

**CITY OF NORWALK
ZONING COMMISSION
SEPTEMBER 17, 2008**

Approved by Commission October 15, 2008

PRESENT: Jackie Lightfield, Chair; Larry Bentley; Karen Spencer; Bob Keyes; Andrea Light; John Tobin; Michael Mushak; James White

STAFF: Michael Wrinn; Dorothy Wilson

OTHERS: Atty. Frank Zullo; Mike Lasasso; Tim Andurco; Henry Ditman; Doug Adams; Susan Sweitzer; Sean McDonell; Tad Diesel; Patty Brescia; Edward J. Musante, Jr.; Anita B. Schmidt; Atty. Lynn Adams; Joe Chameli; Louis Fusco; Mike Galante; Richard Cox; Joe Woods

I. CALL TO ORDER

Ms. Lightfield called the meeting to order at 7:30 pm.

II. ROLL CALL

Mr. Wrinn called the roll.

III. PUBLIC HEARINGS

- a. #5-08SPR – The Berkeley & Frost Bldg LLC – 500-520 West Avenue/Lynes Place – ±150,000 sq. ft. mixed use development

Ms. Lightfield opened the public hearing.

Atty. Zullo turned in the green cards and showed a map of the area. He described the site and the proposed project.

Mr. Mike Lasasso, an architect, used a PowerPoint presentation to present the project. He discussed the Maple Street façade of the building, showing how the architecture of the building minimized the discontinuity between the residential and the medical office areas. He described the materials of the building and indicated that it was LEED-certified. He showed the floor plans, the pedestrian connections and the roof terrace plan.

Ms. Light asked where the bicycle storage area was located. Mr. Lasasso said that there were bike racks in sections of the parking garage.

Ms. Lightfield asked if the awnings would extend to the existing Frost building, as shown in the renderings. She stated that this would be a consistent design element between the two buildings. Mr. Lasasso said that although the idea of extending the awning was not part of the proposal yet, he agreed that it would add to the streetscape.

Mr. Tim Andurco discussed the drainage report, stating that it was straightforward and that storm water would continue to go in the same direction. He also discussed the landscape plan, which included 12 street trees and 12 shrubs, as well as new groundcover. He also addressed the extended streetscape, which he said would wrap around a greater section of the property.

Ms. Lightfield asked if there were any changes in the drainage system due to the additional parking garage space. Mr. Andurco described the adjustments.

Mr. Mushak asked about the variety and size of the street trees. Mr. Andurco gave details as to type, sizes and spacing of the trees.

Mr. Henry Ditman, a traffic consultant, showed an aerial photograph of the site in the PowerPoint presentation. He discussed the number of trips that the Berkeley building was expected to generate, as well as peak hours and traffic conditions.

Ms. Lightfield asked about handicapped-accessibility at the site, particularly with regard to crosswalks and street

cuts. Atty. Zullo described the differences between the two plans (one from May, 2008 and one from August, 2008) with regard to crosswalks. There was a discussion of how many crosswalks needed to be at the site.

Ms. Light asked about the parking analysis. Ms. Wilson stated that the applicant was providing more parking than was required. A brief discussion of parking regulations followed.

Ms. Lightfield asked for comments from the public.

Mr. Doug Adams discussed the location of the site as a gateway to the Waypoint District. He called the proposal an asset for the neighborhood and community.

Ms. Susan Sweitzer, of the Norwalk Redevelopment Agency, supported the project, stating that it fit into the scale of the neighborhood and brought forward a nice streetscape and helped to create a "new West Avenue."

Mr. Sean McDonnell, an executive director of Norwalk Hospital, support the proposal, indicating that it was great for outpatient services and gave residents access to needed health services.

Mr. Tad Diesel also supported the proposal, explaining that it was a genuine and visible sign of architectural development. He added that the project was environmentally-friendly and helped to move the hospital "off the hill."

Ms. Patty Brescia spoke in support of the proposal.

Mr. Edward J. Musante, Jr., of the Greater Norwalk Chamber of Commerce, called the proposal an important project for Norwalk.

Ms. Anita B. Schmidt, 70 Arch Street, asked the applicant to explain where the parking garage abutted. Mr. Lasasso showed the parking garage's location, using the PowerPoint presentation. Ms. Schmidt also asked about the specific price of affordable housing at the site. Atty. Zullo explained that it was 80% of the state mean. Ms. Wilson clarified that the approximate income required to afford a unit would be about \$64,000.

Ms. Lightfield closed the public hearing.

- b. #8-08SP – Alyssa Holdings, LLC – 770 Connecticut Ave – 37,000 sq. ft. health club and 5,000 sq. ft. retail with parking garage

Ms. Lightfield opened the public hearing.

