

**CITY OF NORWALK
ZONING COMMISSION
December 12, 2018**

PRESENT: Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Mike Witherspoon; Rod Johnson and Galen Wells (arrived after the roll call);

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Atty. Jay Klein; Atty Liz Suchy; Atty Capallo; Craig Flaherty; Michael Weistrop

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7 p.m.

II. ROLL CALL

Mr. Kleppin called the roll.

III. RECEIPT/REVIEW AND ACTION ON PENDING APPLICATIONS

a. #10-16SP – Metropolitan Realty Assoc. LLC – 1 Bates Court – 40 residential units – Request for one year extension of approval time – Report & recommended action'

Mr. Wrinn noted that the applicant had been in court with a neighbor so they are requesting an extension.

**** MR. ROINA MOVED: BE IT RESOLVED** that the request for a one (1) year extension of the approval time on application #10-16SP – Metropolitan Realty Associates, LLC, 1 Bates Court, 40 residential units be **APPROVED**

BE IT FURTHER RESOLVED that the new deadline is November 25, 2019.

Mr. Witherspoon seconded.

Nathan Sumpter; Louis Schulman; Richard Roina; Mike Witherspoon; Rod Johnson voted in favor.

No one opposed.

No one abstained.

b. #8-17SP – Norwalk Hospital/Western CT. Health Network– 34 Maple St – Modify Exterior Signage Manual to revise Hospital logo, add illuminated cornice sign at roofline of main bldg., update ground signs, add banners & related changes – Request for one year extension of approval time – Report and recommended action

Mr. Kleppin began the presentation and noted that the Health Network has merged with a NY Health Group. They may get a new logo so they didn't want to change the sign if they were going to change it again.

**** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for an extension of approval time for the sign manual for Norwalk Hospital entitled "Exterior Signage and Graphics Manual" dated August 21, 1996 and "Exterior Signage Location Map" dated revised to October 1, 1996 prepared by HLM as revised to April 2014 to add the following signs as shown on a various plans prepared by Priority Signs *dated revised to October 19, 2017*, to update the main entry sign at the base of the hill, to add a new ground sign, to revise the ground signs along Maple Street, to add 2' X 5' banners to the light poles for the Hospital's 125th anniversary; and to add a new cornice sign at the top of the 9 story

main building and related modifications to existing signs 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 **November 24, 2019**; and

BE IT FURTHER RESOLVED that the effective date of this action be **December 21, 2018**.

Mr. Witherspoon seconded.

Nathan Sumpster; Louis Schulman; Richard Roina; Mike Witherspoon; Rod Johnson voted in favor.

No one opposed.

No one abstained.

c. #2-17SPR/#14-17CAM – NWMFP Norwalk Town Ctr. II/3 Q Property LLC – The Pinnacle @ Waypointe South Block - 467 West Av/17 Butler St/3 Quincy St – New 7 story, 519,820 sf mixed use development with 330 units, 496 seat iPic movie theater (41,604 sf), 22,509 sf restaurant, 0 sf retail, 23,979 sf fitness center and 942 space parking garage - Request for extension of time to Oct 11, 2019 – Report & recommended action

Mr. Sumpster said that III(c) and III (d) could be heard together. Mr. Kleppin explained that these items had been discussed at the last two meetings so that these were resolutions for the agreements that had been reached. Mr. Roina noted that he thought that the applicant should return to the last meeting of the Zoning Commission in August 2019. Ms. Wells arrived at the meeting in time to vote on this item.

**** MR. ROINA MOVED: BE IT RESOLVED** that the request for an extension of approval time for site plan review application **#2-17SPR** and coastal site plan application **#14-17CAM** - NW MFP Norwalk Town Center II, LLC & 3Q Property LLC – 467 West Avenue/17 Butler Street/3 Quincy Street (Waypointe South Block) – New 7 story, 519,820 sf mixed use development with 496 seat iPic theater, 0 sf retail, 22,509 sf restaurant, 3,602 sf office, 23,979 sf fitness center and 330 multifamily dwelling units with new public amenities to permit one (1) additional story and 4 feet inches bonus height and 153,754 sf bonus floor area with 942 space parking garage within a Design District Development Park as shown on a set of plans entitled "The Pinnacle at Waypointe Norwalk CT." by Redniss and Mead and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, dated July 21, 2017 as revised to October 9, 2017, **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 no later than **October 11, 2019**; and

BE IT FURTHER RESOLVED that the applicant shall return to the Commission at its meeting on **August 21, 2019** to report on the status of the violation and to present a plan with a timetable to remove the violation;

BE IT FURTHER RESOLVED that the effective date of this action be **December 21, 2018**.

