

**CITY OF NORWALK
PLAN REVIEW COMMITTEE
September 8, 2011**

PRESENT: Emily Wilson, acting as Chair; Nathan Sumpter; Joseph Santo; David McCarthy; Jill Jacobson; Mike Mushak; arrived after the roll call: Adam Blank

STAFF: Michael Greene; Michael Wrinn; Adam Carsen

OTHERS: Ron Kellogg; Atty. Liz Suchy; Atty. Frank Zullo; Tim Gooding; Paxton Kinol; Jane DiDona; Stuart Lachs

Joe Santo called the meeting to order at 7:33 p.m.

I. SPECIAL PERMITS

a) #7-11SP/#17-11CAM – 300 Wilson Av LLC – 310 Wilson Av – Ice rink– Final review prior to hearing

Mr. Santo read the application into the record. Mr. Wrinn began the presentation. He notified the commissioners that this application was ready for the public hearing this month and notices would be sent out.

Mr. Santo then stated that he would be abstaining from the next matter and had Mr. McCarthy read it into the record. He then left the room.

b) #13-10SP/#17-10CAM – Norwalk Inn & Conference Ctr – 93-99 East Av - 3rd flr addition to existing hotel –Request for extension of time (1st request)

Mr. Carsen began the presentation. He told the commissioners that the taxes were paid. Mr. Wrinn also stated that it would be on the full commission agenda.

c) #12-07SP – Winston Preparatory School – 57 West Rocks Rd. - Selective demolition of three buildings (upper campus) – Determination if minor change

Mr. Carsen began the presentation and handed out pictures to the commissioners. They agreed it was a minor change.

d) #9-10SP – Casatelli Tile – 114 CT Av – Warehouse/wholesale – Request to modify landscaping

Mr. Wrinn began the presentation. He explained that the commission had previously approved the application and that the applicant wanted to change its landscaping. Mr. Kellogg, who represented Casatelli Tile, handed out photos to the commissioners. He explained that there is a liquor store next to his client's showroom and an alleyway between them. They wanted to put up some trees and a fence which would be used as a screen between the two businesses. Mr. Mushak suggested one shade tree and the balance would be evergreen trees.

Mr. Santo appointed Ms. Wilson to act as chairperson for the remainder of the meeting.

II. SITE PLAN REVIEWS & COASTAL SITE PLAN REVIEWS

a) #21-11CAM – 7 Nylked Terr, LLC – 7 Nylked Terrace – Construction of a new single-family residence

Before Mr. Carsen began the presentation, Mr. Blank recused himself and left the room. Mr. Carsen told the commissioners that the staff has all of the sign-offs and complied with all zoning. He reminded them that it was up to their discretion whether there would be a public hearing for this application. He showed them the plans for the project.

Mr. Mushak asked about storm water retention. He noted that many towns along the Long Island Sound have a storm water manual. The commissioners discussed whether they could hold the applicant responsible for a regulation that did not exist. Mr. Mushak asked the applicant to follow the state regulations.

Mr. Blank returned to the meeting.

b) #19-11CAM – Ramon Zapata (El Ranchero Fish) – 102A Wall St – Convert retail to restaurant use

Mr. Carsen began the presentation. It is an existing restaurant which is taking over the neighboring space. There will not be live music. The additional space is approximately 1,000 sq. ft. Being in the Central Business Design District, they do not have to provide for additional parking spaces. It was placed on the Zoning Commission's agenda.

c) #15-11CAM – Hey 19, LLC – 41 N. Main St – New restaurant with live entertainment – Further review

Mr. Carsen began the presentation. He told the commissioners that the staff had not received the third party review from the Redevelopment Agency at the time of the meeting.

Atty. Suchy continued the presentation. Some changes had been implemented in the design. Since they still had not received the third party review from the Redevelopment Agency, she hoped it would be on their agenda on September 12, 2011. Mr. Greene suggested that the application could still be put on the Zoning Commission's agenda and then taken off, if they still had not received the third party review from the Redevelopment Agency.

d) #2-10SPR/#14-10CAM – A. Jackson - 10 Goldstein PI – Contractor's yd – Request for ext of time

Mr. Wrinn presented the application and gave a quick history of the property. In September of 2010, the applicant's application for a contractor's yard was approved. However, at the same time, the Zoning Regulations disallowed contractors' yards in that zone. At this time, the applicant is requesting an extension of time to convert the property into a contractor's yard.

Mr. Kellogg, who represented the applicant, continued the presentation. He acknowledged to the commissioners that the owner/applicant, Mr. Jackson, had not been able to nor did he have the funding to meet all the criteria that the Commissioners had imposed on him. He told the Commissioners that the owner/applicant had entered into an agreement to sell the property to Atty. Zullo's clients, Robin Miller and Vin Pena,

of Indian Hill Construction Co., Inc. As of that evening, his client had entered into an agreement to buy the property from Mr. Jackson and would begin meeting the conditions of the first permit.

Mr. Wrinn asked whether they were asking for an extension of 1 year. Atty. Zullo answered that he didn't think they could do it in less than 6 months. Mr. Kellogg stated that his client had the resources to begin the clean-up of the property.

The commissioners began a discussion in which it seemed that it would be difficult to grant the extension. The permit will expire on Sept. 24. Mr. Penna stated that he would help the current owner to clean up the site. Atty. Zullo stated that in Norwalk many commercial zones abut residential zones. At this point, Mr. Santo appointed Mr. Blank to be a member of the Plan Review committee in Mr. White's absence.

**** MR. BLANK MOVED** that the request for the extension of time be added to the Zoning Commission's agenda with a recommendation to deny the request by the full Zoning Commission.

