

**CITY OF NORWALK
ZONING COMMISSION
August 17, 2016**

PRESENT: Nate Sumpter, acting as Chair; Doug Stern; Mike O'Reilly; Mike Witherspoon; Rod Johnson; Louis Schulman; Galen Wright Wells

STAFF: Mike Wrinn; Frank Strauch

OTHERS: Atty. John Bove; Lance Zimmerman; Wayne D'Avanzo; Michael Galante; Sarah Kellogg; Robert Vergis; Erica Foster; John Zervos; Atty. John Ryan; Don Straight;

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7 p.m.

II. ROLL CALL

Mr. Wrinn called the roll. Before the public hearings, Mr. Sumpter introduced the new commissioners to everyone. He then went over the rules of the public hearing.

III. PUBLIC HEARINGS

a. #9-16SP/ #18-16CAM – B. Craighead – 8 Lewis Street (Convert existing building into 5 residential units) and 10 Park Street (First Congregational Church of Norwalk, Inc. – Church to dedicate 6 long-term parking spaces for residential use for 8 Lewis Street)

Mr. Sumpter opened the public hearing. Atty Bove began the presentation by handing in the certified, return receipt cards evidencing notice of the public hearing to the neighbors. He then introduced the project team and gave a background of the property. It is vacant and has been deteriorating for some time. He submitted 2 parking plans.

Mr. Zimmerman, the architect on the project, continued the presentation. He noted how the building would not be expanded and described the units. Some parts of the building would be restored. There was a discussion about the 6 long-term parking spaces.

Mr. D'Avanzo, the engineer, continued the presentation by discussing the quality of the drainage from the site. Most of it is in good shape. Some modifications would have to be made.

Mr. Galante, the traffic engineer, continued the presentation by describing his company's analysis of the traffic.

Sarah Kellogg, 4 Lewis Street, spoke against the project because she was concerned about the parking. She also had an issue with the notice that she received. She gave the commissioners a history of her property. There was a discussion about whether some of her concerns should be addressed by other agencies

Robert Vergis spoke in support of the application and gave a brief history of the property. There was a discussion about how long it had been used as a halfway house.

Erica Foster read a letter of support from First Congregational Church into the record.

John Zervos, 6 Lewis Street, spoke in support of the application.

Atty. Bove then presented his rebuttal. There were no questions from the commissioners. Mr.

Sumpter closed the public hearing.

b. #4-16SPR/#7-16CAM – F&G Construction – 46 Meadow St – Proposed contractor’s storage yard

Mr. Sumpter opened the public hearing. Atty. Ryan began the presentation with an introduction of the project team. He then handed in the certified mail, return receipt cards which evidenced notice of the public hearing. He discussed the public meeting that was held with the neighbors.

Mr. D’Avanzo continued the presentation with a discussion of the contractor’s yard and its use on the property. He also described what would be stored on the property. He oriented the commissioners on the site plans. There were concerns about large containers being stored. Mr. D’Avanzo said there would be none.

Don Straight, the landscape architect on the project, continued the presentation by discussing the landscaping plan which included trees and the run-off from the property. He showed the commissioners the pictures of the existing site.

Mr. Galante, the traffic engineer, continued the presentation by describing his company’s analysis of the traffic.

Atty. Ryan completed his presentation because there were no members of the public that spoke in favor or against the application. There were no questions from the commissioners. Mr. Sumpter closed the public hearing.

IV. REPORT OF PLAN REVIEW COMMITTEE, Rod Johnson, acting as Chair

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

i. #9-16SP/ #18-16CAM – B. Craighead – 8 Lewis Street (Convert existing building into 5 residential units) and 10 Park Street (First Congregational Church of Norwalk, Inc. – Church to dedicate 6 long-term parking spaces for residential use for 8 Lewis Street)

**** MR. STERN MOVED: BE IT RESOLVED** that application #9-16SP/ #18-16CAM, submitted by B. Craighead for the conversion of an existing building into 5 residential units at #8 Lewis Street as shown on various plans Zimmerman Architects dated 11/16/14 and a survey by Wayne J. Arcamone, dated September 30, 2014, as amended be **APPROVED** with the following conditions:

1. That any change to the plan will require Zoning Commission approval; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That a long term parking agreement be reviewed and approved by Corporation Counsel and placed in the Land Records; and
4. That the new wall proposed at the recreation area be constructed of natural stone, as proposed by the applicants; and

BE IT FURTHER RESOLVED that the application complies with the applicable Coastal Area Management resource and use policies; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 26, 2016.

**Michael O’Reilly seconded.
Nate Sumpter; Doug Stern; Mike O’Reilly; Mike Witherspoon; Rod Johnson;
Louis Schulman; Galen Wright Wells voted in favor.
No one opposed.**

No one abstained.

ii. #4-16SPR/#7-16CAM – F&G Construction – 46 Meadow St – Proposed contractor’s storage yard

**** MR. STERN MOVED: BE IT RESOLVED** that Application #4-16SPR/#7-16CAM — Proposed contractor's storage yard for the owner, F&G Construction for the property 46 Meadow Street, as shown on the plan entitled, "Contractor’s Storage Yard Site Plan", Scale 1" =30'-0", Dated 4/30/2015 and revised 7/18/16 by Fairfield County Engineering LLC, 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 soil sedimentation and erosion controls be installed at the direction of the Staff; and
3. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
4. That the owner/applicant will lease the yard to only one tenant at any one time; and
5. That all stockpile areas be covered at all times in order to prevent any materials from migrating off site; and
6. That all signage, existing and proposed, comply with the zoning regulations; and
7. That a stormwater system be maintained; and
8. That any graffiti on the site, now or in the future, be removed immediately; and
9. That any horn blowing, idling of trucks, and exhaust discharge be in compliance with Chapter 68 [§68-6 Prohibited Activities] - Noise Ordinance of the City Code of Norwalk; and
10. That any modification by any other agency which requires a substantial change to these plans be submitted to the Zoning Commission for review and approval; and
11. That there are no new storage containers on site, that only the existing one remain; and
12. That the operating hours of the site be 7:00 a.m. to 7 p.m., Monday through Saturday; and
13. That any proposal to add a dumpster to the site will need an approval by the Zoning Commission; 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 August 26, 2016.

