

**CITY OF NORWALK  
ZONING COMMISSION  
November 18, 2015**

***DRAFT NOT APPROVED BY THE COMMISSION***

**PRESENT:** Adam Blank, Chair; Jill Jacobson; Linda Kruk; Rod Johnson, Nate Sumpter;  
Doug Stern

**STAFF:** Michael Greene; Mike Wrinn; Frank Strauch

**OTHERS:** Steve Sullivan, Matthew Popp

**I. CALL TO ORDER**

Mr. Blank called the meeting to order at 7:34 p.m.

**II. ROLL CALL**

Mr. Greene called the roll.

Before the public hearings were held, Mr. Blank presented former Zoning Commissioner, Nora King, a plaque for her service to the Zoning Commission.

**III. PUBLIC HEARINGS**

**a. #13-15SP – Black Gold Enterprises – 479 Main Avenue – Replacement gas station**

Mr. Blank opened the public hearing. Mr. Sullivan began the presentation by turning in the certified return receipts, evidencing the notification of the public hearing to the neighbors. He oriented the commissioners as to the location of the property on an aerial map. He described the property as well as went over the site plan. He then continued with a description of the proposed application which included demolishing the building, constructing a convenience store, parking spaces, new pump islands and new sidewalks. He went over the sign-offs that the applicant had received. He explained that since the traffic engineer could not appear at the public hearing, he would read the concluding paragraph of the traffic study into the record.

Matthew Popp, the landscape architect, continued the presentation by describing all of the plantings that the applicant would add to the property.

Arnaud de la Guéronnière, the architect on the project, continued the presentation by describing the building and its design, which included the use of bricks. The second floor would be used as storage. There was a discussion about electronic signs but the regulations only allowed it for changing the gas prices, not for flashing. There was a discussion about how the fuel trucks would come onto the property.

No one spoke in support or against the application. Mr. Blank closed the public hearing.

**b. #10-15R - Zoning Commission – Proposed amendment to Section 118-1220 regarding the use of municipal parking lots in Norwalk Center and South Norwalk and technical amendments**

Mr. Blank opened the public hearing. Ms. Kruk read the referral into the record from the Planning Commission and the comments from Ms. Balint of the CT Department of Energy and Environmental Protection.

Mr. Greene said that he hoped that this regulation would not have to be renewed again in 2 years because business is booming in the Norwalk Center and South Norwalk. He then gave a brief

history of the amendment for the new commissioners.

No one spoke in support or against the application. Mr. Blank closed the public hearing.

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

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

##### **#13-15SP – Black Gold Enterprises – 479 Main Avenue – Replacement gas station**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that application #13-15SP – Black Gold Enterprises – 479 Main Avenue – Replacement gas station, and as shown on various site and on the survey and engineering plans by CCA, LLC (Brookfield, CT) dated 9/2/2015 and revised to 10/1/2015 and 8/13/2015 and the architectural plans by ALG Architect, LLC (Bethel, CT) dated 9/1/15 be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; 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 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
5. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
6. That the south driveway exiting the site shall be a right turn only onto Main Avenue; and
7. That the proposed dumpsters be locked and properly screened; and
8. That cutoff shield on lighting fixtures must be installed as required to prevent any stray light from being emitted off the property; and
9. That the hours of garbage pick-up and any deliveries be no earlier than 7 a.m. and no later than 7 p.m.; and
10. That the stormwater system be maintained per the maintenance plan submitted; and
11. That there be a full 5' clearance from any obstruction on the sidewalk on Main Avenue; and
12. That all signage, existing and proposed, comply with the zoning regulations; and
13. That any changes to the plan be reviewed and approved prior to those changes being implemented; and
14. That a final certified "as-built" will be required to verify the completed project is built in accordance with the Zoning Regulations (height, setback, etc.); and
15. That any graffiti on the site, now or in the future, be removed immediately; and
16. That all HVAC units shall be located in conformance with the applicable zoning setbacks and as per 118-522 B (4) (e); 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 Zone" and 118-1450 "Special Permit"; 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 be November 27, 2015.