**** MS. WILSON SECONDED.**
**** MOTION PASSED (3-0)**

e) #7-11SPR/#20-11CAM – NW MFP Norwalk Town Ctr III, LLC – 15 Merwin St – 127,865 sq ft mixed use development 95 units (54 one bedroom & 41 2 bedroom) 10,000 sq. ft. retail, 2,750 sq. ft. restaurant & 159 sp parking garage in a Design District Development Park – Preliminary review

Mr. Greene presented the application. At the site of the former Bigelow Tea warehouse, the applicant is proposing a new development. The parking garage will be in the warehouse. Atty. Suchy continued the presentation. The proposed mixed use development would include retail, restaurants and residential. Tim Gooding, the architect, discussed the ingress and egress of the buildings. They have received some sign-offs but not all.

There were some comments from the commissioners about the parking garage which has a blank wall. Mr. Kinol was open to their suggestions. Some of the commissioners thought that some vines took too long to grow on the wall. Ms. DiDona, the landscape architect, discussed what would be done between the sidewalk and the building which would include some pedestrian scale plantings. Craig Flaherty advised that there would be a substantial rooftop area.

Mr. Blank asked whether there would be shuttles to the train station and Mr. Kinol assured him that there would be.

Mr. Mushak asked if there could be bike racks in the parking garages. The hearing would be scheduled on the Zoning Commissions' agenda in November.

Mr. Greene presented both of the following applications which are being handled as one.

f) #8-11SPR - Norwalk Center, LLC – 10 Norden PI (NordenPark) – ±13,000 sf addition to approved 154,000 sf. building for Data Center use – Preliminary review and,
g) #8-07SPR – Norwalk Center, LLC – 10 Norden PI – Modify approved plan to revise from 4 story to 2 story, redesign façade and floor plans for Data Center use – Determination if minor change

Atty. Zullo explained to the commissioners how the main floor of the proposed building would be data storage. It would have approximately 25 employees in the entire building. They would require 3 sources of energy so that the computers would never go down. They would be requesting a parking waiver since this huge building would only have 25 employees. The city would be receiving significant tax revenue with no adverse effect from traffic or people.

Mr. Blank was concerned about the parking waiver. His concern is that when there is an actual disaster how do the employees get to the building and where have they parked? Mr. Michael Boccardi, CEO of Cervalis, the company which would be using the building, explained how it would work.

Mr. Greene suggested that in order for the applicant to request a parking waiver they would have to write regulations to handle the situation. The building can hold 500-600 employees. Atty. Zullo told the commissioners that they would like to have the building completed by December 2012. Mr. Mushak was a little disappointed that the residents living next door would not have an office building with businesses in it so that they could walk to work.

Mr. McCarthy asked whether there would be air conditioning and if so, would it be quiet and energy efficient? Tom Cerese answered that there would be chillers on the roof which would meet the latest Energy Star standards. The architect for the building, Mr. Stuart Lachs, gave the commissioners a brief overview of the new building. The building would tie back to the design motif of the original Norden building. Even though the building would essentially be empty, they did not want it to look that way. There would be screening on the rooftop for the mechanicals. Atty. Zullo stated that the conditions for this building are essential the same as the first Norden building.

**** MR. BLANK MOVED** that the site plan review be approved at the Zoning Commission meeting on September 21, 2011.

**** MS. WILSON SECONDED.**
**** MOTION PASSED (3-0)**

h) #5-08SPR – The Berkeley- Frost Bldg LLC – 500 & 550 West Ave – 150,000 sf mixed use development – Request for extension of approval time (3rd request)

Mr. Carsen presented the application. He told the commissioners that the taxes had been paid. There was also a zoning change that would impact the site. It is the way parking spaces are calculated for medical buildings. They would now be required to have an additional 125 parking spaces. They only have 425 spaces. Mr. Greene said the applicant may come back with a change in the plans.

III. REVIEW OF PUBLIC HEARING

a) #13-11CAM/#5-11SP – AMEC Carting – 1 Crescent St – Modify existing transfer station by adding tonnage, additional haulers – Review of public hearing

Mr. Wrinn presented. As staff, he and the other staff members wanted to hear from the commissioners what further information they needed to make a decision. Mr. Santo stated that they could ask the applicant for an extension of another 65 days. Currently they have until the end of October to make a decision.

Mr. Blank asked if they could find out whether their competitor, City Carting, was running at capacity. Mr. Santo and Mr. McCarthy had some questions for the Dept. of Public Works. Mr. Mushak thought that although the applicant offered to put in trench drains, he also thought it was an admission that the water was coming off the site.

There was some discussion about making a drainage plan which would be a condition for approval.

There was also some discussion about conditioning the amount of tonnage that the facility could handle which would be less than what they are requesting. Mr. Blank was not too concerned with the increase in hours. He believed that it might be better for the neighbors, such as the Stepping Stones Museum, if AMEC operated at night.

The commissioners were also reminded that they would have to decide if the intervener proved that there was an unreasonable adverse effect on the environment. Staff would get all the information to the commissioners that they would need to help them make the determination.

IV. DEEP/ARMY CORPS

a) DEEP/AC – 10 Norport Drive – Install a dock for recreational boating access & modify shoreline by grading and planting for erosion control

Mr. Carsen presented the application. The staff recommended approval as it promotes water dependent uses.

b) DEEP/AC - 43 Rowayton Ave - Install a dock for recreational boating access

Mr. Carsen presented the application. The staff recommended approval as well as inserting language to the referral that it requires local permits.

c) DEEP/AC - 3 Cudlipp Street - Install a dock for recreational boating access and retain shed

Mr. Carsen presented the application. The staff recommended approval as well as inserting language to the referral that it requires zoning and building permits.

The meeting was adjourned at 9:47 p.m.

Respectfully submitted by,

Diana Palmentiero