

**CITY OF NORWALK
ZONING COMMISSION
October 16, 2019**

PRESENT: Nathan Sumpter, Chair; Louis Schulman; Galen Wells; Mike Witherspoon; Richard Roina; Stephanie Thomas

STAFF: Steve Kleppin; Mike Wrinn; Bryan Baker

OTHERS: Atty. Robert Maslan; Rob Pryor; Mike Galante; Teresa Peterson; _____; Diane Lauricella; John Vacaro; Diane CeCe; Fritz Chery; Winthrop Baum; Sky Riss; Thomas Orofino; Judith Dominguez; Danielle Barros; Paulo Barros; Mark Nieto; Erika Echavarria; Richard Tavella; Bob Konkal; Marilyn Konkal; William Davis; Donna Rodgers Jones; Deborah Goldstein; Atty. John Malin; James Elkins;

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 proceeded to discuss the rules for the public hearings.

III. PUBLIC HEARINGS

a. #10-19CAM/#7-19SPR – 320 Wilson Avenue LLC – 320 Wilson Avenue – 45,800 square foot industrial warehouse and manufacturing building

Mr. Sumpter opened the public hearing. Atty Maslan began the presentation with an introduction of the project team. He then submitted the certified, return receipt cards evidencing notice of the public hearing to the abutting neighbors. He noted that he did not have the stamped map from the Norwalk Land Records. He then oriented the commissioners to the property on an aerial map. He gave them a brief history of the property which even included railroad tracks. He then described the property. He explained that parts of the property had been flattened out. The Grasso business was preparing to leave the property and it was a clean site now. He also explained that Village Creek was behind their property. He showed them a survey of the property. He then explained the proposal to build a warehouse or light manufacturing building on it. He said it would be one story but high. He also showed them the architectural layout as well as the renderings for the interior and exterior of the building. There may be a mezzanine level which would be driven by the number of parking spaces allowed. The applicant had met with Village Creek Association to address their concerns. He then showed them a picture across to 320 Wilson Avenue, from Village Creek, as it looks presently. He addressed noise concerns. He noted that Zoning Department had sent them information about sound proofing on a fence, which had also been used at Home Depot. He showed them photos of what it could look like. There was a discussion about the height of the fence. Atty Maslan discussed other neighboring businesses including the school bus depot. He said that this development fit into the neighborhood.

Rob Pryor, 518 Riverside Avenue, Westport, CT, the engineer on the project, continued the presentation with a discussion of the current drainage. He explained the size of the building and the number of parking spaces. He discussed the use of the property and tenants had not been secured. It

could hold up to 7 tenants. He noted that when the tenants were found, the building may need an additional loading dock. It was hard to determine at this point. He explained the number of parking spaces for different types of uses including light manufacturing and warehouse. He also discussed the driveways, ingress and egress. He noted that some large rocks would be taken off site and crushed to be used on the site as fill in the rear. He explained the infiltration system. A small portion of the site pitches to the front of the property. The drainage system had been designed for a 100 year storm. He said that they have begun discussions with utilities in Norwalk, including for sanitary uses. He discussed sound attenuation. He noted what types of machinery would generate the most sound. There was a discussion about white noise as well as a discussion about two entrances. There was a further discussion about the back of the property including a retaining wall. It would be on the side of the building as well. He then showed the site plan for the landscaping which would be extensive in the front and on the sides. Most are native plants for their hardiness and low maintenance. They did not have the ability to put trees in the rear because of the retaining wall and parking lot. There would be bushes. He also discussed the lighting plan. No lights would be shining on the neighbors. He also noted that there are 2 coastal resources on the property. At this point, none of the commissioners had questions for Mr. Pryor.

Mr. Galante continued the presentation by explaining that his company had merged with another. He then began explaining how he conducted the traffic study in August 2019. He also noted that they had reviewed accidents report for the last 3 years. He also said that the Department of Public Works ("DPW") was aware about the 2 driveway situation which was necessary for circulation around the building. He also discussed about a crosswalk near the site but he did not think it was necessary. He also did not think that the state Department of Transportation ("DOT") would approve it either. He also discussed that a bike lane had been requested in front of their property. The applicant would reserve its rights on this item since it did not seem necessary if there were no other bike lanes on Wilson Avenue. The sidewalk in front of the site would be maintained and improved.

