

**CITY OF NORWALK
ZONING COMMISSION
January 18, 2017**

PRESENT: Nate Sumpter, Chair; Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern; Rod Johnson; Michael Witherspoon; Richard Roina

STAFF: Steven Kleppin; Mike Wrinn

OTHERS: Atty Liz Suchy; Brian McMahon; Jake Watkins; Mike Galante; Daniel Walsh; Cole Dursey; John Martin; Diane Lauricella; Laura Dunne; Patsy Brescia; Chelis Allen; Roman Vengerovskiy; Urban Mulvehill; Julie Burton; Tom Livingston; Midge Kennedy; Mary Beth Sullivan; Joe Muro; Steve; Brian Kerschner; David Wood

I. CALL TO ORDER

Mr. Sumpter called the meeting to order.

II. ROLL CALL

Mr. Sumpter discussed the rules for the public hearings. Mr. Kleppin called the roll.

III. PUBLIC HEARINGS

a. #9-16SPR/#33-16CAM – King Industries – 1 Jennings Place – 15,000 square foot building for Maritime Rowing Club

Mr. Sumpter opened the public hearing.

Atty Suchy began the presentation by handing in the certified return receipt cards, evidencing notice to the neighbors of the public hearing. She discussed the background of the property which dates back to the 1930s as well as discussing the application. She explained how the construction would be phased. She then explained how King Industries was working with the Maritime Rowing Club to find an alternative site for them. She said that they had received their approvals from the Department of Energy and Environmental Protection but that the applicant was waiting for an approval from the Army Corp of Engineers.

Brian McMahon, the engineer on the project, continued the presentation by orienting the commissioners as to the location of the property on the site plans. He explained how the new drainage system would work as there currently is not a very good one. He also discussed erosion controls and water quality. He discussed the gates at a nearby train crossing.

Jake Watkins, the architect for the rowing club, continued the presentation by describing the structure, where it would be located, flood gates, etc. He then discussed the landscaping plan.

Mike Galante, the traffic engineer, continued the presentation by orienting the commissioners as to the location of the property on an aerial map. He explained that in this particular case, traffic counts at the site will vary by season and time of day. More people will row in the summer than winter as well as more people will row in the morning than evening. He described how the analysis was done. He described their recommendations at the site. There was then a discussion of the number of parking spaces and whether this would affect the club's membership.

Daniel Walsh, an Olympic medalist and now a director at the Maritime Rowing Club, spoke in

support of the application. He explained how this family business is an Olympic Training Center that has produced several other rowers that have gone on to the Olympics.

Cole Dursey, a high school student and current rower, at the Maritime Rowing Club, spoke in support of the application. He explained how he had been recruited to George Washington University and believed that it was because of his experiences at the rowing club. He explained that they are like a family.

John Martin, also a high school student and current rower, spoke in support of the application. He said he had begun rowing in 2009.

Diane Lauricella spoke in support of the application and made suggestions for conditions to the resolution, if the applicant was willing to do it. One of them was solar panels on the roof.

Laura Dunne, who lived across from the site, was concerned about noise levels, bull horns and lights, among other things coming from it. Bob King, of King Industries, said that he would like to speak further with her to take of these issues.

Patsy Brescia, who lived across from the site, also had concerns about lights and trucks backing up at 4:30 a.m.

Chelis Allen, who worked for the Connecticut Department of Transportation, spoke in support of the application because, she noted, that it was the state that was requiring the rowing club to move.

Roman Vengerovsky, the business manager of the Maritime Rowing Club spoke in support of the application.

Brian McMahon continued the presentation by speaking to some of the conditions requested by Ms. Lauricella. He said that the applicant would consider minor rain gardens. Mr. Watkins showed an aerial photo of the current property and what it would look like when completed. He said that when it was completed, it would look better to the property across the river. They would investigate the cost of solar panels on the roof.

Mr. Sumpter closed the public hearing.

b. #9-16R – Zoning Commission – Proposed amendment to Section 118-1110 Coastal Zone regarding vegetated buffers from the Coastal Jurisdiction Line for properties in the Coastal Zone

Mr. Sumpter opened the public hearing. Mr. Witherspoon read the referrals from the Planning Commission and the Harbor Management Commission into the record. Mr. Blank discussed the background of the proposed amendment and how they were drafted. He explained how he went to neighborhood meetings with the Zoning Department staff. They discussed how they could preserve the waterfront which included the proposed 10 ft. setback from the water. There was a lengthy discussion of the use of the word “may” in the proposed amendment. Mr. Wrinn explained various situations on how the proposed regulation could be used. He said it would have to be applied with consistency.

