

**CITY OF NORWALK
ZONING COMMISSION
December 14, 2011**

PRESENT: Emily Wilson, acting as Chair; Michael O'Reilly; Nathan Sumpter; James White; Jill Jacobson; Michael Mushak; arrived after the roll call: Adam Blank & Joseph Santo

STAFF: Michael Greene; Mike Wrinn; Brenda Hrtanek

OTHERS: Victor Canseco; John Beckert; Lee Mallonee; Lou DiMarzo; Musco Martin; Scott Beszylko; Diane Lauricella; Jennifer Gabler; Alex Gabler; Atty. Frank Zullo; Gerry Gilbride; Michael Galante.

I. CALL TO ORDER

Emily Wilson, acting as Chair, called the meeting to order at 7:31 p.m.

II. ROLL CALL

Mr. Greene took the roll call.

III. PUBLIC HEARINGS

**a. #9-11SP - Winston Preparatory School - 57 West Rocks Rd - Proposed
12,155 sq. ft. classroom building on lower campus**

Ms. Wilson opened the public hearing. Victor Canseco, the project manager and owner's representative, continued the presentation. He handed the green cards into Mr. Greene. All City Departments have signed off on the project. He discussed the history of the school for the commissioners. Winston Preparatory began in New York and then moved to Connecticut about 5 years ago. They would like to begin construction at the end of June 2012. He said that the applicant hoped that they would be able to move back into the re-constructed building by August of 2013.

Mr. Beckert continued the presentation. The campus would become a pedestrian campus. Five key issues which were part of the design of the site: (1) sustainability; (2) water efficiency; (3) energy efficiency; (4) material and resource efficiencies; and, (5) indoor environmental health.

Mr. Mallonee, the landscape architect on the project, continued the presentation. He discussed the Conservation Commission hearing. There would be an upper and lower campus which will respect the flow of water on the property. The building will be on an impervious surface which will help eliminate some of it. He also discussed the storm water management system.

Mr. DiMarzo, the civil site engineer on the project, continued the presentation. He discussed the two drainage basins and the storm water management system in

further detail. There were two post construction goals for the site. One was that run-off volumes would be at or below current rates and it would incorporate low impact development guidelines into the design.

Mr. Martin, the architect on the project, continued the presentation. He told the commissioners that they would be demolishing four buildings on the site which is how they would be able to achieve the reduction in the impervious surfaces. He discussed the classroom building, the materials used as well as how the building was designed to use more natural light. They would be seeking LEED certification which they hope to achieve a high level of LEED.

Mr. Beszylko, the Executive Director for Winston Preparatory School, continued the presentation. He wanted the school to become a resource for the community. They want to have a better facility for their students as well as being a model for what is possible for education in Norwalk.

The commissioners did not have any questions. At this point, Ms. Wilson opened the hearing up to the public.

Diane Lauricella read a letter of support that she wrote into the record.

Jennifer Gabler of Westport and her son, Alex, spoke in support of the school. Alex spoke about how the school has changed his life and that now he can read and write above his level.

Atty Zullo also spoke in support of the school. He was happy to see that the site would be used for young people.

Mr. Mushak thought the storm water management system was forward thinking and thanked the applicant for it. Mr. Greene then told the commissioners that they could not vote tonight because they had to wait to hear from the Conservation Commission.

Ms. Wilson closed the public hearing.

b. #7-11R- Alyssa Holdings, LLC - Proposed amendment to permit child day care centers in Business #2 zones

Ms. Wilson opened the public hearing. Atty Zullo continued the presentation. He gave a background of the application and the building. He also discussed the background of the Zoning change to Business #2 zones. The zone change required a public hearing. He also asked to amend the last permit to allow the daycare center into the building.

Gerry Gilbride continued the presentation. There was a concern about the traffic flow which he believed had been resolved. He explained to the commissioners how it would work. He described the offices and classrooms in the day care area. He also discussed the rooftop play area. For all of these areas, he showed the commissioners pictures. Mr. Mushak asked whether there would be a sunshade for the children on the

rooftop. Ms. Jacobson asked whether there would be a soft surface on the rooftop play area.

