

**CITY OF NORWALK
ZONING COMMISSION
December 11, 2019**

PRESENT: Louis Schulman, Chair of the Zoning Commission; Michael Witherspoon; Galen Wells; Stephanie Thomas; Richard Roina; Roderick Johnson; Nicholas Kantor; Joshua Goldstein; Nathan Sumpter; Frank Mancini

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Atty Liz Suchy; Atty Frank Murphy; Michael Elliott; Atty Robert Maslan; Christian Frye; Peter Romano; Mike Galante; Wayne Bent; Cindy Garcia; James Brenia

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 7:33 p.m.

II. ROLL CALL

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

III. REVIEW AND ACTION ON PENDING APPLICATIONS

- a. **#9-18 SPR/#18-18CAM – Play CT. LLC – Water Street - Multi activity entertainment center – Request for one year extension of approval time - Report & recommended action**

Atty Suchy explained that the applicant had found a new operator after a previous potential lessee had backed out. The staff did not have issues with the request. Atty Suchy said that the new operator would put a similar concept into the space. Mr. Wrinn said that if any changes were made to the previous plans the applicant would return to the Zoning Commission

**** MR. SUMPTER MOVED: BE IT RESOLVED BY THE NORWALK ZONING COMMISSION** that the request for a one year extension of the approval time on application #9-18SPR/#18-18CAM – Play CT, LLC – 85 Water Street – Multi-activity entertainment center be **APPROVED**.

BE IT FURTHER RESOLVED that the new deadline for obtaining a building permit is January 25, 2021.

Mr. Witherspoon seconded.

Louis Schulman; Michael Witherspoon; Galen Wells; Stephanie Thomas; Richard Roina; Roderick Johnson; Nathan Sumpter approved.

No one opposed.

No one abstained.

- b. **#8-14SP/#20-14CAM – Head of the Harbor South, LLC – 6 Smith Street – Mixed use development with 60 units and 5,000 sf office in 2 buildings – Request for release of maintenance surety – Report & recommended action**

Mr. Wrinn explained that the surety bond had been held for 1 year. The property had been inspected and staff had no issues with returning the surety.

**** MR. ROINA MOVED: BE IT RESOLVED** that the request for release of surety for special permit application #8-14SP and coastal site plan review application #20-14CAM – Head of the Harbor South, LLC – 6 Smith St – New 4 story mixed use development with 60 multifamily dwelling units and 5,000 sf office in 2 buildings as shown on a set of plans entitled "Head of the Harbor South 6 Smith Street Norwalk, Connecticut" by The Sullivan Architectural Group, Blades & Goven Landscape Architects and DiVesta Civil Engineering Associates, Inc. and other related plans dated November 11, 2014 as revised to January 7, 2015 and January 21, 2015 be **APPROVED**, subject to the following conditions:

1. That all the required improvements continue to be maintained in good condition; and **BE IT FURTHER RESOLVED** that the effective date of this action be December 20, 2019

Mr. Witherspoon seconded.

Louis Schulman; Michael Witherspoon; Galen Wells; Stephanie Thomas; Richard Roina; Roderick Johnson; Nathan Sumpter approved.

No one opposed.

No one abstained.

IV. REVIEW AND ACTION ON NEW APPLICATIONS

- a. **#5-19SP – First Taxing District Water Department – 173 ½ West Rocks Road – New 500,000 gallon water tank as replacement for existing 100,000 gallon tank – Preliminary review**

Atty Murphy began the presentation with an overview of the property. HE noted that the water tower had been in existence since the early 1960s. They were requesting to replace the current one with a new one. The population of the city had grown so that the new water tower would have to be larger as well. It would be a different design and have a capacity of 500,000 gallons which was considerably larger than the current one. He noted that a separate pole would have to be erected for cell phone carriers. He noted the heights of the pole and the water tower. He explained the properties in the area and had given notice to a larger swath of people. He also explained that water mains in the area would be replaced at the same time as the water tower replacement. He also noted that the pole was under the jurisdiction of Connecticut Siting Council which would present at the public hearing for the application on January 2, 2020. He also explained the maintenance schedule for the water tower and that it was a private property. There would be no traffic impact and he asked them to waive the traffic study at the time of the public hearing. The pole would be erected first and then the water tower would be demolished. The new water tower would be erected last. He also noted the locations of both the water tower and the pole. Atty Murphy said that members of the project team were available for questions.

There was a discussion as to why a water tower was needed. Atty Murphy noted that it was necessary for the area. Michael Elliott said that there was a pump near the Merritt Parkway. He said the area was extensive but that there were only 2 pipes bringing water to this area. He explained that there was a need for redundancy. He also said that it was necessary for fire needs. There was an explanation as to the issue of having 2 pump stations. If something happens in the pump station, there is time to fix it and there is water in storage that can be used. There was a discussion about the width of the new water tower. He then showed them a site plan for the new tower. There was also a discussion about the construction time as well as the noise from construction. Mr. Elliot gave further explanation the types of construction vehicles. There was a question about how long it would take to fill the new tower which would be 8-10 hrs. The public hearing was scheduled for January 2, 2020.

