

**CITY OF NORWALK
ZONING COMMISSION
JULY 15, 2009**

PRESENT: Jackie Lightfield, Chair; Andrea Light; Bob Keyes; Karen Spencer; Michael Mushak; Adam Blank; James White; John Tobin

STAFF: Mike Wrinn; Frank Strauch; Adam Carsen

OTHERS: Ron Kellogg; Don Strait; Max Dominguez; Betina Rizzo; Nick Femanco; Elizabeth Penn; Art Strong; John J. Ryan; Dean Martin; Mike Galante; Al Raymond

I. CALL TO ORDER

Ms. Lightfield called the meeting to order at 7:30 pm.

II. ROLL CALL

Mr. Wrinn took the roll call.

III. PUBLIC HEARINGS

- a. #4-09SP/#9-09CAM – Crystal LLC – 314 Wilson Avenue – 10,300 sq. ft. indoor commercial recreation facility in existing building (indoor soccer and lacrosse)

Ms. Lightfield opened the public hearing.

Mr. Ron Kellogg, 96 East Avenue, representing the applicant, discussed the details of the proposed use and showed photographs of the refreshment area. He discussed regulations concerning activity at the site, particularly with regard to arrival times, parental supervision and after-hours camera surveillance.

Mr. Don Strait presented the site plan and invited members of the public to examine it. He indicated parking spaces and ingress and egress at the site.

Ms. Lightfield pointed out that the site plan provided to Commissioners did not indicate the same parking spaces being shown by Mr. Strait. Mr. Wrinn said that the site plans showed 26 spaces, but clarified that they were not dedicated toward this use. There was a discussion of the discrepancy between the parking plans. Ms. Lightfield emphasized that traffic and parking was a concern with the proposal and that the documentation being presented was not the same as that which was part of the official record.

Mr. Kellogg stated that the applicant was submitting this documentation, with 23 extra parking spaces. He added that Mr. Grasso, the owner of the existing building, had given verbal permission to dedicate those spaces to this use. Mr. Kellogg requested that a condition be added concerning the parking spaces.

Ms. Lightfield asked about team size, number of spectators, and staff size. Mr. Straight discussed the size of the facility and gave details about its interior.

Mr. Max Dominguez discussed the number of anticipated players, staff members, and spectators.

Ms. Betina Rizzo addressed the issue of tournaments with regard to the number of persons at the site.

Mr. Kellogg pointed out that children would attend games with coaches and therefore this will reduce the number of vehicles at the site.

Ms. Lightfield said that the applicant's references to children at the facility did not square with the proposed hours of operation (week nights until 12 a.m.).

Mr. Dominguez gave details of anticipated attendance for tournaments.

Ms. Rizzo added that sometimes tournaments were arranged by coaches and therefore drew fewer vehicles to the site.

Mr. Kellogg said that tournaments were anticipated approximately every three months and could be an elimination-type event that continued for weeks. He added that security guards would be present for tournaments.

Mr. Nick Femanco discussed the traffic study, pointing out that on-street traffic data had been set up for the busiest days of the week. He said that existing conditions were level-of-service A for facilities located in Trumbull and Danbury.

Ms. Light asked if the applicant had considered trimming of shrubs to improve sight lines. Mr. Femanco said that the plans satisfied the Connecticut DOT. Mr. Kellogg added that the applicant would trim the shrubs, if requested.

Ms. Lightfield asked about a lighting plan for the parking lot. Mr. Straight said that it was not on the map, but showed the existing flood lights on the site plan. Mr. Kellogg said that the lights were on a timer.

Ms. Lightfield opened the hearing to public comment.

Ms. Elizabeth Penn, 22 Split Rock Creek, asked for clarification of which building would contain the facility. She expressed concern with lighting, building height, and air conditioning noise. Mr. Kellogg clarified that no lights were proposed for the rear of the facility, that the building height would not change and that no air conditioning units would be added. He stated that all of that equipment had been there when Mr. Grasso purchased the building in 1995. Mr. Kellogg also pointed out that all parking and dumpsters were in front of the building.

