

**CITY OF NORWALK  
ZONING COMMISSION  
August 21, 2019**

**PRESENT:** Nathan Sumpter, Chair; Louis Schulman; Mike Witherspoon; Richard Roina; Stephanie Thomas; Rod Johnson; Nicholas Kantor; Galen Wells

**STAFF:** Steve Kleppin

**OTHERS:** Atty. Liz Suchy; Atty. Bill Hennessey; Paul Madden; Andy Soumelidis; Shawn Wendell; Jeff Trell

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Mr. Kleppin called the roll. Mr. Sumpter then proceeded to discuss the rules for the public hearings.

**III. PUBLIC HEARINGS - None**

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

**a. #7-19R – Marco C. Perry - Proposed amendments to permit artist live/workspace as a new principal use in the SoNo Station Design District - Review of public hearing/Planning Commission action – Report and recommended action and b. #3-19SP/#3-19SPR/#6-19CAM – Marco Perry – 3 & 5 Raymond Street – Renovate ±3,648 square foot building for reuse as two residential dwelling units and one artist live/workspace – Review of public hearing - Report and recommended action**

Mr. Sumpter said that these two items would be combined so that there would only be one discussion. Mr. Kleppin said that there was a resolution from the Planning Commission who had approved the referral. Mr. Witherspoon read it into the record.

Atty. Suchy began the presentation on behalf of the applicant by noting that all approvals had been acquired. She said she had not heard from any neighbors about this application. There were no comments from the Zoning Department staff. There was a discussion about the parking. Atty Suchy said that the applicant had requested a reduction in parking to 2 spaces. There is some on street parking.

**#7-19R – Marco C. Perry - Proposed amendments to permit artist live/workspace as a new principal use in the SoNo Station Design District - Review of public hearing/Planning Commission action**

**\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled “#7-19R – Marco C. Perry - Proposed amendments to Sec. 118-506 to permit artist live/workspace as a new principal use in the SoNo Station Design District” and dated July 8, 2019, be **APPROVED**;  
**BE IT FURTHER RESOLVED** that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development E.2.2.5 to "Consider designating a redevelopment area at the South Norwalk Station to help achieve goals for transit enhancements and transit-oriented development here" (E.2.2.5 p. 37); and
- 2) To implement the Plan of Conservation and Development A.2.1.2 to "Pursue mixed income development when renovating, rebuilding, or developing new public housing units" (A.2.1.2 p. 11); and

**BE IT FURTHER RESOLVED** that the effective date of this action be August 30, 2019.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson; Galen Wells voted in favor.**

**Stephanie Thomas opposed.**

**No one abstained.**

**#3-19SP/#3-19SPR/#6-19CAM – Marco Perry – 3 & 5 Raymond Street – Renovate ±3,648 square foot building for reuse as two residential dwelling units and one artist live/workspace**

**\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** that special permit application **#3-19SP**, site plan application **#3-19SPR** and coastal site plan application **#6-19CAM** - Marco C. Perry – 3 & 5 Raymond Street – for the rehabilitation of the existing building for reuse as two residential units and one artist live/workspace as shown on site plan and architectural plans entitled " LARCHIAN-PERRY RESIDENCE 3 & 5 Raymond Street Norwalk, CT 06854" by Studio Dumitru and landscape architecture plans prepared by Eckerson Design Associates Landscape Architecture, and engineering and grading plans prepared by Landtech Civil Engineers dated June 27, 2019 as revised to July 23, 2019 be **APPROVED**, subject to the following conditions:

1. That the applicant's special permit request to modify certain criteria (yard setback, parking requirement, etc.) as shown on the submitted plans be approved; and
2. That a certificate of special permit and a mylar of the site plan (as modified to address any conditions of approval) be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. That a lot consolidation survey be submitted for review by staff and then filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
4. That a surety in the amount of \$5,000 to guarantee the installation and maintenance of the required erosion and sediment controls is submitted to this office, prior to the issuance of a Zoning Permit; and
5. That all final CEAC signoffs shall be submitted, prior to the issuance of a Zoning Permit; as revised to address any comments received including any revisions requested by the Redevelopment Agency or Historical Commission; and
6. That all soil and erosion controls shall 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
7. That prior to the issuance of a zoning permit, that final sign-off from the Norwalk Redevelopment Agency be obtained, indicating that the proposed project is consistent with the design guidelines and sustainability requirements set forth in the South Norwalk TOD Redevelopment Plan; and
8. That cutoff shields be installed on all lighting to prevent any stray light from being emitted off the property; and

9. That a mylar of the approved site plan (as revised by any conditions of approval) be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
10. A zoning permit and a building permit shall be obtained within one year of the effective date of this approval and prior to any work commencing on the site; and
11. 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 Federal FEMA flood regulations and that such certification be submitted prior to the issuance of a Certificate of Zoning Compliance; and
12. That all proposed signage comply with the zoning regulations and that any graffiti on the site, now or in the future, be immediately removed; and
13. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and

**BE IT FURTHER RESOLVED** that this application complies with applicable coastal resource and use policies; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-506 B, SoNo Station Design District, and with the applicable sections of the Building Zone Regulations for the City of Norwalk.

**BE IT FURTHER RESOLVED** that the effective date of this action be August 30, 2019.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson; Stephanie Thomas; Galen Wells voted in favor.**

**No one opposed.**

**No one abstained.**

**c. #22-15SP/#27-15CAM – Brookfield Properties Retail/Norwalk Land Development, LLC (The SoNo Collection) – 100-101 North Water St - Request to modify approved plans for 8 story mixed use retail shopping center development to remove fountain planned for southwest plaza at West Ave/Pine St and replace it with interactive LED paver art (colored light display) – Report and recommended action**

Atty. Bill Hennessey began the presentation by giving a brief overview of the application and resolution. He then explained that the use of the foundation had been considered a “pool” by the state with other requirements that the applicant was not prepared to implement.