**** MR. SUMPTER MOVED: #5-19SP – First Taxing District Water Department – 173 ½ West Rocks Road – New 500,000 gallon water tank as replacement for existing 100,000 gallon tank – to a public hearing on January 2, 2020. Also, the traffic study would be waived.**

Mr. Witherspoon seconded.

Louis Schulman; Michael Witherspoon; Galen Wells; Stephanie Thomas; Richard Roina; Roderick Johnson; Nathan Sumpter approved.

No one opposed.

No one abstained.

- b. #9-19R/#7-19SP/#14-19CAM – Tavern Island Holdings LLC – Tavern Island - Proposed amendments to increase maximum building height from 25 feet to 30 feet in the Island Conservation zone and application to demolish and reconstruct a single family residence (two existing) – Preliminary review – Report & recommended action**

Mr. Wrinn began the presentation with an overview of the application. He also noted that the Planning Commission had voted on it and that they had made 2 recommendations. The current house would be demolished and replaced with a new one.

Atty Maslan continued the presentation with a description of Tavern Island and that there were 2 applications which he explained further. One was the text amendment and the other a special permit application. He began with a further explanation of the text amendment. He noted that the applicant had been before the Harbor Commission and the Zoning Board of Appeals. He also noted that there were two structures on the island but one would be demolished and not replaced. He then continued with a review of the application's time before the Planning Commission on the prior evening. Atty Maslan explained the process for this application and that it had been recommended by the Zoning Department staff. He gave a brief history of the Island Conservation zone which began in the 1970s. Flood zones were in their infancy at the time. He also highlighted the text amendment language in his application which included language about climate change and sea level rise. He then showed them an aerial map of the islands off of Norwalk. Some were barrier islands with some of them being public and others being private. Other inner islands were smaller with structures on them. They were in flood prone areas. He believe that the text amendment could allow owners of these islands to protect their property. Atty Maslan continued with an aerial map of Tavern Island itself.

He showed them pictures of Sheffield Island, the existing house, the caretaker's house and the boat house. He also showed them where the dock was located. He explained what items had been submitted as part of the application. He also explained the improvements that would be made to the island. He asked them for questions about the Planning Commission recommendations. He thought they should wait until the Zoning Commission meeting after January 2. The house would be used year round.

There was a discussion about the Planning Commission recommendations. One was that the text amendment would apply to a minimum 2 acre lot size as well as 25% lot coverage. There was a discussion as to whether this would make properties non-conforming. Atty Maslan said that he would also have to review the recommendations with the Zoning Department in order to craft language. Mr. Kleppin said that they would provide data for the public hearing as well. There was a discussion about regulations of other cities with similar regulations.

**** MS. WELLS MOVED: #5-19SP – Tavern Island Holdings LLC – Tavern Island - Proposed amendments to increase maximum building height from 25 feet to 30 feet in the Island Conservation zone and application to demolish and reconstruct a single family residence (two existing) – to a public hearing dated that was confirmed by the Zoning Department staff. Also, the traffic study would be waived.**

Mr. Witherspoon seconded.

Louis Schulman; Michael Witherspoon; Galen Wells; Stephanie Thomas; Richard Roina; Roderick Johnson; Nathan Sumpter approved.

No one opposed.

No one abstained.

c. #9-19SPR – G-Bev, LLC – 556 Westport Ave – Proposed 6,000 sf brewpub – Report & recommended action

Mr. Kleppin noted that the staff was in favor of a brewpub.

Atty Suchy had packets of information handed out to the commissioners and began the presentation. She also introduced the project team. She gave a brief history of the property. She noted that the building was 2 floors. She showed them a rendering of the new building. She explained the business, including hours and what items would be served. This type is allowed in the zone. There would be a CEAC meeting for a review of the application and had received some approvals. There was adequate parking for the building. She noted that breweries were now being more regulated by the state. Any additional changes would be provided to the Zoning Commission as soon as it was received. She also noted that neighbors had been notified and she had received no comments from anyone.

Christian Frye, 115 Pocono Road, Brookfield, the architect on the project continued the presentation with view of the existing building. Then he discussed the proposed building. The façade would be more interesting. The building would have to be raised to accommodate the tanks inside. He showed them various elevations. The building would have glass through which one could see the tanks. There was a discussion of the parking. He also showed them plans for the inside of the building.

Atty Suchy noted how large the patron area would be.

