

**CITY OF NORWALK
ZONING COMMISSION
April 19, 2017**

PRESENT: Nate Sumpter, Chair; Lou Schulman; Michael Witherspoon; Doug Stern; Joe Passero; Galen Wells; Rod Johnson

STAFF: Steve Kleppin; Mike Wrinn

I. CALL TO ORDER

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

II. ROLL CALL

Mr. Kleppin called the roll. Mr. Sumpter went over the rules of the public hearings.

III. PUBLIC HEARINGS

a. #10-16R - Zoning Commission – Proposed amendments to Articles 111 and 140 regarding fees for various applications and adoption of new fee schedule

Mr. Kleppin gave a brief overview of the proposed amendment. Currently, adjustment to the fees is done through amendments. The proposed amendment would allow for the fees to be changed without adoption of a new amendment. The Zoning Commissioners thought the fees were too low especially in comparison to other surrounding towns.

No members of the public spoke for or against the amendment. Mr. Witherspoon read into the record referrals from the Planning Commission, CAM and WestCOG. Mr. Sumpter closed the public hearing.

b. #2-17R - Zoning Commission – Proposed amendments to extend the moratorium for one year on licensed medical marijuana producer or dispensary facility as permitted by the State of Connecticut

Mr. Sumpter opened the public hearing. Mr. Kleppin gave a brief overview of the proposed amendment. He also discussed the presentation they received from a dispensary owner at the committee level. He asked that the commissioners allow the Zoning Department staff to prepare an amendment within 6 months, as opposed to the suggested 3 months that they had discussed.

Diane CeCe spoke in support of the proposed amendments. She noted that there were more liquor stores in Norwalk. She also suggested that banks were more likely to be robbed than these dispensaries. She asked that the moratorium be lifted but suggested that they impose the least amount of time on it.

The commissioners then discussed the amount of time for the moratorium with Mr. Kleppin. There was also a discussion about the language for the proposed amendment between a producer and a dispensary. Mr. Kleppin said that the item would remain on the agenda in May for an update to the commissioners. He explained that the moratorium is an amendment which has to be noticed every time that it is extended. The current deadline of the moratorium is April 28. The commissioners decided to extend it for 6 months.

Mr. Witherspoon read into the record referrals from the Planning Commission, CAM and WestCog. Mr. Sumpter closed the public hearing.

IV. REPORT OF PLAN REVIEW COMMITTEE

a. #13-16SP - Main Norwalk, LLC – 272 - 280 Main Avenue – “The Village” – Proposed new ±103,000 sf retail development - Report & recommended action

Mr. Sumpter asked Mr. Witherspoon to read the Special Permit regulations that applied to this application. Mr. Sumpter thanked Mr. Schulman for stepping in while he was absent for the public hearing. He also stated that he listened to all the tapes of the public hearings to be informed for the vote on the resolutions. He then asked each commissioner to voice their opinions for the record. Mr. Schulman began by stating his concerns for traffic, the fact that there may be a BJ Wholesale Club in the space and then said he would support the resolution. Mr. Stern was concerned about the traffic studies and would not support the resolution. Mr. Passero explained that since the applicant met the Special Permit regulations, he would support the resolution. Ms. Wells said that she would support the resolution because she was impressed with the improved traffic flow. Mr. Johnson was concerned about the traffic, along with Mr. Stern and would also vote against the resolution. Mr. Witherspoon explained that he was in favor of the resolution. He was concerned about the traffic if the project was not completed. Mr. Sumpter explained that while he was in the hospital in New York City, he was able to observe a city with lots of traffic. He saw how synchronization of the traffic lights worked to the advantage of drivers. He also discussed the different traffic reports that were made a part of the record during the public hearings. He believed the project would bring tax revenues and jobs to the city.

Mr. Kleppin asked that each of the commissioners either confirm that they attended all the hearings or listened to the recordings of the hearings that they missed. A member of the public raised his hand to speak but was told that since the public hearing had been closed, the time for comment had passed.

***** MR. PASSERO MOVED: BE IT RESOLVED THAT** that the Norwalk Zoning Commission, after reviewing the application and the public record as submitted believes that Application # 13-16 SP, Main Avenue LLC, 272 – 280 Main Avenue does comply with the Norwalk Zoning regulations for the following reasons among others:

1 – That the Commission was in receipt of a traffic study by the applicants and comments on the same by its own peer review traffic consultant. The Commission also reviewed 2 additional traffic critiques from traffic engineers hired by a neighborhood group and, after discussion, concluded that they were in agreement with the traffic report submitted by the applicants. It was pointed out that the 2 additional traffic critiques were based on an earlier traffic report, not on the report in the file which been updated in response to comments by CTDOT. The Commission did not see that the additional traffic would create unstable traffic flow and that pedestrian and vehicular safety would not be adversely affected

2– That the density and bulk of the building as proposed is acceptable and similar to others on the commercial strip; examples were given of the 380 Main Avenue Shopping Plaza just north on Main Avenue, containing a Stop and Shop grocery, a Bob’s clothing store and Total Wine and More, a large retail liquor store, along with a standalone bank and Burger King in the plaza. In addition, the placement of smaller store fronts, located close to the street, masked the larger tenant space at the rear, resulting in a more attractive and pedestrian-friendly environment.

