

**CITY OF NORWALK
ZONING COMMISSION
October 17, 2018**

PRESENT: Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti; Rod Johnson and Frank Mancini (after the roll call)

STAFF: Steve Kleppin; Mike Wrinn;

OTHERS: Atty. Al Vasko; David A. Dileo; Scott Davis; Luigi DiMeglio; Sylvia Hall; Marie DiLeo; Jackie Byron; Robert Burgess; Diane Lauricella; Ernie Dumas; Corky Stewart; Kim Drahone; Darlene _____; Theresa Peterson; Atty. Liz Suchy; Colin Grotheer; Mike Galante; Michael Orlandi; Atty. John Bove; Martin Marcianno;

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7:02 p.m.

II. ROLL CALL

Mr. Kleppin called the roll. Mr. Sumpter then explained the rules of the public hearings.

III. PUBLIC HEARINGS

a. #8-18SP - City of Norwalk Public Schools - 11 Ingalls Avenue - New 60,000 sf Columbus Magnet School – Continue hearing from September 20, 2018 to receive Conservation Commission report

Mr. Wrinn explained how the Conservation Commission has approved the project and noted that the public hearing had been held open. Mr. Sumpter closed the public hearing.

b. #4-18R – C & A Portables, LLC – Proposed amendment to Industrial #1 zone to allow storage of portable toilets as a new principal use

Mr. Sumpter opened the public hearing. Atty. Vasko began the presentation by explaining what the proposed amendment would allow. He also handed over the certified, return receipt cards evidencing notice of the public hearing to the abutting neighbors. He gave a brief history of the applicant's business which has been in operation for at least 18 years. He also oriented the commissioners as to the location of the property on an aerial map and explained the past uses of the property. He noted that the applicant was planning on moving his entire business to Norwalk. He also explained why he was moving to Norwalk and noted the hours of operation. He discussed the proposed operation of the business on this site. There was a question about the number of units stored on the property during the summer and winter months.

David A. Dileo continued the presentation by explaining how many units would be on the site during the summer and winter.

Atty. Vasko continued the presentation. He noted that these units were different from the ones used in the past which had odors from them. These were self-contained and would be cleaned before they returned to this site. He believed that this impact and use would be minimal to the neighborhood, including the traffic. He then discussed the uses that could be on the site, including contractor's yards.

Mr. DiLeo then discussed his 5 year plan for the site. He showed them pictures of the current site and then what was proposed which would include an addition to the current facility. He also would use solar panels on the building to be as green as possible.

Atty. Vasko showed the commissioners pictures inside the portables. He then noted that this area was recently slated to be a part of the Transit Oriented Development area but that the Zoning Commission had decided not to do that. There was a discussion about whether the trucks would be going through residential areas. There was then a discussion about how the waste was taken from the

portables to the waste management areas. There was also a discussion about the number of residences that border the property.

Scott Davis, 18 Lubrano Place, explained that his house would abut the property and was concerned about his property value. He also had concerns about the hours of operation especially in the morning and on the weekends.

Luigi DiMeglio, 20 Lubrano Place, noted that he had fought against previous owners of the property. He then gave a brief history of the property which included a time when the property had been contaminated. He noted that this past summer was the first that there was quiet in the neighborhood and that a footpath could be installed. He then showed a picture of his backyard which was abutting the property. He asked for the same quality of life that everyone else in the city had. He also took out newspaper articles of violations of previous owners. He gave a brief history of the complaints in the area. He was concerned about the increase of the business which would increase the level of traffic in the area. He also discussed an article about the diseases that could linger in the trucks and noted that there were children close by.

Sylvia Hall, 14 Lubrano Place, spoke in opposition to the application. She said that her house abutted the property. She explained that the landscape from the previous owners was not done well. She was also concerned about the smells from the disinfectants. She noted that the businesses did not comply with hours of operation.

Marie DiLeo, 19 Summit Dr., the owner's wife spoke in support of the application. She discussed how the city had lost many small and medium businesses over the last decades. She did not think it would be a negative to the area but a positive, compared to the contractor's yards that could go in.

