussed an item that had been discussed at the Planning Commission meeting in September and which he had advised the Zoning Commission. He said that the Zoning Department had no objections to change in the retail use zoning regulations. They realized that times had changed and that the regulations would have to change as well. To that point, he noted that there would be a change in those regulations coming in the next few months for the Wall Street area. He said that there had been a certain individual who had wanted the retail use zoning regulations changed in the Wall Street area on the spot at the Planning Commission meeting. Mr. Sumpter noted that there should not be any fast tracking of rules. They also wanted to see changes to regulations for the Wall Street area. Mr. Kleppin said they would not vote on the proposed amendment until January. It was discussed how this individual should file an application for a text amendment; however, this text amendment would later be accomplished in the revised Zoning regulations.

**IX. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

**X. ADJOURNMENT**

**Mr. Schulman made a Motion to Adjourn.**

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Diana Palmentiero