

Norwalk Planning & Zoning Commission

125 East Avenue
Norwalk, Connecticut



MEMORANDUM

March 15, 2024

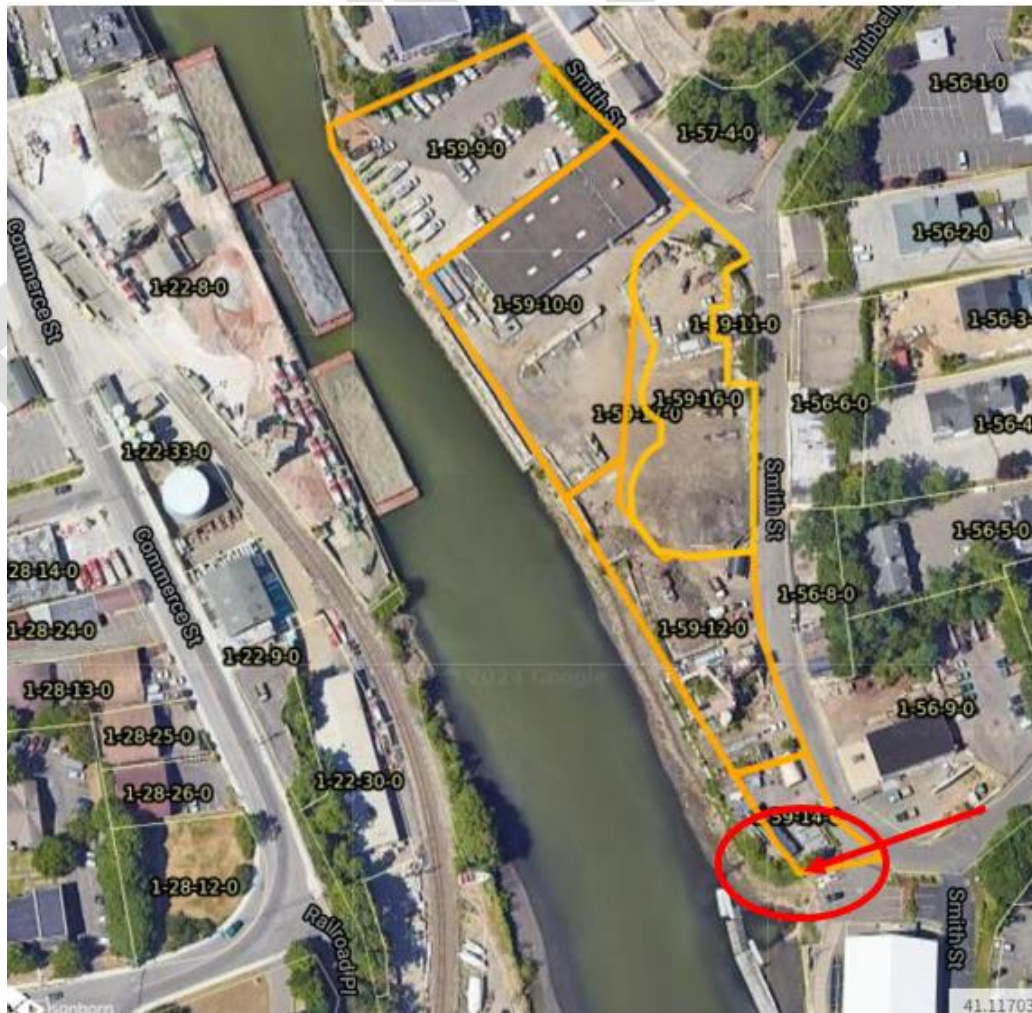
TO: Planning & Zoning Commission - Louis Schulman, Chairman
FROM: Steve Kleppin, AICP, Planning & Zoning Director
RE: #2024-19 SPR/CAM – O&G – 7-55 Smith Street – Reconfiguration/Changes to Existing Materials Yard

APPLICANT/OWNERS NAME/ADDRESS: O&G Industries

PROPERTY ADDRESS/DBL: 7-55 Smith Street

ZONING Central Business District (CBD)

EXISTING CONDITIONS: The sites are currently improved with several different uses, mainly related to contractor/industrial type uses. Aside from the extreme southwest corner of the site, there is no vegetation, more than likely all impervious surface.



PROPOSED USE: Both the current and proposed regulations allow ‘*Industrial Processing Facilities Dependent on Waterborne Transportation for the Supply of Products*’ on the subject sites. However, the applicant has indicated the site functions as a “contractor’s yard”, which we define today as an “Earth Processing Materials and Contractors Material Storage Yard”, which would make the existing use legally non-conforming.

The applicant has provided some information regarding the history of the site, as well as what the intended use is. While they have indicated that the materials to be processed are dependent on waterborne transport, more information needs to be provided regarding the landward portion of the operation. The landward portion of the operation is more indicative of an Earth Processing and Contractor’s Material Storage Yard. If that is what their use actually is, then they are a legally non-conforming use. Are they introducing a use that isn’t permitted or going beyond what’s permitted? A more detailed history of the site, including how the use was permitted and classified, as well as a detailed operations plan would clarify this issue. In addition, there are numerous references in the application materials to the former asphalt plant. In Staff’s view, “former” is the operative word. The applicant should establish grounds for the continuity of this nonconforming use.

