

CITY OF NORWALK  
ZONING COMMISSION  
January 16, 2019

**PRESENT:** Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Frank Mancini; Kelly Straniti and Galen Wells

**STAFF:** Steve Kleppin; Mike Wrinn

**OTHERS:** Atty. Liz Suchy; Craig Flaherty; Howard Lathrop; Joseph Cannon; Jeri Toni; Mario Dobles; Jody Rudie

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Mr. Kleppin called the roll. Mr. Sumpter explained the rules for the public hearing.

**III. PUBLIC HEARING**

**a. #7-18R Zoning Commission - Proposed amendments to Section 118-1100 Flood Hazard Zone to make regulations consistent with the Connecticut State Building Code**

Mr. Wrinn noted that there are modifications that came from the Department of Energy and Environmental Protection which were not addressed in the city's regulations. Items were clarified so that they were not confusing. He explained a few of the changes as well. He also noted that the Planning Commission had not voted on this and this public hearing would be held open until they did.

No members of the public spoke on this matter. Mr. Sumpter said that it would be held open until the Planning Commission voted on it.

**IV. RECEIPT/REVIEW AND ACTION ON PENDING APPLICATIONS**

**a. Action on Item III. a.**

Mr. Sumpter said that it would be held open until the Planning Commission voted on it.

**b. #9-18SPR/#18-18CAM – Play CT. LLC – 85-89 Water St – 29,000 sf multi activity entertainment space/restaurant/bar – report & recommended action**

Mr. Sumpter opened the public hearing. Atty. Suchy began the presentation and explained the previous meeting's discussions. She noted that they had received most sign-offs but that there were still a sign-off left. She asked that they approve the resolution with a condition that the applicant not receive a zoning permit until all sign-offs had been received. Mr. Mancini said he would abstain from voting on this matter because he had not been at the prior Zoning Commission meeting. Ms. Straniti asked about the maximum number of people allowed but Atty. Suchy did not have any idea, although she knew that large events could not be held there. Mr. Roina had no comments. Ms. Wells thought it was a good use of the site. Mr. Schulman said he would move the resolution and Mr. Sumpter also thought it was a good use.

**\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** that application #9-18SPR / #18-18CAM – PLAYCT, LLC – 85-99 Water Street – 29,000 SF multiactivity entertainment space/restaurant/bar as shown on

various plans by Dynamic Designs, Inc., Birmingham, MI, dated 11/8/18 be **APPROVED** with the following conditions:

1. That all required CEAC signoffs and Harbor Management signoffs are submitted; and
2. 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
3. That any change to the plan will require Zoning Commission approval; and
4. That any graffiti on the site, now or in the future, be removed immediately; and
5. That the building be properly flood proofed as required and an activation plan with procedure and responsible personnel contact be submitted; and
6. That details of this flood proofing plan shall meet the FEMA guidelines and be approved by staff; and
7. That the additional parking lot at #19 Day Street be utilized for this project, given the overlap of hours during the day with the other businesses in the building; and,
8. That any signage meet the building zone regulations;

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

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be January 25, 2019.

**Mr. Roina seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Kelly Straniti and Galen Wells voted in favor.**

**No one opposed.**

**Frank Mancini abstained.**

## **V. DISCUSSION/ACTION ON NEW APPLICATIONS**

**a. #6-18R/#12-18SP – 3 Elmcrest, LLC – 3 Elmcrest Terrace - Proposed amendment to Section 118-360 D Residence zone to allow historic preservation incentive developments by Special Permit in D Residence zones and special permit for a new 4 story, 15 unit addition to rear of 4 unit historic structure (19 units total) – Report & recommended action (Public hearing February 7, 2019)**

Mr. Kleppin gave a brief update of the application and noted that the applicant's project team prior to this Zoning Commission meeting. Mr. Flaherty said that their CEAC meeting had been delayed because of the holidays. They would respond to the questions early in the next week and would be before the Planning Commission next week. They were scheduled for a public hearing on February 7.

There was a request to receive Mr. Andriopolus's report as soon as it was received by the Zoning Department. There was a discussion about opening the public hearing on February 7 and that it would possibly be continued to another Zoning Commission agenda.

**b. #13-18SP - HP Newtown LLC/GHP Office Realty – 537 Newtown Ave/19 Newtown Turnpike – Reuse of a portion of the existing building for proposed Westport Arts Center museum – Report & recommended action (Public hearing February 7, 2019)**

Howard Lathrop, the architect on the project, began the presentation and introduced the project team. He noted that half the property is in Norwalk and the other half is in Westport. The building is in Norwalk but the driveway is in Westport.

