

**CITY OF NORWALK
ZONING COMMISSION
June 15, 2016**

PRESENT: Adam Blank, Chair; Emily Wilson; Jill Jacobson; Linda Kruk; Doug Stern;
Mike O'Reilly

STAFF: Mike Wrinn; Dori Wilson

OTHERS: Atty Chris Smith; Matt Brown; Guy Mazzola; Atty. Carolyn Cavolo; Michael Galante; Councilwoman Faye Bowman; Jerry Martinez; Connecticut State Representative Bruce Morris; Councilman Richard Bonenfant; Councilman Bruce Kimmel; Georgana Rucker; Margaret Suib; Martha Dumas; Jan Charity; John Mosby; Peter Cocchia; Lou DiMeglio; Ernie Dumas; Kenneth Dubois; Deborah Goldstein; Diane Lauricella; Atty Darnell Crossland; Edgar Hendrickson; Elsa Peterson; Bill Grunan; Corky Stewart; Sammy Ward; Mark Owens; Yolanda Skinner; Manny Langella; Missy Conrad; Ronald Banks; Fritz Knipschildt

I. CALL TO ORDER

Mr. Blank called the meeting to order at 7:02 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

Before the public hearings began, Mr. Blank reminded audience members of the rules and procedures.

III. PUBLIC HEARINGS

a. #4-16R - 10 Lubrano PI, LLC, AMEC Holdings LLC et al - Proposed amendment to Industrial #1 zone to allow storage and maintenance of trucks, equipment, containers, refuse collection and recycling receptacles associated with an approved transfer station at an approved transfer station in Norwalk or at another location a minimum of 2 acres in size by special permit and b. #6-16SP - 10 Lubrano PI, LLC, AMEC Holdings LLC et al - 7-15 Olean St/10-12 Lubrano PI/ 26 Hemlock PI/0 San Vincenzo PI/ 24 Belle Ave/57 Chestnut St – Proposed facility for storage and maintenance of trucks, equipment, containers, refuse collection and recycling receptacles associated with an approved transfer station

Before Atty. Smith began, Mr. Blank remarked that two commissioners, Mr. Sumpter and Mr. Witherspoon, had been asked to recuse themselves by the applicant. He also remarked that there had been no factual inquiry by the Zoning Department or Commission as to whether it was necessary. They agreed to do so.

Atty. Chris Smith began the presentation by introducing the members of the project team. He noted that AMEC was a family owned business. He also noted that he would have

to depart at 8 p.m. because of a prior commitment. Another attorney, Carolyn Cavolo, would take his place. He then presented Mr. Wrinn with the certified, return receipt card evidencing notice of the public hearing. He also gave copies of the PowerPoint Presentation to the commissioners and staff. He then began by stating that there had been much misinformation and misstatements that were out in the public. He then gave an overview of the application and a history of the properties. He discussed the community meeting that his client had with the neighbors. He discussed the permit uses of the zone. He explained how AMEC has some permits for storing containers. However, the Zoning Department staff suggested combining lots, a text amendment and a special permit application. He then discussed many of the misperceptions that were out in the public including that the area was not always zoned industrial, the environmental concerns and that municipal solid waste would be in the containers. AMEC is only allowed to bring C&D waste to the transfer station. He explained that they have been working since 2011 with the Zoning Department staff to put a contractor's yard on the property. One of the problems was that the city was trying to pass a definition of contractor's yard so they had asked the applicant to wait before applying for a permit. Although they were waiting for the permits, they were operating at the properties. He then discussed the drones that were flying over his client's property on the previous day as well as different noises that were allegedly coming from his client's property. He then discussed the applications in depth for the commissioners and the public. He said that they were consistent with the Plan of Conservation and Development. Atty Smith briefly discussed the storm water management plan.

Matt Brown, the civil engineer on the project, continued the presentation by discussing the application and explaining why the lots should be consolidated. He then explained the site plan. He explained that the access points will change from Lubrano Place to Chestnut Street. There was a discussion of the noise abatement plan. He went over the storage areas of the containers. There are more containers stored in the fall and winter because there are less construction projects. He discussed the site grading plan to improve the drainage. He went over the maintenance and inspection plan as well as the plan for erosion and sedimentation control. He also mentioned a proposed retaining wall.

