

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

PRESENT: Nate Sumpter, Chair; Louis Schulman; Doug Stern; Mike Witherspoon; Richard Roina; Joe Passero; Rod Johnson (after roll call)

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Atty. Liz Suchy; Andy Soumelidis; Bill Andriopolous; Mike Galante; Nathaniel Flanagan; Paul Brodsky; Colin Hosten, Nora, Diane Lauricella; Thomas Petracca; Eddie Mendoza; Atty. Al Vasko; Susanne Brown; Scott Hurwitz; Ben Bolton; James Worley; Elizabeth Haskell; Lea Hogan; Jill Sawyer; Katherine; Jennie Plath;

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7 p.m. and discussed the procedures for the public hearing.

II. ROLL CALL

Mr. Kleppin called the roll.

III. PUBLIC HEARINGS

a. #2-17SP/#12-17CAM – Web Construction – 34 Meadow Street – Contractor’s storage yard with rock crushing/processing facility

Atty. Liz Suchy began the presentation by handing over the certified, return receipt cards which evidenced notice of the public hearing to the abutting neighbors. She then gave an overview of the application. She also noted the names and backgrounds of the applicant’s experts. She also handed out a supplemental narrative to the commissioners. She explained how Web Construction got its name and also explained that it was not a subsidiary of another company. She explained that another company that Mark Bothwell owned had been a Norwalk contracting company for many years. She explained how the rock crushing facility would work. She noted that the applicant could have run this business outside of a building but for the good of the neighborhood, he decided not to.

Andy Soumelidis continued the presentation by orienting the commissioners as to the location of the property on an aerial map. He explained where the applicant would be improving. He also explained the drainage. He then showed them the site plans and what the sedimentary control would be. He also showed them the landscape buffer. He explained the sewers and where the new building would be above base flood elevation. He also explained the lighting plans. The applicant had received all necessary approvals from the city’s departments. There was a discussion about whether the bins were anchored. He explained the paved accessways.

Bill Andriopolous continued the presentation with the architectural review. He explained the building type and its dimensions. He then explained the doors and where they were located. There was a mezzanine above the ground floor. He explained the inside of the building. He showed the commissioners the elevations. He then explained the windows on the building. There was a short

discussion about ventilation which Mr. Andriopolous said was still being vetted. A letter from the ventilation contractor was submitted to Zoning staff on July 5, 2017.

Mike Galante continued the presentation with a summary of the traffic study and how it was done. He explained how the traffic counts were done as well as the accident information. He did not think that any data showed that there were any concerns with the traffic. There was a discussion about how the traffic flowed on the property.

Andy Soumelidis continued the presentation with an explanation of the truck management plan that his company submitted. Mr. Galante said that there was a light volume of traffic in the area.

Nathaniel Flanagan continued the presentation by discussing the acoustical report that his company completed. He explained how it was done with a computer model which is standard in the field. He also said that the dba level would more likely be less than what was allowed. There was a discussion about whether different rocks reach different dba levels.

Atty. Suchy said that the presentation was over but they reserved their right to rebut.

Mr. Sumpter opened the public hearing to the public.

Paul Brodsky began by handing out information and read a letter from Pat Kirschner, 29 Split Rock Rd. who asked that the public hearing be continued. Mr. Brodsky said that as one of the neighbors he liked the applicant's project team. There were concerns about the size of the building as well as the noises from the building. He was concerned about the other projects in the area from additional truck trips from City Carting and Grasso Construction. He also noted that there was a concern about the increase in traffic. He asked the commissioners either not to approve it or to keep it open.

Colin Hosten, president of the Village Creek Homeowners Association, was concerned about the air, noise and water in the area. He thought that applicants say one thing and then do another. The neighbors then end up complaining about the building once it is completed and operating. He asked for specific conditions including the hours of operation.

Nora _____, who spoke in opposition, had concerns about the ventilation system especially since it was in heavily populated area. She was also concerned about the water filtration and noise population. She said that she hears a lot of noises from the neighborhood now.

Diane Lauricella was speaking on behalf of the South Norwalk Citizens for Justice. She discussed the noise levels and said there were concerns about the decibel levels which are different in both the day and evening. She explained that the levels were being exceeded and the police were not concerned about it. She said there were also concerns about smells emitted from the building. She asked that the public hearing be held open for comments from other departments such as the Health department.