Atty. Zullo submitted the green cards and showed a map of the area. He described the site and proposed project.

Ms. Lightfield asked if there were a rendering of the front of the building. Atty. Zullo presented one.

Mr. Richard Cox, an architect, pointed out the location of the doors to the health club. A discussion of doors and loading areas followed.

Mr. Wrinn reiterated that there was no loading dock, but rather two loading spaces on the site.

Mr. Joe Chameli, an architect, discussed the details of the site, including traffic flow, utilities, storm water and a sanitary substation. Ms. Lightfield asked if a maintenance plan had been submitted for the filtration system. Mr. Chameli said no.

There was a discussion of pedestrian access and safety with regard to the parking garage.

Mr. Louis Fusco, a landscape engineer, discussed minor modifications to the plan.

Mr. Wrinn stated that the newly updated plan showed the location of the pump station.

Ms. Spencer asked about the site line at the exit of the property. Mr. Mike Galante addressed site line issues and discussed the traffic report.

Ms. Lightfield expressed concern about the impact on neighboring properties, such as Costco, of traffic exiting the health club.

Mr. Blank asked about the significance of location upon the estimated traffic impact to the area, pointing out that national numbers had been used to determine the traffic impact.

Mr. Cox discussed the design and the building materials being proposed at the site.

Atty. Zullo answered questions about the specifics of the club's swimming pool and basketball court.

Ms. Lightfield asked about signage. Atty. Zullo stated that the applicant would heed regulations about signs.

Mr. Mushak asked about the lighting plan. Mr. Woods discussed the lighting in the parking structure, as well as the façade's globe-style fixtures. He described the "cut-off" lighting as less wasteful than "shielding" lights.

Ms. Lightfield asked for comments from the public.

Mr. Diesel supported the project, stating that it represented the economic vitality of the area and made good use of a vacant building.

Ms. Lightfield closed the public hearing.

- c. #8-08R – Zoning Commission - Proposed amendments to revise medical office parking requirements

Ms. Lightfield opened the public hearing.

Ms. Light read two referrals, one from Marcy Balint of Coastal Area Management and another from Dori Wilson, both in support of the proposal.

Ms. Wilson stated that the item had been discussed at various meetings and that the issue of active square footage remained a concern. She stated that adjacent towns were using gross square footage to determine parking requirements. Ms. Wilson said that staff recommended a change from active to gross square footage.

There was a brief discussion of the terminology used to determine which category of use various medical spaces would fall under. Ms. Lightfield agreed that the language in the amendment could be tightened up.

Ms. Lightfield asked for comments from the public.

Mr. Adams discussed his concerns with the uses of medical office space, stating that some uses could be "punished" simply by virtue of the terminology used to describe them. He cited plastic surgery and fibromyalgia treatment as examples.

Ms. Wilson reiterated that staff did not take issue with the number of spaces, but only wanted to change the determining factor from active square footage to gross square footage.

Ms. Lightfield closed the public hearing.

- d. #9-08R – Zoning Commission – Proposed amendments to Section 118-360 D Residence zone to revise standards for multifamily developments

Ms. Lightfield opened the public hearing.

Ms. Light read a referral from Dori Wilson, indicating support for the proposal.

Ms. Wilson stated that staff wanted to bring the amendment up to standard with regard to building height and number of stories. She presented photographs of examples of multifamily buildings and discussed the buffer between two six-unit buildings that would be sharing parking.

Ms. Lightfield asked for comments from the public. There were none.

Ms. Lightfield closed the public hearing.

IV. REPORT OF PLAN REVIEW COMMITTEE, JAMES WHITE, CHAIR

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

III.a. #5-08SPR – The Berkeley & Frost Bldg LLC – 500-520 West Avenue/Lynes Place – ±150,000 sq. ft. mixed use development

MR. WHITE MOVED: RESOLVED that application #5-08SPR, submitted by The Berkeley, LLC and Frost Building, LLC, for a mixed-use development as shown on various plans by Do. H. Chung and Partners, Stamford, CT and Langan Engineering, New Haven, CT, 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 improvements; and
2. 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
3. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
4. That the retail space on the 1st floor maintain a connection between the Frost and Berkeley Buildings; and
5. That the compact parking be placed on the fifth level of the garage and be separated by a traffic control gate; and
6. That all parking spaces in the garages be clear and free from any obstructions to 8'-0" from the garage floor; and
7. That the pedestrian bridge connecting The Berkeley building to the parking garage be a minimum of 12' wide; and
8. That all signage, existing and proposed, comply with the zoning regulations; and
9. That cutoff shield on lighting fixtures must be installed as required to prevent any stray light from being emitted off the property; and
10. That any graffiti on the site, now or in the future, be removed immediately; and
11. That *any* changes to the plan be reviewed and approved prior to those changes being implemented; and
12. That a stormwater maintenance plan be submitted to staff; and
13. That the awnings proposed for the storefront facing West Avenue be continue across to the existing Frost Building; and
14. That there be four (4) painted crosswalks at every intersection subject to approval by the Department of Public Works; and

