

**CITY OF NORWALK
ZONING COMMISSION
May 18, 2016**

PRESENT: Adam Blank, Chair; Emily Wilson; Jill Jacobson; Linda Kruk; Rod Johnson; Nate Sumpter; Doug Johnson; Mike Witherspoon (arrived after the roll call)

STAFF: Mike Wrinn; Dori Wilson

OTHERS: Atty Liz Suchy; Andy Soumelidis; Rick Tomasetti; Atty John Bove; John Conte; Daniel Radman; Rosa Mae Brown; Maggie Trujillo; Dan Mazabras; Julie Burton; Lynn Pratt; Lisa Thompson; Diane CeCe

I. CALL TO ORDER

Mr. Blank called the meeting to order at 7:01 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

III. PUBLIC HEARINGS

a. #7-16SP/#11-16CAM – Shore & Country Club – 220 Gregory Blvd – Replacement bathhouse

Mr. Blank opened the public hearing. Atty Suchy began the presentation by handing the certified, return receipt cards evidencing notice of the public hearing. She then introduced the project team members. She described the property as well as its history and what structures were on it. She told the commissioners about the application, that all the sign-offs had been received, as well as receiving a variance from the Zoning Board of Appeals. The old structure will be demolished and a new one constructed in its place since it is badly in need of repair.

Andy Soumelidis, the engineer on the project, continued the presentation. He showed the commissioners the site plan. He mentioned that the footprint was slightly decreased. He discussed the current regulations with regard to the elevations. The new bathhouse will meet flood elevation requirements. The utilities on the property will remain the same. He described the new storm management system as well as the sea wall. He said it was being reviewed by the Connecticut Department of Energy and Environmental Protection (“D.E.E.P”)

Rick Tomasetti, the architect on the project, continued the presentation by explaining how the bathhouse has reached the end of its useful life. He then described the new structure as well as the current structure. It would be restored which would meet all requirements. He showed them the sketches of the structure. The structure is a seasonal structure and is shut down at the end of the season. He said that the members’ lockers would be in the lower level with breakaway walls and would house beach accessories. He then showed them the materials board and described how they would be used.

Atty Suchy described some of the plantings. Everything else will remain the same.

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

b. #3-16SPR/#12-16 CAM – Odd Properties – 89 Day St – Contractor storage yard

Emily Wilson recused herself and left the room before Mr. Blank opened the public hearing.

Atty. Bove began the presentation by introducing the project team and handing in the certified, return receipt cards, evidencing notice of the public hearing. He then handed in letters

of support from two neighbors. He described the property, how it was used by the prior owner as well as how it would be used now, as a landscaping maintenance contract yard. Part of the building will be leased to 3 subtenants. He also described the hours of operation.

John Conte, the engineer on the project, continued the presentation by discussing the current drainage system and then describing the proposed one. There would be more pervious areas as well as catch basins.

Daniel Radman, the architect on the project, explained that the building was in disrepair. He showed them pictures of the old building and then what was done to renovate it.

Rosa Mae Brown explained that she lived across the street from the building and was surprised to be receiving a letter when most of the work had already been done to the building. She felt that this was disrespectful to the neighborhood.

Maggie Trujillo, had questions about the trucks and the noise in the morning. She asked who would enforce the ordinances about this. She also lived in an area with a similar problem and thought that the trucks would be going out earlier and coming in later.

There was a discussion of the noise ordinance and the conditions of the approval that governed what the applicant could do.

Atty. Bove explained that the applicant would not do anything that they were not allowed to do.

Dan Mazabras, the owner of the property, discussed the hours of operation and assured the public that his trucks would not leave until 7 a.m. He said he had spoken with one of the neighbors who said that many of the properties were rentals. He did not think to send notifications to them. He also had a couple of letters from neighbors who liked what he had done to the property.

There was a discussion about the sidewalks and landscaping. Atty. Bove said that the landscaping plan had been modified with less grass but they requested a waiver of sidewalks. There was then a discussion about using elevated boxes of trees. There was then a discussion of the hours of operation.

Mr. Blank closed the public hearing.

c. #3-16R – Zoning Commission – Proposed amendments to Articles 111/140 to add certified mail notice requirement for submittal of new applications affecting Special Permit, SPR & Coastal Site Plan Review applications

Mr. Blank opened the public hearing. Before Dori Wilson began the presentation, Emily Wilson returned to the room. She then began to describe the proposed amendment for the certified mail notices. The Planning Commission had recommended approval. Staff had not heard back from other agencies that this item was referred to. Ms. Kruk read the Planning Commission referral into the record. Dori Wilson said there were also letters from the public that were made a part of the record.

Julie Burton spoke in support of the application and discussed why. She then thanked the commissioners for their efforts and asked them to consider expanding it.