Mr. Art Strong expressed concern over parking, explaining that on-street parking made the area unsafe, when trucks entered the site. He said that there had been concern regarding commercial trucks and on-street parking for a long time. Ms. Lightfield asked Mr. Strong if he had contacted anyone with the concerns. Mr. Strong said that he had contacted police and the parking authority. He added that the street currently lacked "No Parking" signs.

Mr. White suggested that a condition be added specifically prohibiting off-site parking.

Mr. Blank asked about the hours of operation at the adjacent contractor's yard. Mr. Kellogg said that they were 7 a.m. to 5 p.m. Mr. Blank suggested that the applicant consider matching up its hours of operation with those of the contractor's yard. Mr. Kellogg emphasized the need for the recreation facility's hours to remain as proposed, adding that the contractor's yard was not open at all on Saturdays and Sundays. Mr. Kellogg also stated that this was an Industrial 1 zone, separated by Village Creek.

Ms. Light asked about trash removal. Mr. Kellogg said that it would go into existing dumpsters and agreed to a condition regarding hours of dumpster pickup.

Ms. Lightfield closed the public hearing.

b. #4-09SPR/#11-09CAM – Shawn's Lawns – 15 Chapel St – Proposed contractor's storage yard

Ms. Lightfield opened the public hearing. Mr. John J. Ryan explained that this was an allowed use in the zone. He said that the applicant did not have big bins or large piles of erodible material. He added that staff had been to the site and that green cards had been submitted.

Ms. Lightfield confirmed that the hours of operation were 6 a.m. to 6 p.m., Monday to Saturday and that the applicant accepted the condition concerning erodible material.

Mr. Dean Martin, Grumman Engineering, stated that landscaping and buffering had been added to bring the property into compliance. He said that sidewalks and curbs would be concrete, not granite and that the site contained 19 parking spaces, as required.

Ms. Lightfield asked about equipment storage. Mr. Ryan explained that most equipment would be at job sites.

Ms. Spencer asked if the operation were seasonal. Mr. Ryan said that it was more related to the construction cycle, as determined by the economy.

Mr. Martin clarified that there was no landscaping currently on the site.

Mr. Mike Galante discussed a traffic study conducted in early June, 2009. He explained that the traffic was already in the area and that conditions should remain the same.

Mr. Ryan reiterated that the proposal would be good for the neighborhood.

Ms. Lightfield closed the public hearing.

- c. #1-09MV/#13-09CAM - Hollywood Restorations – 115 Woodward Ave – Auto body repair

The applicant was not present and green cards had not been submitted. The Commission agreed to skip the item.

- d. #2-07SP – Stuart Avenue Townhouses, LLC – 42 - 46 Stuart Avenue – 12 unit multifamily residential (Lot 4) – Revocation of Permits

Ms. Lightfield opened the public hearing.

Mr. Al Raymond, 79 Truman Street, speaking as a member of the public, stated that the developer had come to Zoning for an extension and had been granted approval with certain conditions for improvement. Mr. Raymond said that the site had fallen into disrepair, adding that he had brought photographs to the Mayor's meeting. Mr. Raymond said that the property itself looked good now, but that the street itself was in disrepair.

Mr. White pointed out that the applicant had no obligation to repair the street.

Mr. Strauch explained that DPW was dealing with the property currently and that street repair was complicated because pipe work and gas company work coincided last year.

Mr. Raymond explained that the neighborhood had been dealing with the problem for two years and that he wanted a condition to be added to ensure that the street did not get any worse. He added that the Zoning aspect of the proposal was acceptable, but that the street remained a problem. He said that as President of the Springhill Neighborhood Association, he received calls about it every day.

Mr. White pointed out that DPW standards needed to be adhered to.

Mr. Mushak asked about a paving schedule for DPW. Mr. Raymond said there was not one and that DPW had tried unsuccessfully to contact the builder. He also said that if it were a Northeast Utilities project, it was autonomous and would not answer to Zoning.

Ms. Light suggested making a referral to DPW and the gas company. Mr. Wrinn pointed out that DPW was already aware of the issue.

Ms. Lightfield emphasized that a letter should indicate that an inter-departmental team was working on the item.

The Commission agreed to continue the public hearing until its next meeting.