Mr. Witherspoon seconded.

Nathan Sumpster; Richard Roina; Galen Wells; Rod Johnson voted in favor.

No one opposed.

Mike Witherspoon and Louis Schulman abstained.

d. #3-17SPR/#15-17CAM – 6 Butler Properties, LLC – 6 Butler St – Demolish existing building at 6 Butler St; dismantle historic building at 3 Quincy St; reconstruct/rehabilitate historic bldg.; reuse as 1,395 sf restaurant on first flr & 3,840 sf office on second flr – Request for ext of time to Oct 11, 2019 – Rpt. & recomm action

Before the vote, Mr. Schulman asked whether there were materials stored on the site. Mr. Kleppin said he had not been at the site that day and he did not recall any being there. Attorney Klein said there were none.

**** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for an extension of approval time for site plan review application **#3-17SPR/#15-17CAM** - 6 Butler Properties, LLC – 6 Butler Street – New 2 story building with 1,395 sf restaurant on the first floor and 3,840 sf offices on the second floor as shown on a set of plans entitled "Zoning Site Plan depicting 6 Butler Street Norwalk, CT" prepared for 6 Butler Properties, LLC by Redniss and Mead Engineers and Didona Associates Landscape Architects and dated October 9, 2017 as revised to February 27, 2018, 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 no later than **October 11, 2019**; and

BE IT FURTHER RESOLVED that the applicant shall return to the Commission at its meeting on **August 21, 2019** to report on the status of the violation and to present a plan with a timetable to remove the violation;

BE IT FURTHER RESOLVED that the effective date of this action be **December 21, 2018**.

Mr. Witherspoon seconded.

Nathan Sumpter; Louis Schulman; Richard Roina; Mike Witherspoon; Rod Johnson; Galen Wells voted in favor.

No one opposed.

No one abstained.

e. #4-14SP/#5-14CAM – AMEC Carting – 1 Crescent St – Engaging traffic engineer to review previously approved operation changes – Report and recommended action

Mr. Wrinn said that the applicant asked that the city have its traffic engineer opine on whether AMEC's operation changes were affecting the traffic. Their tonnage had risen at the site. The applicant would pay for the city's engineer. Mr. Wrinn said that AMEC had been working with staff and they were happy with the relationship at this time. The commissioners agreed that the city's traffic engineer could be hired.

V. DISCUSSION/ACTION ON NEW APPLICATIONS

a. #16-18CAM – Alex Hill – 1 Gregory Court – New single family residence – Report & recommended action

Mr. Sumpter introduced the application. Atty Suchy set up site plans for the commissioners' review. She explained that the neither of the applicants could appear due to business commitments. She showed them pictures of the current home. They have already been to the Zoning Board of Appeals twice which would be raised due to setbacks. Some parts encroach onto another property. The front setback had been increased. Neighbors have not appeared in opposition at either this meeting or the ZBA meetings. Approvals have been received from some departments and she did not know why others would not also approve the application as well. The house will be demolished and reconstructed on the lot and comply with FEMA regulations. Mr. Schulman said he would vote in favor of it but thought that the FEMA heights were not enough due what was being seen in the area at this time. The staff had no comments on it.

**** MR. JOHNSON MOVED: BE IT RESOLVED** that application #13-18CAM, to construct a new single family residence for the property 1 Gregory Court and as shown on the engineering plans dated 10/1/2018 by Fairfield County Engineering, Norwalk, CT, and on the architectural drawings dated 8/2/2018 by revised to 9/18/2018 by Christian Rae Studio, LLC, Easton, CT be **APPROVED** subject to the following conditions:

1. That all City storm-water management requirements are met; and
2. That a permit is obtained from the Department of Public Works in regards to City storm-water management requirements; and
3. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
4. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; 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 December 21, 2018.

Mr. Schulman seconded.

Nathan Sumpter; Louis Schulman; Richard Roina; Mike Witherspoon; Rod Johnson; Galen Wells voted in favor.

