

**CITY OF NORWALK
ZONING COMMISSION
December 15, 2010**

PRESENT: Joseph Santo, Chair; Robert Keyes; David McCarthy; Jill Jacobson; Michael Mushak; Emily Wilson; James White; Michael O'Reilly; Robert Hard;

STAFF: Michael Wrinn; Vladimir Mariano

OTHERS: Elizabeth Suchy, Esq.; Fritz Morris; Catherine Poulin; Mike Galante; John Kovarik; John Mosby; Rev. Joseph Clemmons; Ed Musante, Jr.; Angela Christopher, Courtney Austin; Michele Lemont; Dr. D'Angelo

I. CALL TO ORDER

Joseph Santo called the meeting to order at 7:32 p.m.

II. ROLL CALL

Mr. Wrinn took the roll call.

III. PUBLIC HEARINGS

a. & b. #14-10R - 345 Ely LLC/SoNo Court Assoc – Proposed amendments to add passenger motor vehicle assembly in existing buildings and indoor & outdoor storage of passenger motor vehicles on lots of 10 acres or less as a new special permit use in the Restricted Industrial zone; #15-10SP/#25-10CAM - 345 Ely LLC/SoNo Court Assoc – 345 Ely Ave/Gray Rock Road - 36,000 sq. ft. passenger motor vehicle processing & assembly with indoor & outdoor storage –

Mr. Santo opened the public hearing.

Liz Suchy, who represented the applicant, turned in the certified return receipt cards for letters sent to abutting neighbors. She asked that the testimony for one hearing be used as the testimony for all three public hearings which was acceptable to the commission. She presented a background of the three applications with maps and photographs. There would be no additions to the structures; it will be used "as is." She then discussed the proposed language for the text amendment as well as reviewed the application for the special permit.

Fritz Morris, the architect on the project, discussed the site plan and construction in the interior of the building. Other than a sign on Ely Ave., identifying the building number, there would be no other work on the exterior of the site. A fence would be put up to enclose the exterior storage area for the Mercedes Benz vehicles. On the north façade, a door would be added and dividing walls inside to divide the space. Six lifts would be installed for after market accessories. Mr. White requested a maintenance plan to be assured that drainage would be maintained on a regular basis. Mr. O'Reilly asked how many vehicles would be stored on the inside of the building. Mr. Morris asked Catherine Poulin to answer the question. She said they could hold 130 vehicles or up to 160 vehicles in the interior by reducing the spaces in between them.

Mr. Santo asked whether the work would be done inside to which Mr. Wrinn answered that it would be. The concern was that the noise would be contained inside the building and that it would not be outside. Atty. Suchy reminded the commission that her client was obligated to follow the Norwalk noise ordinance and be sensitive to the needs of the surrounding neighborhood.

There was some discussion about having oil changes done in the building as well as the drainage system for the building.

Mike Galante, the applicant's traffic expert, presented a traffic report that had been requested. The Gray Rock Road entrance would always be gated and never used except for emergencies. The report did a comparison of the proposed use to the previous use of the building. One thing the report showed was that this use of the property generated less traffic than manufacturing. Mr. O'Reilly asked how many total vehicles, both inside and outside, would be on the property. Atty Suchy answered that it was 260. Mr. Keyes asked how often vehicles would be delivered. Mr. Galante answered that there would be about 3 truck carriers.

John Kovarik, CFO of Mercedes-Benz Greenwich, addressed the commission next and answered their questions about how many vehicles would be on each truck, oil changes, recycling the oil and storage of other chemicals.

Mr. Mosby, a neighbor on Adamson Ave, spoke about his concerns for the proposed use of the property

Rev. Joseph Clemmons, a neighbor on Adamson Ave, spoke about concerns regarding the proposed use of the property.

Edward Musante of the Chamber of Commerce spoke on behalf of the application.

Atty Suchy presented her rebuttal and included a letter that she addressed to Mr. Santo. She also answered some additional questions from the commissioners.

Mr. McCarthy read the resolution passed by the Planning Commission that 14-10R be approved for the reasons set forth in the resolution. He also read comments from CAM, the Town of Westport and SWRPA.