Michael Galante, the traffic engineer, continued the presentation. He went over the roadway and sidewalk widths on an aerial map. He discussed the current counts and noted what the dates and times the study was done. He then discussed how the study was done. They also analyzed on Saturday. He then discussed future conditions. He said that traffic was appropriate for this area. There was a discussion of the schools in the area. They would be leaving before the school buses arrived at school at 9 a.m. He discussed how traffic would be on Chestnut Street.

Guy Mazzola, one of the owners of AMEC, continued the presentation by discussing the proposal for the Chestnut Street operations. He said these proposals were similar to others at their other sites. He described how current buildings on the property would be used. There would be some storage of AMEC trucks. He then included the size of the trucks. He said they would store empty and clean containers only on the site as well as how many would be stored. He showed them a picture of what the containers look like. They could be stored on top of each other. He went over the site plan. He then went over the hours of operation. Some trucks would be parked in a different place so as not to wake up neighbors. They checked bus routes to determine when they could send their trucks out. He described the fence as well as re-grading the yard. He then played audio of a new back-up noise, white

noise that would be used by some of his vehicles, instead of the usual beeping noise. He showed them drawings of the wall with trees in front of it so that residents couldn't see it. The wall would help to drown out noises. He then showed them a drawing of the area that would be re-graded. He said there was a big hump in the site that would be taken out. He also discussed the early morning hours that AMEC would keep so that they would avoid school traffic. There was then a discussion of starting up the trucks in the winter and how they could be plugged in to start them quicker. The containers that would be stored would be empty and clean and they agreed to only stack them to a certain height. There would not be hazardous materials in the containers. Asbestos and hazardous materials are taken away in separate containers.

He then addressed the noise issue which was coming from a neighbor and played a video of the noise. He also addressed the materials that were claimed to have been in AMEC containers. He noted that many of his family members worked for AMEC and they all took pride in being good, corporate citizens. He went over the history of his company as well as the number of Norwalk citizens employed, the amount of taxes paid as well as how much in taxes they would pay if the company is approved. He discussed a recent meeting with community members that were not happy with the application. He said that a couple of employees went to the neighbors who then signed letters of support and a petition. He read one of them into the record. Councilwoman Bowman was concerned that a letter of support was entered into the record during the applicant's presentation. Mr. Blank allowed it.

Atty. Carolyn Cavolo then entered the resumes of Mike Galante and Matt Brown into the record, as well as the letters of support and signed petition and reports from local and state agencies, including the CT Department of Energy and Environmental Protection.

Mr. Mazzola told the commissioners that AMEC had appointed Jerry Martinez to be the community outreach leader if anyone has any questions. He wanted to address problems. Mr. Martinez then told everyone that he was pleased to be doing community outreach and discussed his background.

There was a discussion of the cease and desist letters that AMEC had received. Mr. Mazzola explained that they had been waiting for a definition of "contractor's yards." In 2013 they received a cease and desist notice which had surprised them because they didn't realize it had been resolved. There was a discussion of the amount of containers on the site and whether they had lids. Mr. Stern had a concern about them collecting water and mosquitoes. There was a discussion about the other places where the containers are. There was also a discussion of how many containers would be at the site. There was also a discussion as to whether there were any containers at the transfer site so they wouldn't have to come back to this site. There was a discussion of the logistics plan that is prepared every day.

Atty. Cavolo addressed some remarks about the Hemlock Place property by stating that there had been an expectation that they would be able to transfer the permits which they found out they could not.

The Chair opened the hearing to the public.

Councilwoman Faye Bowman spoke in opposition to the application. She said that she would like to make sure they all worked together.

Connecticut State Representative Bruce Morris spoke in opposition to the application. He explained that he had taken pictures of the site from a drone which he had entered into the record. He said it seemed more like a transfer station. He read his statement into the record. He was concerned about children at the bus stops in the area. He said the site was an eyesore and violates the noise ordinances. He asked the commissioners to turn down the application.

Councilman Richard Bonenfant approached the podium; before he began to speak Mr. Blank asked him if he could get the Community Room a new sound system because people had a problem hearing the speakers. Councilman Bonenfant urged the commissioners to deny the application. Corporation Counsel had recently asked the Common Council to “hold off” on passing a resolution about the AMEC property. He thought the Cease and Desist letters should be corrected before filing an application.

Councilman Bruce Kimmel asked the commissioners to deny the application. He was concerned about the quality of life in this area of the city. He noted that something similar happened in East Norwalk which did not pass.