No one opposed.

No one abstained.

b. #1-18MV – F & L Gen. Auto Repairs, LLC – 13 Church St – Replacement motor vehicle use – Report & recommended action

Ms. Wells recused herself on this matter. Mr. Wrinn introduced Atty Capallo who represented the applicant. He described the current site which was vacant. He noted that an approval was made on this property in 2014 and has been used for an auto repair facility for the last almost 25 years. He noted that there is a drainage issue on the property which was noted at the prior approval but the drainage had never been fixed. Mr. Schulman asked if the necessary improvement could be made prior to opening and Mr. Wrinn said it could be a condition of approval and he made a change to one of the conditions of the approval.

**** MR. SCHULMAN MOVED: BE IT RESOLVED** that application #1-18MV – F&L Gen. Auto Repairs, LLC - 13 Church Street – Replacement motor vehicle use and as shown on the site plan titled, "Map Prepared for Wayne A. Masone, Norwalk, CT" Scale: 1" =20'-0" Date: November 21, 1994 and received by Planning and Zoning on August 1, 2014" by William Seymour and Associates, PC, Land Surveyors, LLC, William W. Seymour, Land Surveyor- Connecticut Registration No. 11352 and on the engineering drawings by Kousidis Engineering LLC, Dated November 21, 2014 be **APPROVED** with the following conditions:

1. That all CEAC sign-offs be submitted prior to receiving a zoning permit; and
2. That all repairs be conducted within the building; and
3. That there be no outdoor storage of cars or parts; and
4. That vehicles be stored temporarily on the site; and
5. That there be no on-street parking of vehicles; and
6. That there shall be storage only in designated areas as shown on the approved site plan; and
7. That there be no temporary signs erected at the site; and

8. That no off-premise signs are permitted; and
9. That any graffiti on the site now or in the future, is to be removed immediately; and
10. That all signage, existing and proposed, be in compliance with the Zoning Regulations; and
11. That the drainage system be maintained yearly and installed prior to occupancy.

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 21, 2018.

Mr. Johnson seconded.

Nathan Sumpter; Louis Schulman; Richard Roina; Mike Witherspoon; Rod Johnson; Galen Wells voted in favor.

No one opposed.

No one abstained.

c. #9-18SPR/#18-18CAM – Play CT, LLC – 85-99 Water St – 29,000 sf multi activity entertainment space/restaurant/bar – Report & recommended action

Ms. Wells returned to the meeting at this time. Atty Suchy said that she represented the tenant. It is a new, entertainment center for adults. She showed the commissioners the site plan as well as pictures of the current property. The entertainment center would be in about 30,000 sq. ft. There would be many different types of entertainment include bocce, escape rooms, as well as dining including a bar and food trucks. The parking requirement for this use would be less than 100 parking spaces which can be accommodated. It is near the train station and could use the Wheels bus system and even be part of the circular bus from the Mall. That would be another spot that people could part at. She discussed the number of employees, both full-time and part-time. She also noted that some departments had already issued approvals but that they were still going through the process. She said that they still needed approvals from the Public Works for traffic requirements.

There was a discussion about serving alcohol and having swings in the facility. Atty Suchy said that would be decided when the applicant was applying for its liquor license. There was a discussion of where there were other similar facilities throughout the region and the country. There was a discussion as to whether there would be a public hearing for this application. Atty Suchy noted that since this was a site plan review there was not much the commissioners could change about the application.

Mr. Roina did not think a public hearing would be useful. Ms. Wells did not see why it was necessary. Mr. Johnson thought that it might be necessary for the neighbors. They then showed the commissioners an aerial of the neighborhood. Mr. Witherspoon did not think they needed a public hearing. Mr. Schulman said that since it was a site plan application the commissioners did not have much discretion in this matter. They all agreed that it was not necessary and that they would return for the next Zoning Commission meeting in January.

d. #6-18R/#12-18SP – 3 Elmcrest, LLC – 3 Elmcrest Terrace - Proposed amendment to Section 118-360 D Residence zone to allow historic preservation incentive developments by Special Permit in D Residence zones and special permit for a new 4 story, 15 unit addition to rear of 4 unit historic structure (19 units total) - Report & recommended action

Mr. Craig Flaherty, principal engineer, began the presentation and introduced the project team. He then continued by explaining that he had to prepare an extension for the text amendment application and that they had to file a notice for the special permit application. He expected that there would not be major issues for the special permit. He then explained the scope of the text amendment. He noted that there were points from the Plan of Conservation and Development that were relevant to

this application. The structure is a candidate for renovation but that it has not been kept up. They modeled some of Norwalk's regulations for the text amendment.