Mr. Santo closed the public hearing.

c. #11-10R – Zoning Commission – Proposed amendments to sign regulations for East Avenue Village District and Golden Hill Village District

Mr. Santo opened the public hearing.

Mr. Wrinn presented a background of the proposed amendment to the commission.

Angela Christofor spoke in support of the amendment

Dr. D'Angelo spoke in support of the amendment.

Courtney Austin spoke in opposition to the amendment

Michele Lemont spoke in opposition to the amendment.

Atty Suchy discussed a letter that she addressed to Mr. Santo regarding the use of phone numbers on the signs.

The commissioners had further discussions about the signs especially those on East Avenue.

Mr. McCarthy read the referral from the Planning Commission, as well as comments from CAM, SWRPA and the Harbor Commission.

Mr. Santo closed the public hearing.

c. #12-10R – Zoning Commission – Proposed amendments to add boutique Manufacturing as a permitted use in Neighborhood Business zones and

d. #23-10CAM – Wave Hill Bread – 30 High Street - ±3,100 sq ft retail and boutique manufacturing of bread and related products in existing building

Mr. Santo opened the public hearing for both items.

Mr. Wrinn presented the applications to the commissioners. No one spoke on behalf or in opposition to this application.

Mr. McCarthy read the referral from the Planning Commission as well as comments from CAM, [SWRPA](#) and the Harbor Commission.

Mr. Santo closed the public hearing.

e. #13-10R – Zoning Commission - Amend Flood Hazard zone regulations to revise definition of substantial improvement

Mr. Santo opened the public hearing.

Mr. Wrinn presented the application to the commissioners. No one spoke on behalf or in opposition to this application.

Mr. McCarthy read the referral from the Planning Commission as well as comments from CAM, the Harbor Commission and SWRPA.

Mr. Santo closed the public hearing.

IV. REPORT OF PLAN REVIEW COMMITTEE, JAMES WHITE, CHAIR

a. #6-08SPR/#16-08CAM - POKO IWSR Developers – Wall St/Isaacs St - Wall St Place mixed use development – Request for extension of approval time - Report & recommendation –

****MR. WHITE MOVED: BE IT RESOLVED that the request for an extension of approval time for Site Plan #6-08SPR and Coastal Site Plan #16-08CAM – POKO-IWSR Developers, LLC – 61 – 65 Wall Street/2, 21 & 23 Isaacs Street – 182,112 sq ft mixed use development (Phase 1) with 101 units, 14,759 square feet retail and a 2,424 square foot restaurant with on site below grade automated parking garage as on a set of plans entitled "Wall Street Place Site Plan Phase 1" by Crosskey Architects, LLC, Wesley Stout Associates and Redniss & Mead Inc., dated May 16, 2008 as revised to May 30, 2008 be APPROVED, subject to the following conditions:**

- 1. That the original conditions of approval remain in effect; and**
- 2. That the new approval deadline for obtaining permits will be December 20, 2011; and**

BE IT FURTHER RESOLVED that the effective date of this action be December 24, 2010.

**** MR. MCCARTHY SECONDED.
** MOTION PASSED UNANIMOUSLY**

b. Dept of Public Works - Section 95-19 referral: Rename Meadow Street Extension to Hatch & Bailey Place - Report & recommendation

The commission had some discussion on this matter. There was concern about the problems that it could cause to the residents on the street.

MR. WHITE MOVED: BE IT RESOLVED that the referral from the Department of Public Works on behalf of the Public Works Committee of the Common Council to rename Meadow Street Extension to Hatch and Bailey Place be **DENIED**; and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Department of Public Works.