Lynn Pratt spoke in support of the application because she thought it was important to help maintain the character of neighborhoods.

Lisa Thompson spoke in support of the application. She concurred with the previous speakers.

Maggie Trujillo spoke in support of the application. However, during her remarks she referenced the previous application which she had previously spoken on. Mr. Blank reminded her to only speak about this application.

Diane CeCe spoke in support of the application. She thanked the commissioners for the proposed amendment.

Mr. Blank closed the public hearing.

d. #4-15M/#18-15R/#21-15SP/#26-15CAM/#22-15SP/#27-15CAM– Norwalk Land Development, LLC (The SoNo Collection) – 1 Putnam Av/63 West Av – Proposed map change from RPDD Subarea A & B to entirely Subarea A; proposed amendments to permit large scale mixed use retail shopping center developments in Subarea A and related technical amendments and two special permit/coastal site plan: 8 story, ±762,000 square foot mixed use retail shopping center development (North parcel) and 8 story, ±302,000 square foot mixed use retail shopping center development with ±13 story, 152 room hotel (South Parcel) with public improvements and 3,024 space parking garage (2 parcels) – Continue public hearing for REBUTTAL ONLY; close public hearing and review of public hearing

EMILY WILSON made a motion to move this item to after Item V, the Report of the Administration Committee. Linda Kruk then seconded it. All the commissioners voted in support.

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

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

i. #7-16SP/#11-16CAM – Shore & Country Club – 220 Gregory Blvd – Replacement bathhouse

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application #7-16SP/#11-16CAM – Shore & Country Club – 220 Gregory Blvd – Replacement bathhouse, and as shown on A-2 Survey titled: “Zoning Location Survey, Of Property Prepared For The Shore And Country Club, 220 Gregory Boulevard, Norwalk, Connecticut, Scale: 1”=40’, Date: 8/31/2010 and Revised to 3/1/2016” by Arcamone Land Surveyors, LLC, Norwalk, CT. Wayne J. Arcamone, Land Surveyor – Connecticut Registration No. 15773 and the architectural plans by Lovas & Tomasetti Architects, LLC dated 3/1/2016 and Revised to 4/28/16 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 erosion and sediment controls; and
2. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
3. 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
4. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
5. That all signage, existing and proposed, comply with the zoning regulations; and
6. That any changes to the plan be reviewed and approved prior to those changes being implemented; and
7. 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
8. That an engineer’s certification be submitted prior to a certificate of occupancy; and
9. That a stormwater system be maintained per the maintenance plan submitted; and
10. That any graffiti on the site, now or in the future, be removed immediately; and

11. That all HVAC units shall be located in conformance with the applicable zoning setbacks; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-330, "A" residential 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 this proposal complies with all applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 27, 2016.

Emily Wilson seconded.

Adam Blank; Emily Wilson; Rod Johnson, Linda Kruk, Nate Sumpter; Jill Jacobson and Michael Witherspoon voted in favor.

No one opposed.

No one abstained.

ii. **#3-16SPR/#12-16 CAM – Odd Properties – 89 Day St – Contractor storage yard**

Emily Wilson recused herself and left the room before the discussion began on this resolution.

Ms. Jacobson asked if anyone had any questions or concerns about the resolution.

**** MS. JACOBSON MOVED: BE IT RESOLVED** that Application #3-16SPR/#12-16 CAM proposed contractor's storage yard for the owner, Odd Properties, LLC, for the property 89 Day Street, as shown on the plan entitled, "Overall Site Plan", Scale 1 / 16" =1'-0", Dated 9/7/2015 and revised 5/10/16 (Received by P&Z Staff 5/12/16at 4:30 PM), by RadMan Architects, New Canaan, 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 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 street curbs and sidewalks be installed adjacent to the street line of the applicant's property; and
5. That the area between the parking area and the street line be planted with trees, evergreen shrubs and grass sod and any plan be approved by staff; and
6. That nine (9) parking spaces will be the maximum that contractor vehicles may be stored and they may only be stored overnight; and
7. That garbage dumpsters be stored in the building; and
8. That the service for the dumpsters inside of the building will be limited to 8:00 a.m. to 5:00 p.m.; and
9. That the owner/applicant will lease the yard to only one tenant at any one time; and
10. That there be no outside storage of materials; and
11. That the emergency generator only be tested on Wednesdays at noon; and
12. That all signage, existing and proposed, comply with the zoning regulations; and
13. That an engineer's certification be submitted prior to a certificate of occupancy; and
14. That a stormwater system be maintained; 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
17. That there be a full 5' clearance from any obstruction on the sidewalk on Day Street; and

18. 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
19. 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
20. That the operating hours of the site be 7:00 a.m. to 7 p.m., Monday through Saturday; 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 May 27, 2016.