Urban Mulvehill, 50 Quintard Avenue, and a former ZBA commissioner for 12 years, said that he had not heard about this proposed amendment until just a few days before. He did not think many of his neighbors had either. He thought it needed more work and described what he thought the changes should be.

Julie Burton, Sunwich Road, a representative from the Farm Creek organization spoke in support of the application. She said that she had not found out about it until earlier in the day. She asked the

commissioners to visit Farm Creek.

Tom Livingston, Crockett Street, spoke in support of the application. He agreed that further changes may be made to the proposed regulation.

Midge Kennedy, 17 Bluff Avenue, asked the commissioners to come visit a speaker, Adam Welshell and was concerned about the rise of the Long Island Sound.

Mary Beth Sullivan had only heard about the public hearing earlier in the day and realized that many of her neighbors could not attend. She did not think vegetative buffers would protect against the rising waters.

Joe Muro spoke in opposition to the application. He said the regulation would render the backyards useless and had concerns about the language.

Steve 43 Ralsey Road, Stamford, told the commissioners that he was moving to Norwalk. He has had vegetative buffers at his current house in Stamford. He did not think they worked because they would be wiped out by storms.

Diane Lauricella spoke about the sea walls and handed papers to Mr. Kleppin in support of her arguments.

Brian Kerschner spoke in opposition to the application because he thought the language was ambiguous. He was concerned about people losing the back of their property.

David Wood, 72 Shorefront Park, spoke in opposition to the proposed amendment.

Sandra said that since she had only found out about the meeting 2 hrs. before, there should be more time.

Mr. Blank addressed the vegetative buffer language. He said that it would be allowed to be pruned, etc. There was then a discussion about the notice to the neighbors and that neighborhood associations should have been notified. There was then a discussion as to whether the public hearing should be left open. There was a discussion about sea walls and that some don't fall into this category. The commissioners discussed the list of types of vegetative buffers.

It was decided that the public hearing would remain open and would be continued until March.

IV. REPORT OF PLAN REVIEW COMMITTEE

a. Action on Item III. a. #9-16SPR/#33-16CAM – King Industries – 1 Jennings Place – 15,000 square foot building for Maritime Rowing Club

**** MR. JOHNSON MOVED: BE IT RESOLVED** that application #9-16SPR / #33-16 CAM, submitted by King Industries, 1 Jennings Place for a 15,000+ SF two story building for the Maritime Rowing Club and related site improvements, as shown on plans by Ryan and Faulds Land Surveyors, dated November 17, 2016 and plans by Roger Ferris and Partners, Westport, CT, dated Oct. 18, 2016, amended to 11/17/16, 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 all required CEAC signoffs are submitted; and

4. That a positive referral be obtained from the Harbor Management Commission on the upland portion of the project; and
5. That all required soil and sedimentation controls be installed prior to the start of construction and maintained until the project is completed and stabilized; and
6. That all landscaping and site improvements are required to be maintained in good condition, as approved, for the life of the project; and
7. 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
8. That no work, storage or expansion, temporary or permanent, is allowed into any areas of the site, beyond what is shown on the above referenced plans
9. That the membership be limited to the parking provided on the site, namely 212 members for the 53 parking spaces; and
10. That the internal road be properly stripped so as to better define travel lanes; and
11. That the recommendations of the traffic engineer for internal stop signs and signage warning of the railroad tracks be implemented fully; and
12. That the public access area be properly defined, mapped and public access agreement be reviewed and filed on the Land Records; and
13. That flood certifications be provided as required on the buildings prior to any occupancy or use of the property; and
14. That an as-built be provided to confirm that the building height, bulk and location is in conformance with the Building Zone Regulations; and

BE IT FURTHER RESOLVED that this application complies with Section 118-700, Industrial #1 and with applicable sections of the Building Zone Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the application complies with all applicable Coastal Resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this action be January 27, 2017.

Mr. Blank seconded.