**** MR. MUSHAK SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

c. #26-10CAM – Bad Dawgs – 40 N. Main St - Hot dog restaurant with walk-up take out window - Report & recommendation

MR. WHITE MOVED: BE IT RESOLVED that application #26-10 CAM, submitted by M. Osmum for a hot dog restaurant with a walk up take out window at 40 North Main Street be **APPROVED** with the following conditions:

1. That any graffiti on the site, now or in the future, be removed immediately; and
2. That any changes to this plan be reviewed and approved prior to those changes being implemented; and
3. That the final signoff be received from the Norwalk Redevelopment Agency; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable Coastal Area Management policies and objectives; and

BE IT FURTHER RESOLVED that the reason for this approval is that the proposed project complies with the Building Zone Regulations, Section 118-520, South Norwalk Business District and Section 118-1110, Coastal Zone; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 24, 2010.

**** MR. MCCARTHY SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

d. #X-10SPR – Glenwood Ave LLC – 9-11 Glenwood Av – 9 unit residential development – Request to add front porch in front setback as allowed by regulations - Report & recommendation

MR. WHITE MOVED: BE IT RESOLVED that the zoning approval issued to Glenwood Avenue LLC for a 9 (nine) unit residential development at #9 & 11 Glenwood Avenue be **MODIFIED** to add front porches as shown on a set of plans entitled “Proposed Alt #2 Front Porch”, drawing SK-2, dated 11/8/10, prepared by ADA Architects, 32 Main Avenue, Norwalk, CT

BE IT FURTHER RESOLVED that this approval is permitted by Section 118-360 C.(7)4, as the proposed porches enhance the residential character of the building and promote pedestrian activity along the street; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 24, 2010.

**** MR. MCCARTHY SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

e. #27-10CAM – Bulls Head Market Cafe – 46 N. Main St – Add seating to delicatessen – Rpt & recommendation

MR. WHITE MOVED: BE ITRESOLVED that Coastal Area Management #27-10 CAM– Bulls Head Market Cafe – 46 N. Main St – Add seating to delicatessen and as shown on the plan drawing in the file, dated received by the Planning and Zoning Department – 11/17/2010 be APPROVED subject to the following conditions:

- 1. That no live music or DJ entertainment take place in the facility without approval from the Zoning Commission first; and**

BE IT FURTHER RESOLVED that under Section 118-1220 (M) (1), parking in South Norwalk, the additional 11 spaces generated by the increased use, will not be required to be provided, as the property is located in the “Exempt From Municipal Parking Permit Fees” area of the downtown; and under this proposal; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 24, 2010.

**** MR. MCCARTHY SECONDED.
** MOTION PASSED UNANIMOUSLY**

f. #9-08SP/#25-08CAM – Stepping Stones Museum for Children – 303 West Ave (Mathews Park) – Additions & alterations to existing museum – Request for return of surety bond - Report & recommendation

MR. WHITE MOVED: BE ITRESOLVED that the request to release the surety bond on application #9-08SP/#25-08CAM – Stepping Stones Museum for Children – 303 West Ave (Mathews Park) – Additions & alterations to existing museum be APPROVED; and

BE IT FURTHER RESOLVED that a 15% maintenance surety be retained, to be held for a minimum period of one year; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 24, 2010.

**** MR. MCCARTHY SECONDED.
** MOTION PASSED UNANIMOUSLY**

g. DEP/USACE – 97 and 101 Rowayton Ave – Retain marina configuration for marine commercial use – Report & recommendation

MR. WHITE MOVED: BE IT RESOLVED that the staff be directed by the Zoning Commission to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #201000793-SJ – 97 and 101 Rowayton Avenue – Retain marina configuration for marine commercial use; and

BE IT FURTHER RESOLVED that a zoning permit with the City of Norwalk will need to be obtained for this work and that additional parking will need to be provided per the zoning regulations; and

BE IT FURTHER RESOLVED that this proposal is consistent with coastal resource and use polices.

**** MR. MCCARTHY SECONDED.
** MOTION PASSED UNANIMOUSLY**

V. REPORT OF ZONING COMMITTEE, ROBERT KEYES, CHAIR

a. Action on Items III a - f.

a. #14-10R - 345 Ely LLC/SoNo Court Assoc – Proposed amendments to add passenger motor vehicle assembly in existing buildings and indoor & outdoor storage of passenger motor vehicles on lots of 10 acres or less as a new special permit use in the Restricted Industrial zone;

MR. KEYES MOVED: BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#14-10R – 345 Ely LLC/SoNo Court Associates – Proposed amendment to Section 118-711 to permit motor vehicle processing, assembly and detailing by special permit in Restricted Industrial zones" and dated October 27, 2010 (revised November 19, 2010), as modified to December 15, 2010, be APPROVED.