Atty Maslan discussed the status of the applicant's conversations with various city departments. He noted that there would be no impact on coastal resources. There was a question about the retaining wall and whether plans would be submitted for it. He did note that they would hope there would be some flexibility on the deadline for the completion of the retaining wall. There was another discussion of the sound proofing which the commissioners asked to see the specifications. It would be provided to the Zoning Department staff.

Teresa Peterson, 32 Dock Road, Village Creek, said that she had met with the applicants and had been pleased with the meeting. They are concerned about the noise especially when the ledge would be removed. The sound mitigation was a concern for her. They would like to be able to re-assess once the sound attenuation was in place to determine if it is working. She also requested more trees in the back so that they were not seeing a 9 ft. building. She thought it would be a good use of the property.

_____ said that she was pleased with the light not spilling over from the site. She noted that she did not want to hear the back up of trucks especially on Sundays which she had heard when Grasso had been the owner of the property. There was a discussion of what she can do if she hears noises again at odd hours. Mr. Wrinn said that she could contact him to continue the conversation.

Diane Lauricella, 49 Taylor Avenue, began that she was pleased with the Zoning Department recommending that the applicant speak with the Village Creek residents. She noted that the noise ordinance had been under review for 2 years and that residents should call the police. She recommended that staff discussed this also with the Chief of Police. She also discussed the shellfish beds in the area and was concerned about pollution run-off which was affecting this resource. She

also discussed back-up beepers. She would like to see this building become 50% manufacturing. She also discussed how to lessen the noise coming from the site. She asked about blasting on the site and whether businesses and residents would be notified. She also requested solar panels or a green roof on this large building.

Atty Maslan began the rebuttal with a discussion about the noise barrier since several of the comments had been about the noise. He understood that there is beeping from the site or that it could be from the bus depot. The fence is higher and would be sound proofed. He also noted that the building would also stop noises from Route 136. He noted that trees would not work in the rear because of roots getting into the drainage system. He also noted that since Grasso is still on the property work was being done on the weekends which the applicant had no control over. They would comply with current and future noise ordinances. He also noted that the storm water run-off would be cleaner and would not affect the shellfish marsh. There was a discussion of the run-off in the building.

Mr. Pryor explained that there would not be any trucks in the building. He explained further why large trees would not be able to grow in the back.

Atty Maslan explained the blasting process which would be standard practice. He then discussed the HVAC units, which would be disburbed on the roof. Many are very quiet. There was a discussion of hours of operation which he noted would depend on tenants. However, they could not say yet since there were no tenants. The zone allows for 24 hr. operations like DHL or the post office. They would work with any noise regulations. There was a discussion about exhaust fans and facing them away from Village Creek.

John Vacaro, the applicant, explained that they were trying to create an industrial park. He explained the differences between his business model and the others near the property. He then discussed an Eversource program for adding skylights which would help them use less electricity. He also noted that the HVAC units did not make much noise but would add a parapet to address the noise from them. He explained that they had also done things to make sure that the design of building would fit within the neighborhood. There would be a lot of windows to bring in light. He also discussed staging. He noted that site work would take place first before the building would be constructed. Fencing would go up before the building as well.

Atty Maslan noted the applicant had no issues with the suggested conditions. Staff had no other comments. Mr. Sumpter closed the public hearing.

b. #8-19R - Zoning Commission – Proposed amendments to Articles 10 and 50 to revise the definition of brew pub and remove definition of healthcare facilities and related technical amendments

Mr. Sumpter opened the public hearing. Mr. Kleppin explained the 2 amendments which began with staff recommendations. He began a brief description of healthcare facilities and how it would be necessary to remove medical offices from the definition. He then discussed the brewpub distillery definition and how it had been revised. He explained that breweries could draw clientele from other areas of the state.

Diane CeCe, 37 Olmstead Place, asked the commissioners to limit the hours of the manufacturing side of the breweries. She was also concerned about odors and truck hours.

Mr. Kleppin said there were a couple of referrals that were needed and he suggested that the public hearing be closed. They would vote at their next Zoning Commission on November 7 when they received all referrals.

Mr. Witherspoon read the WestCOG referral into the record.