Michael Witherspoon seconded.

Nate Sumpter; Doug Stern; Mike O’Reilly; Mike Witherspoon; Rod Johnson; Louis Schulman; Galen Wright Wells voted in favor.

No one opposed.

No one abstained.

b. #23-16CAM – Joseph Criscuolo – 14 & 16 N. Main St. (Avrick building) – Proposed restaurant - Report & recommended action

**** MR. STERN MOVED: BE IT RESOLVED** that Coastal Area Management #23-16CAM – Joseph Criscuolo – 14 & 16 N. Main St. (Avrick building) – Proposed restaurant for “Tavola Restaurant” restaurant and as shown on the architectural drawings by Fishell Architecture, Stamford, CT, dated 8/10/2016 be **approved** subject to the following conditions:

1. That all signage, existing and proposed, comply with the zoning regulations; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That all needed permits from the applicable City agencies be obtained; and
4. That there will be no live music (DJ or band of any kind); and

BE IT FURTHER RESOLVED that under Section 118-1220 (M), municipal parking in South Norwalk, the additional 8 spaces generated by the increased use (17 parking spaces total), will not be required to be provided, as the property is located in the "Exempt From Municipal Parking Permit Fees" area of South Norwalk; 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 August 26, 2016.

Michael Witherspoon seconded.

Nate Sumpter; Doug Stern; Mike O'Reilly; Mike Witherspoon; Rod Johnson; Louis Schulman; Galen Wright Wells voted in favor.

No one opposed.

No one abstained.

c. #3-10SP – Maplewood – 73 Strawberry Hill Avenue – Congregate housing facility – Request for release of maintenance surety - Report & recommended action

**** MR. STERN MOVED: BE IT RESOLVED** that the surety be **APPROVED to be released** on application #3-10SP submitted by Maplewood – 73 Strawberry Hill Avenue – Congregate housing facility as all improvements have been completed and maintained; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 26, 2016.

Michael Witherspoon seconded.

Nate Sumpter; Doug Stern; Mike O'Reilly; Mike Witherspoon; Rod Johnson; Louis Schulman; Galen Wright Wells voted in favor.

No one opposed.

No one abstained.

d. #7-15CAM – Jane Bergere – 31 Bluff Avenue – New SFR – Request for 1 year extension - Report & recommended action

**** MR. STERN MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the approval time on #7-15CAM – Jane Bergere– 31 Bluff Avenue – New SFR be **APPROVED** for an extension of a period of 365 days with the following condition:

1. That property taxes be kept current for the duration of the extension period;

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 26, 2016.

Michael Witherspoon seconded.

Nate Sumpter; Doug Stern; Mike O'Reilly; Mike Witherspoon; Rod Johnson; Galen Wright Wells voted in favor.

No one opposed.

Louis Schulman abstained.

V. REPORT OF ZONING COMMITTEE, Doug Stern, acting as Chair

a. 8-24 Review – Land Use & Building Management and Public Works Committees of the Common Council – Street Abandonment under section 95-35 of the City Code of a portion of Bates Court - Report & recommended action

**** MR. STERN MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission in accordance with Section 95-35 of the City Code under an 8-24 Review regarding the street abandonment of a portion of Bates Court be **APPROVED** ; and

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

- 1) To implement the Plan of Conservation and Development goal to "A.1.1.9 Encourage development that seeks to provide maximum returns to the City in the Grand List tax revenue consistent with public purpose." (A.1.1.9. p. 10); and

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

Before anyone seconded the motion, there was a discussion of what the next steps would be for this application.

Michael Witherspoon seconded.

Nate Sumpter; Doug Stern; Mike O'Reilly; Mike Witherspoon; Rod Johnson; Louis Schulman; Galen Wright Wells voted in favor.

No one opposed.

No one abstained.

VI. APPROVAL OF MINUTES: July 20, 2016

Doug Stern moved to approve the minutes.

Rod Johnson seconded.

Nate Sumpter, Doug Stern; Mike O'Reilly; Mike Witherspoon; Rod Johnson voted in favor.

No one opposed.

Louis Schulman and Galen Wright Wells abstained.

VII. COMMENTS OF ACTING DIRECTOR

Mr. Wrinn said there would be a meeting of all the different boards, including Planning Commission, Zoning Commission, Zoning Board of Appeals and Conservation Commission with Corporation Counsel to discuss what they can and cannot do as commissioners. The staff was trying to find a mutually convenient time and place for the commissioners.

VIII. COMMENTS

OF

COMMISSIONERS

IX. ADJOURNMENT

Louis Schulman made a Motion to Adjourn.

Michael Witherspoon seconded.

Nate Sumpter; Doug Stern; Mike O'Reilly; Mike Witherspoon; Rod Johnson; Louis Schulman; Galen Wright Wells voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Diana Palmentiero