Mr. Galante, the traffic engineer, continued the presentation. The study that was performed was to see the difference between using the space as retail as opposed to daycare. One of the benefits of the daycare use is that since the daycare is closed on Saturdays, there is no traffic generated on Saturdays. This will help Connecticut Ave. from having more traffic on Saturdays. Also, the traffic during the mornings will be earlier than if it was a retail space which would open at the same time as the other retail spaces on Connecticut Ave. The children would come from Norwalk which meant that they would come from the north on Connecticut Ave. This meant it would be a right turn into the driveway which would also help traffic on Connecticut Ave. As the parents left after drop-off, most of them would be going south towards Stamford. Traffic signals now can change based on the traffic flow. Mr. O'Reilly asked what time the children come in. Mr. Gallantry said they analyzed from 8 a.m. - 9 a.m. The study also assumed it was new traffic.

Atty Zullo concluded the presentation. He expressed to the commissioners how he thought that the day care center would be a good fit with the community. It should generate 30-40 jobs in Norwalk.

Ms. Wilson opened the hearing up to the public. There were no comments in support or against the application. She then read the Planning Commission and CAM comments into the record.

IV. REPORT OF PLAN REVIEW COMMITTEE, JAMES WHITE, CHAIR

a. Action on Item III. a.

This item was sent back to committee because the Conservation Commission had not signed off on the application.

b. #6-08SPR/#16-08CAM - POKO IWSR Developers - Wall St - Mixed use development - Request for one year extension of approval time - Report & recommendation

**** MR. WHITE MOVED: BE IT RESOLVED that the request for an extension of approval time for Site Plan #6-08SPR and Coastal Site Plan #16-08CAM - POKO-IWSR Developers, LLC - 61 - 65 Wall Street/2, 21 & 23 Isaacs Street - 182,112 sq ft mixed use development (Phase 1) with 101 units, 14,759 square feet retail and a 2,424 square foot restaurant with on site below grade automated parking garage as on a set of plans entitled "Wall Street Place Site Plan Phase 1" by Crosskey Architects, LLC, Wesley Stout Associates and Redniss & Mead Inc., dated May 16, 2008 as revised to May 30, 2008 be approved, subject to the following conditions:**

- 1. That the original conditions of approval remain in effect; and**
- 2. That the extension be granted for a six month period and the new approval deadline for obtaining permits will be June 20, 2012; and**

BE IT FURTHER RESOLVED that the effective date of this action be December 23,

2011.

**** MS. WILSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

c. DEEP/AC - 314 Wilson Av - Retain existing structures, install rain garden/berm for flood & erosion control -Report & recommendation

**** MR. WHITE MOVED: BE IT RESOLVED that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200400086-SJ - 314 Wilson Avenue - Retain existing structures & install a rain garden and berm for flood and erosion control; and**

BE IT FURTHER RESOLVED that the applicant receive approval from the Zoning Commission for a change in their approved plan and that a zoning permit with the City of Norwalk will need to be obtained for work; and

BE IT FURTHER RESOLVED that this proposal is consistent with coastal resource and use polices.

**** MS. WILSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

d. DEEP/AC - 68 Water Street - Modification of shoreline for flood and erosion control; install a walkway for public access or marine commercial use; and install a ramp and float for recreation boating access - Report & recommendation

**** MR. WHITE MOVED: BE IT RESOLVED that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200400596-SJ – 68 Water Street - Modification of shoreline for flood and erosion control; install a walkway for public access or marine commercial use; and install a ramp and float for recreation boating access; and**

BE IT FURTHER RESOLVED that the applicant submit a coastal area management (CAM) application for review and approval from the Zoning Commission, and that if approved, submit an application for a zoning permit with the City of Norwalk for all work noted above; and

BE IT FURTHER RESOLVED that this proposal is consistent with coastal resource and use polices.

**** MR. MUSHAK SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

e. #2-09MV - InTune Automotive - 336 Main Ave - Expansion to allow towing - Report & recommendation

**** MR. WHITE MOVED: RESOLVED that application #2-09 MV, submitted by Sunoco, (In-Tune Automotive, LLC) 336 Main Avenue be modified to allow towing**

be approved with the following conditions:

1. That there be no offsite parking of cars; and
2. That the towing be restricted to 6:00 AM to 12:00 midnight, Monday thru Friday and 6:00 AM to 10:00 PM Saturday and Sunday; and
3. That the rear parking area be paved as per the approved plan; and
4. That a 20' planted buffer be installed as per the plan; and
5. That a filter acceptable to DPW be installed in the existing storm water system; and
6. That a fence and gate be installed as per the plan to shield the storage area; and
7. That no additional lighting be installed in this area without prior approval and any and all lights in this area have shields installed to prevent lighting from going off the site; and
8. That there be no storage of parts or car carcasses outside; and
9. All repairs to be conducted within the building; and
10. That no pennants be displayed; and
11. Any changes to the use or any additional users on the site will require review and approval; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 14, 2011.