Mr. Sumpter closed the public hearing.

c. #6-19R – 25 Van Zant Street Condominium, Inc. (Workforce Training Center) – Proposed amendments to permit colleges, universities, and schools, including business and trade schools as a principal use in Industrial #1 zone and d. #6-19SPR/#10-19CAM – 25 Van Zant Street Condominium, Inc. (Workforce Training Center) – 25 Van Zant Street - Proposed site plan for 200,000 sf Workforce Training Center with 235 parking spaces

Mr. Sumpter opened the public hearing. Ms. Wells left the room. The public hearing for both applications would be heard together. Mr. Chery began the presentation with an explanation of the use of the property. He then showed everyone a video explaining the Workforce the Training Center. It showed the current building as well as the different trade schools that would be in it. He explained about schools that they are negotiating with.

Mr. Galante, the traffic engineer, continued the presentation with a description of his letter reports about traffic generation and the parking aspect on the building. He noted that it had been an office building in the past. He then showed them the trip generation charts. He explained that it was based upon estimates of square footage. He then described how they used a technical college for trip generation because it would be similar to this usage. There was a discussion about comparisons because the building has not been used for a while. Mr. Galante then discussed parking on the property. He again used a trade school as a model. There would be a shared parking space because students and teachers would come in at different times. They also used the busiest time of year which was November. He said they do have enough parking.

Winthrop Baum, owner of the property, explained the easements on it. Since there is a substation on the property, the state needed access to it. There was a discussion about using the parking spaces on this easement property. There are no long term tenants in the building.

Mr. Galante continued the presentation. There was a discussion about the curb cuts. There was also a discussion about staffing of the schools with the number of staff and students. There was a further discussion about the easement. Mr. Baum noted that there were bridges bordering the property which need to be repaired. Eversource would construct an electric main through the parking lot. Mr. Baum said it was supposed to start a year ago. There was a discussion about the use of the parking lot by Eversource and CT DOT.

Sky Riss, a tenant at 25 Van Zant, said she supported the application.

Thomas Orofino, 151 Hills Point Rd. Westport, a realtor, said that he supported the application. There were no other buildings like it in New England.

Judith Dominguez, Spring Hill Avenue, read a letter from the East Norwalk Business Association which was in support of the application.

Danielle Barros, a tenant at 25 Van Zant St, spoke in support of the project.

Paulo Barros, a tenant at 25 Van Zant St. spoke in support of the project. He has spoken to several schools that would like to become tenants in the building.

Mark Nieto, project manager for this application, spoke in support of it.

Erika Echavarria, 6 Inwood Road, spoke in support of the application.

Richard Tavella, 25 Fitz Street, a local contractor, spoke in support of the application.

Bob Konkal, 4 Norman Ave., East Norwalk, spoke in support of the application. He noted that he was a shipbuilder and had difficulties finding employees.

Marilyn Konkal, owner of Harbor Harvest, said she supported the application.

Diane Lauricella, 49 Taylor Avenue, spoke in support of the application.

William Davis, a tenant of 25 Van Zant St., spoke in support of the application.

Donna Rodgers Jones spoke in support of the application. She would like to run a school in the building.

Diane CeCe, 37 Olmstead Place, spoke in support of the application. She noted that the public hearing would be held open until the next Zoning Commission meeting. She did have some concerns, however. One was that the traffic numbers were hypothetical. She also said that she was not aware of the number of parking spaces that were being marketed to potential tenants.

Deborah Goldstein asked that the zone change be handled separately from the special permit. She also noted that there had been a previous application on this property. She also discussed the zone amendment.

Mr. Baum addressed repurposing the building. He explained how he had reached the decision to repurpose it to this use. He said this was a unique use.

Mr. Chery addressed the number of parking spaces on the property as well as those lots owned by the applicant across the street. He also discussed the research with schools that would take up space in the Workforce Training Center. He submitted 4 letters in support of the application.

There was a discussion about some deficiencies in the application. One of them was the curb cuts. There was no landscaping or lighting plan. There were no CEAC sign-offs. There was a suggestion to meet with the East Norwalk Association about the project to gain their support. There was a concern about the risk of eminent domain by the state for the bridge projects nearby. It was suggested to close the public hearing but hold it over to the next meeting to address the concerns. There were also concerns that this is not a small project and there is not enough information. There were concerns that since this was the first time for this type of use they were not reviewing all that was necessary to review. There were also concerns about the number of parking spaces which seemed unclear. Notices have been sent to the neighbors but they have not received responses. There was a request for more details in writing.