**Nate Sumpter, Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern;
Michael Witherspoon; Rod Johnson**

No one opposed.

No one abstained.

b. #14-15SP – 150/166/170 Glover, LLC – 150 Glover Avenue – Grist Mill Village Bldg A - 235 unit Commercial PRD - Request for 1 year extension of approval time - Report & recommended action

**** MR. PASSERO MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application #14-15SP - 150/166/170 Glover, LLC – **150 Glover Avenue Building A** – 230 unit Commercial Planned Residential Development and related site improvements as shown on a certain set of plans entitled “Grist Mill Village Building A: Special Permit Approval” by Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers, dated December 9, 2015 as revised to October 27, 2016 and related site plans and drawings dated November 1, 2016, to increase size of the building and the number of units to 235 be **APPROVED**, subject to the following conditions:

1. That 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 **January 29, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be January 27, 2017.

Mr. Schulman seconded.

**Nate Sumpter, Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern;
Michael Witherspoon; Rod Johnson**

No one opposed.

No one abstained.

c. #15-15SP – 150/166/170 Glover, LLC – 166 Glover Avenue – Grist Mill Village Bldg B - 230 unit Commercial PRD - Request for 1 year extension of approval time - Report & recommended action

**** MR. JOHNSON MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application **#15-15SP - 150/166/170 Glover, LLC – 166 Glover Avenue Building B** – 230 unit Commercial Planned Residential Development and related site improvements as shown on a certain set of plans entitled “Grist Mill Village **Building B**: Special Permit Approval” by Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers, dated September 17, 2015 as revised to December 9, 2015 and related site plans and drawings, be **APPROVED**, subject to the following conditions:

1. That 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 **January 29, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be January 27, 2017.

Mr. Schulman seconded.

**Nate Sumpter, Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern;
Michael Witherspoon; Rod Johnson**

No one opposed.

No one abstained.

d. #16-15SP – 150/166/170 Glover, LLC – 170 Glover Avenue – Grist Mill Village Bldg C - 250 unit Commercial PRD - Request for 1 year extension of approval time - Report & recommended action

**** MR. PASSERO MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application **#16-15SP - 150/166/170 Glover, LLC – 170 - 174 Glover Avenue Building C** – 250 unit Commercial Planned Residential Development and related site improvements as shown on a certain set of plans entitled “Grist Mill Village **Building C**: Special Permit Approval” by Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers, dated September 17, 2015 as revised to December 9, 2015 and related site plans and drawings, be **APPROVED**, subject to the following conditions:

1. That 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 **January 29, 2018**;

BE IT FURTHER RESOLVED that the effective date of this action be January 27, 2017.

Mr. Schulman seconded.

Nate Sumpter, Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern;

Michael Witherspoon; Rod Johnson
No one opposed.
No one abstained.

E. 7-15SPR/#20-15CAM - Highpointe Holding LLC – 74-88 Main St/6-8 North Av/37-45 High St – Highpointe West: 6 story mixed use development w/ 212 units &14,250 sf retail - Request for 1 yr ext of time - Report & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application #7-15SPR and coastal site plan application #20-15CAM - Highpointe Holding, LLC – 74-76, 78, 80, 82-84, 86 and 88 Main Street; 6 and 8 North Avenue; 37, 41 and 45 High Street - **Highpointe West** - 6 story 284,130 square foot mixed use development with 212 units (22 workforce housing units and 190 market-rate units),12,730 sf retail and 304 space parking facility with wider sidewalks and through block arcade amenities as shown on a set of plans entitled "Highpointe West Norwalk, CT. prepared for Highpointe Holding, LLC" by Redniss and Mead Engineers dated January 7, 2016 and various related plans by Gooding Architecture and Eric Rains Landscape Architects, LLC, be **APPROVED**, subject to the following conditions:

1. That 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 **February 26, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be January 27, 2017.