**Ms. Kruk seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**b. #16-15CAM – B. Beinfield – 2 Nearwater Rd. – New single family residence, convert existing dwelling to accessory use – Report & recommended action**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that Coastal Area Management application # 16-15 CAM, submitted by B. Beinfield, for the construction of a new single family dwelling at 2 Nearwater Road, as shown on a survey by Arcamone Surveyors, Norwalk, CT, entitled “Zoning Location Survey of Property Prepared for Prepared for Beinfield Architecture, #2 Nearwater Road, Rowayton, CT, Scale 1” = 20”, dated August 20, 2013 and revised to 7/14/15, and on architectural plans by Beinfield Architecture PC, Norwalk, CT, #2 Nearwater Road, revised to 07/20/15 be approved, with the following conditions:

1. That all required soil sedimentation and erosion controls are in place prior to the start of any construction or destruction of the existing dwelling and approved by staff; and
2. That any additional soil sedimentation and erosion controls required by staff during construction be placed immediately; and
3. That a hard wood fence be places inside of the erosion controls to insure the continued integrity of the sedimentation and erosion controls during the project; and
4. That a double line of silt fence and haybales be installed as soil and sedimentation controls; and
5. That all required Flood Certifications be provided; and
6. That a storm water management plan be submitted; and
7. That an updated survey showing coastal resources be submitted to verify any changes in the coastal resources; and
8. That a specific phasing / construction and heavy equipment methodology / sequencing / monitoring plan be submitted and approved by staff to insure that all work is kept on the upland portion of the property and properly sequenced so as to prevent any disturbance to coastal resources; and
9. That additional riparian native (non-invasive) plantings be planted just landward of the Coastal Jurisdiction Line (CJL) over the entire length of the home.
10. That the engineer of record verify that soil conditions are appropriate for the Cultec rechargers;
11. That in addition to the rechargers, rain barrels be placed at each downspout with overflow directly to the Cultec system; and
12. As per the plans, that the cottage be converted to an accessory structure by the removal of the kitchen and a permit be obtained for this work; and

**BE IT FURTHER RESOLVED** that the proposal, with the conditions of approval, complies with the applicable Coastal Resource and Use Policies; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be November 27, 2015.

**Ms. Kruk seconded.**

Before the vote was taken, Mr. Wrinn clarified the conditions for the CAM application and how they had been arrived at. He noted that some were standard conditions and some conditions were from Ms. Balint’s comment letter regarding the application. An additional condition was added at this time, to remove the kitchen from the accessory structure. Mr. Blank made remarks in connection with the D.E.E.P.’s comments and suggested that the Zoning Commission should review its regulations and make changes.

**Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**c. #21-15CAM – Edward Bistany – 74 North Main St – Tenant fit-up for “Prime**

**Burger” restaurant – Report & recommended action**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that Coastal Area Management #21-15CAM – Edward Bistany – 74 North Main St – Tenant fit-up for “Prime Burger” restaurant and as shown on the architectural drawings by Macmillan Architects, Ridgefield, CT, dated and revised to 10/22/15 be **APPROVED** subject to the following conditions:

1. That all signage, existing and proposed, comply with the zoning regulations; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That all needed permits from the applicable City agencies be obtained; and
4. That there will be no live music (DJ or band of any kind); and

**BE IT FURTHER RESOLVED** that under Section 118-1220 (M), municipal parking in South Norwalk, the additional 3 spaces generated by the increased use (8 parking spaces total), will not be required to be provided, as the property is located in the “Exempt From Municipal Parking Permit Fees” area of South Norwalk; 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 November 27, 2015.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**5. #4-12SP – Mary Fawcett – 329-335 Chestnut Hill Rd – 9 unit conservation development – Request for 1 yr ext of approval time - Report & recommended action**

**\*\* MR. BLANK MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the approval time on #4-12SP – Mary T. Fawcett – 329 & 335 Chestnut Hill Rd – 9 unit conservation development - Request for 1 year extension of approval time **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; and

**BE IT FURTHER RESOLVED** that the new deadline to obtain zoning and building permits will be October 26, 2016.

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be November 27, 2015.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**6. #1-09SP/#1-09CAM – TR Sono Partners, LLC (SoNo Hotel) - 43-47 South Main St – 8 story, 110 room extended stay hotel with 70 space indoor valet parking in a 2 story**

**automated garage - Request for 1 yr ext of approval time -Report & recommended action**

**\*\* MR. SUMPTER MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application **#1-09SP** and coastal site plan application **#1-09CAM** by TR Sono Partners, LLC – 43 - 47 South Main Street for a new 8 story, 110 room extended stay hotel with 70 space indoor valet parking in a 2 story automated garage as shown on a set of plans entitled "SoNo Hotel, 33-41 South Main Street, South Norwalk, CT." by Beinfield Architecture, PC; Eric Rains Landscape Architecture, LLC.; Cabezas-DeAngelis Engineers and other related plans dated October 9, 2014 as revised to November 24, 2014 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 December 19, 2016 and

**BE IT FURTHER RESOLVED** that the effective date of this action be November 27, 2015.

**Ms. Kruk seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**7. #8-12SP – Lowe’s Home Centers, Inc. – 100 Connecticut Avenue - 135,000 sq. ft. retail home improvement store – Request for release of surety – Report & recommended action**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the sedimentation and erosion control surety be released and returned, as all of the required improvements associated with the same have been completed.