Jackie Byron, San Vincenzo Place, spoke against the application. She noted that there was no discussion about the other residences in the area, and the schools nearby. She was also concerned about the quality of life and will affect the property values.

Robert Burgess spoke against the application. He asked that the commissioners vote against it because it was not needed in the area.

Diane Lauricella handed out a packet of information, which included a cover letter, to the commissioners for the record. She spoke against the application and gave several reasons for that. She also read from the Planning Commission minutes from a recent meeting and added them to the record. She then explained that she was aware of how portables worked because she had worked on the Norwalk Arts Festival for several years. She also showed pictures of the applicant's other site and noted that they were in industrial areas, unlike this site. She then noted that the Planning Commission had stated several reasons why this was not acceptable to the Plan of Conservation and Development ("POCD") and added her own.

Ernie Dumas, 162 South Main St., Councilman to the City of Norwalk and thanked the previous speakers. He noted that the applicant had told him that he had an "incomplete permit" but was not certain what that was. He asked the commissioners to say no to this application.

Corky Stewart, 2 Raymond Lane, said that he represented Norwalk Hospital and the Open Door Shelter. He had concerns about the area because there were children that stayed in the Open Door Shelter. He then explained that the Smilow Center is nearby and some of the rooms were for the poor that would be going back to this area. It would not be conducive to their recuperation. He was concerned about the traffic in the area. He did not support the application.

Kim Drahone, 11 Poplar St., Stamford, CT, explained that she has never noticed any waste or odors while she has been at her business which is next door to hers. She said he has always been a good neighbor. She owns an excavating company in the area.

Darlene _____, San Vincenzo Place, spoke in opposition to the application. She noted that the last speaker was also a business as well and was not a resident. She explained that the residents were getting tired of these types of businesses coming into this area.

Theresa Peterson, Dock Rd., South Norwalk, spoke in opposition because she was concerned that this proposed text amendment would affect her area at a later date.

Atty. Vasko addressed neighbors' complaints about a loss in property values. He also noted that this use is less intrusive than the previous one which was chopping wood until late hours. He also said that this is an industrial use which the Zoning Commissioners could change and again noted what other uses could be permitted on the property.

He also noted that Fairfield County only had 2 other portables businesses which were national ones. Since they were located in Bridgeport, he did not think they would move to Bridgeport. He also discussed the Planning Commission's denial of this application. He asked the Zoning Commissioners to look favorably on this application.

Mr. Witherspoon read the Planning Commission's denial of the application into the record.

c. #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 – Continue hearing from Sept 6, 2018

Mr. Wrinn updated the commissioners by noting that the property is mostly in compliance. He asked that this application be held over another 2 weeks to continue to monitor the property. The applicant is allowed to continue the business during this probationary period.

IV. DISCUSSION/ACTION ON PENDING APPLICATIONS

a. Action on Items III. a., b. and c.

#8-18SP - City of Norwalk Public Schools - 11 Ingalls Avenue - New 60,000 sf Columbus Magnet School – Continue hearing from September 20, 2018 to receive Conservation Commission report

Since they had received Conservation Commission's approval, they decided to vote on this application.

***** MS. STRANITI MOVED: BE IT RESOLVED** that application #8-18SP submitted by the Norwalk Public Schools for a new Columbus Magnet School and related site improvements at 11 Ingalls Avenue as shown on various plans by JCJ Architecture, Hartford, CT, dated July 25, 2018, as amended, be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That all required soil and sedimentation controls be installed prior to the start of the construction and maintained until the project is completed and stabilized;
3. That any change to the plan will require Zoning Commission approval; and
4. That any graffiti on the site, now or in the future, be removed immediately; and

BE IT FURTHER RESOLVED THAT the reason for this approval is that the proposed project complies with the Norwalk Building Zone Regulations, 118-320 AA Residential Zone and section 118-1450, Special Permit; and

BE IT FURTHER RESOLVED THAT the effective date of this approval shall be October 26, 2018.

Mr. Witherspoon seconded.

Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti; Rod Johnson and Frank Mancini voted in favor.

No one opposed.

No one abstained.

#4-18R – C & A Portables, LLC – Proposed amendment to Industrial #1 zone to allow storage of portable toilets as a new principal use

Mr. Sumpter noted that since the Planning Commission had denied the application, a super majority would be necessary to pass it. Mr. Sumpter suggested having a discussion before voting on this matter. Mr. Mancini had concerns about this proposed amendment. Ms. Straniti noted that this was not an appropriate place for this business and was concerned about property values for the neighbors, especially that it was not consistent with the POCD. She would be voted against it. Mr. Roina had concerns about this application because of the Staff's comments on this text amendment being a Special Permit. Mr. Schulman was inclined to vote against it, although he noted that there were other noxious uses that could be in this area. He also thought that it might be time to review the regulations in this area. Mr. Witherspoon noted that this business would not bring value to the area and would be inclined to vote against it. Mr. Sumpter did not think that this business should in Norwalk. He thought that it was time to clean up South Norwalk and bring in better businesses especially since when there would be a Transit Oriented Development area nearby. Mr. Schulman asked whether the commissioners could just vote to deny and not use the resolution that had been drafted. He asked about the applicant's options if it was denied. There was a further discussion about the resolution that was drafted by staff.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#4-18R – C & A Portables, LLC – Proposed amendment to Section 118-700 Industrial Zone #1 to allow storage of clean portable toilets between uses as a new principal use**" and dated September 12, 2018, be **DENIED**.

BE IT FURTHER RESOLVED that the reasons for this action are:

- 1) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to "Protect residential neighborhoods from incompatible development" (A.1.1.6, p. 10); and
- 2) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to "Update Restricted Industrial Zones, Industrial 1 Zones, and Industrial 2 Zones, to allow on a case-by-case basis certain types of *office and multifamily residential uses*, to reflect current economic trends in Norwalk provided they are compatible with the surrounding neighborhoods" (A.5.1.1, p.13); and
- 3) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to "Preserve the character of residential neighborhoods by minimizing traffic impacts from surrounding uses" (E.3.2, p. 37); and
- 4) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to "Manage truck traffic and reduce truck traffic through residential areas" (E.3.2.4, p.37); and
- 5) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to "Encourage new development around transit access and allow new development which does not exceed the capacity of infrastructure systems (roads, sewers, water, etc.)" (B.1.1.2, p. 16); and
- 6) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to "Maintain vehicular connections within neighborhoods surrounding the Harbor and protect those neighborhoods from regional and truck traffic" (E.3.2.2 p. 37); and

BE IT FURTHER RESOLVED that the effective date of this action be October 26, 2018.

Mr. Roina seconded.

Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti; Rod Johnson and Frank Mancini voted in favor.

No one opposed.

No one abstained.

#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 – Continue hearing from Sept 6, 2018

The commissioners had decided to hold this item over until the next Zoning Commission meeting on November 1, 2018.

b. #5-18SPR - SoNo Metro LLC & 24 Monroe St LLC – 20 & 24 Monroe St/5 & 11 Chestnut St - New 5-6 story, ±122,000 sf Transit oriented development w/5,800 GSF ground floor retail, 11,000 sf office and 122 multifamily dwelling units (16 units in existing historic bldg. and 106 units in new bldg.) – Report and recommended action

Mr. Roina recused himself before the presentation began. Atty. Suchy began the presentation with an update of the changes from discussions with city staff.

Colin Grotheer, the architect on the project, continued the presentation by showing the commissioners the revised renderings. He also noted that they had been in discussions with the Redevelopment Agency and the 3rd party reviewer. He said there were not many changes which included further details like dryer venting. There was a discussion about the words “SONO” on the building. They wanted to create a sense of arrival to the area. He also briefly described some comments from the reviewer which would be further discussed by the landscape architect, Eric Rains. He also addressed concerns from city agencies and the changes that they had made.