Georgana Rucker, 25 Chestnut Street, spoke in opposition to the application.

Margaret Suib, 137 East Avenue, the Fair Housing Officer, had concerns about the noise, noted that what was in the dumpsters was probably hazardous and was concerned about the air quality. She wondered if the site could impact the ground water. She asked what the difference was between light industrial and industrial and thought a special permit should not be granted if they had received cease and desist letters.

Martha Dumas, 162 South Main Street, spoke in opposition and asked the commissioners to deny it for the children.

Jan Charity, 25 Chestnut Street, was concerned about the trucks that were driving on the sidewalks.

John Mosby, 15 Adamson Street, spoke in opposition to the application. He was extremely discouraged with the commissioners and believed they were the reason that this application was before the commission.

Peter Cocchia, 7 Roosevelt Street, spoke in support of the application. He noted that garbage does have to be picked up in the city.

Lou DiMeglio, 20 Lubrano Place, discussed the history of the Lubrano site. He said he saw containers stacked 3 high. The homes in the area have been there for over 100 years. The fence won't keep out the noise and stench. He spoke in opposition to the application. He also played a video of the noise at the site which occurred on June 10, at 8:30 p.m. He said it happens all the time.

Ernie Dumas, 162 South Main Street, who spoke in opposition, was upset because the police had come to his house thinking that he had flown a drone from his house. He had been complaining to the police for 3 years about the site.

Kenneth Dubois, 62 Rockland Road, a pastor in the area, asked why they were obtaining additional properties when they haven't complied on the one they have.

Deborah Goldstein, 66 Osborne Avenue, questioned why AMEC was not being made to comply with the Cease and Desist letters.

Diane Lauricella, 21 Blue Mountain Ridge Rd, spoke in opposition to the application. She handed in a petition in which the signers were also in opposition to it. She handed in letters from neighbors that were not able to attend the public hearing. She discussed the text amendment and questioned why Commissioners Sumpter and Witherspoon had been recused. She disagreed with this. She thought the application was incomplete and should not have been accepted. She discussed the traffic study as well as an asthma study. She suggested that there should be testimony on this if the public hearing was continued. She submitted many exhibits for the record.

Atty. Darnell Crossland, the president of the NAACP chapter in Norwalk, spoke in opposition. He questioned whether they take in municipal waste in their transfer station. Mr. Brown said that there was an affiliated company that handled municipal waste. He then referenced articles about AMEC expanding their business in Monroe. He referenced the Connecticut Unfair Trade Practices Act (the "CUTPA"). He said that people were getting sick and harmed. He ended by noting that there was more outrage over a mosque in Norwalk than people getting sick.

Edgar Hendrickson, 68 Chestnut St., spoke in opposition to the application. He thought the site could be moved someplace else. He asked the commissioners to reject the application.

Elsa Peterson was concerned about the fact that Mr. Sumpter and Mr. Witherspoon were not present at the meeting. She questioned why the Cease and Desist letters were ignored.

Bill Grunan, with the Open Door Shelter, spoke in opposition to the application. He submitted a letter from the organization's Executive Director

Corky Stewart, Chairman of the Board for the Open Door Shelter, described the organization. He said there were many children who went to school from the Open Door Shelter. He explained that they were going to school from there. He said there were many people that came to the shelter. He said that he didn't think the application was thoroughly researched.

Sammy Ward, 10 Henry Street, spoke in opposition to the application. He asked the commissioners to deny the application.

Mark Owens noted that the diesel trucks did have to be warmed up, whether they are plugged in or not.

Yolanda Skinner spoke in opposition to the application.

Manny Langella spoke in opposition to the application and asked the commissioners to deny it.

Missy Conrad, 37 Stonecrop North, spoke in opposition to the application. She came to support the neighbors in South Norwalk. She was quite surprised that Mr. Sumpter and Mr. Witherspoon were not present.

Ronald Banks spoke in opposition to the application.

The Chair closed the public portion of the hearing and the applicant began rebuttal.

Atty. Cavolo thanked the neighbors for voicing their concerns. She believed that their issues were covered in the presentation. She addressed concerns about air quality which she said were being monitored.

Mr. Brown addressed the concerns about rock blasting, the clean diesel used for the trucks and hazardous materials being in the containers.