3 – That the site is located on a main road, with mass transit already in place, and having proper pedestrian sidewalks and all required utilities directly on the site frontage

BE IT FURTHER RESOLVED that Application # 13-16 SP, Main Avenue LLC , 272-280 Main Avenue, (“The Village”), as shown on various plans by Land Tech, Civil Engineers, Westport CT, dated 2/2/17 as revised and by Bignell,Watkins Hasser Architects, Annapolis, MD, dated 2/1/17 as amended and by Beinfield Architects, Norwalk, CT **BE APPROVED**, with the following conditions:

- 1) That all required soil erosion and sedimentation controls be installed prior to the start of any work on the site; and
- 2) That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required soil and sedimentation controls; and
- 3) That any and all graffiti on the site, (now or in the future) be removed immediately; and
- 4) That a follow-up traffic study be submitted to the Zoning Commission within six (6) months of the main store opening; and
- 5) That the proposed landscaping plan be modified to add additional landscaping along the northern side façade of the building, in order to properly buffer the building; and
- 6) In the event that any of the proposed landscaping perishes, the applicant shall replace the plants in kind unless the Zoning Inspector determines that the plants are no longer required; and
- 7) That the pickup / delivery of refuse dumpsters on the site be limited to the hours of 7:00 AM to 6:00 PM; and
- 8) That delivery trucks be limited to the hours between 7:00 AM and 8:00 PM; and
- 9) That any testing of the emergency generator be conducted only between the hours of 11:00 AM and 2:00 PM weekdays; and
- 10) That all traffic improvements and mitigation measures proposed by the applicant must be implemented before the opening of the facility; and
- 11) That any changes to the traffic mitigation or site plan must also be approved by the Department of Public Works; and
- 12) That a "No Left Turn " sign be installed and permanently affixed within the mountable curb at the southern exit, provided the sign does not hinder vehicular lines of site for those exiting vehicles; and
- 13) Instructional exiting signage be installed for trucks exiting the site which provides instructions for the most direct route to Interstate I-95; and
- 14) The rooftop be a dark color to minimize any glare to the neighbors and that the rooftop solar panels also be a dark color; and
- 15) The site shall be improved in accordance with site plans submitted, prepared by Land Tech, Westport, CT, on file with the Planning and Zoning Department; and
- 16) The building shall be constructed in accordance with the architectural plans submitted and prepared by Beinfield Architects, Norwalk, CT,
- 17) The building shall be constructed in accordance with the architectural plans submitted and prepared by Bignell, Watkins and Hasser, Annapolis, MD
- 18) That no idling of delivery vehicles is allowed; and

19) That strict measures to control airborne dust be implemented and maintained at all times through the construction period and a detailed schedule be submitted, corresponding to the actual construction schedule; and

20) That traffic delineators be installed at the centerline of Main Avenue, opposite the southern exit to prevent any left hands turns out and that the maintenance of these are the responsibility of the applicants, the installation subject to the approval of CTDOT; and

21) That the main tenant opening hours be restricted until after 9:00 AM in order to reduce any conflict with the AM peak traffic hour; and

BE IT FURTHER RESOLVED that the reasons for this approval is that the proposal complies with the Building Zone Regulations, Section 118-522, Business #2 and Section #118-1450, Special Permit; and

BE IT FURTHER RESOLVED that the project, with the conditions above, meets all the Standards for Special Permits as set forth in Section 118- 1450 C; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be April 28, 2017.

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Michael Witherspoon; Joe Passero; Galen Wells;

Doug Stern and Rod Johnson opposed.

No one abstained.

b. #4-17CAM – McChord Engineering – 10 Blackstone Drive – New single family residence - Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that application #4-17CAM, construction of a new single-family residence for the property 10 Blackstone Drive as shown on the zoning location survey dated 1/3/2017 and revised to 2/23/2017 by Arcane Surveyors, Norwalk, CT and on the site development plan dated 2/3/2017 and revised to 2/17/2017 by McChord Engineering Assoc., Inc, Wilton, CT and on the architectural drawings dated 11/16/2016 and revised to 12/23/2016 by Pagliaro Bartels Sajda, Inc., Norwalk, CT be approved subject to the following conditions:

1. That all CEAC sign-offs be submitted; and

2. That all required flood certifications be submitted; and

3. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and

4. 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 April 28, 2017.

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Michael Witherspoon; Doug Stern; Joe Passero; Galen Wells; Rod Johnson

No one opposed.