Mike Galante, the traffic engineer, continued the presentation by first answering questions about Chestnut St. It is still a 1 way street but would convert back to a 2 way street after the schools construction is completed. He could not address turning of trucks and said that the civil engineer could address it. He also addressed the concerns of the Connecticut Department of Transportation (“CT DOT”) which had requested clarifications. He also noted that they had received this review letter from them late in the day and he had not been able to address all of it. He said that it should not change the results of his analysis.

The commissioners did not think it was necessary to hear from the landscape architect.

Atty. Suchy requested that the commissioners act upon this application at this meeting. Mr. Schulman asked if this process was easier since the TOD regulations had recently been enacted. He thought this was a lengthy process. She noted that it may have been lengthy because of the 3rd party peer review.

Mr. Kleppin noted that there was no resolution prepared since DPW had not had a chance to review the new comments. He recommended to vote on this matter in 2 weeks. Mr. Sumpter closed the presentation.

c. #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

d. #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; reconstruct/rehabilitate historic bldg.; reuse as 1,395 sf restaurant on first flr & 3,840 sf office on second flr – Request for one year extension of time – Rpt. & recommended action

Mr. Roina returned to the meeting. The two items were heard together. Atty. Hennessey addressed questions about the soil on the property. Mr. Schulman said that there were violations and found that it was insulting that there was a request to extend until June 2019. Atty. Hennessey noted that the soil would be removed by the end of 2018 and would help the operation. The commissioners thought that 90 days to clear this violation would be fair. They believed that it was not a good looking site. Mr. Schulman thought the applicant should return in a month to let the commissioners know how it would be done.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for an extension of approval time for site plan review application **#2-17SPR** and coastal site plan application **#14-17CAM** - NW MFP Norwalk Town Center II, LLC & 3Q Property LLC – 467 West Avenue/17 Butler Street/3 Quincy Street (Waypointe South Block) – New 7 story, 519,820 sf mixed use development with 496 seat iPic theater, 0 sf retail, 22,509 sf restaurant, 3,602 sf office, 23,979 sf fitness center and 330 multifamily dwelling units with new public amenities to permit one (1) additional story and 4 feet inches bonus height and 153,754 sf bonus floor area with 942 space parking garage within a Design District Development Park as shown on a set of plans entitled "The Pinnacle at Waypointe Norwalk CT." by Redniss and Mead and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, dated July 21, 2017 as revised to October 9, 2017, **be APPROVED for a period of ninety (90) days**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **no later than January 15, 2019**; and

BE IT FURTHER RESOLVED that the applicant shall return to the Commission at its meeting on November 14, 2018 to report on the status of the violation and to present a plan with a timetable to remove the violation within 90 days;

BE IT FURTHER RESOLVED that the effective date of this action be **October 26, 2018**.

Mr. Mancini seconded.

Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti and Rod Johnson voted in favor.

No one opposed.

No one abstained.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for an extension of approval time for site plan review application **#3-17SPR/#15-17CAM** - 6 Butler Properties, LLC – 6 Butler Street – New 7,680 sf building for use as 1,395 sf restaurant on the first floor and 3,840 sf offices on the second floor as shown on a set of plans entitled "Zoning Site Plan depicting 6 Butler Street Norwalk, CT" prepared for 6 Butler Properties, LLC by Redniss and Mead Engineers and Didona Associates Landscape Architects and dated May 17, 2017 as revised to October 9, 2017, **be APPROVED for a period of ninety (90) days**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **no later than January 15, 2019**; and

BE IT FURTHER RESOLVED that the applicant shall return to the Commission at its meeting on November 14, 2018 to report on the status of the violation and to present a plan with a timetable to remove the violation within 90 days;

BE IT FURTHER RESOLVED that the effective date of this action be **October 26, 2018**.

Mr. Mancini seconded.

Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti and Rod Johnson voted in favor.

No one opposed.

No one abstained.