There was a discussion about the landscaping and the mandating of sidewalks.

Ms. Kruk moved to amend the resolution to remove conditions #4 and #17 from the proposed resolution. Ms. Jacobson seconded the amendment. Ms. Kruk and Ms. Jacobson voted yea and Mr. Blank, Mr. Sumpter, Mr. Stern, Mr. Johnson and Mr. Witherspoon against the resolution.

Ms. Kruk seconded.

Adam Blank; Rod Johnson, Linda Kruk, Nate Sumpter; Jill Jacobson and Michael Witherspoon voted in favor.

No one opposed.

No one abstained.

b. #7-09SPR – Norwalk Community Health Center – 120 Connecticut Avenue – Request for release of surety – Report & recommended action

**** MS. JACOBSON MOVED: BE IT RESOLVED** that the surety be **APPROVED** to be released on application #7-09SPR submitted by Norwalk Community Health Center – 120 Connecticut Avenue as all improvements have been completed and maintained, including all additional trees and shrubs per the amended site plan; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 27, 2016.

Ms. Kruk seconded.

Adam Blank; Emily Wilson, Rod Johnson, Linda Kruk, Nate Sumpter; Jill Jacobson and Michael Witherspoon voted in favor.

No one opposed.

No one abstained.

V. REPORT OF ZONING COMMITTEE, EMILY WILSON, CHAIR

a. Action on Items III. c. and d.

i. #3-16R – Zoning Commission – Proposed amendments to Articles 111/140 to add certified mail notice requirement for submittal of new applications affecting Special Permit, SPR & Coastal Site Plan Review applications

Before there was a motion for the resolution, Mr. Blank said he would like to modify it.

**** MR. BLANK MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#3-16R – Zoning Commission – Proposed amendments to Articles 111 and 140 to add a regular mail with certificate of mailing notice affecting new Special Permit, Site Plan Review and Coastal Site Plan Review applications" and dated March 10, 2016 be **APPROVED**.

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

- 1) To implement the Plan of Conservation and Development to "Preserve and enhance the character of Norwalk" (A.1.1.4, p. 10); and
- 2) To implement the Plan of Conservation and Development to "Strengthen the character of neighborhoods and commercial areas and improve the quality of architectural design" (F.4.1, p. 43); and
- 3) To implement the Plan of Conservation and Development to "Protect residential neighborhoods from incompatible development" (A.1.1.6, p. 10); and

BE IT FURTHER RESOLVED that the effective date of this action be May 27, 2016.

Mr. Sumpter seconded.

Adam Blank; Rod Johnson, Linda Kruk, Nate Sumpter; Jill Jacobson and Michael Witherspoon voted in favor.

Emily Wilson opposed.

No one abstained.

VI. REPORT OF ADMINISTRATION COMMITTEE

a. Action on settlement of NW MFP Norwalk Town Ctr. II, LLC v. Norwalk Zoning Commission - Waypointe South Block - 17 Butler/3 Quincy/467 West Av appeal

Mr. Blank made a motion to approve the settlement and Ms. Kruk seconded the motion. All of the commissioners were in favor of it.

Continuation of the public hearings:

#4-15M/#18-15R/#21-15SP/#26-15CAM/#22-15SP/#27-15CAM– Norwalk Land Development, LLC (The SoNo Collection) – 1 Putnam Av/63 West Av – Proposed map change from RPDD Subarea A & B to entirely Subarea A; proposed amendments to permit large scale mixed use retail shopping center developments in Subarea A and related technical amendments and two special permit/coastal site plan: 8 story, ±762,000 square foot mixed use retail shopping center development (North parcel) and 8 story, ±302,000 square foot mixed use retail shopping center development with ±13 story, 152 room hotel (South Parcel) with public improvements and 3,024 space parking garage (2 parcels) – Continue public hearing for REBUTTAL ONLY; close public hearing and review of public hearing

Atty. Hennessey continued the rebuttal portion of the public hearing. He discussed 2 updates that had happened since the 2nd portion of the public hearing. He said that modifications had been made to the Urban Plan of Renewal. He explained to the commissioners that the public hearing for the Redevelopment Agency had been held on May 10, 2016 and no one spoke at it. There was a discussion about the Norwalk Traffic Authority about crosswalks and traffic lights, which had been approved. He handed out the electronic version and printed version of the PowerPoint presentation which the rest of the team would be doing.