- e. #2-06SPR/#24-06CAM - Guinta – 30 Sheehan Ave – Proposed contractor's storage yard – Revocation of permits

Ms. Lightfield opened the public hearing.

Mr. Strauch said that staff recommended that the hearing be continued.

The Commission agreed to continue the public hearing until its next meeting.

IV. REPORT OF PLAN REVIEW COMMITTEE

- a. #3-09SP/#7-09CAM – SIR East Ave, LLC – 124 East Avenue – 12,000 sq ft mixed use development - Report & recommendation

**** MR. WHITE MOVED: RESOLVED that application #3-09SP/#7-09CAM—SIR East Avenue—12,000 sq. ft. mixed use development, as shown on various site and engineering plans by Grumman Engineering, Norwalk, CT and Architectural Plans b Achilles Architects, Bridgeport, CT, be APPROVED with the following conditions:**

1. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of

- the required improvements; and
2. That all soil and erosion controls be in place and verified by an inspection by Staff prior to the start of any work on the site; and
 3. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
 4. That the traffic island on East Avenue remain intact and unchanged and that one-way vehicular circulation enter into the site at Daskams Lane and exit out onto East Avenue and the required signal adjustments/ modifications are installed as per DPW requirements;
 5. That the storm drainage maintenance and inspection plan, received by Planning and Zoning on May 1, 2009, be executed as written by Grumman Engineering; and
 6. That the existing Beech tree be retained, protected, fed, treated and maintained during construction and post-construction per the recommendations of the arborist's maintenance plan submitted by Almstead Tree and Shrub Care, Co., dated June 3, 2009 and in the file; and
 7. That in the event that the tree is evaluated by a licensed arborist as being dead; it shall be replaced by a specimen tree. Type and caliper size to be recommended by a licensed arborist and reviewed by the Planning and Zoning Department and approved by the Zoning Commission; and
 8. That any graffiti on the site, now or in the future, be removed immediately; and
 9. That all HVAC units shall be located in conformance with the applicable zoning setbacks; and
 10. That the mechanical utility room not be used for any storage; and
 11. That all signage, existing and proposed, comply with zoning regulations; and
 12. That any modification to the building or the site which requires a substantial change to these plans be submitted to the Zoning Commission for review and approval; and
 13. That any artificial lighting be properly shielded; and
 14. That all sightlines, including the corner of Daskams Lane and East Avenue and all driveway entrances and exits, be maintained and clear; and
 15. That Daskams Lane be painted with pavement markings to denote the existing two-way traffic; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-500, East Avenue Village District (EAVD) and 118-1450 Special Permit; and

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

BE IT FURTHER RESOLVED that a Certificate of Special Permit and map be placed on the Norwalk Land Records; and

BE IT FURTHER RESOLVED that the effective date of this approval shall July 24, 2009.

**** MS. SPENCER SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- b. #4-07SP – CT. Friends School – 440 Newtown Avenue – Request for extension of approval time - Report & recommendation

**** MR. WHITE MOVED: RESOLVED** by the Norwalk Zoning Commission that application # 4-07 SP – Connecticut Friends School Corp – 440 Newtown Avenue/78 Cranbury Road for a K-8th grade school and related improvements have the deadline extended a period of one year.

BE IT FURTHER RESOLVED that the new deadline for obtaining permits is July 27, 2010.

**** MS. LIGHT SECONDED**

**** MOTION PASSED UNANIMOUSLY.**

V. REPORT OF ZONING COMMITTEE, BOB KEYES, CHAIR

- a) #4-09SP/#9-09CAM – Crystal LLC – 314 Wilson Avenue – 10,300 sq. ft. indoor commercial recreation facility in existing building (indoor soccer and lacrosse)

The Commission discussed the additional conditions for approval. Ms. Light read the conditions into the record. The conditions included dedicating to this use the 26 parking spaces hatched on the map; the trimming of the brush

on the property's east side to ease sight lines; the enforcement of all parking on site with written instructions; the removal of garbage between 8 a.m. and 5 p.m.; the screening of all existing lighting; the amendment to condition #5 on the draft resolution to provide security guards between 6 p.m. and closing; and the change in closing time on Sundays from 1 a.m. to 12 a.m.