Mr. Mazzola discussed his father's refuse business which is not part of this application. He explained that AMEC is a construction debris business and explained the container with the tires in it. He said this was part of a maintenance program for their trucks. He gave a history of his family and when his parents moved to this country from Italy. He then wondered if AMEC couldn't use the property then who would be able to. He thought that other businesses would not care about the community. He discussed the driver's program where they test their drivers for alcohol and drugs. There was then a discussion of a property available near the Federal Express location. He addressed the concerns of why there was noise at 5:30 a.m. which he explained were not coming from his property. He reminded the commissioners that this site was not a dump or transfer station. He also reminded the commissioners that there were some supporters in the area. He believed his application would improve the area.

Atty. Cavolo read a statement into the record and reminded everyone that the applicant could have requested over the counter permits but instead, at the suggestion of Zoning Department staff, applied for a Special Permit. She requested that the commissioners approve the application.

Mr. Blank asked that everyone leave quietly so that the commissioners could complete their agenda. Referrals from the Planning Commission and Coastal Area Management were read into the record by Ms. Kruk. Mr. Blank then closed the public hearing.

c. #8-16SP/#15-16CAM – Knipschildt Chocolatier – 14-28 Wall Street – Boutique manufacturing of chocolate

Mr. Blank opened the public hearing. Mr. Wrinn gave a very brief synopsis of the application. Fritz Knipschildt began the presentation by explaining that his business was relocating from Washington Street to Wall Street. It would be smaller than his current location. He also explained the use.

No one spoke in support or against the application. Mr. Blank closed the public

hearing.

d. #5-16R - Zoning Commission – Proposed amendments to establish a moratorium on licensed medical marijuana producer or dispensary facility as permitted by the State of CT.

Mr. Blank requested that this matter be tabled. He then made a motion to table the item which Ms. Kruk seconded. Everyone voted in favor of tabling this item.

IV. REPORT OF PLAN REVIEW COMMITTEE, JILL JACOBSON, CHAIR

a. Action on Item III. c.

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application #8-16 SP / 15-16 CAM, submitted by Knipschildt Chocolatier, for the addition of boutique manufacturing space at 14-28 Wall Street as an accessory use to a café coffee house, be **APPROVED** with the following conditions:

1. That any graffiti on the building be removed immediately;
2. That any deliveries / shipping loading activities associated with the boutique manufacturing be limited to daylight hours, as per the regulation.

BE IT FURTHER RESOLVED THAT a Special Permit Certificate be filed on the Land Records.

BE IT FURTHER RESOLVED THAT no adverse impacts to the coastal environmental are anticipated, as the use is entirely within the existing building; and,

BE IT FURTHER RESOLVED THAT the effective date of this approval shall be June 24, 2016.

Emily Wilson seconded.

Adam Blank; Emily Wilson; Linda Kruk, Jill Jacobson, Doug Stern and Michael O'Reilly voted in favor.

No one opposed.

No one abstained.

b. #13-16CAM – Homes by David Chute – 215 Rowayton Avenue – New single family residence - Report & recommended action

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application #13-16CAM, construction of a proposed additions to an existing single-family residence for the property 215 Rowayton Avenue and as shown on the property survey dated 9/29/2016 by Arcamone Surveyors, Norwalk, CT and revised to 4/26/2016 and on the engineering drawings dated 4/25/2016 by LandTech Engineering, Inc., Westport, CT and on the architectural drawings dated 4/27/2016 and revised to 5/6/2016 by Homes by David Chute, Norwalk, CT 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; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 24, 2016.

Adam Blank seconded.

Adam Blank; Emily Wilson; Linda Kruk, Jill Jacobson, Doug Stern and Michael O'Reilly voted in favor.

No one opposed.

No one abstained.

V. REPORT OF ZONING COMMITTEE, EMILY WILSON, CHAIR

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

Note: Action on zoning amendment must precede action on related special permit application

#4-16R - 10 Lubrano PI, LLC, AMEC Holdings LLC et al - Proposed amendment to Industrial #1 zone to allow storage and maintenance of trucks, equipment, containers, refuse collection and recycling receptacles associated with an approved transfer station at an approved transfer station

**** EMILY WILSON MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#4-16R - 10 Lubrano Place, LLC, AMEC Holdings LLC et al – Proposed amendment to Industrial #1 zone to allow storage and maintenance of trucks, equipment, containers, refuse collection and recycling receptacles associated with an approved transfer station at an approved transfer station in Norwalk or at another location a minimum of 2 acres in size by special permit**" and dated March 22, 2016, be **DENIED**.