**** MR. SUMPTER SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

f. #23-11CAM - SoNo Yogurt - 73 N. Main St - Retail food convert to allow additional dining space - Report & recommendation

**** MR. WHITE MOVED: RESOLVED** that application # 23-11 CAM, submitted by SONO Yogurt Café for 4 additional parking spaces for a self serve yogurt store at 73 North Main Street be **APPROVED** with the following conditions:

1. That any graffiti on the site, now or in the future, be removed immediately; and
2. That any changes to this plan be reviewed and approved prior to those changes being implemented; and
3. That the final signoff be received from the Norwalk Redevelopment Agency; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable Coastal Area Management policies and objectives; and

BE IT FURTHER RESOLVED that in accordance with Section 118-1220 M (1), the 4 (four) additional parking spaces are approved; and

BE IT FURTHER RESOLVED that the reason for this approval is that the proposed project complies with the Building Zone Regulations, Section 118-520, South Norwalk Business District and Section 118-1110, Coastal Zone; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 23, 2011.

**** MR. SUMPTER SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

g. #13-11CAM/#5-11SP - AMEC Carting - 1 Crescent Street - Modify existing transfer station by adding tonnage, additional haulers - Report & recommendation

Since Mr. Sumpter was not a member of the Zoning Commission at the time of the public hearing, he was not permitted to vote on the resolutions that were before the Zoning Commission at this time. There was much discussion on exactly what the commissioners were voting on.

Mr. White stated that he believed that there would be unreasonable impact to the surrounding community at the levels that were requested by AMEC Carting in this application. The commissioners did agree with the interveners in the following resolution. Mr. Blank noted that there were reasons that were discussed at the previous committee meeting which were recorded. Mr. Santo stated that he did not think that the applicant had proven that they could handle 600 tons. He thought the increase in hours and the traffic that would come into the facility was unreasonable. He referred to a picture that was presented at the public hearing that showed 600 tons of C&D on the facility floor. He thought it was the opinion of the applicant that they could handle that amount. The Dept. of Public Works did not think the facility could handle 600 tons and would support the commissioners' positions. Mr. Santo was on the commission in 2005 when AMEC Carting came before the Zoning Commission requesting a permit for 200 tons. He recalled the applicant stating that they were happy with the amount they had requested and did not expect to come back to the Commission. Several of the commissioners were concerned about trucks that would be waiting to dump their C&D at the facility. They did not want the trucks to be driving around Norwalk. Mr. Mushak mentioned that he would have a statement to make after they voted on the first resolution.

**** MR. BLANK MOVED: BE IT RESOLVED that the Norwalk Zoning Commission, after discussing and reviewing the public record, does believe that the application as submitted, #13-11CAM / #5-11SP, AMEC Carting, for modifications to an existing bulky waste transfer / recycling center, 1 Crescent Street, which include expanding the tonnage up to 600 tons per day, opening up the facility to the public and extending its hours among other modifications extended will have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state for the following reasons:**

- 1. There was conclusive, credible, expert testimony or evidence that such an adverse impact would likely be caused by the proposal;**
- 2. The site is already developed as a bulky waste transfer / recycling center but the proposed additional amount of material being brought to the site (an additional 400 tons per day) is large enough to create an unreasonable impact; and**

3. That it was demonstrated that the large increase in traffic would increase the air pollution from the site, given the large number of trucks and the limited space in which they have to maneuver and the queuing of trucks with engines running will impact air quality; and
4. That it was demonstrated that the large amount of trucks at the site would create a increase in noise pollution; and
5. Given the large number of vehicles accessing the facility, it was demonstrated that the doors to the facility would be constantly open to allow entry and exit of trucks, therefore creating an unacceptable dust and odor problem and impacting air quality; and
6. That the opening up of the plant to the public severely restricts the ability of AMEC Carting to regulate the trucks coming to the facility, in both their routes and ability to require that loads be covered, therefore increasing the potential of dust and air pollution and water quality though spillage; and
7. There was credible documentation that the number of vehicles using this development is beyond what is to normally be expected in the Industrial #1 zone in which it is located and the additional tractor trailer trucks trips anticipated per day from this project are a major change compared to the number already occurring on the street from existing users, specifically the city transfer station, a food distributor and a chemical plant;
8. That the Department of Public Works reviewed the proposal for 600 tons and raised concerns that the facility is too small for the proposed tonnage, therefore creating traffic impacts, resulting in congestion and the resultant increase in unacceptable levels of noise and air pollution.