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

- 1) To implement the Plan of Conservation and Development goal to "Encourage diverse job opportunities for various employment sectors within Norwalk" (A.1.2.4. p. 10); and
- 2) To implement the Plan of Conservation and Development goal to " Improve and maintain essential infrastructure to retain and attract desirable businesses (A.1.2.5, p. 10); and
- 3) To implement the Plan of Conservation and Development goal to "Seek private investment within the community" (A.1.1.1. p. 10); and
- 4) To implement the Plan of Conservation and Development goal to "Encourage diversity in commerce and industry" (A.1.1.2, p. 10); and

BE IT FURTHER RESOLVED that the effective date of this action be December 24, 2010.

**** MR. WHITE SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

b. #15-10SP/#25-10CAM - 345 Ely LLC/SoNo Court Assoc – 345 Ely Ave/Gray Rock Road - 36,000 sq. ft. passenger motor vehicle processing & assembly with indoor & outdoor storage –

MR. KEYES MOVED: BE ITRESOLVED that special permit application #15-10SP and coastal area management application #25-10CAM - 345 Ely LLC/SoNo Court Associates LLC – 345 Ely Ave/Gray Rock Road - 36,000 sq. ft. passenger motor vehicle processing/assembly & related uses with indoor and outdoor storage of motor vehicles as shown on a set of plans entitled "Mercedes Benz of Greenwich 345 Ely Avenue" prepared by Beinfield Architecture and dated October 20, 2010 as revised to November 30, 2010, be APPROVED, subject to the following conditions:

1. That the Site Plan dated November 30, 2010 be revised to remove 1 parking space on the southeast corner of the site as requested by Fire Marshal and to add evergreen shrubs along the southeastern property line to provide additional screening of the proposed outdoor motor vehicle storage area; and
2. That any graffiti on the site, now or in the future, be immediately removed; and
3. That any modifications to the approved plans be submitted to the Zoning Commission for review and approval; and
4. That all CEAC signoffs be submitted prior to the start of construction; and

5. That a special permit certificate and site plan be filed on the Norwalk Land Records; and
6. That servicing and pick-up of the garbage dumpster occur no earlier than 8:00 am and no later than 8:00 pm; and
7. That a licensed Connecticut engineer certify that the development as constructed complies with all relevant regulations and that such certification be submitted prior to the issuance of a certificate of zoning compliance; and
8. That additional details on the replacement rooftop HVAC equipment be provided to confirm compliance with the Noise Ordinance; and
9. That a maintenance program for the storm water filters be submitted; and
10. That all work be conducted inside the building; and
11. That the doors to the facility remain closed at all times, except for normal vehicle movements in and out; and
12. That the use of car carriers be restricted to the hours between 8:00 am to 5:00 pm; and
13. That all vehicles and car carriers utilize the existing Ely Avenue gate and that the existing Gray Rock Road gate remain closed and not used except for emergency purposes; and

BE IT FURTHER RESOLVED that this application complies applicable Coastal Area Management resource and use policies, Section 118-711 Restricted Industrial, as amended, Section 118-450 Special Permits and applicable sections of the Building Zone Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the effective date of this action be December 24, 2010.

**** MR. MCCARTHY SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

c. #11-10R – Zoning Commission – Proposed amendments to sign regulations for East Avenue Village District and Golden Hill Village District

The commission had some discussion about the amendments. Mr. White wanted to continue discussions about content on the signs so he asked Mr. Wrinn to put it on a future agenda.

MR. KEYES MOVED to deny the amendment; however, the motion was not seconded by anyone on the commission.

