

**CITY OF NORWALK
SPECIAL MEETING OF THE ZONING COMMISSION
September 19, 2013**

PRESENT: Joseph Santo, acting as Chair; Emily Wilson, Chair (arrived at 7:15 p.m.), Jill Jacobson, Linda Kruk; Michael O'Reilly; Michael Mushak; Nathan Sumpter

STAFF: Michael Wrinn; Adam Carsen

OTHERS: Alan Lo; Atty Al Vasko; Peter Romano; Phil Soriano; Michael Galante; Charles and Amy Pollard; Sahma Aluman and Regina Aluman; John Matchak

I. CALL TO ORDER

Joseph Santo, acting as Chair, called the meeting to order at 7:06 p.m.

II. ROLL CALL

Mr. Wrinn called the roll. After the roll call, Mr. Santo went over the rules of the public hearing. He notified the public that two of the applications would not be acted upon, the B.J.'s Warehouse Club public hearing and #18-13CAM, whose applicant requested a public hearing. He also asked everyone to turn off or put on vibrate, their cell phones.

III. PUBLIC HEARINGS

a. #11-13SP – Norwalk Public Schools – Rowayton Elementary School – 1 Roton Ave – Construction of gym and additional classrooms

Alan Lo, the project manager representing the City of Norwalk for this application, began the presentation. He gave a background of the project to the commissioners.

John Hart, the architect on the project, continued the presentation. He discussed the current building as well as what the new addition would look like. He showed the commissioners the plans for the addition. He said there would be zero net run-off when the project was complete. He described the access to the school. He then discussed the floor plans for the inside of the school. He showed the commissioners the plans for the exterior of the building and described the materials that would be used.

There were no questions from the commissioners. No members of the public spoke in support or against the project. Mr. Santo closed the public hearing.

b. #10-13SP – Bender Plumbing – 223 - 237 Westport Avenue – 30,000 sq. ft. retail and wholesale distribution warehouse

Mr. Santo opened the public hearing.

Al Vasko, the attorney for the applicant, began the presentation by giving a brief overview of the application and describing the current building, interior and exterior. He then described the plans for the new building as well as the business hours, deliveries, etc. He also discussed the history of Bender Plumbing. He also handed in the certified, return receipt cards evidencing that legal notices of the public hearing were sent to the abutting neighbors.

Peter Romano, the civil engineer on the project, continued the presentation. He discussed the two buildings that were on the property. He also discussed how the project would eliminate the non-conformities of the site. He described the current driveway and how it would be changed. He discussed the drainage system and said they would be decreasing the amount of impervious areas on the site. He also described the property line with the residential neighbors behind the property. Mr. Romano told the commissioners of all the improvements that the applicant would complete for the neighbors. The applicant has received all of its necessary sign-offs.

Mr. Mushak had comments about the drainage system and asked about the sidewalks.

Mr. Soriano, the architect for the project, continued the presentation. He described the interior which was 2 stories with a basement. With the help of the architectural plans, he described the showroom, warehouse, delivery bays and a glass tower on the front of the building.

Mr. Santo asked whether there would be a generator or compactor. Mr. Mushak asked about the glass used in the tower. Mr. Soriano showed him a sample. Mr. Wrinn asked Mr. Soriano to clarify where the glass tiles would be used on the building. Mr. Mushak had questions about the lighting plan.

Mr. Galante, the traffic consultant, continued the presentation. He discussed the number of cars and the projections of the cars coming from the site. He said that the proposed site would be safer than the current parking situation.

Mr. O'Reilly asked about the percentage of deliveries vs. the amount of cars/pick-ups from the site. Atty Vasco said that it was approximately 75% deliveries.

Atty Vasko read a letter of support into the record from the Westport Avenue Associates. He then concluded his presentation.

Charles and Amy Pollard, abutting neighbors, addressed the commissioners. Although they thought the project would be beneficial the neighborhood, they had their own concerns. They submitted pictures of the view from their backyard into the applicant's property. They had questions about the applicant's demolition of their two buildings, a temporary safety fence and the erosion of the property at the back. They were concerned about the arborvitaes that were on their property. They wondered whether there would be a fence on top of the wall.

Sahma Aluman and Regina Aluman, abutting neighbors, addressed the commissioners. Their concerns were about the debris and dust from the demolition of the two buildings currently on the site. They were also concerned that since the shipping/delivery department was near their house, there would be idling of trucks. Mr. Aluman asked how they could minimize it. He also suggested that the wall be constructed higher than what the applicant planned.

John Matchak, owner of the Woodworkers Club and on the adjacent property to the applicant's property, spoke in support of the application.

Atty Vasko continued the presentation with his rebuttal by assuring the neighbors that a fence and erosion controls would be in place. Mr. Romano went over these points in greater detail. He also assured them that they would try to protect the arborvitaes. He discussed the lighting plans as well as the loading docks, which would be further away from the neighbors than they are now. He also said there would be a licensed demolition contractor which would handle the demolition in phases.

Mr. Mushak had questions about the lighting. Mr. Romano assured him that the lighting was made for commercial properties that were near residential neighborhoods. Mr. Santo asked how much taller the new building would be. Mr. Wrinn said that the old building was a 1 story and the new building was a 2 story building. There was a discussion about the wall and the fence to be constructed on it.

Ms. Wilson closed the public hearing.