**** MS. JACOBSON SECONDED.**

**** MOTION PASSED 7-0.**

**** MR. WHITE MOVED: BE IT FURTHER RESOLVED** that the Norwalk Zoning Commission does find that a feasible and prudent alternative is available, which consists of limiting the maximum tonnage allowed on a daily basis to a total of 300 (three hundred) tons and limiting the hours to 6:00 AM to 5:00 PM. This feasible and prudent alternative will not have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the State for the following reasons:

1. The site is already developed and used as a commercial bulky waste transfer / recycling facility, running at 200 tons per days; the additional 100 tons allowed (bringing the total to 300 tons per day) would not create the unreasonable conditions that 600 tons per day would; and
2. Restricting the hours of operation will allow the facility to stay within the acceptable levels of the noise ordinance; and
3. The reduced tonnage and hours will bring reduced traffic, resulting in reduced and acceptable air pollution from fumes; and
4. At this level of use, there was credible evidence that the number of vehicles using this development is what is normally to be expected in the Industrial #1 zone in which it is located and that the additional truck trips anticipated are minor compared to the uses already existing on the street, specifically the city transfer station, a food distributor and a chemical plant; and
5. Additional measures such as trench drains across the entrance and exit

will insure no stormwater leaves the site except in a controlled manner, lessening the impact to the storm sewer system; and

6. The reduced tonnage will allow the plant to operate more efficiently, with acceptable time between trucks for the doors to operate, reducing to an acceptable level the possibility that odors and dust escape from the facility; and

BE IT FURTHER RESOLVED that application # 13-11 CAM/ # 5-11SP submitted by AMEC Carting, for modifications to an existing bulk waste transfer/recycling center 1 Crescent Street, as shown on various plans by Anchor Engineering Services, Inc, Glastonbury, CT, entitled "Amec Carting, LLC Transfer Station/Volume Reduction Facility and Recycling Center Site Improvement Plan" Scale 1"=20', dated 5/5/11, revised to 6/2/11 be APPROVED with the following conditions:

1. That the total tonnage of incoming material per day shall be increased from the currently permitted 200 tons by an additional 100 tons to a total maximum of 300 tons, as, given the existing unusual lot configuration, small building size and traffic limitations in the area, this is the maximum amount that can be handled without having an adverse effect on the neighborhood; and
2. That the hours of operation remain unchanged, with the hours of operation being 6:00 AM to 5:00 PM Monday through Saturday; and;
3. That as offered at the public hearing, a trench drain be installed across both driveways and connected into the existing stormwater system on the site to prevent stormwater from leaving the site uncontrolled, therefore lessening the impacts on the coastal environment; and
4. That this facility be allowed to have unlimited users besides the AMEC Carting vehicles; and
5. That AMEC provide a log on a quarterly basis the number of vehicles using the facility, broken down between private and AMEC vehicles and their respective total tonnage; and
6. That the outdoor storage of loaded outbound trailers containing only sorted material is allowed; and
7. That the parking lot for 4 additional parking spaces is allowed; and
8. That long term soil erosion and sedimentation controls be maintained; and
9. That a maintenance plan for the clean-out of the catch basins/trench drains/oil separator continue to be followed and that a report from a licensed professional be issued to the staff on a monthly basis verifying that the system has been properly maintained; and
10. That outdoor storage of covered containers along the retaining wall for recyclable metals be allowed; and
11. That a fenced in area for household appliances and propane tanks at the southern end of the property be allowed, with a water tight enclosure for batteries in the same location; and
12. That the existing misting system be keep in operation year round; and
13. That any and all trucks entering or leaving the facility be covered; and
14. That the doors to the processing building be closed at all times, except to

- permit entry and exit of the vehicles; and
15. That the site be swept as often as needed (to be determined by staff) to prevent windborne or waterborne erosion; and
 16. That only bulky waste/construction demolition material is permitted for processing and any change in materials or amount of material to be processed would need prior approval of the Zoning Commission; and
 17. That any graffiti on the site, now or in the future, be removed immediately; and
 18. That the pest control plan in place be continued, with modifications undertaken as needed to insure the complete control of vermin and that a report of the results from a licensed pest control professional continue to be issued to the staff on a monthly basis; and
 19. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
 20. That any additional needed soil and sedimentation controls be installed at the direction of staff; and
 21. That all waters from power/pressure washing of the site are to be kept on site and directed to the existing stormwater drainage system; and

BE IT FURTHER RESOLVED THAT the reason for this approval is that the proposed project as modified complies with the Building Zone Regulations, Section 118-700, Industrial #1 and Section 118-1450, Special Permits; and

BE IT FURTHER RESOLVED that a Certificate of Special Permit and map be placed on the Norwalk Land Records; and

BE IT FURTHER RESOLVED that the project as modified complies with the applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 23, 2011.