MR. WHITE MOVED: BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “#11-10R - Zoning Commission – Proposed amendments to Section 118-1295 to revise East Avenue Village District sign regulations and to establish new Golden Hill Village District sign regulations” and dated November 5, 2010, be **APPROVED.**

BE IT FURTHER RESOLVED that the reason for this action is:

1. To implement the Plan of Conservation and Development goal to "Maintain...Village Districts to preserve the character of the districts, to improve the design of buildings and their

relationship to the streetscape, and to protect resources of historical and architectural significance..." (F.4.1.5, p. 43); and

BE IT FURTHER RESOLVED that the effective date of this action be December 24, 2010.

**** MR. MCCARTHY SECONDED.**

**** MOTION PASSED, 8-1 (MR. KEYES OPPOSED)**

d. #12-10R – Zoning Commission – Proposed amendments to add boutique Manufacturing as a permitted use in Neighborhood Business zones

MR. KEYES MOVED: BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#12-10R – Zoning Commission – Proposed amendment to Article 50 to permit boutique manufacturing in Neighborhood Business zones" and dated October 14, 2010, be APPROVED.

BE IT FURTHER RESOLVED that the reason for this action is:

- 1. To implement the Plan of Conservation and Development goal to "Preserve the character of neighborhood businesses and neighborhood businesses districts" (A.4.1.4, p. 13); and**
- 2. To promote the inclusion of artisans, producing items such as ceramics, furniture, artwork and custom made food items, as an accessory use in Neighborhood business zones; and**

BE IT FURTHER RESOLVED that the effective date of this action be December 24, 2010.

**** MR. MCCARTHY SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

e. #23-10CAM – Wave Hill Bread – 30 High Street - ±3,100 sq ft retail and boutique manufacturing of bread and related products in existing building

MR. KEYES MOVED: BE IT RESOLVED that coastal site plan "#23-10CAM – Wave Hill Bread – 30 High Street - ±3,100 sq ft retail and boutique manufacturing of bread and related site improvements" as shown on a set of plans entitled "Wave Hill Bread 30 High Street" and dated October 28, 2010 be APPROVED, subject to the following conditions:

- 1. That the storage container located in a parking space be permanently removed prior to the issuance of a certificate of zoning compliance; and**
- 2. That any graffiti on the site, now or in the future, be immediately removed; and**
- 3. That any modifications to the approved plans be submitted to the Zoning Commission for review and approval; and**

BE IT FURTHER RESOLVED that this application complies applicable Coastal Area Management resource and use policies, Section 118-510 Neighborhood Business zone, as amended, and applicable sections of the Building Zone Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the effective date of this action be December 24, 2010.

**** MR. MCCARTHY SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

f. #13-10R – Zoning Commission - Amend Flood Hazard zone regulations to revise definition of substantial improvement

BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “#13-10R – Zoning Commission – Proposed amendment to the Building Zone Regulations to amend Section 118-1100 Flood Hazard Zone to revise the substantial improvement definition” and dated October 14, 2010 be approved.

BE IT FURTHER RESOLVED that the reason for this action is:

- 1) To adopt the revised minimum requirements of the Federal Emergency Management Agency (FEMA) so that the City of Norwalk will remain eligible to participate in the National Flood Insurance Program (NFIP); and**
- 2) To implement the Plan of Conservation and Development policy to "Maintain the Federal Flood Insurance Program which provides insurance for property owners in flood hazard areas, but encourage development (especially higher density) to be located outside flood-prone areas wherever possible, including increased setbacks to account for sea level rise" (B.3.1.8 . p.17); and**

BE IT FURTHER RESOLVED that the effective date of this action be December 24, 2010.

**** MR. MCCARTHY SECONDED.
** MOTION PASSED UNANIMOUSLY**

VI. APPROVAL OF MINUTES: November 17, 2010

**** MR. MCCARTHY MADE A MOTION TO APPROVE THE MINUTES.
** MR. WILSON SECONDED THE MOTION
** MOTION PASSED UNANIMOUSLY.**

VII. COMMENTS OF DIRECTOR

There were no comments.

VIII. COMMENTS OF COMMISSIONERS

There were no comments.

X. ADJOURNMENT

**** MR. MCCARTHY MADE A MOTION TO ADJOURN.
** MR. MUSHAK SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Diana Palmentiero