Mr. Witherspoon seconded.
Nate Sumpter, Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern;
Michael Witherspoon; Rod Johnson
No one opposed.
No one abstained.

f. #8-15SPR - Highpointe Holding LLC – 42-48 High St – Highpointe East: 6 sty mixed use development w/66 units & 4,320 sf retail - Request for 1 year extension of approval time - Rpt & recommended action

**** MR. BLANK MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application #8-15SPR - Highpointe Holding, LLC – 42, 44 and 48 High Street - **Highpointe East** - 6 story, 91,174 square foot mixed use development with 66 units (7 workforce housing units and 59 market-rate units), 4,320 sf retail and 94 space parking facility with wider sidewalk amenities as shown on a set of plans entitled "Highpointe East Norwalk, CT. prepared for Highpointe Holding, LLC" by Redniss and Mead Engineers dated January 7, 2016 and various related plans by Gooding Architecture and Eric Rains Landscape Architects, LLC, be **APPROVED**, subject to the following conditions:

1. That 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 **February 26, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be January 27, 2017.

Mr. Witherspoon seconded.
Nate Sumpter, Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern;
Michael Witherspoon; Rod Johnson
No one opposed.
No one abstained.

g. #8-14SPR/#9-14CAM – NW MFP Norwalk Town Ctr. II, LLC - 17 Butler/467 West Av – Waypointe South Block – 7 sty mixed use develop w/526 seat iPic theater, 46,866 sf retail, 6,604 sf restaurant, 4,428 sf office, 80 units & bowling alley – 1 yr ext of approval time - Rpt & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application **#8-14SPR** and coastal site plan application **#9-14CAM - NW MFP Norwalk Town Center II, LLC & 3Q Property LLC – 17 Butler Street/3 Quincy Street** (Waypointe South Block) – Modify approved plans for a 2-3 story, 138,630 square foot mixed use development to increase to a 7 story, 236,475 square foot mixed use development with 526 seat iPic theater, 46,866 sf retail, 6,604 sf restaurant, 4,428 sf office, 16 lane bowling alley (see #18-15SP) and 80 multifamily dwelling units with new public amenities to permit one (1) additional story and 22 feet and 11 inches bonus height and expand below grade parking garage to 568 parking spaces within a Design District Development Park as shown on a set of plans entitled "District Center at Waypointe Norwalk CT." by Redniss and Mead dated June 17, 2014 as revised to January 11, 2016 and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, be **APPROVED**, subject to the following conditions:

4. That property taxes be kept current for the duration of the extension period; and
5. That the original conditions of approval remain in effect; and
6. That the new approval deadline for obtaining permits will be **February 26, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be January 27, 2017.

Mr. Schulman seconded.

Nate Sumpter, Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern; Michael Witherspoon; Rod Johnson

No one opposed.

No one abstained.

h. #18-15SP – NW MFP Norwalk Town Ctr. II, LLC - 17 Butler/467 West Av - Waypointe South Block – 16 lane bowling alley - Request for 1 year extension of approval time - Report & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application **#18-15SP/#23-15CAM – NW MFP Norwalk Town Ctr, II LLC & 3Q Property LLC** and related modifications to **#8-14SPR** and coastal site plan application **#9-14CAM - 17 Butler Street/3 Quincy Street** (South Block) – Add a 16 lane bowling alley with a 3,375 sf restaurant and a small games area to the approved mixed use development as modified to increase to a 7 story, 236,475 square foot mixed use development with 526 seat iPic theater, 46,866 sf retail, 6,604 sf restaurant, 4,428 sf office, 16 lane bowling alley (see #18-15SP) and 80 multifamily dwelling units with new public amenities to permit one (1) additional story and 22 feet and 11 inches bonus height and expand existing below grade parking garage to 568 parking spaces within a Design District Development Park as shown on a set of plans entitled "District Center at Waypointe Norwalk CT." by Redniss and Mead Engineers dated June 17, 2014 as revised to January 11, 2016 and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, be **APPROVED**

1. That 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 **February 26, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be January 27, 2017.

Mr. Stern seconded.

Nate Sumpter, Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern; Michael Witherspoon; Rod Johnson

No one opposed.
No one abstained.

i. #5-15SP – Special Properties II LLC – 440 Newtown Av/78 Cranbury Rd - 15 unit conservation development - Request for 1 year extension of approval time

Mr. Blank recused himself on this application.

** MR. SUMPTER MOVED: BE IT RESOLVED BY THE NORWALK ZONING COMMISSION that the request for a 1 year extension of time for application #5-15SP – Special Properties, II, LLC – 440 Newtown Avenue/78 Cranbury Road, a 15 Unit Conservation Development be **APPROVED**;

BE IT FURTHER RESOLVED that the new deadline for obtaining a building permit is April 6, 2018.