Pete Romano, the civil engineer on the project, explained that the site was ready for the repurposing and not many changes would be made. However, water quality would be improved. He also noted the number of parking spaces and was on the plans. The entrance would be changed with better signage.

Mike Galante, the traffic engineer, continued the presentation by explaining how the traffic study was done. It was done during the hours of operation of the proposed brewpub. He showed them an aerial view of the property which included the streets in the study. It would not be open at similar times as a typical bar. He discussed the current traffic counts, as well as the suggestions for traffic mitigation. Left turns are allowed out of the site. Site lines are good in this area. He also discussed accidents in the area. There was a discussion about accident data from the last time the site was active. It was active approximately 10 years ago.

Atty Suchy asked that a public hearing not be required. The Commissioners agreed.

d. #1-19MV – Wayne Bent – 14 Cross St – Replacement motor vehicle repairer’s license – Report & recommended action

Mr. Wrinn noted that the applicant was required to come before the commission for the location

Mr. Bent, 14 Cross Street, asked to open a motor vehicle shop and said that he had leased the property from the current owner who would be moving to open a specialty automotive shop. There was a discussion about the number of employees.

**** MR. WITHERSPOON MOVED: BE IT RESOLVED** that application #02-19MV – Bent Autobahn Automotive Repair LLC – 14 Cross Street – for a replacement automotive repair use as shown on a site plan entitled “Plot Plan of 14 Cross Street” dated 11-3-19 by Black Rock Surveyors be APPROVED with the following conditions:

1. That all CEAC sign-offs be submitted prior to receiving a zoning permit; and
2. That landscaping on the site be approved at the discretion of Staff; and
3. That all site improvements be completed prior to the issuance of a zoning approval or any sign-off on an application for a state motor vehicle repair license; and
4. That all repairs be conducted within the building; and
5. That the auto carcass and other debris at the rear of the property documented in the site photos be removed; and
6. That there be no outdoor storage of parts, equipment or auto carcasses; and
7. That no long term storage of any autos or other vehicles on the site; and
8. That there be no on-street parking of vehicles; and
9. That there be no temporary signs erected on the site; and
10. That no off-premise signs are permitted; and
11. That any graffiti on the site, now or in the future, is to be removed immediately; and
12. That all signage, existing and proposed, be in compliance with the Zoning Regulations; and

13. That the drainage system be maintained yearly and upgraded as required to meet the City of Norwalk drainage standards, which includes installing catch basin inserts in the two catch basins on the property; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 20, 2019.

Mr. Johnson seconded.

Louis Schulman; Michael Witherspoon; Galen Wells; Stephanie Thomas; Richard Roina; Roderick Johnson; Nathan Sumpter approved.

No one opposed.

No one abstained.

e. #9-19CAM – Cindy Garcia-Diego – 21 North Main St – Proposed live entertainment for El Rancho restaurant – Report & recommended action

Mr. Wrinn began the presentation by noting that the applicant was returning to the Zoning Commission with a sound report which says it is in compliance. There was a discussion about updating the sound regulations. Mr. Wrinn noted that the city's ordinance committee was updating it.

Cindy Garcia, 1011 High Ridge Road, who represented El Rancho restaurant, continued the presentation. She explained that the sound study showed they complied with the ordinance. This would help them compete with surrounding businesses. Entertainment would be on Fridays, Saturdays and Sundays.

There was a concern that the study was done on a Tuesday and not on a night which would be representative of when the entertainment would happen. Ms. Garcia said that there was another study provided earlier but it was not accepted by the Zoning Department staff. There was a discussion about the volume of traffic on a Tuesday which would be less than on weekends.

**** MR. SUMPTER MOVED: BE IT RESOLVED** that application #09-19CAM – Cindy Garcia-Diego – 21 North Main Street – for live music for El Rancho Restaurant as shown on the floor plan titled "El Rancho" dated 8-6-2019 and as documented in a sound report by Creative Acoustics, LLC dated 12-3-19 be **APPROVED** with the following conditions:

1. That sound levels inside the building do not exceed 87dBA; and
2. That all windows and doors be closed during a live music event; and
3. That the recommendations from the sound report be executed if it is found that the noise ordinance is exceeded in the future; and
4. That the live music be confined to the stage area as shown on the approved plan; and
5. That all signage, existing and proposed, comply with the zoning regulations; and
6. That any graffiti on the site, now or in the future, be removed immediately; and
7. That all needed permits from the applicable City agencies be obtained; and

BE IT FURTHER RESOLVED that the proposal complies with all applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 20, 2019.

Mr. Witherspoon seconded.

Louis Schulman; Michael Witherspoon; Galen Wells; Richard Roina; Roderick Johnson; Nathan Sumpter approved.

Stephanie Thomas opposed.