Paul Madden, a part of the project team, explained the upgrade of the fountain to a light display which would be permanent. He showed the diagram of the light display. He also showed pictures of the Jen Lewin’s current works as well as video from her website. There was a discussion of the size of the display. There were concerns about safety and vandalism. There is security on the property, 24 hrs. There would be maintenance on the display as well. Mr. Madden explained what would happen in freezing weather. The lights on the display would go off at the time the lights of the mall would go off.

**d. #10-15SP – Consulting 3 Design LLC – 104 CT. Ave (Exxon) – Request to release erosion control surety bond – Report & recommended action**

Mr. Kleppin said that staff recommended the release of the surety bond since the property had been improved and maintained.

**\*\* MR. SCHULMAN MOVED: BE IT RESOLVED BY THE NORWALK ZONING COMMISSION** that the surety be **APPROVED** to be released on application #10-15SP submitted by MA Petroleum, Inc for erosion and sedimentation controls for a replacement gas station as all improvements have been completed and properly maintained; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be August 30, 2019.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson; Stephanie Thomas; Galen Wells voted in favor.**

**No one opposed.**

**No one abstained.**

## **V. REVIEW AND ACTION ON NEW APPLICATIONS**

### **a. #2-19SP – SLI Norwalk, LLC (Shawn’s Lawns) – 2 Muller Ave – Contractor’s storage yard - Preliminary review/update on status of APA/Conservation applications & schedule for public hearing – Report and recommended action**

Andy Soumelidis spoke on behalf of the applicant by explaining a brief history of the property. He oriented the commissioners as to the location of the property on an aerial map. He noted that the approval had expired. He was asking for it to be legalized and modified. He showed them a site map with the existing conditions and the proposed enhancements which were very similar to what was there now. He explained what the buildings would be used for. There was a discussion about the storage inside some of the buildings. Mr. Soumelidis explained Shawn’s Lawns business. There was a discussion about the drainage on the property. Currently there was none. There was also a discussion about the buffer as well as the equipment storage. Mr. Soumelidis said that the equipment is usually not stored on the property, but rather, it goes from job site to job site. However, if there was a need to store the equipment on site than from 10-15 could be stored. Others could be stored on a New York site. There was a discussion about equipment repairs on the site.

Shawn Wendell, owner of Shawn’s Lawns, explained to the commissioners that minor repairs were done on the property. There is a spill kit on the property. Most of the equipment is between 1-5 years old.

Mr. Soumelidis continued with a discussion of the sewer system and approvals from other departments. They are also waiting for an approval from the Department of Public Works. Zoning Department staff would contact the applicant as to the date of the public hearing.

### **b. #5-19SPR – DIV 40 Richards Ave LLC – 40 Richards Av – Install cornice sign for “Potoo” Marketing – Report & recommended action**

There was a discussion of the pronunciation of the name of the company.

Jeff Trell, of Acme Signs, began with a description of the sign for Potoo Marketing, which would be an illuminated sign. Mr. Kleppin said that the Norwalk Chamber of Commerce was in support of the sign request.

**\*\* MR. SCHULMAN MOVED: BE IT RESOLVED BY THE NORWALK ZONING COMMISSION** that Site Plan Review application #05-19, DIV 40 Richards Ave. LLC, for the installation of a cornice sign for “Potoo Marketing”, as shown on a drawing by Acme Sign Co., entitled “Potoo Exterior Sign” dated 5-29-19 be **APPROVED** with the following conditions:

1. That the sign not be flashing, animated, or have capacity for changeable copy

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be August 30, 2019.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson; Stephanie Thomas; Galen Wells voted in favor.**

**No one opposed.**

**No one abstained.**

**c. Discussion of zoning regulations evaluation**

Mr. Kleppin discussed the reasons for an update of the zoning regulations. First, someone would evaluate them and formulate a plan. A budget would be created for the re-write. They had interviews last Monday. The timeline for the evaluation would be short. The consultant would meet with the Zoning Commission soon. He explained the evaluation process. Mr. Kleppin also explained that the re-write would start in July of 2020. There would be a group of commissioners from both the Zoning and Planning Commissions as part of the group that assisted it. Mr. Kleppin hoped that the regulations would be electronic so it would be searchable and include pictures.

**VI. APPROVAL OF MINUTES August 1, 2019**

**\*\* MR. ROINA MOVED to approve the August 1, 2019 Zoning Commission minutes.**

**Ms. Wells seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson; Stephanie Thomas; Frank Mancini; Galen Wells voted in favor.**

**No one opposed.**

**Nicholas Kantor abstained.**

**VII. COMMENTS OF DIRECTOR**

Mr. Kleppin explained that he had been before the Planning Committee of the Common Council about the Plan of Conservation and Development (“POCD”). There would be a public hearing which then could move the POCD to the full Common Council. He also explained that the state had many comments which they were working to resolve. He gave an update on the East Avenue TOD study which included some surveys. He said he hoped it would be done by December.

**VIII. COMMENTS OF COMMISSIONERS**

There was a discussion about the dashboard that the Mayor had discussed. Mr. Kleppin mentioned what it would include.

There was a discussion about the regulations that had been passed recently which could be added to an applicant’s resolutions. If there were any violations on the property, the approval could be revoked and that applicants should be aware of it. Mr. Kleppin said they would consider it.

**IX. ADJOURNMENT**

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

**Ms. Thomas seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Stephanie Thomas; Frank Mancini; Rod Johnson; Nick Kantor and Galen Wells voted in favor.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Diana Palmentiero