**** MR. O'REILLY S ECONDDED.**

Before the vote took place for the second resolution, Mike Mushak read a statement into the record. This statement was his reasons for not voting for the resolutions that discussed the alternative plans for the site.

Mr. Blank said that he did not have an issue with outside vendors if the tonnage at the facility was 300 tons. Ms. Wilson was also not opposed to outside vendors. Ms. Jacobson did not think there would be that many additional trucks if the tonnage was to be increased to 300 tons. Mr. Mushak mentioned that DPW thought that even one extra truck waiting outside of the AMEC facility would cause a traffic problem. Mr. White expressed his concern about allowing outside vendors to use the site. He also agreed that they should see how the applicant can handle the increase to 300 tons. If it goes well, then the applicant can ask for more tonnage from the Commission.

**** MR. SANTO MOVED, in connection with the resolution regarding #13-11CAM/ #5-11SP, regarding two of the conditions, #4 and #5 of the resolution Mr.**

Santo asked that Condition #4 which stated, "That this facility be allowed to have unlimited additional users besides the AMEC Carting vehicles" be deleted and in #5, Mr. Santo suggested "private" be deleted . The vote was as follows:

**** MR. WHITE SECONDED.
** MOTION TO AMEND THE RESOLUTION PASSED (4-3)**

***** ** MOTION ON ORIGINAL RESOLUTION AS AMENDED PASSED (5-2)**

V. REPORT OF ZONING COMMITTEE, JILL JACOBSON, ACTING CHAIR

a. Action on Item III b. - #7-11R- Alyssa Holdings, LLC - Proposed amendment to permit child day care centers in Business #2 zones

**** MS. JACOBSON MOVED: BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#7-11R - Alyssa Holdings LLC - Proposed amendment to allow child day care centers as a permitted use to Section 118-522 Business #2 zone " and dated September 14, 2011, be approved.**

BE IT FURTHER RESOLVED that the reason for this action is:

- 1) To implement the Plan of Conservation & Development goal to "Continue to encourage the establishment of infant and toddler day-care facilities, as needed" (D.6.3.2, p. 32); and**
- 2) To implement the Plan of Conservation & Development goal to "Encourage improved public transportation, before and after school programs, child care facilities, and job placement services (A.1.2.2 p. 10); and**

BE IT FURTHER RESOLVED that the effective date of this action be December 23, 2011.

**** MR. WHITE SECONDED.
** MOTION PASSED (6-0-1)**

b. #8-08SP - Alyssa Holdings LLC - 770 Connecticut Ave - Modify approved plan for health club to add child day care center for 180 children on first floor - Report & recommendation

**** MS. JACOBSON MOVED: BE IT RESOLVED that the request to modify the approved plan for special permit application #8-08SP - Alyssa Holdings LLC - 770 Connecticut Ave - Convert retail & office space on first floor to day care center for 180 children) as shown on a set of plans entitled "770 Connecticut Ave First Floor" prepared by Delgado Gilbride & Keenan Architects, LTD, Norwalk CT and dated November 3, 2011 be approved, subject to the following conditions:**

- 1. That the original conditions of approval remain in effect; and**
- 2. That any additional changes to the approved plans be submitted to the Zoning Commission for review and approval; and**

BE IT FURTHER RESOLVED that the effective date of this action be December 23, 2011.

**** MR. WHITE SECONDED.**

**** MOTION PASSED (6-0-1)**

VI. APPROVAL OF MINUTES: November 16, 2011

MR. WHITE MADE A MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 16, 2011 MEETING.

**** MS. WILSON SECONDED THE MOTION
** MOTION PASSED UNANIMOUSLY**

VII. COMMENTS OF DIRECTOR

There were no comments from Mr. Greene.

VIII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

IX. ADJOURNMENT

**** MR. WHITE MADE A MOTION TO ADJOURN.
** MR. MUSHAK SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Diana Palmentiero