He oriented the commissioners as to the location of the property on a map. He also noted that it had been difficult to find out the history of the building but he did give a brief history of the owner. He said that the building had been constructed in 1922 but that there had been many owners of the building since the 1960s when the original owner sold. He also said that there had been an open house in December for the neighbors. Many of them knew some of the history as well.

He then showed them the new site plan. He also explained that the Westport Zoning Department said that they would allow Norwalk's zoning regulations to hold jurisdiction on the property. The only caveat was by the Westport Fire Chief about the driveway to the property which he had approved.

He discussed the sewage treatment on the property which he said was enough capacity. He showed them the current building which had included several additions. He explained the new mechanicals that would be installed, a new roof, and what would be brought up to code. There would also be a ramp installed in the front for those in a wheelchair.

Mr. Lathrop also showed them the landscaping which would mostly be left alone. He also discussed the lighting system. He showed them photographs of the fencing. There was discussion about the size of the museum. Mr. Lathrop said that it was a gallery space but called a museum because of the regulations. There was a discussion about the square footage of the building. There was a discussion of the previous use of the building which included a children's book manufacturer. The parking requirements would be met and there would be plenty of parking.

There was a discussion about events. Mr. Mancini asked to be invited if there was a grand opening party. This item would be on the February 7 Zoning Commission agenda for a public hearing.

**c. #12-18SPR/#22-18CAM – GWL4 Meadow LLC – 4 Meadow St – Convert building to self-storage; add 59,160 sf second floor – Report & recommended action**

Mr. Wrinn noted that this was the old FedEx building. Atty. Suchy opened the presentation with a picture of the current building and introduced the project team. She then explained what the applicant was requesting. She explained how the self-storage would work including the hours of operation. The site did not need much improvement and the only specific request would be to improve the lighting. She then showed them a picture of what it would look like after the approval. She explained that they did not have many sign-offs and studies were being reviewed by the various departments. There was a discussion about the views from Village Creek especially if larger items such as boats were stored on the property.

Joseph Cannon, of Tighe and Bond, the engineer on the application, explained that they were changing the fencing and that the view would be obstructed from Village Creek. Mr. Schulman said that the residents would be able to attend a public hearing. Atty Suchy said that she had only heard from one neighbor. Mr. Schulman asked that Atty Suchy contact the president of the Village Creek Association about the public hearing and she said she would. The hearing was scheduled for February 20.

**d. #21-18CAM – Norwalk Seaport Association – Sheffield Island – Add 1500 sf outdoor open pavilion – Report & recommended action**

Atty. Suchy began the presentation by explaining that the applicant was proposing an open air pavilion for events. She showed pictures of the property including the lighthouse. She introduced the project team. She then showed them a picture of a tent that is on the property. She gave a brief history of the property and then explained what the new pavilion would look like. The application complies with all requirements as well as the marine police and the Harbor Management Commission. She showed them

a picture of what it would look like. There were a couple of letters in support in the file. This would replace the tent that was currently on the island.

There was a discussion of the size of the pavilion which Mr. Jeri Toni of the Sheffield Island Association said would not be much bigger than the tent that was currently on the island.

Mr. Wrinn noted that they were still waiting for approval from the Harbor Management Commission. The application would be on the February 7 Zoning Commission agenda.

**e. #2-18MV – 1F & P General Auto Repairs LLC – 18 Pearl St – Replacement motor vehicle repair tenant – Report & recommended action**

Mr. Wrinn said that the applicant would replace the current tenant.

Mario Dobles, 45 Lakeview Dr., spoke for the applicant and noted that his client was replacing the current business on the property. He had sent letters to all the abutting neighbors and had not received any objections. He further explained that it was general motor vehicle repairs as well as a body shop. They were still waiting for some sign-offs from various departments. The use was the same as the previous one. There was a discussion about the code requirements from the Fire and Building Departments. There would be an inspection in the following week. There was also a discussion about the number of employees. They are also some storage issues which Mr. Wrinn said had to be resolved by the landlord.

