

**CITY OF NORWALK  
ZONING COMMISSION  
June 7, 2018**

- PRESENT:** Nate Sumpter, Chairman; Louis Schulman, Vice Chairman; Galen Wells, Richard Roina, Joseph Passero; Frank Mancini and Rod Johnson (after the roll call)
- STAFF:** Michael Wrinn; Bryan Baker
- OTHERS:** Jim Rotondo; Derek Seegan; Atty. Liz Suchy; Chrissy Peterson; Elizabeth Hudden; Scott Gilbert; Mr. Kim Morque; Joe Grasso; Atty. Robert Maslan; John Doyle; Atty. Al Vasko; Alan Lo; Joe Costa; Tina Greco; Mike Galante

**I. CALL TO ORDER**

Mr. Sumpter opened the meeting at 7:05 p.m.

**II. ROLL CALL**

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

**III. PUBLIC HEARING**

**a. #3-18SPR/#6-18CAM – Petro Home Service – 55 Concord St – Proposed off street parking facility**

Mr. Sumpter opened the public hearing. Jim Rotondo, began the presentation, by introducing the project team. He explained that applicant leases the property and oriented the commissioners as to the location of the property on an aerial map. He said that the project was reviewed by the Norwalk Harbor Commission and approved. He explained the existing improvements on the site. He explained what the applicant was proposing to build a new parking lot for their trucks. He also showed the commissioners new sidewalks and landscaping that was proposed. He discussed the location of the proposed fence. He then discussed the proposed lighting as well as charging stations for truck block heaters. He explained the purposed of the proposal. The trucks are fueled on site; however, they are loaded with fuel for deliveries off-site. He also explained the storm water management system. Currently there is none. He also submitted information for the record to Mr. Wrinn.

There was a discussion about an entrance that had been described at the previous Zoning Commission meeting. There is only one entrance for the site. There was a further discussion about the size of the sidewalks. Derek Seegan, the environmental engineer on the project, explained the fueling station further to the commissioners. There was a discussion about video cameras because of possible vandalism. There was also a discussion about the height of the arbor vides and how high they would grow.

No members of the public spoke. The public hearing was closed.

**b. #3-17SP/#18-17CAM/#2-17MV – Black Bridge Motors, LLC – 314 Wilson Ave – Motor vehicle repair – Request to modify approved plan to relocate to another section of the building**

Mr. Sumpter opened the public hearing. Atty Suchy began the presentation by handing in the certified, return receipt cards evidencing notice of the public hearing. She then began a description of the application. She noted that the Zoning Commission had decided that it was necessary to hold a public hearing. She explained the business of the applicant including the hours and the number of employees. She said that the applicant had realized after the fact that the business should not have moved without approval from the Zoning Commission. She also discussed concerns of Village Creek residents. She noted that all other conditions that had been approved in Fall of 2018 would still be followed.

Mr. Mancini noted that there had been several missteps by the landlord and asked how they could

stop. Atty. Suchy said that her client would probably not let something like this happen again especially since this application should have been a minor change. She also noted that many of the issues had been resolved because of this public hearing. Mr. Schulman noted that her client was sandblasting outdoors and that all activities should be done indoors, which is a violation. She told them that it has stopped and would not happen again.

There were concerns that every time that the applicant was called to the Zoning Commission the violations were cleared up. Mr. Wrinn suggested that this was a good time to have the public speak.

Chrissy Peterson, Vice President of Village Creek, noted that she was here in place of the President. She said that the applicant had reached out to him. She also noted that these violations continued to happen and that they were left to police it. They were tired of doing this. She also noted that they wanted them to be compliant and good neighbors.

Elizabeth Hudden, 16 Split Rock in Village Creek, had concerns about the sound and monitoring of the ventilation of the property. She said that she had concerns about these being old cars which could have lead paint on them. She also noted that if they were venting out to keep the employees safe, how would this effect the surrounding neighborhood.

Atty. Suchy then continued the presentation by calling Scott Gilbert, the owner of Black Bridge Motors. He explained that the "sandblasting" was actually green and environmentally friendly resources. It was being done outside and called "media blasting." He said it would not be done outside anymore as well as being outsourced. The materials would be swept up and disposed of by another company. There was a discussion about paint removal and the ventilation system. Mr. Gilbert explained how it was attached to a vacuum system. There would be no release outside of the building. He said that water is never used on the cars because it would cause rust. Mr. Gilbert said again that no media blasting would be done and that if they decide to do it again inside, they would come before the Zoning Commission again.

