

**CITY OF NORWALK
ZONING COMMISSION
June 19, 2013**

PRESENT: Emily Wilson, Chair; Joseph Santo; Michael O'Reilly; Harry Rilling; Nathan Sumpter

STAFF: Mike Wrinn; Frank Strauch

OTHERS: Ron Kellogg; Deborah Walter; Mike Lyons;

I. CALL TO ORDER

Emily Wilson called the meeting to order at 7:35 p.m.

II. ROLL CALL

Mike Wrinn called the roll.

III. PUBLIC HEARINGS

#8-13SP – Casey's Sheet Metal – 112 Main St (Continental Manor) – Add manufacturing within existing space

Ron Kellogg began the presentation by handing in the certified, return receipt cards evidencing that legal notices of the public hearing were sent to the abutting neighbors. He also handed out pictures of the property to the commissioners as well as a map where the property was located, behind the Continental Manor on Main Street. He discussed the history of his client's business, Casey's Sheet Metal as well as describing the business, which was both retail and manufacturing. He said that they were before the commission for the manufacturing side of the business. He did not think that traffic would be a problem since they have four employees and six sales per day.

Deborah Walter, who was representing the owners of Mathco, Inc., asked where larger pieces of duct work would be stored, whether off-site or on-site. She also asked when deliveries would be completed. Ms. Walter said that the owners were concerned about noise levels.

Mr. Kellogg said that any duct works would remain inside. Nancy Esposito said that deliveries are made in the back which is required under their lease. She explained fully what the business did. She also said that they don't have large pieces. She said that most of their tools were quiet because they are hand-operated tools. No compressors are used. There are no plans to store things outside the building and that is required under their lease.

a. #5-13SP/#7-13CAM – Sprite Island Yacht Club – 23 Shorehaven Road – Accessory structure for storage use

Atty Mike Lyons, a member of Sprite Island Yacht Club, began the presentation. He handed out a small presentation to the commissioners for their review. He gave a brief history of Sprite Island. He described what the accessory building has been used for since 1925. He reminded the commissioners that the City's Harbor Management Commission has stated that it is a goal to maintain the Sprite Island Yacht Club and mooring area. It is the most affordable yacht club in the city. The fees are approximately \$4,000 and the dues are \$1,500 per year.

Robert Cavallo, a member of Sprite Island Yacht Club, and the architect on the project, continued the presentation. He told the commissioners that the proposed

building was slightly smaller than the former structure. Access to the building is on grade level. They decided to create a loft area which they could use if there was a storm as well as comply with FEMA regulations. He also described the style of the accessory building and showed the commissioners the materials board.

Ken Stewart, an adjacent neighbor to the property, spoke in opposition to the application. He wondered whether the commissioners had received his letter and whether they had read it. Mr. Strauch put his revised letter into the commissioners' packets a few weeks prior. He said that he lived adjacent to the property and had problems with noise and congestion. He had ideas and recommendations for the commissioners on how to lessen the noise. He asked the commissioners to put conditions on the approval to help these problems. One of them was to restrict the use to storage and that it should not be used as a clubhouse, etc. He thought the accessory building would look bigger than the old one since it would have a second story. He also told the commissioners that they were currently using the parking lot for storage. He thought they should continue to do so, since it did not seem to be a hardship for them. He also explained how a chain link fence seemed to stop the drug trafficking. When it is not put up, there are problems.

Dr. Mada Hapworth, 36 Shorehaven Road, spoke in opposition to the application. She showed the commissioners a map of where Mr. Stewart lived as well as some other neighbors. She explained where she lived in relation to the property. She said that Mr. Stewart had problems with vermin and noise. She did not have a problem with noise. She explained how she and her neighbors constructed a gate so that people would not congregate on the bridge to Canfield Island, where she lives. She said that many people stood in the road, waiting for the launches because there was no other place to stand. She also suggested some conditions for the parking area such as not parking six cars. She was concerned about the food that was kept in the building because she thought it was causing vermin to be on her property.