**\*\* MS. WELLS MOVED: BE IT RESOLVED** that application #2-18MV – IF & P Gen. Auto Repairs, LLC – 18 Pearl Street – for a replacement automotive repair use as shown on a site plan entitled “Proposed Renovation: Tenant Fit-up Work, 18 Pearl Street, Norwalk, CT” Dated 10-09-06, revised to 11-12-07, by Achilles Architects, Bridgeport, CT be **APPROVED** with the following conditions:

1. That all CEAC sign-offs be submitted prior to receiving a zoning permit; and
2. That all site improvements be completed prior to any issuance of a zoning approval or any signoff on an application for a state motor vehicle repair license; and
3. That all repairs be conducted within the building; and
4. That there be no outdoor storage of parts or auto carcasses; and
5. That no long term storage of any autos, containers or other vehicles occur on the site; and
6. That there be no on-street parking of vehicles; and
7. That there shall be storage only in designated area as shown on the approved site plan; and
8. That there be no temporary signs erected at the site; and
9. That no off-premise signs are permitted; and
10. That any graffiti on the site, now or in the future, is to be removed immediately; and
11. That all signage, existing and proposed, be in compliance with the Zoning Regulations; and
12. That the drainage system be maintained yearly and upgraded as required to meet the City of Norwalk drainage standards; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be January 25, 2019.

**Mr. Mancini seconded.**

**Nathan Sumpter; Louis Schulman; Frank Mancini; Richard Roina; Kelly Straniti and Galen Wells voted in favor.**

**No one opposed.**

**No one abstained.**

**f. #X-18CAM – Bandido Mexican Restaurant – 84 Washington St – Add live music – Report and recommended action**

Jody Rudie, 60 Old Kings Highway, the liquor consultant, noted that the applicant was requesting to have djs play on Friday and Saturday, from 9: 30 – 1:30. Letters had been sent to the abutting neighbors and the applicant had received a signoff from the condo association. There was a discussion about the sound report. The expert would return once everything was set up to confirm that the djs were not going over the decibel levels in the sound ordinance. There was a discussion about whether there would be music on work days which Ms. Rudie said there would not be.

**\*\* MS. STRANITI MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the request to play live music at Bandido Mexican Restaurant, 84 Washington Street, be **APPROVED** with the following conditions:

1. That all conditions of the sound report by Creative Acoustics, LLC, dated December 17, 2018 be complied with at all times;
2. That the maximum master output level of the sound equipment be as stated in the report;
3. That once in operation, the sound engineer return to the site and provide confirmation to the staff that the noise ordinance is being complied with and a maximum decibel reading established;
4. That in accordance with the Zoning Regulations, the windows and doors are to remain closed during any live music;

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be January 25, 2019.

**Mr. Mancini seconded.**

**Nathan Sumpter; Louis Schulman; Frank Mancini; Richard Roina; Kelly Straniti and Galen Wells voted in favor.**

**No one opposed.**

**No one abstained.**

**g. Zoning Commission – Proposed amendment to Section 504, Central Business District - Report & next steps**

Mr. Kleppin discussed the proposed regulations. He noted that there would be a joint public hearing with the Planning Commission on February 25. He discussed the changes that had already been made to the regulations which included the definition of “public realm” and “street activation”

Mr. Schulman said he was not happy with video displays. There was a discussion about how this ties into the Wall Street Plan. Mr. Kleppin noted that there was not a rush because they would not vote on it until April. Ms. Straniti did not feel comfortable with making a decision on this until she had read more about it. There was a discussion about the micro units which required less parking. There was also a discussion about the low income residents who have to move out of this area and would they be able to afford to move back.

There was a discussion about the parking requirements that work for developers and banks in order for them to lend them money. There was also a discussion about the fact that people want to live near stations because people want to rely less on cars and walk to businesses. The commissioners realized that there are many different issues with affordable housing. Mr. Sumpter noted the importance of housing that would allow people to get to work without relying on motor vehicles. There was a

discussion about how the parking worked in different areas of the city. The commissioners were asked to review the proposed amendments and whether they were consistent with the Wall Street Plan in order to carry it out.

#### **VI. APPROVAL OF MINUTES: January 3, 2019**

**\*\* MR. SCHULMAN MOVED to approve the January 3, 2019 Zoning Commission minutes.**

**Mr. Roina seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Kelly Straniti and Galen Wells voted in favor.**

**No one opposed.**

**Frank Mancini abstained.**

#### **VII. COMMENTS OF DIRECTOR**

Mr. Kleppin noted that the 2<sup>nd</sup> meeting for the POCD would be the following week on Tuesday, January 22.

#### **VIII. COMMENTS OF COMMISSIONERS**

Ms. Straniti thanked everyone for allowing her to ask questions and Mr. Roina said that he enjoyed the dialogue that they had just had.

#### **IX. ADJOURNMENT**

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

**Mr. Mancini seconded.**

**Nathan Sumpter; Louis Schulman; Frank Mancini; Richard Roina; Kelly Straniti and Galen Wells voted in favor.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Diana Palmentiero