There was a discussion about some possible future project on the property as well as a discussion about a future berm project. Atty Suchy then ended her presentation and said that she would also monitor to make sure there were no other issues.

Mr. Sumpter closed the public hearing.

#### **IV. DISCUSSION/ACTION ON PENDING APPLICATIONS**

##### **a. Action on Item III. a. and b.**

##### **i. #3-18SPR/#6-18CAM – Petro Home Service – 55 Concord St – Proposed off street parking facility**

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that the applications #3-18SPR/#6-18CAM – Petro Home Service – 55 Concord St – Proposed off street parking facility as shown on the site plans dated 4/12/18 and revised to 5/16/18 by Godfrey Hoffman Associates, LLC, North Haven, CT be **APPROVED** subject to the following conditions:

1. That there be no outdoor storage of parts or auto carcasses; and
2. That there are no repairs to the trucks on the site; and
3. That there shall be parking only for oil trucks in designated spaces as shown on the approved site plan; and
4. That there be no temporary signs erected at the site; and
5. That no off-premise signs are permitted; and
6. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
7. That there are no storage containers on site, and
8. That all signage, existing and proposed, comply with the zoning regulations; and

9. That any graffiti on the site, now or in the future, be removed immediately; and
10. 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
11. 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
12. 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 June 15, 2018.

Before the vote, Mr. Schulman there was as discussion about a video security system. There was also a discussion about how the trucks were stored on the property. There was a continued discussion about the security system. Mr. Schulman suggested a condition be added to the resolution which included the video security system. Mr. Passero believed that it was an unnecessary financial burden for a local business.

Mr. Johnson moved to add the condition for a video security system which was seconded by Mr. Schulman. All the commissioners voted for it except for Mr. Passero who voted against it and Ms. Wells who abstained.

**Mr. Roina seconded.**

**Nate Sumpter; Louis Schulman; Galen Wells, Richard Roina; Frank Mancini and Rod Johnson voted in favor.**

**No one opposed.**

**Joseph Passero abstained.**

- b. **#3-17SP/#18-17CAM/#2-17MV – Black Bridge Motors, LLC – 314 Wilson Ave – Motor vehicle repair – Request to modify approved plan to relocate to another section of the building**

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that the applications #3-17SP/#18-17CAM/#2-17MV – Black Bridge Motors LLC – 314 Wilson Ave – Motor vehicle repairer and sales for the property 314 Wilson Avenue as shown on the site plans dated 6/30/2017 and revised to 4/12/18 by McChord Engineering Associates, LLC, Wilton, CT and on the architectural plans dated 3/28/2017 by Anthony Totilo Architects and Associates, Darien, CT be **APPROVED** subject to the following conditions:

1. That there be no commercial towing / storage operation conducted on the site; and that all repairs be conducted within the building; and
2. That there be no outdoor storage of parts or auto carcasses; and
3. That all vehicles to be repaired and / or restored shall be stored within the building and not outdoors; and
4. That there be no on-street parking of vehicles; and
5. That there be no on-street parking for patrons or employees; and
6. That there shall be parking only in designated spaces as shown on the approved site plan; and
7. That there be no temporary signs erected at the site; and
8. That no off-premise signs are permitted; and
9. That any graffiti on the site, now or in the future, is to be removed immediately; and
10. That all signage, existing and proposed, be in compliance with the Zoning Regulations; and
11. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
12. That there are no storage containers on site, and
13. That all signage, existing and proposed, comply with the zoning regulations; and
14. That any graffiti on the site, now or in the future, be removed immediately; and
15. 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

16. 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
17. That any proposal to add a dumpster to the site will need an approval by the Zoning Commission; and
18. That the operating hours of the site be 9:00 a.m. to 5 p.m., Monday through Friday and Saturday and Sunday be limited to appointments only; 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 June 15, 2018.

**Ms. Wells seconded.**

During the discussion, Mr. Passero and Mr. Mancini set forth their reasons for voting in favor of this resolution. Mr. Wrinn made three suggestions to add as conditions to the resolution.

**Nate Sumpter; Joseph Passero; Galen Wells, Richard Roina; Frank Mancini and Rod Johnson voted in favor.**

**No one opposed.**

**Louis Schulman abstained.**

**c. #7-18CAM – Jonathan Farber – 44 Shorehaven Rd – New single family residence – Report and recommended action**

Before the beginning of this presentation, one item was moved to later in the meeting since Atty. Suchy was also appearing before the Zoning Board of Appeals. Mr. Sumpter agreed.