Paul Madden discussed the jewel box design on parts of the mall and then the design of the parking garage. He showed them pictures of parking garages in Florida and Ohio. He also showed them a rendering of what it would look like driving southbound on I-95. There was a discussion of the lighting in the garage and public areas and the hours of the garage. Mr. Adams further discussed how long the lighting would be on especially in connection with the restaurants and the hotel. Security would be working 24 hrs. There was a discussion of the graphic panels which would be part of the applicant's sign package. They would return to the Zoning Commission for approval for that later. There was a discussion of the rooftop equipment which was in the site plan. There was also a discussion about lane dedication with DPW. There was a discussion about an electronic sign. The weight of the sign would require more of a

structure to put them up. Mr. Adams said they would speak with staff and DPW about their options.

Doug Adams continued the presentation by discussing the loading dock and Crescent Street. There had been changes after discussions with the neighbors and DPW. He then discussed the width of the road as well as the width of the bike lanes. There was then a discussion of having Crescent Street be a 2 way street. They also discussed sharrows.

There was also a discussion of the parking lot at the nearby children's park and the security there. Mr. Adams said that they don't pursue LEED certification because of all the different retail stores that are in the mall. However, they are pursuing other similar certifications. There was a discussion about the restaurants in the area. Mr. Adams noted that they try to connect with the retail and restaurants in the area. If the area is not doing well, then the mall will not either. There will be advertising inside the mall as to what is outside the mall.

Mr. Blank asked them to consider having zip cars at the mall. Mr. Adams said that their sustainability report would be coming out soon. One thing he explained worked well was the white roof.

Atty. Hennessey then handed out another set of documents which were in a question and answer format of them from the public and the commissioners at the last couple of meetings. He also handed out another packet about West Avenue. He noted that there is no member of the public in the audience which surprised him a bit because this could be the largest project in Norwalk's history. He also discussed some of the questions regarding the soil. He then discussed the taxes that the mall would pay as well as other economic impact to the city. It would improve the city's image and complete the Reed Putnam renewal area. He promised to be brief in his remarks then thanked the commissioners for their time and consideration of the application. He discussed the zone lines which currently would run in the middle of the mall, if left under the current regulations. That's why they were requested a zone change. He discussed the hotel. Then he explained the text change application which Dori Wilson had helped to revise. He also discussed the parking for which they had provided much data. He then discussed the density of the building for the site as well as the traffic impact.

They may need to make tweaks to the traffic after the mall has opened in 2.5 – 3 years. He also discussed the circulator and bike lanes. He explained how they met the requirements for coverage. He discussed the fact that they have reached out to different organizations in the area such as the Stepping Stones Children's Museum and the Maritime Aquarium which are pleased with the project. He also explained how they would positively impact the environment indirectly. He said the applicant was eager to get started.

As Mr. Blank closed the public hearing, Atty. Hennessey noted that the Redevelopment Agency was undertaking its review of the exterior of the project.

Mr. Blank then introduced Atty. Eric Bernheim, who had been hired by the city to help the commissioners draft the conditions of approval. He handed his cards to the commissioners if they had questions or comments. Mr. Blank also asked the commissioners to send any feedback or comments to the staff. They would like to be ready to vote at a special meeting on June 1, 2016. There was a discussion of some of the conditions of approval such as a follow-up traffic study. There was a question about some sort of art work that was on a retaining wall on West Ave. near the proposed mall. Mr. Wrinn said they would check on this. Mr. Blank also asked about lighting underneath the overpasses on West Ave.

VII. APPROVAL OF MINUTES: April 20 and April 27, 2016

Emily Wilson moved to approve the April 20, 2016 minutes.

Mr. Sumpter seconded.

Adam Blank; Emily Wilson, Rod Johnson, Linda Kruk, Nate Sumpter; Jill

**Jacobson and Michael Witherspoon voted in favor.
No one opposed.
No one abstained.**

**Emily Wilson moved to approve the April 27, 2016 minutes.
Mr. Sumpter seconded.**

Adam Blank; Emily Wilson, Rod Johnson, Linda Kruk, Nate Sumpter; Jill Jacobson and Michael Witherspoon voted in favor.

**No one opposed.
No one abstained.**

VIII. COMMENTS OF ACTING DIRECTOR

Mr. Wrinn explained that on Item VI.a. that the commissioners knew that it was a settlement of a lawsuit which the Law Department would handle.

IX. COMMENTS OF COMMISSIONERS

Mr. Blank explained that the search for a permanent director for the Planning and Zoning Department was underway. Since there would be interviews, the Administrative Committee would be involved.

X. ADJOURNMENT

Emily Wilson made a Motion to Adjourn.

Mr. Sumpter seconded.

Adam Blank; Emily Wilson, Rod Johnson, Linda Kruk, Nate Sumpter; Jill Jacobson and Michael Witherspoon voted in favor.

**No one opposed.
No one abstained.**

The meeting was adjourned at 9:46 p.m.

Respectfully submitted,

Diana Palmentiero