There was a discussion about the minimum lot coverage. He noted that the Zoning Commission determines whether the building is worth saving. He also noted that there were other properties that this amendment could apply to. The applicant had worked with Tod Bryant, a consultant of historical properties. He then showed them renderings of the proposed building. He also showed them the parking lot as well as the front yard.

Mr. Roina said that he thought the applicant's information was well done. He also noted that the building would be expensive to rehabilitate. There was a discussion about the break between the preserved structure and the new structure. There was a further discussion about the proposed amendment to the regulations. Mr. Flaherty said they would work with the Zoning Department staff about this. There was a discussion about the change from 12,500 sq. ft. to a half acre. Mr. Schulman thought that text amendment was making it financially feasible for the developer which was not what the Zoning Department should be opining on. He asked for the city's architect to review it. Mr. Kleppin said it could but that this was a not a large project but would look into it further.

Ms. Wells thought that it was helpful that the Historical Commission would have input into these designs. Mr. Flaherty showed the commissioners an aerial view of the historical building. He showed them pictures of the addition that is currently on the property and the proposed addition which was much better than what was there.

Michael Weistrop, the architect on the project, continued the presentation by showing them the proposed plans. He explained the various levels of the addition and the original house. There would be 4 units in the historic house. There was also a roof deck amenity which helped with the recreation requirement. He showed them the clear delineation from the old and new. He also explained the materials used on the siding and the preservation of the porch which was mostly intact. Some of the lattice work is still there but many of it would be replaced in kind.

There was a discussion of how it would be tied into the new building. He said that the only connection was shown on the north side. He also showed them how they could enter the connected structure. The parking was under the building. There would be vinyl siding on the addition.

Mr. Johnson suggested that he was in favor of the application and that they should approve the text amendment. Mr. Kleppin said that the text amendment had to be referred out to others including the Planning Commission and WWCOC.

There was a discussion about the scheduling of a public hearing since they would need to make sure they received the referrals. It would be on the schedule for February 7.

**e. #7-18R – Zoning Commission – Proposed amendment to Section 118-1460
Violations and Penalties to allow the Commission to revoke any permit for noncompliance -
Report & recommended action**

Mr. Wrinn said that the department was working with the revisions to the Connecticut codes so that they match up. It would need to go to a public hearing and the Planning commission. The public hearing would be held on February 7, 2019.

**f. #5-18R – Zoning Commission – Proposed amendment to Section 118-1460
Violations and Penalties to allow the Commission to revoke any permit for noncompliance -
Report & recommended action**

Mr. Kleppin noted that he had listened to the tape about this matter with input from Atty McCann. He also noted that the commissioners had received it this evening so he did not expect the commissioners to act on it.

There was a discussion of the use of the word “gross” in the regulations. Mr. Kleppin thought that it was impossible to quantify but that some type of verbiage was necessary. Many of the commissioners agreed with leaving it in the proposed amendment as well. There was a discussion about whether other nearby towns had a similar amendment. There was also a discussion about assessing fines by the Citation Officers who are volunteers. It would be on the next agenda.

V. APPROVAL OF MINUTES: November 14, 2018

**** MR. SCHULMAN MOVED to approve the November 14, 2018 Zoning Commission minutes.**

Mr. Witherspoon seconded.

Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Mike Witherspoon; and Galen Wells voted in favor.

No one opposed.

Rod Johnson abstained.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin said that he would send the commissioners a link to the POCD which he had received only 1 hr. before the Zoning Commission meeting that evening.

VII. COMMENTS OF COMMISSIONERS

Mr. Schulman wished everyone a Merry Christmas and Happy New Year.

VIII. ADJOURNMENT

Ms. Wells made a Motion to Adjourn.

Mr. Witherspoon seconded.

Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Mike Witherspoon; Rod Johnson and Galen Wells voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Diana Palmentiero