Mr. Wrinn said they have all sign-offs now. There was no other discussion on this matter.

**\*\*\* MR. JOHNSON MOVED: BE IT RESOLVED** that application #7-18CAM, construct additions to an existing single-family residence for the property 44 Shorehaven Road and as shown on the engineering plans dated 4/24/2018 by LandTech Engineers, Westport, CT, and on the architectural drawings dated 4/23/2018 by Beinfield Architecture, PC, Norwalk, CT be **APPROVED** subject to the following conditions:

1. That all City storm-water management requirements are met; and
2. That a permit is obtained from the Department of Public Works in regards to City storm-water management requirements; 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 June 15, 2018.

**Mr. Mancini seconded.**

**Nate Sumpter; Louis Schulman; Galen Wells, Richard Roina; Frank Mancini; Joseph Passero and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**d. #9-11SPR/#22-11CAM – North Water LLC – 20 N. Water/Washington Street – 133,035 sf mixed use development with 108 units - Request to modify approved plan to relocate 4 of 10 required public parking spaces - Determine if minor change – Report and recommended action**

Mr. Wrinn began the presentation by orienting the commissioners as to the location of the property on a site plan. He explained which parking spaces were in question.

Mr. Kim Morque, said that he was trying to move them because they were a bit of a nuisance to the restaurants because more than 4 cars will park in the courtyard. It is a pedestrian zone and they try to enforce the regulations. It is difficult to enforce. He showed them where they would be moved to. It would be used for circulation only and for deliveries. It would be controlled by signage. There was a suggestion to make these 2 handicapped spaces but Mr. Morque said that they had met those requirements already. Currently there is no charge for these spots, but they are only for 2 hours. They agreed it was a minor change.

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that the proposed modification to the approved site plan for **#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 June 7, 2018 to show the final location of the 10 public parking spaces be **APPROVED**, subject to the following conditions:

1. That a new Declaration of Covenants as revised to show the new location of the ten (10) public parking spaces be filed on the Norwalk Land Records; and
2. That the applicant ensures the continuous operation and maintenance of each of the three (3) proposed site amenities, including a 3,015 sq ft public pedestrian plaza reserved and available for public use at all times, a 1,567 sq. ft. water feature in the center of the plaza and 10 public parking spaces, which shall run with the land in perpetuity; and
3. That all other conditions of approval remain in effect; and

**BE IT FURTHER RESOLVED** that the effective date of this action be June 15, 2018.

**Mr. Roina seconded.**

**Nate Sumpter; Louis Schulman; Galen Wells, Richard Roina; Frank Mancini; Joseph Passero and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**b. #24-95SPR/CAM – Crystal LLC (Grasso) – 310 Wilson Ave – Request to modify approved site plan by revising lot lines – Determine if minor change – Report and recommended action**

At this point, Atty. Suchy had returned to the meeting from the ZBA meeting. She then began the presentation by showing the commissioners the current configuration of lots. She said that her client's would like to change the lot lines and also showed them the proposed tract configurations. She explained that her client would like to develop part of the new lots. There was a discussion about the contractor's yard being hidden from view. A plan was submitted to the Zoning Department for review. Mr. Wrinn explained further the staff's concerns. There was a discussion about whether they could have the berm put up first before this matter was approved. Atty. Suchy was concerned about the timing of this matter. Mr. Wrinn said that a timetable could be put in place. There was a discussion about the timeframe which Atty. Suchy said that Mr. Grasso said it would take 6 months. There was a suggestion about a temporary fence for screening.

At this point, Joe Grasso spoke about the plan. They would like to use the rock to build the 12 ft. retaining wall. He said that it has to happen immediately. There will be additional screening above the wall. Mr. Wrinn said that this would have to be further reviewed since changes were being suggested.

There was also a discussion about whether the applicant could come back on June 20. Mr. Sumpter asked to see renderings as well as a site plan with the proposed building. He also discussed the storm water management.

## **V. RECEIPT/REVIEW AND ACTION ON NEW APPLICATIONS**

### **a. #2-18SP – St. Matthew Roman Catholic Church – 216 Scribner Ave Proposed recreation and activity center with 11,000 sf 1st floor gym, 7,000 sf 2nd floor track & exercise room – Report and recommended action**

Robert Maslan, the attorney for the applicant, began the presentation by orienting the commissioners as to the location of the property on a site plan. He said that it was 21 acres. He also introduced the project team. He gave a brief history of the church which included several additions to the buildings on the property. The proposal is for an athletic facility for parishioners. He also discussed the parking on the site which he said would not be overutilized. There is an overflow parking lot. He then discussed the re-grading on the site and showed a new driveway on the site plan. There was a discussion about exits from the property. He also discussed the sewer system on the property which was both septic and city.