No one abstained.

f. #8-19SPR/#13-19CAM – Leonard St Associates LLC – 9-13 Leonard St – 26 residential dwelling units – Report & recommended action

Atty Suchy discussed the concerns of the Zoning Department with respect to the designs and so the plans were being revised, accordingly. The number of units and parking spots were being decreased. They would have to be revised quickly so they could come before the Zoning Commission on January 15, 2020.

**** MR. SUMPTER MOVED: #8-19SPR/#13-19CAM – Leonard St Associates LLC – 9-13 Leonard St – 26 residential dwelling units – to a public hearing on January 15, 2020.**

Mr. Witherspoon seconded.

Louis Schulman; Michael Witherspoon; Galen Wells; Stephanie Thomas; Richard Roina; Roderick Johnson; Nathan Sumpter approved.

No one opposed.

No one abstained.

V. OTHER ITEMS

a. #2-17SP/5-17CAM – WEB Construction, Inc. – 34 Meadow St – Modification to ingress and egress of property of previously approved special permit/CAM application – Report & recommended action

Mr. Wrinn noted that this was an indoor rock crusher that had been approved by the Zoning Commission. He noted that they had been going in and out of the property in a two way system but now they wanted to create a one way system.

James Brenia of WEB Construction continued the presentation with a description of the ingress and egress of trucks to the property. He showed them the as built which had been submitted for the Certificate of Occupancy. He said they were now told that the vehicles were not allowed to use the right of way that they once believed they were allowed to use. He had received an agreement with the two owners of the properties to allow the vehicles to ingress and egress. He showed them what is approved as opposed to what they were allowed to do. He was requesting an amendment to the original approval. There was a discussion as to when Mr. Brenia knew about the violation.

Mr. Wrinn said there was also a discussion about the piles on the property and erosion controls. There was a discussion about inspecting the piles. Mr. Wrinn noted that they were up against a building so it should not be a problem to inspect. There was a discussion about a part

of the road that was not paved as well as parts that were. There was also a discussion about violations on the property.

**** MR. ROINA MOVED: BE IT RESOLVED** that the #2-17SP/5-17CAM – WEB Construction, Inc. – 34 Meadow St – Modification to ingress and egress of property of previously approved special permit/CAM application be **APPROVED** with the notification that a violation of any conditions of the original approval could lead to a revocation of the permit.

Mr. Witherspoon seconded.

Louis Schulman; Michael Witherspoon; Galen Wells; Stephanie Thomas; Richard Roina; Roderick Johnson; Nathan Sumpter approved.

No one opposed.

No one abstained.

VI. APPROVAL OF MINUTES: November 7, 2019

**** MR. SUMPTER MOVED** to approve the November 7, 2019 Zoning Commission minutes.

Mr. Witherspoon seconded.

Louis Schulman; Michael Witherspoon; Richard Roina; Roderick Johnson; Nathan Sumpter approved.

No one opposed.

Nicholas Kantor; Joshua Goldstein; Galen Wells; Stephanie Thomas; Frank Mancini abstained.

VII. ANNUAL MEETING SCHEDULE: 2020 meeting schedule

**** MS. THOMAS MOVED** to approve the 2020 meeting schedule

Mr. Witherspoon seconded.

Louis Schulman; Michael Witherspoon; Galen Wells; Stephanie Thomas; Richard Roina; Roderick Johnson; Nathan Sumpter approved.

No one opposed.

No one abstained.

VIII. COMMENTS OF DIRECTOR

Mr. Kleppin said that he would outline next steps for the re-write of the Zoning regulations.

He also noted that an RFP would be sent out next week for industrial zones. This could also work with the zoning regulations re-write. Mr. Roina would work on this committee.

The commissioners had received a copy of the POCD.

There was a discussion about receiving materials from applicants before a public hearing. At times materials are received on the night of the public hearing and they don't have time to review it. It was suggested to that public hearing then be continued in order to allow for that review.

IX. COMMENTS OF COMMISSIONERS

Mr. Schulman asked Ms. Thomas to discuss about the East Avenue TOD study which committee she is on. She explained what the public is requesting were wider sidewalks, green spaces more than just pockets. There were concerns about cut through traffic. Residents want to preserve the neighborhood. There was a discussion of amenities to be offered to developers but this had reached a stone wall. The conversation would be continued. She understood that an application would come before the Zoning Commission while the study was being done. There was a further discussion about wider sidewalks. There was also a discussion about the train bridge on East Avenue.

X. ADJOURNMENT

Mr. Sumpter made a Motion to Adjourn.

Ms. Thomas seconded.

Louis Schulman; Michael Witherspoon; Galen Wells; Stephanie Thomas; Richard Roina; Roderick Johnson; Nathan Sumpter approved.

No one opposed.

No one abstained.

The meeting was adjourned at 9:21 p.m.

Respectfully submitted,

Diana Palmentiero