Mr. Witherspoon read the Planning Commission referral, as well as their comments, into the record.

Mr. Kleppin expressed frustration that details had still not be provided. He had sent an email last week asking for materials but not provided at this public hearing. He paraphrased his email into the record.

Mr. Baum asked if the commissioners were aware that this application was not the same as an earlier application, because this building is already built. Mr. Sumpter asked him if he believed that he had followed the process. Mr. Baum said he had. Mr. Sumpter noted that this application would be continued until the next Zoning Commission meeting on November 7, 2019.

The commissioners took a break at 10:05 p.m. and re-opened the meeting at 10:10 p.m. Ms. Wells returned to the meeting as well.

IV. REVIEW AND ACTION ON NEW APPLICATIONS

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

i. #10-19CAM/#7-19SPR – 320 Wilson Avenue LLC – 320 Wilson Avenue – 45,800 square foot industrial warehouse and manufacturing building

Before the commissioners voted on this resolution, Mr. Wrinn added some conditions.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that application # 10-19 CAM / 7-19 SPR – 320 Wilson Avenue LLC for a 45,800+ SF building at 320 Wilson Avenue as shown on plans by Landtech Engineers and Site Planners, Westport, CT and architectural plans by James Schettino Architects, New Canaan, CT BE APPROVED subject to the following conditions:

1. That any change to the plan will require Zoning Commission review; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That all required CEAC signoffs are submitted; and
4. That all required soil and sedimentation controls be installed prior to the start of construction and maintained until the project is completed and stabilized; and
5. That all landscaping and site improvements are required to be maintained in good condition, as approved, for the life of the project; and
6. 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
7. That final flood certifications be provided as required on the buildings prior to any occupancy or use of the property; and
8. That the project be in compliance with the city's storm water management requirements and a signoff from DPW be submitted, verifying this compliance with the city's storm water management requirements; and
9. That the required easement for offsite drainage (overflow from infiltrators directed into a 140' long level spreader on the adjacent parcel) be reviewed and approved by Corporate Councils office and filed on the Norwalk Land Records; and
10. That additional landscaping screening be installed parallel with Wilson Avenue in front of the parking lots; and
11. That any garbage pickup on the site be done only within the hours of 7:00AM and 7:00PM; and

12. That any and all lighting on the site be properly screened so as not to allow any lighting off the property; and

13. That a sound reducing liner be added to the proposed nine (9') foot fence at the rear and sides of the project and details of this be submitted to staff for review and approval; and

14. That any rooftop HVAC units be properly screened in accordance with the regulations and any exhaust be directed away from the rear of the building; and

15. That a manufacturers data sheet for the modular concrete wall and screening for the fence be submitted for staff review and approval; and

BE IT FURTHER RESOLVED that this application complies with the Industrial #1 Zone regulations of the Building Zone Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the application complies with all applicable Coastal Resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this action be October 25, 2019.

Ms. Thomas seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Mike Witherspoon; Richard Roina;

Stephanie Thomas approved.

No one opposed.

No one abstained.

ii. #8-19R - Zoning Commission – Proposed amendments to Articles 10 and 50 to revise the definition of brew pub and remove definition of healthcare facilities and related technical amendments

This item would be held over until the Zoning Commission meeting on November 7, 2019.

iii. #6-19R – 25 Van Zant Street Condominium, Inc. (Workforce Training Center) – Proposed amendments to permit colleges, universities, and schools, including business and trade schools as a principal use in Industrial #1 zone and d. #6-19SPR/#10-19CAM – 25 Van Zant Street Condominium, Inc. (Workforce Training Center) – 25 Van Zant Street - Proposed site plan for 200,000 sf Workforce Training Center with 235 parking spaces

This item would be held over until the next Zoning Commission meeting on November 7, 2019.

b. #14-18SP – Home Depot – 600 Connecticut Ave – Request to make seasonal outdoor sales areas permanent (March 15-Sept 15) PLUS add Nov 15 – Dec 31 for holiday sales - Report & recommended action

Atty John Malin opened the presentation and explained how they had previously been before the Zoning Commission. He noted that improvements had been completed. The seasonal sales area was successful. Now they were requesting to make it permanent. It would be closed on September 15 and then re-opened on November 15. There was a discussion about accidents, or incidents. Mr. Elkins noted that there had been zero incidents in this area. There was also a discussion about vehicles passing others while they were being loaded. It was suggested to add striping. They would work with Zoning Department staff on that. It was suggested to approve the spring/summer seasonal area but to wait to see how the winter seasonal area worked out.