Atty. Suchy discussed the comments raised by the public members, including the height of the building. She noted that there were not many businesses such as this one nearby. She thought that the police should address the noise levels. She said that the applicant was not like some of the other neighbors, including Grasso. She also noted that the applicant was not near Village Creek Association because the creek was between them as well as other manufacturing facilities. They had not designed a ventilation system since they were waiting for their approval. It could be a part of the conditions. She reminded the commissioners that the experts were licensed and risked losing them if their studies were not valid. The applicant is not near the coastal resources.

Mr. Soumelidis explained the sprinkler system which is a misting system to suppress dust so there would not be any runoff. When there is runoff from the rain, it would be caught by the drainage system. There was a discussion about the runoff captured by their drainage system. He showed them the plans for this. He also explained the catch basins which had filters on them so that they would be clean

Nathaniel Flanagan continued the presentation and explained the "R" value which he thought that there was a misconception about. He then said that he had gone back to the area earlier in the day. He explained the point of the projections. He discussed the background which will continue once the applicant is there. There was a discussion about the insulation.

Atty. Suchy wrapped up the presentation by handing in letters for the commissioners to review.

The public hearing was closed.

b. #17-17CAM – Pentecostal Church John 3:16 – 8 Woodward Avenue – Replacement church

Mr. Wrinn explained that this applicant had not received a building permit within a year so the zoning approval expired. The plan was exactly the same as the first one.

Thomas Petracca began the presentation by handing over the certified, return receipt cards which evidenced notice of the public hearing to the abutting neighbors. She then gave an overview of the application. He then oriented the commissioners as to the location of the property on an aerial map. He explained that they were hoping to raise the church to be above base flood elevation. He showed them the site plans for the property which included parking. A catch basin for the storm water was added to the project. The old church has been demolished.

Diane Lauricella spoke in favor of the application on behalf of the South Norwalk Citizens for Justice. She asked if there could be some way to cover the sand and gravel piles on the property and made a part of the conditions.

Eddie Mendoza, the project manager, said that they could cover the materials and that some of it would be used. They said they could cover it within the next week.

The public hearing was closed.

c. #5-17R – Zoning Commission – Proposed amendments to Article 121 regarding changeable copy (automatic) signs at public high schools in residential zones

Mr. Kleppin explained that some schools did not receive permits for signs that were being put up in the last year. The Zoning Department staff worked with the Board of Education to draft a regulation. In the meantime, Brien McMahon wanted to have a sign similar to the sign at Norwalk High. There was a discussion as to whether this sign was similar to the one at Norwalk High. It was not limited to school events but there would neither be any advertising on it.

Atty Al Vasco continued the presentation as a representative of the parents group at Brien McMahon who were advocating for this regulation. It would only apply to both of the high schools. He explained what the new sign would look like which would not have any flashing copy. He showed them the sign that was currently at Brien McMahon which dates back to 1999. The proposed signs would be the same size as the current one.

Susanne _____, retired principal from Brien McMahon, addressed the question about how late lights are on at the school. The reason they would like to have the sign on until 9 p.m. is because it seemed to work for Norwalk High.

Atty Al Vasco showed an inappropriate use of the current sign which seemed to indicate that they needed a new sign. He handed in 1 letter of support for the sign. He did know that some neighbors had signed a petition against the sign.

Mr. Witherspoon read referrals into the record from the Planning Commission which approved the regulation as well as WestCog.

Susanne Brown explained that one way to have families know what is going on at the school would be a sign that would complement the beautiful upgrades to the school. She explained that the sign could announce that the school is a shelter in times of emergencies. She also noted that the other side of town had a changeable copy so why didn't Brien McMahon? She said that the principal of Norwalk High noted that the neighbors had complained but there were no complaints after it was installed.

Scott Hurwitz, current principal of Brien McMahon, spoke in support of the sign. He also noted that the school was used during the summer to feed those students that need it. This was another way to reach the diverse community.

Ben Bolton said that he was speaking against the application. He then read his letter to the commissioners into the record. He was concerned that this would lead to electronic signs at the middle and elementary schools.