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be November 27, 2015.

**Ms. Kruk seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**8. #4-14SP/#15-14CAM – AMEC Carting, LLC – 1 Crescent St – Bulky waste transfer/recycling station – Review of traffic report after opening facility to the public – Report & recommended action**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the follow up traffic study done by RBA Group of Connecticut, LLC, dated October 22, 2015, for application **#4-14SP/#15-14 CAM**, AMEC Carting, LLC , 1 Crescent Street for a Bulky Waste transfer / recycling center, in order to satisfy condition **#3** of the approval dated December 20, 2014 be **APPROVED**.

**BE IT FURTHER RESOLVED THAT** the effective date of this approval shall be November 27, 2015.

**Mr. Blank seconded.**

**Mr. Blank noted that the City hired their own traffic consultant and found no adverse impacts with the increase in tonnage at the site.**

**Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**9. #17-13SP – Merritt River Partners, LLC – 1 Glover Av – 132 unit Commercial PRD – Request to modify conditions of approval to allow CZC to be issued before OSTA improvements are complete – Report & recommended action**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that the conditions of approval for special permit application #17-13SP; Merritt River Partners, LLC for 132 unit Commercial Planned Residential Development and related site improvements as shown on a certain set of plans by EDI International Architects, Environmental Land Solutions and Civil One Engineers, dated January 28, 2014 and related site plans and drawings, as modified to allow a certificate of zoning compliance (CZC) to be issued and to grant the applicant an additional six months to construct the required improvements, be approved, subject to the following conditions:

1. That all traffic improvements, including the bus shelter at 20 Glover Avenue and all of the improvements required by the OSTA, be complete prior to the release of any surety; and
2. That the follow-up traffic study be conducted six months after all the OSTA improvements have been completed; and
3. That all other conditions of the original approval remain in effect; and

**BE IT FURTHER RESOLVED** that the effective date of this action be November 27, 2015.

**Ms. Kruk seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**V. REPORT OF ZONING COMMITTEE, EMILY WILSON, CHAIR**

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

**i. #10-15R - Zoning Commission – Proposed amendment to Section 118-1220 regarding the use of municipal parking lots in Norwalk Center and South Norwalk and technical amendments**

**\*\* MR. SUMPTER MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#10-15R - Zoning Commission - Proposed amendments to Section 118-1220 regarding the use of municipal pkg. lots in Norwalk Center and South Norwalk and technical amendments**" and dated September 17, 2015, be approved.

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

- 1) To implement the Plan of Conservation & Development to "Encourage centralized parking in the Norwalk and South Norwalk downtowns which allows shared parking by uses with complementary demands in both daytime and evenings" (E.5.1.3 p.39)
- 2) To implement the Plan of Conservation & Development to "Support economic growth in the city with appropriate parking strategies" (E.5.1, p.39)
- 3) To promote new businesses to locate in existing vacant space in Norwalk Center and South Norwalk; and

**BE IT FURTHER RESOLVED** that the effective date of this action be November 27, 2015.

**Ms. Kruk seconded.  
Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.  
No one opposed.  
No one abstained.**

**VI. APPROVAL OF MINUTES: October 21, 2015**

**Ms. Kruk moved to approve the minutes for October 21, 2015.  
Ms. Jacobson seconded.  
Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.  
No one opposed.  
No one abstained.**

**VII. ANNUAL MEETING SCHEDULE: Adopt 2016 Annual meeting schedule**

**Mr. Blank moved to adopt the annual meeting schedule for 2016.  
Ms. Jacobson seconded.  
Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.  
No one opposed.  
No one abstained.**

**VIII. COMMENTS OF DIRECTOR**

Mr. Greene announced that he would be meeting with representatives of GGP to find out their schedule for submitting an application to the city in order to build a mall. He also noted that an appeal had been filed in connection with the White Barn application.

**IX. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

**X. ADJOURNMENT**

**Mr. Sumpter made a Motion to Adjourn.  
Mr. Blank seconded.  
Linda Kruk; Adam Blank; Nate Sumpter; Jill Jacobson; Doug Stern and Rod Johnson voted in favor.  
No one opposed.  
No one abstained.**

The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Diana Palmentiero