Mr. Passero seconded.
Nate Sumpter, Richard Roina; Joseph Passero; Louis Schulman; Douglas Stern;
Michael Witherspoon; Rod Johnson
No one opposed.
No one abstained.

Mr. Blank re-joined the meeting.

j. #15-11CAM – Hey 19, LLC – 41 North Main St – Restaurant use - Request for release of maintenance surety - Report & recommended action

** MR. SUMPTER MOVED: BE IT RESOLVED that the surety be approved to be released on application #15-11CAM submitted by Norwalk Museum Partnership, LLC (formerly Hey 19, LLC) – 41 North Main St – Request for release of maintenance surety as all improvements have been completed and maintained; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be January 27, 2017.

Mr. Witherspoon seconded.
Nate Sumpter, Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern;
Michael Witherspoon; Rod Johnson
No one opposed.
No one abstained.

k. #34-16CAM – P. Gill - 10 Gregory Boulevard - Conversion of SFR to two family residence - Report & recommended action

** MR. SUMPTER MOVED: BE IT RESOLVED that application #34-16CAM, construction of convert an existing single family residence to a two family residence for the property 10 Gregory Blvd. and as shown on the zoning location survey dated 2/15/2016 by Walter H. Skidd, Land Surveyor, Fairfield, CT, Lic. No 14663 and on the drainage improvement plan by Grumman Engineering, LLC, Norwalk, CT dated 10/13/2016 and on the architectural drawings dated 8/8/2016 by Gill and Gill Architects, LLC, Norwalk, NY be **APPROVED** subject to the following conditions:

1. That all CEAC sign-offs be submitted; and
2. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and

3. 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 January 27, 2017.

Mr. Passero seconded.

**Nate Sumpter, Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern;
Michael Witherspoon; Rod Johnson**

No one opposed.

No one abstained.

V. REPORT OF ZONING COMMITTEE

a. Action on Item III. b.

Mr. Stern said this item was to be left open.

b. #8-16R – V. Penna Sr. – Proposed amendments to Section 118-100 to revise the definition for Public utility supply or storage facility and to amend special permit criteria for such uses when located in AAA Residence zones - Report & recommended action

Before the commissioners voted, Mr. Wrinn explained that the commissioners must vote on the zoning amendment first.

**** MR. BLANK MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#8-16R – V. Penna Sr. – Proposed amendments to Section 118-100 to revise the definition for Public utility supply or storage facility and to amend special permit criteria for such uses when located in AAA Residence zones**" and dated November 1, 2016 **as modified to January 18, 2017**, be **APPROVED**;

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

- 1) To implement the Plan of Conservation and Development to "Examine and modify existing zoning where necessary to achieve the goals of this plan" (F.2.1, p. 42); and
- 2) To implement the Plan of Conservation and Development to "Seek private investment within the community" (A.1.1.1, p. 10) and to "Encourage diversity in commerce and industry" (A.1.1.2, p. 10); and

BE IT FURTHER RESOLVED that the effective date of this action be January 27, 2017.

Before the vote, Mr. Schulman explained why he would be voting against the amendment. He believed that this amendment was inappropriate for the AAA zone.

There was then a discussion as to which commissioners could vote on this resolution because Mr. Johnson and Mr. Passero had missed the public hearing. It was decided that Mr. Passero would not vote and Mr. Roina would vote in his place.

There was then a discussion of the conditions for the Special Permit application for 284 New Canaan Avenue which were read into the record.

Mr. Witherspoon seconded.

Nate Sumpter, Adam Blank; Richard Roina; Louis Schulman; Douglas Stern;

Michael Witherspoon; Rod Johnson

Mr. Schulman opposed.

No one abstained.

c. #12-16SP – V. Penna Sr. – 284 New Canaan Avenue – Special permit to reuse former Armory Building for a public utility storage facility owned by an independent entity - Report & recommended action Note: Action on zoning amendment must precede action on related special permit application.