Atty Lyons continued the presentation with a rebuttal. He reminded the commissioners that the application was not applying for permission to run Sprite Island Yacht Club, but rather, to build the accessory building. He reminded them that the Yacht Club had been there for decades and would continue to be. He acknowledged that they had met with the neighbors and that some problems were due to trespassing. They had put up a gate. He read a letter into the record of Sprite Island's response to the neighbors' letter. They remind their members to be as quiet as possible when returning from Sprite Island and they try to be good neighbors.

Mr. Santo asked if there was a curfew for the members to be off the island. Atty Lyons said that they closed at 9 p.m. on weekdays and 10 p.m. on weekends. Only rarely does the Sprite Island board allow them to close later than 10 p.m.

Ms. Wilson closed the public hearing. She also appointed Mr. Santo to act as chair for the Plan Review Committee.

IV. REPORT OF PLAN REVIEW COMMITTEE, JOSEPH SANTO, ACTING AS CHAIR

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

i. #8-13SP – Casey's Sheet Metal – 112 Main St (Continental Manor) – Add manufacturing within existing space

**** MR. SANTO MOVED:BE IT RESOLVED** that application # 8-13 SP submitted by Casey's Sheet Metal for sheet metal manufacturing in an existing building owned by Broward Properties, LTD, located at 112 Main Street, Norwalk as shown on floor plans by ADA, Norwalk , CT, dated 4-15-13, be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and

2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That all work be done indoors with the doors closed to prevent any adverse noise and impact on the adjacent residential units; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Section 118-522, Business #2 and Section 118-1450, Special Permit and; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 28, 2013.

**** MR. RILLING SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

ii. #5-13SP/#7-13CAM – Sprite Island Yacht Club – 23 Shorehaven Road – Accessory structure for storage use

**** MR. SANTO MOVED:BE IT RESOLVED** that application #5-13SP/#7-13CAM – Sprite Island Yacht Club – 23 Shorehaven Road – Accessory structure for storage use, and as shown on various site and architectural / engineering plans Westview Architectural, LLC, dated 1/24/2013 and Revised to 5/6/2013 be **APPROVED** with the following conditions:

1. 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
2. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
3. That all soil and erosion controls be in place and verified by an inspection by Staff prior to the start of any work on the site; and
4. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
5. That the proposed dumpster be locked and properly screened; and
6. That the hours of garbage pick-up and any deliveries be no earlier than 7 a.m. and no later than 7 p.m.; and
7. That all signage, existing and proposed, comply with the zoning regulations; and
8. That any graffiti on the site, now or in the future, be removed immediately; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-310, “AAA” residential and 118-1450 Special Permit; 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 this proposal complies with all applicable coastal resource and use policies.

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 28, 2013.

**** MR. O'REILLY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b. #6-08SPR/#16-08CAM - POKO IWSR Developers – Wall St/Isaacs St - Wall St Place mixed use development – Request for 1 year extension of approval time - Report & recommended action

**** MR. SANTO MOVED:BE IT RESOLVED** that the request for a **six month 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 property be maintained and 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 **December 20, 2013**; and

BE IT FURTHER RESOLVED that the effective date of this action be June 28, 2013.

Mr. Rilling asked for clarification as to the length of time for the extension. Mr. Wrinn explained that although the applicant asked for 1 year, the resolution was drafted for six months.

**** MR. SUMPTER SECONDED.**

Before the vote was taken, Mr. Santo asked Mr. Wrinn if the Zoning Commission could get an opinion from Norwalk's Corporation Counsel, as to what would happen if they did not grant an extension again to the applicant in December. Mr. Wrinn said that they would get that for the commissioners several months prior to the end of the extension as well as notify the applicant.