V. RECEIPT/REVIEW AND ACTION ON NEW APPLICATIONS

a. #X-18SPR – 597 Westport Owner 1, LLC & Owner 2, LLC – 597 Westport Av (218 residential units) – Installation of solar power photovoltaic system on upper deck of parking garage - Report & recommended action

Michael Orlandi said the company was trying to go green and reduce carbon footprint. They asked to install solar panels. He explained the number of parking spaces which would be removed for the panels, however, they would still have in excess of the requirement. He showed aerial images of the solar panels which are flat to the rooftop. He thought it was the right thing to do for the environment. There is no noise and very little maintenance. There was a discussion about how quickly the cost would be paid back. There was also a discussion about what happens when it snows. The commissioners agreed it was a minor change.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request to modify application #1-05 SPR, a residential building 218 units at 597 Westport Avenue to allow the installation of a solar power photovoltaic system on the upper deck of the parking garage **BE APPROVED**, with the following conditions:

1. That all requested CEAC signoffs are submitted; and
2. That any change to the plan will require Zoning Commission approval; and
3. That any graffiti on the site, now or in the future, be removed immediately; and

BE IT FURTHER RESOLVED that that the effective date of this approval shall be October 26, 2018.

Mr. Roina seconded.

Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti; Rod Johnson and Frank Mancini voted in favor.

No one opposed.

No one abstained.

b. #X-18SP/#15-18CAM – BPC Capital Mgmt. V, LLC – 87 East Ave – 6 unit multifamily residence - Report & recommended action

Atty. Bove began the presentation with a description of the current property which was built in 1905. It is in disrepair. They would be adding to the square footage of the property. He also noted that the drainage report will be ready by October 30. They are also waiting for 3rd party review. Mr. Wrinn said that a public hearing is necessary.

Martin Marcianno, the architect on the project, continued the presentation by showing the renderings to the commissioners which included the addition on the property. He also noted that there was a carriage house on the site and would remain. He explained the current house and what it contained. There would be a fair amount of restoration to the building. There was a discussion about scheduling the public hearing which could not been done until all consultant reports had been returned. There was a discussion about violations on the property. Atty. Bove said they were clearing up all of the violations which included moving tenants out of the property. He also noted that the applicant had restored other houses which had been in disrepair.

VI. APPROVAL OF MINUTES: October 4, 2018

**** MR. SCHULMAN MOVED to approve the October 4, 2018 Zoning Commission minutes.**

Mr. Witherspoon seconded.

Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti; Rod Johnson and Frank Mancini voted in favor.
No one opposed.
No one abstained.

VII. REPORT OF NOMINATING COMMITTEE: Election of officers

Mr. Schulman recommended that the same officers be elected. Although they had said last year that they would change the officers, since they were working well together, they did not think they would make a change.

There were no recommendations from the floor.

**** MR. SCHULMAN MOVED** to nominate Mr. Sumpter as Chair, Mr. Schulman as Vice Chair and Mr. Witherspoon as Secretary.

Mr. Roina seconded.
Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti; Rod Johnson and Frank Mancini voted in favor.
No one opposed.
No one abstained.

VIII. ADOPTION OF ANNUAL MEETING SCHEDULE

Mr. Kleppin said that there was only one meeting in July and December which the commissioners were pleased with.

IX. COMMENTS OF DIRECTOR

He said that money for a study in the light industrial zones would be put back in the Capital Budget. He also discussed how this would affect the POCD. He addressed the changes. He also noted that the city did not have any one focusing on recruiting businesses to Norwalk.

X. COMMENTS OF COMMISSIONERS

There was a discussion about whether there was enough industrial space in the city and about whether businesses were coming to Norwalk. There was also a discussion about the Waypointe property and the Grand List. Ms. Straniti noted that there are so many rentals which makes it less desirable to stay in Norwalk. Also, there would be more students in these rentals. There was a discussion about retail and how many residents are necessary to support it. They agreed Norwalk is growing.

XI. ADJOURNMENT

Mr. Schulman made a Motion to Adjourn.
Mr. Witherspoon seconded.
Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Kelly Straniti; Rod Johnson and Frank Mancini voted in favor.
No one opposed.
No one abstained.

The meeting was adjourned at 10:08 p.m.

Respectfully submitted,

Diana Palmentiero