**** MR. WHITE MOVED: RESOLVED** that that application # 4-09 SP/ # 9-09 CAM submitted by Free Kick MBM, LLC for a commercial recreation facility in the form of a 10, 300 SF indoor soccer facility in an existing building owned by Crystal LLC, located at 314 Wilson Avenue as shown on various plans by Grumman Engineering, LLC, Norwalk, CT, dated 3-03-09, revised to 4-27-09 and floor plans by Cugno Architecture, dated 3-24-09, revised to 3-30-09 be approved with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That the hours of operation shall be restricted to M-Th, 10AM to 12AM and Fri, Sat and Sun from 10 AM to 1:00 AM; and
4. That no loitering, warm-up, after game gatherings or other activities take place out of the building and this shall be enforced by the management; and
5. That, as offered by the applicants, security guards will be present during any tournaments to keep a safe environment and prevent any outside activity; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-700 Industrial #1, 118-1450, Special Permit and 118-1110, Coastal Area Management; and

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

BE IT FURTHER RESOLVED that a Certificate of Special Permit and a survey map of the property be placed on the Norwalk Land Records; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be July 24, 2009.

**** MS. LIGHT SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b) #4-09SPR/#11-09CAM – Shawn's Lawns – 15 Chapel St – Proposed contractor's storage yard

**** MR. WHITE MOVED: RESOLVED** that Application #4-09SPR/#11-09CAM proposed contractor's storage yard for the owner business owner Shawn's Lawns, for the property 15 Chapel Street, as shown on the staff revised site plan, revised July 14, 2009 entitled, "Contractor's Storage Yard Site Plan", Scale 1"=20', Dated April 23, 2008 and revised May 7, 2009, by Grumman Engineering, LLC, Norwalk, CT be APPROVED subject to the following conditions:

1. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
2. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and
3. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
4. That any storage containers do not exceed 40' in length, are single in height, and are limited to four (4) containers; and
5. That the storm drainage maintenance plan be executed after the final certificate of occupancy is granted; and
6. That any dump trucks, loaders, excavators, and backhoes, will be in the bituminous area and will be confined to the storage areas denoted in the plan or be stored inside the building; and
7. That a landscape monitoring and maintenance plan, acceptable to the Zoning Commission, be submitted; and
8. That the owner/ applicant will lease the yard to only one tenant any one time; and
9. That the hours of operation be limited from 6:30 a.m. to 6 p.m., Monday through Saturday; and

10. That erodible materials including crushed stone, fill, mulch, sand, and topsoil, NOT be permitted at the site; and
11. That stockpiling of precast concrete products of pipe not be stockpiled higher than 20' high; and
12. 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
13. 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
14. That the proposed dumpster to the site be in the building only; and
15. That the service for any on-site dumpster will be limited to 8:00 a.m. and 5 p.m.; 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 July 24, 2009.

**** MS. LIGHT SECONDED.
** MOTION PASSED UNANIMOUSLY.**

c) #1-09MV/#13-09CAM - Hollywood Restorations – 115 Woodward Ave – Auto body repair

The Commission did not hear this item tonight.

d) #2-07SP – Stuart Avenue Townhouses, LLC – 42 - 46 Stuart Avenue – 12 unit multifamily residential (Lot 4) – Revocation of Permits

The Commission agreed to continue this hearing until its next meeting.

e) #2-06SPR/#24-06CAM - Guinta – 30 Sheehan Ave – Proposed contractor's storage yard – Revocation of permits

The Commission agreed to continue this hearing until its next meeting.

VI. APPROVAL OF MINUTES: June 17, 2009

The Commission inadvertently skipped this item.

VII. COMMENTS OF THE ASSISTANT DIRECTOR

Mr. Wrinn said that the first public hearing was confusing, as expected, and that it was good to have dispatched it.

VIII. COMMENTS OF COMMISSIONERS

Ms. Lightfield asked about the possibility of canceling the August meeting. Mr. Wrinn agreed to research the possibility.

IX. ADJOURNMENT

**** MS. LIGHTFIELD MADE A MOTION TO ADJOURN.
** MS. SPENCER SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:00 p.m.

Respectfully submitted by Charlene Smith.