STAFF COMMENTS:

1. The traffic data was obtained in 2020. In discussions with AKRF on another project, I brought up this application and their opinion is that data is old and updated data should be collected. It may be impossible to gauge true impacts based on data that is no longer valid.
2. What will the increase in truck traffic be from today’s operations?
3. Piro Paving has been illegally operating from the site off and on. The applicant should take concrete steps to ensure they are no longer parking vehicles and equipment there.
4. There is a concrete walkway and viewing area proposed in the southwest corner area, connecting the Norwalk River to Smith Street. Additional detail on what this looks like and how this area will function is requested. How does this area connect to the street and are additional improvements on Smith Street warranted to ensure pedestrian safety? In addition, the CBD regulations require public access for all new developments:

*New developments and additions to structures that abut the navigable portion of the Norwalk River (south of Wall Street), must contain a water dependent use as defined in CGS 22a-93(16), result in no net loss of existing waterfront use and shall provide public access adjacent to water which is a minimum of **fifteen (15) feet wide**. Such public accessways shall be in the form of landscaped walks, esplanades, boardwalks or piers of suitable design to encourage active use by the public and shall be dedicated as such in the deed to the property. Access from the street to the water shall be provided subject to Commission approval. **Where access along the waterfront would, in the determination of the Commission, expose the public to hazardous conditions, the Commission may consider alternative forms of access to be provided.** In addition, the public access shall be considered a public amenity for purposes of eligibility for FAR amenity bonuses.*

The public access proposed under this application is not 15’ wide. Typically, that runs along the length of the property. This area is also a vital link in the Harbor Loop Trail. The Commission does have the authority to approve alternate forms of access in instances like this where pedestrian traffic and unloading barges would be in conflict.

5. There are tidal wetlands along the southwest portion of the site. Are there adequate buffers or are there enhancements that can be made to improve and protect these resources?
6. What will the impacts from dust and noise be?
7. While the site operations plans describe things related to stormwater, it does not address the unloading of materials from the site. There have been recent complaints about materials spilling into the River, but no complaints verified. If this does occur it affects water quality increases the need to dredge.
8. Is the asphalt plant an actual, legal, non-conforming use? Staff is not aware of the site being used for asphalt production in any recent history. This should be clarified as part of this process.
9. Harbor Management found this use consistent with the Harbor Management Plan.
10. No comments, to date, from CT DEEP.
11. While this use is not the best use for this site in the long term, what is under consideration can easily be redeveloped into something that is more consistent with the vision and surrounding uses in the area.

STANDARDS FOR SITE PLAN REVIEW:

In reviewing site plans the following standards shall be taken into consideration:

- (1) *“Stable traffic flow” shall mean that site-generated traffic shall not adversely affect pedestrian or vehicular safety, conflict with the pattern of highway circulation or increase congestion to a level of service (LOS) considered unacceptable by the Commission. The Commission shall not approve developments which fail to maintain stable traffic flow unless provision has been made for the improvement of inadequate conditions.*
 - A traffic study has been submitted by the applicant. However, the data was obtained pre-Covid and should be updated. Considering the potential increase in truck traffic on an already taxed intersection, what will this volume increase mean for the network. In addition, are sidewalks needed on Smith Street to ensure safe pedestrian access past the site and to the proposed public access point.
- (2) *Off-street parking and loading. All off-street parking and loading areas shall be arranged in an orderly manner so as to provide safe and convenient access for vehicles and pedestrians using the area. Adequate emergency vehicle access shall be provided as determined by the Fire Department.*
 - The proposed modifications to the site do provide more order to the internal operations. In addition, modifications to site access will provide more orderly external access as well.
- (3) *Landscaping and screening. All off-street parking and loading areas shall be landscaped in accordance with 118-1250 of these regulations. The area between the street line and the front setback line, except for vehicle and pedestrian accessways shall be landscaped with lawns, trees, shrubs or other appropriate planting. Properties used for commercial or industrial purposes shall provide buffer strips in accordance with 118-1000 of these regulations. Major trees and significant landscape features shall be preserved to the maximum extent practicable and sidewalks, with a minimum of five (5) feet without obstructions, shall be provided.*
 - The applicant has provided more landscape pockets along certain areas of Smith Street. The applicant should review whether additional areas can be added or these areas can be enhanced. In addition, further enhancements and protections to the tidal wetland areas should also be explored.

- (4) *Illumination. All outdoor lighting and illuminated signs shall be of a reasonable intensity of illumination and shall be shielded so that such lighting will not adversely affect any abutting property, street or navigable waterway.*
- No indication is provided regarding additional outdoor lighting. Any additional lighting that is proposed should be installed that it does not project onto abutting properties or results in unnecessary glare.
- (5) *Utilities. All sanitary and storm sewers shall be designed and certified by a civil engineer and shall be approved by the Department of Public Works. Proper provision for erosion and sedimentation control shall be made, subject to approval by the Site Planner.*
- We have requested additional information from the applicant on site operations and impacts.
- (6) *Impact upon adjacent property. The traffic access, off-street parking and loading, landscaping and screening, illumination and utilities provided for a site shall not be detrimental to the safe and orderly development of any adjacent property.*
- We have requested additional information from the applicant on site operations and impacts.
- (7) *No zoning violation exists on the property.*
- As indicated above, Piro Paving has been illegally been operating off and on for some time. In 2021, Piro was cited for illegally washing trucks that lead to discharge to the Norwalk River. In addition, Staff has recently received complaints related to materials spillage into the River, but was unable to substantiate the complaints.

COASTAL SITE PLAN REVIEW CONSIDERATIONS:

1. Can the tidal wetlands be enhanced and further protected?
2. What steps will be taken to ensure that there is minimal spillage of materials as they are being offloaded from the barge? The applicant has indicated that there is impacts to coastal resources as a result of operations, but spillage of significant amounts of materials into the River, would result in adverse impacts
3. While reducing truck traffic by barging materials to the site is beneficial and can be considered a water-dependent use, whether there are materials also being introduced via truck should be clarified. In addition, clarification on the use of the asphalt plant could also potentially impact water quality to the Norwalk River.