IV. REPORT OF PLAN REVIEW COMMITTEE, JILL JACOBSON, CHAIR

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

i. #11-13SP – Norwalk Public Schools – Rowayton Elementary School – 1 Roton Ave – Construction of gym and additional classrooms

**** MR. SANTO MOVED:** that this application be sent back to the Plan Review Committee since the application has not received their approval from the Conservation Commission.

**** MR. SUMPTER SECONDED.**
**** MOTION PASSED (6-0)**

ii. #10-13SP – Bender Plumbing – 223 - 237 Westport Avenue – 30,000 sq. ft. retail and wholesale distribution warehouse

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application # 10-13 SP, submitted by The Work Bank Leasing Realty Association, for the construction of a 25,000 SF retail and wholesale distribution building and related site improvements at 223, 235 and 237 Westport Avenue, as shown on plans by Phillip H. Cerrone, Architect, dated 8-02-13 and site plans by LandTech, Westport, CT, dated 8/2/13, revised to

8/9/13as be **APPROVED** with the following conditions:

1. That any graffiti on the site, now or in the future, be removed immediately; and
2. That the required erosion controls be in place prior to construction and properly maintained throughout the construction; and
3. That, as shown on the plans, all billboards are to be removed from the site; and
4. That any testing of any emergency generator be limited to between the hours of 11:00 AM and 1:00 PM weekdays; and
5. That any garbage pickup be picked up after 7:00 AM; and
6. That deliveries only be made between the hours of 8:00 AM and 4:00 PM weekdays; and
7. That all landscaping be retained and maintained for the life of the project, including any landscaping existing at the top of the wall at the rear of the property; and
8. That the proposed wall at the rear of the property be of a minimum height to meet the existing grades of the neighbors and be topped with a six foot solid fence; and,
9. The lighting be restricted to 12 ft. in height and on an automatic timer to be turned off at 11 p.m. Any wall mounted fixtures be full cut-off and shielded.; and,

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118- 522, Business #2, and 118-1450 Special Permit.

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 27, 2013.

**** MR. MUSHAK SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

`b. #3-05SPR – Merritt River Partners – Glover Av – 82,700 sf. office bldg – Request for 1 year ext of time - Report & recommended action

**** MR.SUMPTER MOVED: BE IT RESOLVED** that the request for a one year extension of time for site plan application #3-05SPR - Merritt River Partners, LLC for 82,700 square foot office building and related site improvements on Glover Avenue (south lot) as shown on a certain set of plans by Perkins Eastman Architects, dated September 2, 2005, by Redniss & Mead, dated September 1, 2005, and related site plans and drawings as revised to October 19, 2005, be **APPROVED**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be October 28, 2014 and

BE IT FURTHER RESOLVED that the effective date of this action be September 27, 2013.

**** MS. JACOBSON SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

c. #18-13CAM – B. Beinfield – 2 Nearwater Road – New single family residence - Report & recommended action

Ms. Wilson notified the public as well as the other commissioners that, due to public interest, Mr. Benfield was now requesting a public hearing on this matter.

d. #15-11CAM – Norwalk Museum Partnership, LLC – 41 N. Main Street - Request for 1 year ext of time - Report & recommended action

**** MR. SANTO MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the approval time on #15-11CAM – Norwalk Museum Partnership, LLC – 41 N. Main Street - Request for 1 year ext of time be **APPROVED** for an extension of a period of 365 days with the following condition:

1. That property taxes be kept current for the duration of the extension period;

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 28, 2014.

**** MR. SUMPTER SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

V. APPROVAL OF MINUTES: August 21, 2013

Before the minutes were approved, Mr. Mushak said that he had changes to the Plan Review minutes from the previous month. Mr. Wrinn said that he should submit them to the Zoning Department staff so that they could be changed.

MR. MUSHAK MOVED to approve the minutes.

**** MS. JACOBSON SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

VI. APPOINTMENT OF NOMINATING COMMITTEE

Ms. Wilson appointed Ms. Jacobson, Ms. Kruk and Mr. Santo to the Nominating Committee. There was a discussion since Mr. Sumpter believed that he was overlooked to be on the committee. Ms. Wilson reminded him that it was an appointment.

VII. COMMENTS OF ASSISTANT DIRECTOR

Mr. Wrinn apologized for having the meeting in the Concert Hall.

VIII. COMMENTS OF COMMISSIONERS

Mr. Mushak asked why someone that was new to the commission was appointed to the Nominating Committee.

Ms. Wilson apologized for her tardiness to the public hearing.

Mr. Sumpter also asked about Ms. Wilson's choices for the Nominating Committee. Mr. Mushak thought that those on the committee should understand the dynamics of the Zoning Commission. There was a lengthy discussion about how people were appointed to the nominating committee, and civility amongst the commissioners. Mr. Mushak said there was a lack of transparency on the commission when he had asked for an item to be on the agenda and it was not. Ms. Wilson said she had followed the advice of Corporation Counsel. Mr. Mushak read from the Master Plan and wondered why some zone changes have not been implemented. Mr. Santo reminded him that if he wanted a zone change to be implemented, he should see one of the Zoning Department staff members who could help him. Mr. Mushak asked Mr. Santo whether he would vote for a bill that he drafted with the staff. Mr. Santo said he would not commit to anything at this time.

IX. ADJOURNMENT

**** MS. JACOBSON MADE A MOTION TO ADJOURN.
** MR. SUMPTER SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Diana Palmentiero