James Worley, spoke in opposition to the application. He explained how he and his family moved to Norwalk from NYC and how they had a 2nd home in New Milford.

Elizabeth Haskell spoke in support of the application. She explained how the sign would become less bright as the evening went on. She thought that it was a good way to get messages out.

Lea Hogan said that the sign does not flash. One message comes up and then another follows it. She thought that it would aesthetically pleasing.

Jill Sawyer spoke in opposition to the sign.

Katherine _____ spoke in favor of the changeable copy. It is difficult to change the sign since it is broken. It needs 2 people to change it. She did not think the current sign reflected the beauty of the school.

Jennie Plath explained how her house had been moved to make way for Highland Ave. and that there is a lot of history on her street. She then thought that by doing this, the Zoning Commission would have to change the regulations. She did not think that this should be taken lightly.

Jay _____, spoke in opposition to the sign. He was concerned about speeding in the area and the sign would be a distraction.

Beth Worley, 287 Highland Ave., began by noting that the parents worked hard on this project but spoke in opposition to the sign. She thought the funds could be used differently.

Atty Vasco addressed the comments from the neighbors by showing a picture from the sign. He did not think some of them could even see the sign from their houses. He then used an

aerial sign to show this as well. He also thought that the new sign was more attractive than the older sign. Mr. Passero asked that the copy not change as quickly as had been proposed. Atty Vasco said that the Zoning Commission had changed the regulations over the last several years.

IV. REPORT OF PLAN REVIEW COMMITTEE

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

i. #2-17SP/#12-17CAM – Web Construction – 34 Meadow Street – Contractor’s storage yard with rock crushing/processing facility

This item was sent back to the Plan Review Committee for further discussion.

ii. #17-17CAM – Pentecostal Church John 3:16 – 8 Woodward Avenue – Replacement church

***** MR. PASSERO MOVED: BE IT RESOLVED BY THE NORWALK ZONING COMMISSION** that the application by Pentecostal Church John 3:16 at 8 Woodward Avenue for a two story with mezzanine 23,800 SF replacement house of worship as shown on plans by Petracca Design and Engineering, Smithtown, NY, revised to 05/07/2015 be **APPROVED** with the following conditions:

1. That all required sedimentation and erosion controls be in place prior to the start of any construction related activity on the site; and
2. That all required CEAC signoffs be submitted; and
3. That the existing on site storm drainage be brought up to current City Standards, required and

BE IT FURTHER RESOLVED that the proposal complies with the applicable coastal resource and use policies; and

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

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

No one opposed.

No one abstained.

b. #2-15SP - Westy Self Storage/Norwalk Project LLC - 50 Keeler Ave - 40,000 sq ft addition to an existing storage facility – Request for release of surety - Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for release of surety for Special Permit application **#2-15SP**; Westy Self Storage/Norwalk Project LLC, 50 Keeler Avenue; for a 40,000 sq ft addition to an existing storage facility as shown on a certain set of plans entitled "Westy Self Storage, [50 Keeler Avenue, Norwalk, CT](#)" by John M. Keegan, Architect and Landtech Civil & Structural Engineers, dated December 11, 2014 as revised to March 6, 2015, be **APPROVED**, subject to the following conditions:

1. That all the required improvements continue to be maintained in good condition.

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

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon;
Galen Wells; Roderick Johnson
No one opposed.
No one abstained.

c. #9-11SPR/#22-11CAM – North Water, LLC - 20 N. Water St (Ironworks) –
133,035 sf mixed use development with 108 units, 6,002 sf retail, 8,898 sf restaurant 8,898 sf
– Request for release of surety - Report & recommended action

*** MR. SUMPTER MOVED: BE IT RESOLVED that the request to release the surety held for site plan review application #9-11SPR and coastal site plan application #22-11CAM; North Water, LLC – 20 N. Water/Washington St for a 133,035 sq. ft. mixed use development with 108 multifamily dwelling units, 7,700 sf retail, 6,000 sf office, 7,200 sf restaurant and related site amenities including 10 public parking spaces, a pedestrian plaza and a water feature as shown on a set of plans entitled "The Norwalk Company, North Water Street, Norwalk, CT." by Beinfield Architecture, PC; Rotondo Engineering, LLC; Eric Rains Landscape Architecture, LLC and related plans dated February 3, 2012 as revised to March 24, 2014 be **APPROVED**, subject to the following conditions:

1. That all the required improvements continue to be maintained in good condition; and

BE IT FURTHER RESOLVED that 15 % of the required surety be retained as a maintenance surety to ensure that the site improvements are maintained for an additional year; and

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

Mr. Witherspoon seconded.

Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon;
Galen Wells; Roderick Johnson
No one opposed.
No one abstained.

d. #1-15SP – Alliance Energy LLC – 224 CT. Avenue – Gas Station – Request for
release of maintenance surety Report & recommended action

*** MR. SUMPTER MOVED: BE IT RESOLVED that the maintenance surety be **APPROVED** to be released on application #1-15SP submitted by Alliance Energy LLC for the location at 224 Connecticut Avenue as all improvements have been completed and maintained; and

BE IT FURTHER RESOLVED that the effective date shall be July 28, 2017.

Mr. Johnson seconded.

Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon;
Galen Wells; Roderick Johnson
No one opposed.
No one abstained.

e. #6-12SP/#19-12CAM – Anspach – 140 Water St – Expand office use – Request
for release of maintenance surety- Report & recommended action

*** MR. PASSERO MOVED: BE IT RESOLVED that the maintenance surety be **APPROVED** to be released on application #1-15SP submitted by Alliance Energy LLC for the location at 224 Connecticut Avenue as all improvements have been completed and maintained; and

BE IT FURTHER RESOLVED that the effective date shall be July 28, 2017.

Mr. Schulman seconded.

Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

No one opposed.

No one abstained.

V. REPORT OF ZONING COMMITTEE

a. Action on Item III. c.

#5-17R – Zoning Commission – Proposed amendments to Article 121 regarding changeable copy (automatic) signs at public high schools in residential zones

***** MR. SUMPTER MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#5-17R – Zoning Commission – Proposed amendments to Article 121 regarding changeable copy (automatic) signs at public high schools in residential zones" and dated June 14, 2017 to allow a changeable copy (automatic) ground sign on the premises of a public high school, as modified to increase the period of time between text changes from 20 seconds to 30 seconds be **APPROVED**;

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

1. To implement the Plan of Conservation & Development to "Continue to review and improve sign regulations" (F.4.1.4, p.43); and
2. To implement the Plan of Conservation & Development to "Provide sufficient school facilities and programs in order to afford all citizens the opportunity to obtain a quality education" (D.3, p. 30); and

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

Before the commissioners voted on this resolution, Mr. Sumpter asked them all to give their input as to how they would vote. Mr. Passero said that, although empathetic to the neighbors, he thought the current sign was an eyesore. He also suggested that the sign be turned off at 8 p.m. so as to not be such a nuisance to the neighbors. Mr. Roina said that was on the side of the neighbors who opposed it. Mr. Stern was in favor of the sign. Although Ms. Wells was also empathetic to the neighbors who were opposed to it, she noted that eventually hardly anyone would notice that the sign was there. She suggested that the sign be changed every 30 seconds, rather than every 20 seconds. Mr. Schulman said he would vote against it. Mr. Sumpter thought that since one of the high schools had it, the other should as well. Mr. Witherspoon said he would be amenable to the copy changing every 30 seconds. Mr. Johnson said he would vote in favor of it.

Mr. Witherspoon seconded.

Nate Sumpter; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson

Lou Schulman opposed.

No one abstained.

VI. APPROVAL OF MINUTES: June 21, 2017

**** MR. SCHULMAN MOVED** to approve the Zoning Commission minutes of the Special meeting on June 21, 2017.

Mr. Witherspoon seconded.

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

VII. COMMENTS OF DIRECTOR

Mr. Kleppin announced the kickoff meeting for the Plan of Conservation and Development would be held on Monday, August 14, 2017. Some of the commissioners said they could not attend.

VIII. COMMENTS OF COMMISSIONERS

Mr. Passero said that it was sometimes difficult to make decisions when they could have an impact on a neighborhood.

IX. ADJOURNMENT

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

The meeting was adjourned at 10:16 p.m.

Respectfully submitted,

Diana Palmentiero