BE IT FURTHER RESOLVED THAT reason for this approval is that the proposed project complies with the Norwalk Building Zone Regulations, Section 118-504, Central Business Design District and Section 118-1451, Site Plan Review; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 26, 2008.

- ** **MR. BENTLEY SECONDED.**
- ** **MOTION PASSED UNANIMOUSLY.**

III.b. #8-08SP – Alyssa Holdings, LLC – 770 Connecticut Ave – 37,000 sq. ft. health club and 5,000 sq. ft. office with parking garage

** **MR. WHITE MOVED: RESOLVED** that application #8-08SP, submitted by Alyssa Holdings, LLC at 770 Connecticut Avenue, for a 37,000 sq. ft. health club and 5,000 sq. ft. office in an existing building with proposed addition and a rear parking garage, as shown on plans by Site Design Consultants, Yorktown Heights, NY, dated 2/12/08, revised to 7/31/08, be approved with the following conditions:

1. That all required CEAC signoffs are submitted; and
- 2.
3. That all required sedimentation and erosion controls be in place prior to any disturbance of the site; and
4. That any additional needed soil and erosion controls be installed at the direction of the staff; and
5. That any graffiti on the site, now or in the future, be removed immediately; and
6. That final flood certification be submitted at the completion of the project; and
7. That a Certificate of Special Permit and a mylar be filed on the Land Records; and
8. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements; and
9. That a maintenance plan be submitted for the drainage system; and
10. That the landscaping plan conform to the approved site plan; and

BE IT FURTHER RESOLVED THAT reason for this approval is that the proposed project complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Section 118-522, Business #2 and Section 118-1450, Special Permits; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 26, 2008.

**** MS. LIGHT SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

- b. #19-07CAM – Piro – 1 Gregory Blvd – 5 residential units – Request for 1 year extension of approval time – Report & recommendation

**** MR. WHITE MOVED: RESOLVED** that the request for one year extension of approval time be approved.

**** MS. LIGHT SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

- c. #7-06SPR/#16-06CAM – North Water Street Tarragon, LLC – 20 North Water St/Washington St – 185,000 sq ft mixed use development – Request for 1 year extension of approval time – Report & recommendation

**** MR. WHITE MOVED: RESOLVED** that the request for a one year extension of time for site plan application #7-06SPR and coastal site plan application #16-06 CAM; North Water St, Tarragon LLC (formerly North Water, LLC)—20 North Water St/Washington St—+185,000 sq ft mixed use development with 28 multifamily dwelling units, including 13 affordable units, and 26,882 square feet retail in 3 new buildings with 10 public parking spaces and a public plaza with water feature as shown on a set of plans entitled “Norwalk Company Redevelopment, North Water Street, Norwalk, CT” by Beinfield Architecture, PC; Studio ABK Architects LLC; Rotondo Engineering, LLC and other related plans dated March 27, 2006 as revised to October 24, 2006 be approved, subject to the following conditions:

1. That the original conditions of approval remain in effect; and
2. That the new approval deadline for obtaining permits will be November 24, 2009; and

BE IT FURTHER RESOLVED that the effective date of this action be September 26, 2008.

**** MS. LIGHT SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

- d. #4-08MV—A.C. Auto Body—76 Connecticut Avenue—Replacement tenant—Report and recommendation

**** MR. WHITE MOVED: RESOLVED** that application #4-08MV, submitted by AC Auto Body, New Canaan, CT for auto body and repair at 76 Connecticut Avenue, be APPROVED with the following conditions (the same conditions as the previous tenant):

1. That a surety be submitted to guarantee the installation of the required landscaping and erosion controls or that, in lieu of a surety, the required improvements be installed prior to a CO being issued; and
2. 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
3. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
4. That any graffiti on the site, now or in the future, be removed immediately; and
5. That all signage, existing and proposed, comply with the zoning regulations; and
6. 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
7. That any changes to the plan be reviewed and approved by staff prior to those changes being implemented; and
8. That all repairs are to be conducted within the building; and
9. That there be no outdoor storage of parts or auto carcasses; and
10. That there be no on-street storage of vehicles; and
11. That there be no commercial towing/storage operation conducted on the site; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 26, 2008.