***** MR. SCHULMAN MOVED: BE IT RESOLVED BY THE NORWALK ZONING COMMISSION** that the proposal to amend permit # 14-18SP, 600 Connecticut Avenue in order to

allow seasonal outside storage as shown on plans prepared by LRC Group, Cromwell, CT is determined to be the following:

1. That this request to permanently extend the outdoor seasonal storage area for the time period of March 15 to September 15 of each year be **APPROVED**. At the end of that period, all seasonal outdoor storage and related traffic control barriers/safety barriers under the parking garage must be removed.

BE IT FURTHER RESOLVED that the effective date of this action is October 25th, 2019.

Mr. Witherspoon seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Mike Witherspoon; Richard Roina; Stephanie Thomas approved.

No one opposed.

No one abstained.

c. #8-19CAM – High St, LLC/Nicola Vona – 37 High St. – Construct four-unit addition to existing three-family residence for a total of seven units - Report & recommended action

Lyle Fishell, the architect representing the applicant, began the presentation by showing the commissioners a photo of the existing property. He also showed them the architectural designs for the project. He also showed them the site plan. He showed them the retention system. They have enough parking and some pre-planted areas. Mr. Fishell said that the units would be small 2 bedrooms. There was a discussion about the rent and could be considered affordable housing. There are no violations on the property. There would no longer be a contractor's yard on the property.

Mr. Vona explained that it was currently a 3 family residence that he was adding 4 more units to.

There were no questions from the commissioners.

***** MR. WITHERSPOON MOVED: BE IT RESOLVED BY THE NORWALK ZONING COMMISSION** that Coastal Area Management application #08-19, High St, LLC/Nicola Vona, for the construction of an approximately 1400 square foot, two-and-a-half story, four-unit addition to an existing three-family residence, as shown on a site plan by McChord Engineering Associates, Inc. entitled "Site Development Plan 37 High Street," dated 7-26-2019, as well as on architectural drawings by Fishell Architecture, entitled "Proposed New Construction for 37 High Street," dated 7-19-2019 be **APPROVED** with the following conditions:

1. That all CEAC sign-offs be submitted; and
2. That landscaping be planted in the front yard that is satisfactory with Staff's discretion;
and
3. That the proposed bike rack be relocated to a more accessible location; and
4. That any and all HVAC units shall be properly screened and located in conformance with the applicable zoning setbacks; and
5. 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
6. That all soil sedimentation and erosion controls are in place prior to the start of any construction; and

7. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff

BE IT FURTHER RESOLVED that the effective date of this action is October 25th, 2019.

Ms. Wells seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Mike Witherspoon; Richard Roina; Stephanie Thomas approved.

No one opposed.

No one abstained.

V. REVIEW AND ACTION ON PENDING APPLICATIONS

a. None

VI. APPROVAL OF MINUTES October 3, 2019

**** MR. SCHULMAN MOVED to approve the October 3, 2019 Zoning Commission minutes.**

Ms. Wells seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Stephanie Thomas approved.

No one opposed.

Richard Roina and Mike Witherspoon abstained.

VII. APPOINTMENT OF NOMINATING COMMITTEE

Mr. Sumpter appointed Mr. Witherspoon, Ms. Thomas, along with himself to be part of the nominating committee.

VIII. COMMENTS OF DIRECTOR

Mr. Kleppin said that the Pinnacle site had dirt piles on it. They are still there and it is not going to the mall as they had said. He would speak with them further about this.

He was also meeting with neighbors that are complaining about lighting from the mall.

He discussed the consultant who would be evaluating the Zoning regulations. There would be a public meeting on November 12. He invited them to attend but it was not mandatory.

The East Avenue TOD committee would be meeting on the following evening. The public hearing would be November 6. Final recommendations would be sometime in either December or January.

IX. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

X. ADJOURNMENT

Mr. Witherspoon made a Motion to Adjourn.

Mr. Schulman seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Mike Witherspoon; Richard Roina; Stephanie Thomas approved.
No one opposed.
No one abstained.

.

The meeting was adjourned at 10:43 p.m.

Respectfully submitted,

Diana Palmentiero