**** MR. BLANK MOVED: BE IT RESOLVED** that application 12-16 SP, submitted by V. Penna, Sr for a reuse of the former armory property at 284 New Canaan Avenue for a public utility contractor, as shown on plans by Landtech, Westport, CT, dated 11/29/16, 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 all required CEAC signoffs are submitted; and
4. That all required soil and sedimentation controls be installed prior to the start of construction and maintained until the project is completed and stabilized; and
5. That all landscaping and site improvements are required to be maintained in good condition, as approved, for the life of the project; and
6. That the plans comply with the terms and conditions contained in the Aquifer Protection Agency (APA) Permit # S16-499, dated December 13, 2016 and that these permits be made part of this approval; and
7. That a certificate of special permit and the approved site plan (as modified to address any conditions of approval) be filed on the Norwalk Land Records; and
8. 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
9. That there be only one tenant on the site and that the site not be rented for storage of any kind nor any additional occupants of the buildings; and
10. That no snow plowing services shall be conducted out of the site, except for what is necessary to clear the utility client's site(s); and
11. That other than in the designated outdoor storage bins there be no storage of materials outside; and that the bins have sprinklers to control any dust, as shown on the submitted plan; and
12. That any activity, 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
13. That no noise amplifying devices shall be utilized on site.
14. That no work, storage or expansion, temporary or permanent, is allowed into any areas of the site, beyond what is shown on the above referenced plans; and
15. That all lighting shall be fully shielded and shall not trespass on adjacent properties; and
16. That no work, storage or expansion, temporary or permanent, is allowed in any areas of the site beyond what is shown on the above referenced plans; and
17. That parking of vehicles shall only occur in the locations designated on the approved Site Plan; and
18. That all stockpiles be covered or a sprinkler run to prevent any erosion or sedimentation; and

19. That any modifications to the approved plan, including any changes required by any other agency that requires a substantial change to these plans, be submitted to the Zoning Commission for review and approval; and

20. That the hours of operation be generally Monday – Friday from 6:30 am – 5:30 pm; although the facility may operate later seasonally or on weekends during utility emergencies) be made part of this approval;

21. That deliveries, garbage pickup and recycling pickup be restricted to the hours of 7:00Am to 6:00 PM; and

22. That a licensed Connecticut engineer certify that all of the required improvements were installed in accordance with City standards prior to the issuance of a certificate of zoning compliance; and

23. That the total number of vehicles (pickup trucks, dump trucks, box trucks, etc) on the site (inside and outside) is initially proposed to be 30. The applicants are allowed a 50% future growth, to a maximum of 45 vehicles on the site, and

24. That as offered at the public hearing by the applicant, the applicant shall plant 5 (five) eight to ten (8-10) feet tall additional evergreen trees at the property of Mr. and Mrs Wilson, Pocconock Dr, New Canaan to provide additional buffer; and

25. That the proposed landscaping trees, offered by the applicant, be increased to eight to ten (8-10) feet tall.

BE IT FURTHER RESOLVED that this application complies with Section 118-310 AAA Residential zone and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended.

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 action be January 27, 2017

Mr. Witherspoon seconded.

Mr. Schulman said that he would be voting against the resolution on the same grounds as the Zoning amendment.

**Nate Sumpter, Adam Blank; Richard Roina; Louis Schulman; Douglas Stern;
Michael Witherspoon; Rod Johnson
Mr. Schulman opposed.
No one abstained.**

VI. APPROVAL OF MINUTES: December 14, 2016

**Mr. Sumpter moved to approve the minutes.
Mr. Witherspoon seconded.
Nate Sumpter, Adam Blank; Louis Schulman; Douglas ; Michael Witherspoon; Rod Johnson
No one opposed.
Joseph Passero abstained.**

VII. COMMENTS OF DIRECTOR

Mr. Kleppin had no comments.

VIII. COMMENTS OF COMMISSIONERS

Mr. Passero wished Mr. Blank the best of luck since he would no longer be a Zoning Commissioner and thanked him for his years of service.

Mr. Blank suggested to the commissioners that they look to work to propose regulations that would benefit the city.

IX. ADJOURNMENT

Mr. Sumpter made a Motion to Adjourn.

Mr. Schulman seconded.

**Nate Sumpter, Adam Blank; Joseph Passero; Louis Schulman; Douglas Stern;
Michael Witherspoon; Rod Johnson**

No one opposed.

No one abstained.

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Diana Palmentiero