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

- 1) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to "Protect residential neighborhoods from incompatible development" (A.1.1.6, p. 10); and
- 2) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to "Update Restricted Industrial Zones, Industrial 1 Zones, and Industrial 2 Zones, to allow on a case-by-case basis certain types of *office and multifamily residential uses*, to reflect current economic trends in Norwalk provided they are compatible with the surrounding neighborhoods" (A.5.1.1, p.13); and

3) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to “Preserve the character of residential neighborhoods by minimizing traffic impacts from surrounding uses” (E.3.2, p. 37); and

4) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to “Manage truck traffic and reduce truck traffic through residential areas” (E.3.2.4, p.37); and

5) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to “Encourage new development around transit access and allow new development which does not exceed the capacity of infrastructure systems (roads, sewers, water, etc)” (B.1.1.2, p.); and

6) That the proposed amendments are *not consistent* with the Plan of Conservation and Development to “Maintain vehicular connections within neighborhoods surrounding the Harbor and protect those neighborhoods from regional and truck traffic” (E.3.2.2 p. 37); and

BE IT FURTHER RESOLVED that the effective date of this action be June 24, 2016.

Doug Stern seconded.

Before the vote, there was some discussion. Mr. Blank said that he had been proud to support AMEC’s requests for increased tonnage at the transfer station and that there may have been undue criticism on this application. However, he thought this was an incompatible use for this neighborhood. There was a discussion about the applicant coming in for over the counter permits. Mr. Wrinn reminded them that they would not be allowed to have the storage containers which is what the amendment was requesting.

Adam Blank; Emily Wilson; Linda Kruk, Jill Jacobson, Doug Stern and Michael O’Reilly voted in favor.

No one opposed.

No one abstained.

b. #6-16SP - 10 Lubrano PI, LLC, AMEC Holdings LLC et al - 7-15 Olean St/10-12 Lubrano PI/ 26 Hemlock PI/0 San Vincenzo PI/ 24 Belle Ave/57 Chestnut St – Proposed facility for storage and maintenance of trucks, equipment, containers, refuse collection and recycling receptacles associated with an approved transfer station

**** EMILY WILSON MOVED: BE IT RESOLVED** that special permit application **#6-16SP** for a facility for storage and maintenance of trucks, equipment, containers, refuse collection and recycling receptacles associated with an approved transfer station at 7-15 Olean Street/10-12 Lubrano Place/26 Hemlock Place/0 San Vincenzo Place/24 Belle Avenue/57 Chestnut Street as shown on a set of plans entitled, "Special Permit Application of AMEC Holdings, LLC Norwalk CT." and dated as revised to June 9, 2016 by Anchor Engineering Services Inc., Glastonbury CT. and Environmental Land Solutions, LLC et al be **DENIED.**

BE IT FURTHER RESOLVED that the reason for this action is

1. That the proposed amendments to the Building Zone Regulations were **not** approved; therefore the application does not comply with applicable Building Zone Regulations; and

BE IT FURTHER RESOLVED that this application does not comply with the applicable sections of the Norwalk Building Zone Regulations, specifically with Section 118-700 Industrial Zone No. 1, as the proposed amendment was denied.

BE IT FURTHER RESOLVED that the effective date of this action be June 24, 2016.

VI. APPROVAL OF MINUTES: May 4 and May 18, 2016

Emily Wilson moved to approve the May 4, 2016 minutes.

Doug Stern

Adam Blank; Emily Wilson; Linda Kruk, Jill Jacobson, Doug Stern and Michael O'Reilly voted in favor.

No one opposed.

No one abstained.

Emily Wilson moved to approve the May 18, 2016 minutes.

Doug Stern

Adam Blank; Emily Wilson; Linda Kruk, Jill Jacobson, Doug Stern and Michael O'Reilly voted in favor.

No one opposed.

No one abstained.

VII. COMMENTS OF ACTING DIRECTOR

Mr. Wrinn thanked the commissioners for staying late.

VIII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

X. ADJOURNMENT

Emily Wilson made a Motion to Adjourn.

Doug Stern

Adam Blank; Emily Wilson; Linda Kruk, Jill Jacobson, Doug Stern and Michael O'Reilly voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Diana Palmentiero