**** MOTION PASSED UNANIMOUSLY.**

c. #12-13CAM – Jeff Titus – 52 Harborview Av – New single family residence - Report & recommended action

**** MR. SANTO MOVED:BE IT RESOLVED** that application #12-13CAM, construction of a single-family residence for the property 40 Shorefront Park and as shown on the improvement location survey plan by the A-2 survey by Arcamone Land Surveyors, LLC, Wayne Arcamone Land Surveyor – Connecticut Registration No. 15773 and the architectural drawings by Michael Smith Architects for Titus Built, LLC, West Redding, CT, dated as received by Planning & Zoning 5-31-2013 be **APPROVED** subject to the following conditions:

1. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
2. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

BE IT FURTHER RESOLVED that this proposal complies with all applicable coastal resource and use policies.

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 28, 2013.

**** MR. RILLING SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

d. City Code §95-19 – Department of Public Works – Renaming of a portion of Colonial Place to Morgan Place - Report & recommended action

**** MR. SANTO MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission, that, in accordance with Section 95-19 of the City Code regarding the renaming of a portion of Colonial Place to Morgan Place be **APPROVED** and

BE IT FURTHER RESOLVED that notice of this action shall be forwarded to the Common Council.

**** MR. RILLING SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Before the report of the Zoning Committee, Emily Wilson appointed Nathan Sumpter to act as Chairman.

V. REPORT OF ZONING COMMITTEE, ADAM BLANK, CHAIR

a. #16-12R – TR Sono Partners, LLC – 99 Washington St – Proposed amendment to allow valet, tandem or stacked parking for multifamily developments of more than 50 units in the Washington Street Design District - Report & recommended action Note: Action on zoning amendment must precede action on site plan; 5 affirmative votes needed to over-ride denial by Planning Commission

**** MR. SUMPTER MOVED:BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#16-12R - TR Sono Partners, LLC – Proposed amendments to Section 118-1220 to allow valet, tandem and stacked parking for multifamily developments of more than 50 units in the Washington Street Design District" and dated December 18, 2012, be **APPROVED**:

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

- 1) To implement the Plan of Conservation and Development goal to "Support economic growth in the city with appropriate parking strategies" (E.5.1, p. 39); and
- 2) To implement the Plan of Conservation and Development policy to "Continue to survey the parking provided for existing buildings and uses to evaluate the adequacy of existing parking standards (E.5.1.5, p. 39); and

BE IT FURTHER RESOLVED that the effective date of this action be June 28, 2013.

Before there was a second on the motion, Mr. Wrinn explained that the motion needed five affirmative votes to pass. On the next resolution, he explained that it needed four affirmative votes to pass. After Mr. O'Reilly asked why, he explained that since the Planning Commission did not approve the zoning amendment, the Zoning Commission needed five votes to override it.

**** MR. RILLING SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b. #1-13SPR/#1-13CAM – TR Sono Partners, LLC – 99 Washington St – Modify approved site plan for 52 unit multifamily development to add 14 units for a total of 66 units, to convert parking garage from 90 spaces on 3 levels to a 154 space garage on 2 levels with valet, tandem, compact & stacked parking

**** MR. RILLING MOVED: BE IT RESOLVED** that site plan application #1-13SPR/#1-13CAM – TR Sono Partners LLC – 99 Washington St – New 5 story, 66 unit multifamily building in a mixed use development with three amenities including 10 public parking spaces, a water feature and historic façade preservation as shown on a set of plans entitled "Washington Street Apartments Norwalk, CT." by Lessard Design dated April 2, 2013; Cabezas DeAngelis Engineers & Surveyors dated January 4, 2013 as revised to February 15, 2013; Aris Land Studios dated April 2, 2013 and other related plans be **APPROVED**, subject to the following conditions:

1. That the deed restriction shown on a certain document entitled "Workforce Housing Affordability Plan North Water, LLC" dated revised April 2013 and related documents showing six (6) one-bedroom and one (1) two-bedroom units, for a total of 7 workforce housing units, shall run with the land in perpetuity and shall be filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC); and
2. That all relevant plans be revised to comply with the most current parking layout as shown in the architectural plans (Sheets 04 and 05 dated April 2, 2013) by Lessard Design which show a First Floor restroom and 2 parking spaces adjacent to the Valet Booth; and
3. That a covenant which ensures the continuous operation and maintenance of each of the three (3) proposed site amenities, including a water feature, 10 *unstacked* public parking spaces and the historic preservation of the façade of the existing building, shall run with the land in perpetuity and shall be filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC); and
4. That all soil and erosion controls 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
5. That within six months of the issuance of the Certificate of Zoning Compliance for all units a follow-up traffic study and a parking status report be submitted to the Commission; and
6. That the stormwater maintenance plan dated April 2, 2012 be implemented to ensure the maintenance of onsite drainage systems; and
7. That all CEAC signoffs shall be submitted prior to the start of construction; and
8. That any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and
9. That a Connecticut licensed engineer certify that all of the required improvements were installed to City standards; and
10. That an agreement to revise the location of the ROW and to redesign the existing 5 parking spaces at 117 Washington St to provide a new layout with 4 on-site parking spaces and to provide 1 off-site parking space in the new parking garage be submitted prior to the issuance of a final Certificate of Zoning Compliance(CZC); and
11. That if determined by the Commission, the applicant shall modify the garage entrance/exit to create additional pedestrian and vehicular awareness for safe use of the sidewalk by both; and
12. That the proposed Parking Plan be revised to designate 25 additional off-site parking spaces (either on property owned or leased by the Applicant or through the purchase of parking permits from the City of Norwalk Parking Authority) that will be provided in the event that the proposed parking facility fails to meet the parking demands of the project within the one-year period following the issuance of a Certificate of Occupancy for all units; and

13. That the proposed Parking Plan be revised to reference the staffing levels recommended by Desman Associates in its Technical Memorandum entitled Summary of Analysis to Support the Pearl at SONO Application dated March 21, 2013; and

BE IT FURTHER RESOLVED that the reason for this action is that this application complies with applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that this application complies Section 118-501 Washington Street Design District, as amended, and with applicable sections of the Building Zone Regulations for the City of Norwalk.

BE IT FURTHER RESOLVED that the effective date of this action be June 28, 2013.

**** MR. SUMPTER SECONDED.**

At this point, Mr. Santo made a motion to make an amendment to the plan to which Emily Wilson seconded.

**** MR. SANTO MOVED: BE IT RESOLVED** that the proposed parking plan be revised so that parking shall be reduced by a percent reduction comparable to the percentage reduction in the rent of the workforce housing.

He believed that the way it was presented at the committee meeting was that the developer said that he would give free parking, if the commissioners voted for it. He believed that his amendment would give the same percentage reduction in the parking cost as the reduction in the rent for workforce housing. Mr. Rilling asked Mr. Wrinn if all the workforce housing units would be on-site. Mr. Sumpter had issues with the amendment. He did not think that they could presume to know what the developer was thinking. He was concerned about the amount of money that workforce housing families would pay for the rent. He did not think they could afford the parking fees as well. Mr. Sumpter also noted that these families usually had two cars to park. He gave several other reasons why it was important to keep the current resolution and not add the amendment. Ms. Wilson believed that if Mr. Sumpter did not agree with the amendment then he did not have to vote for it. Mr. Santo thought that if the parking was free, the fees for parking for the other residents would increase.

**** MOTION FAILED (3-2).**

Since the motion failed, they returned to the original resolution in order to vote on it. Mr. Wrinn reminded them that they needed 4 concurring votes for the resolution to pass.

**** MOTION PASSED UNANIMOUSLY.**

VI. APPROVAL OF MINUTES: May 15 and May 22, 2013

MR. SUMPTER MOVED to approve the minutes.

**** MR. RILLING SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

VII. COMMENTS OF ASSISTANT DIRECTOR

Mr. Wrinn had no comments.

IX. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

X. ADJOURNMENT

**** MR. RILLING MADE A MOTION TO ADJOURN.**

**** MR. SUMPTER SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Diana Palmentiero