**** MS. LIGHT SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

V. REPORT OF ZONING COMMITTEE, ROBERT KEYES, CHAIR

a. Action on Items III c. and d.

III.c. #8-08R—Zoning Commission

The Commission agreed to move this item back to Committee.

III.d. #9-08R—Zoning Commission

**** MR. KEYES MOVED: RESOLVED that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled “#9-08R – Zoning Commission – Proposed amendments to Section 118-360 D Residence zone to revise additional standards for multifamily developments regarding building height and stories” and dated August 18, 2008, be approved;**

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

- 1) To implement the Plan of Conservation and Development goal to "Encourage context-sensitive design by requiring consistent setbacks and providing bonuses for desired architectural features (such as porches, bay windows, and pergolas)" (F.4.1.6 p. 44); and
- 2) To implement the Plan of Conservation and Development goal to "Preserve and enhance the character of residential neighborhoods"(F.2.2 p. 42); and
- 3) To implement the Plan of Conservation and Development goal to “Protect residential neighborhoods from incompatible development” (A.1.1.6 p. 10); and
- 4) To implement the intent of CGS Section 8-2 Zoning, including that “Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.”; and

BE IT FURTHER RESOLVED that the effective date of this action be September 26, 2008.

**** MR. BENTLEY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- b. #7-04SPR/#27-04CAM—Maritime Yards (Jefferson at Maritime LP)—33-77 North Water/Ann St—275,000 sq ft mixed use development with 197 units, 30,475 sq ft office, 4,000 sq ft retail & 4,000 sq ft restaurant—Request to modify approved site plan for Building B to reduce restaurant space from 4,000 sq ft to 1,000 sq ft and increase office space from 3,400 sq ft office to 6,400 sq ft—Report and recommendation

**** MS. LIGHTFIELD MOVED: RESOLVED that the proposed modifications to approved site plan application #7-04SPR and coastal site plan application #27-04CAM; Maritime Place Parcel #3, LLC - 31-37 Ann St/25-99 North Water St - ±275,000 sq ft mixed use development with 197 multifamily dwelling units, 30,475 square feet office, 4,000 sq ft retail and 4,000 sq ft restaurant in 3 new buildings as shown on a set of plans entitled "Maritime Yards, South Norwalk, CT." by Beinfield Architecture, PC; Wesley Stout Associates; and Vollmer Associates, LLP and dated February 16, 2005 as revised by Beinfield Architecture PC plans dated August 6, 2008 to:**

- 1) decrease the restaurant space in Building B from 4,000 sq. ft. to 1,000 sq. ft. with a corresponding 3,000 sq ft increase in office space; AND to
- 2) eliminate the 4,000 sq ft of retail space in Building A and replace with a corresponding 4,000 sq. ft. increase in office space be APPROVED; subject to the following condition:
 1. That a minimum of 22 parking spaces in the garage are shared spaces for the office use; and

BE IT FURTHER RESOLVED that the effective date of this action be September 26, 2008.

**** MR. KEYES SECONDED.**

**** MS. LIGHT ABSTAINED.**

**** MOTION CARRIED.**

- c. Amendments to By-Laws and Public Hearing Procedures—Report and recommendation

**** MS. LIGHT MOVED: RESOLVED that the proposed amendments to the By Laws and Rules of**

Procedure for the Norwalk Zoning Commission as shown on a certain document entitled “By-Laws and Rules of Procedure of the Zoning Commission of the City of Norwalk – Proposed amendments draft dated September 12, 2008”, be approved.

BE IT FURTHER RESOLVED that the Public Hearing Procedures be amended as shown on a document draft dated September 12, 2008, be approved.

- ** MR. BENTLEY SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

VI. APPROVAL OF MINUTES: August 20, 2008

- ** MS. LIGHT MADE A MOTION TO APPROVE THE MINUTES.**
- ** MR. WHITE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

VII. APPOINTMENT OF NOMINATING COMMITTEE

- ** MS. LIGHTFIELD MADE A MOTION TO APPOINT WHITE, SPENCER, BENTLEY TO THE COMMITTEE.**
- ** MR. KEYES SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

VIII. COMMENTS OF DIRECTOR

There were none tonight.

IX. COMMENTS OF COMMISSIONERS

There were none tonight.

X. ADJOURNMENT

- ** MS. LIGHT MADE A MOTION TO ADJOURN.**
- ** MR. WHITE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 10:40 pm.

Respectfully submitted by Charlene Smith.