Atty. Maslan discussed the use of the property. There was a discussion about how many parishioners there were especially because there were concerns about traffic. There were no plans for the facility to be rented and he was asked if it would be a hardship for the church if they were told not to lease it. Atty Maslan said that it would be.

John Doyle, the architect on the project, continued the presentation by showing the commissioners the drawing for the new gym. He said that it was important for the church to continue to be the prominent building on the property. He said they did not want it to bother the neighbors and that that materials would match the current materials.

Mr. Wrinn said that they were waiting for an approval from the Conservation Commission so that they could schedule a public hearing once they have it.

### **b. #1-18SP – 85 Martin Luther King Blvd, LLC - 85 Dr. Martin Luther King Jr. Drive – Vehicle parking for online motor vehicle sales – Report and recommended action**

Mr. Sumpter opened the public hearing. Atty. Vasko introduced the project team. Mr. Schulman asked whether the violation had been fixed on the property which Atty. Vasko explained. There was a discussion about permits that may or may not have been issued.

The commissioners agreed that the two violations should be rectified before this application could move forward. The commissioners also agreed that they would not hear this matter tonight while the applicant was obtaining these permits.

### **c. #3-18SP – City of Norwalk Public Schools – 21 Hunters Lane – Proposed additions to Ponus Ridge Middle School (STEM K-8) – Report and recommended action**

Mr. Sumpter opened the public hearing. Alan Lo began the presentation by explaining the facility study done 1 ½ years ago. He said that Ponus Ridge would be changed from a middle school to a K-8 school and also be a STEM school. He explained that they were applying for a special permit tonight. There was a discussion about the children that would be attending school on this site. There would be 400 more students than noted.

The commissioners were shown a video presentation which Joe Costa began. He then introduced, Tina Greco, the Perkins & Eastman project manager, who continued the presentation by giving the commissioners a brief overview. She showed them an aerial of the property. She showed them where and when alterations were done. She then discussed the project and reconfiguration of the site. She said that the ingress and egress from the site would remain the same. The parking lot would be added to. Car and bus traffic would be separated. Times would be staggered for drop off and pick up. Air conditioning would be in the old and new buildings. The new area is for the elementary school. She noted that there would be secure vestibules for both. There was a discussion of additional improvements

to the buildings. Most of it is air conditioning.

Mr. Lo explained that not everything is being renovated because it would be too expensive and not funded. There was a discussion as to why there weren't 2 separate buildings. It seemed there were a lot of shared spaces amongst the grades. It was suggested that someone from the Board of Education should come to the next meeting to discuss this with the commissioners. There was a discussion about the state regulations for reimbursement for the gymnasium. There was a discussion about the shortage of seats for elementary school students.

Mike Galante, the traffic engineer, continued the presentation by answering questions from the commissioners. There was a discussion about how many students were on the Ponus campus. Mr. Schulman thought that with more middle school students, then the traffic would be impacted. Again, the commissioners asked questions that a representative from the Board of Education would be able to answer.

## **VI. APPROVAL OF MINUTES: May 16, 2018**

**\*\* MR. PASSERO MOVED** to approve the May 16, 2018 Zoning Commission minutes.

**Mr. Roina seconded.**

**Nate Sumpter; Louis Schulman; Galen Wells, Richard Roina, Joseph Passero; Frank Mancini; voted in favor.**

**No one opposed.**

**No one abstained.**

## **VII. COMMENTS OF DIRECTOR**

Mr. Kleppin handed out proposed definitions to change the regulations to the commissioners. He said these were definitions of family and discussed rooming houses as well. He also explained that there was an accessory use in all the zones. He noted that these definitions can help them to draft regulations. He also noted that other towns had similar regulations. These were drafted by Corporation Counsel. It would be on the agenda at their next meeting.

## **VIII. COMMENTS OF COMMISSIONERS**

Richard Roina and the other commissioners discussed the passing of Atty. Frank Zullo.

## **IX. ADJOURNMENT**

**Mr. Passero made a Motion to Adjourn.**

**Ms. Wells seconded.**

**Nate Sumpter; Louis Schulman; Galen Wells, Richard Roina, Joseph Passero; Frank Mancini voted in favor.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Diana Palmentiero