No one abstained.

c. #5-17CAM – Tom Robbins – 5 Decker Street – Addition to single family residence - Report & recommended action

***** MR. JOHNSON MOVED: BE IT RESOLVED** that application #5-17CAM, construction of a new single-family residence for the property 5 Decker Street and as shown on the site plans dated 2/16/2017 and revised to 3/8/2017 by Redness and Mead, Stamford, CT and on the architectural drawings dated 1/5/2017 by RAC Architecture and Design, Norwalk, CT be **APPROVED** subject to the following conditions:

1. That all CEAC sign-offs be submitted; and
2. That all required flood certifications be submitted; and
3. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
4. 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 April 28, 2017.

**Mr. Passero seconded.
Nate Sumpter; Lou Schulman; Michael Witherspoon; Doug Stern; Joe Passero; Galen Wells; Rod Johnson
No one opposed.
No one abstained.**

d. #9-06SP – 110 Richards Ave LLC – 110 Richards Ave – 13,056 sf 3rd story addition with 33,000 sf mfg in an existing mfg./office building – Request for 1 year extension of approval time - Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for a one year extension of time for special permit #9-06SP - 110 Richards Avenue, LLC - 110 Richards Avenue – Renovations and addition to 110 Richards Avenue for a 116,200 sq ft office and manufacturing building as shown on various plans by Telfer-Palmquist Architects and Studio Rai Architectural Design and dated as revised to March 17, 2010 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 **April 8, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be April 28, 2017.

**Mr. Passero seconded.
Nate Sumpter; Lou Schulman; Michael Witherspoon; Doug Stern; Joe Passero; Galen Wells; Rod Johnson
No one opposed.
No one abstained.**

V. REPORT OF ZONING COMMITTEE

a. Action on items III. a. and b.

i. #10-16R - Zoning Commission – Proposed amendments to Articles 111 and 140 regarding fees for various applications and adoption of new fee schedule

***** MR. PASSERO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#10-16R - Zoning Commission – Proposed amendments to Articles 111 and 140 regarding fees for various applications and adoption of new fee schedule**" and dated December 28, 2016, be **APPROVED; contingent upon conducting a yearly review and analysis which includes an evaluation of economic impacts;**

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

- 1) To implement the Plan of Conservation and Development to "Improve enforcement of zoning, building, and health codes to protect the public from unsafe and unsanitary housing conditions" (A.2.2.3, p. 11); and
- 2) To implement the Plan of Conservation and Development to "establish and maintain an efficient system of zoning enforcement..." (F.6.1.1, p. 45); and

BE IT FURTHER RESOLVED that the effective date of this action be April 28, 2017.

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Michael Witherspoon; Doug Stern; Joe Passero; Galen Wells; Rod Johnson

No one opposed.

No one abstained.

#2-17R - Zoning Commission – Proposed amendments to extend the moratorium for one year on licensed medical marijuana producer or dispensary facility as permitted by the State of Connecticut

***** MR. PASSERO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#2-17R - Zoning Commission – Proposed amendments to extend the moratorium for one year on licensed medical marijuana producer or dispensary facility as permitted by the State of Connecticut**" and dated March 8, 2017 be **APPROVED as revised to six months (instead of one year).**

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

- 1) To implement the Plan of Conservation and Development to "Preserve and enhance the character of Norwalk" (A.1.1.4, p. 10); and
- 2) To implement the Plan of Conservation and Development to "Protect residential neighborhoods from incompatible development" (A.1.1.6, p. 10); and

BE IT FURTHER RESOLVED that the effective date of this action be April 28, 2017.

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Michael Witherspoon; Doug Stern; Joe Passero; Galen Wells; Rod Johnson

No one opposed.

No one abstained.

VI. APPROVAL OF MINUTES: March 1 Special Mtg., March 15 and March 22 Special Mtg., 2017

**** MR. SCHULMAN MOVED** to approve the Zoning Commission minutes of March 1, 2017 Special Meeting.

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Michael Witherspoon; Doug Stern; Galen Wells; Rod Johnson

No one opposed.

Joe Passero abstained.

**** MR. SCHULMAN MOVED** to approve the Zoning Commission minutes of March 15, 2017 Special Meeting.

Mr. Witherspoon seconded.
Nate Sumpter; Lou Schulman; Michael Witherspoon; Doug Stern; Galen Wells; Rod Johnson
No one opposed.
Joe Passero abstained.

**** MR. STERN MOVED** to approve the Zoning Commission minutes of March 15, 2017 Special Meeting.

Mr. Johnson seconded.
Nate Sumpter; Lou Schulman; Michael Witherspoon; Doug Stern; Galen Wells; Rod Johnson; Joe Passero
No one opposed.
No one abstained.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin had no comments.

VIII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

IX. ADJOURNMENT

Mr. Sumpter made a Motion to Adjourn
Mr. Witherspoon seconded.
Nate Sumpter; Lou Schulman; Michael Witherspoon; Doug Stern; Galen Wells; Rod Johnson; Joe Passero
No one opposed.
No one abstained.

The meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Diana Palmentiero