

**CITY OF NORWALK  
ZONING COMMISSION  
September 21, 2011**

**PRESENT:** David McCarthy, acting as Chair; James White; Emily Wilson, Nathan Sumpter, Jill Jacobson; arrived after the roll call: Michael O'Reilly

**STAFF:** Mike Greene, Mike Wrinn, Frank Strauch

**OTHERS:** Catherine Poulin; Bruce Beinfield; Kevin Conroy; Dominick Rocca; Tammy Langalis; Ron Muller; Elizabeth Penn; Amy Jimenez; Gerry Byrne; Mike Galante; Eric Rains; Ryan Hughes; Zaric Jimena; Atty. Liz Suchy

**I. CALL TO ORDER**

David McCarthy, acting as the Chair, called the meeting to order at 7:30 p.m.

**II. ROLL CALL**

Mr. Greene took the roll call.

**III. PUBLIC HEARINGS**

**a. #7-11SP/#17-11CAM – 300 Wilson Av, LLC – 310 Wilson Avenue – Ice rink facility**

Mr. McCarthy opened the public hearing. Catherine Poulin, who worked for the applicant, 300 Wilson Avenue, LLC, began the presentation. She discussed the background of the property. The property is in disrepair which was seen in the slides that were shown to the commission. They will have to rehabilitate part of the building in order to build a state of the art ice skating rink. Although they tried to lease a portion of the building, it is in such a bad state of disrepair that it will have to be demolished. There will be ample, landscaped, parking. She turned in the green cards.

Mr. Beinfield continued the presentation. He stated that there will be a parking lot with landscaped islands, more than are required by the city. There was even room to make the parking lot bigger in the future. He described in length the amenities inside the SoNo Icehouse. The north façade of the building would have hockey related images on it.

Kevin Conroy, one of the owners of the property, continued the presentation. He thought it is a great use for the property. He said that the city has been supportive and hoped that the commissioners would vote favorably on the application.

Ms. Poulin asked if the commissioners had any questions for their speakers. Mr. White asked when they would be starting, if the project was approved. Ms. Poulin thought they would be able to start in 2011.

Mr. McCarthy asked if there were any members of the public that wanted to speak. The first speaker was Dominick Rocca, M.D., who stated he had two sons who have played hockey for the last 10 years. He was in support of the application.

Tammy Langalis, a member of the Sixth Taxing District, who stated that the Sixth Taxing District was in favor of the application and that it would be a great asset to Norwalk.

Ron Muller, a member of the Village Creek Home Owners Association, spoke next at the presentation. He was concerned that they had not received notification of the meeting. He was neither for nor against the application. His concerns were about the drainage into Village Creek from the parking lot, sound barriers, and the amount of traffic from the SoNo Icehouse.

Elizabeth Penn, who lives in Village Creek, asked questions about the noise, hours, lighting, and wildlife. She also wanted to know where the snow and ice would go.

Amy Jimenez, 26 Split Rock Road, also had a concern about not being notified. Her apartment faces the property. She had concerns about noise and light pollution. She wanted to know about the hours of operation and the noise from the cooling system. She wanted to know about the dumpster location since she had been awoken one night at 2:30 a.m. because of a dumpster being emptied on the Grasso property.

Gerry Byrne spoke in favor of the applicant, stating that he thought it was a "quality of life" issue and that hockey should come back to Norwalk.

Katherine Pollen continued the presentation with her rebuttal. First, she addressed the many questions from the audience members about notification. They had delineated in their applications that the abutting neighbors were in the DPW maps and made the appropriate notifications.

Mr. Galante continued the presentation by going over the traffic study so that everyone could understand about the traffic in the area. He discussed how they performed the study. They included in the study a test about a worst case scenario with the building being fully occupied. Mr. McCarthy asked if there any letter grade changes in the traffic. Mr. Galante said there was only one.

Mr. Beinfield continued the presentation by explaining the notification process further so that everyone could understand who was an abutting neighbor and who was not. With reference to the neighbors' concerns about noise, Mr. Beinfield explained that the building would have a skin which would be made of heavily insulated metal panels. This would keep noise within the building. Mr. Sumpter asked about the number of trees to which Mr. Beinfield remarked that the trees in the parking lot would make it look more "park like." Ms. Poulin then introduced Eric Rains who was the landscaping architect. Mr. Rains discussed the trees that would be on the property in further detail. The parking lot will look like it is covered with a canopy. He discussed how they would use full cut-off lighting fixtures in the parking lot. The water run-off from the parking lot

would go into the vegetative swale and then into the storm drains. This help to purify the water. There was then a discussion about some buildings on the property. Mr. Beinfield stated that they were not adding any buildings to the property.

Ryan Hughes, an owner of the SoNo Icehouse, continued the presentation. He discussed the hours of operation. The noise would be self-contained in the building. The ice from the Zamboni machine goes into the normal drainage system. Mr. Beinfield mentioned that they did not want to be a nuisance to the neighbors. Mr. O'Reilly asked how many gallons of water would be cleaned off the ice. Mr. Hughes said on a typical day it could be between 1,000 – 1,500 gallons. There was then some discussion about the location of the dumpsters which Mr. Beinfield said could be moved.

Mr. McCarthy closed the public hearing.

**b. #1-11M - SoNo Metro, LLC – 11, 13 & 15 Chestnut St/Henry St Ext – Proposed change to Building Zone Map from Industrial #1 & D Residence to SoNo Station Design District and c. #6-11SPR - SoNo Metro, LLC – 7, 11 & 13 Chestnut Street – Reuse of existing building for a mixed use development with 11,000 sq ft office and 17 multifamily units (11 studios & 6 one bedroom)**

Mr. McCarthy opened the public hearing. He confirmed with Mr. Beinfield that these two applications could be handled in one public hearing. Mr. Beinfield turned in the green cards and began the presentation. He addressed the zoning change issues in connection with the building that the applicant is developing. Mr. Beinfield also noted that an application for 11 Chestnut St. to be included on the National Register of Historic Places has been submitted. There will be strict guidelines as to how the building should be restored.

Mr. Rains, the landscape architect, continued the presentation. He used canopy trees in the parking lot in order to control the temperatures of the parking lot. He discussed the three components of the sidewalk which would include brick pavers and concrete. There will be rolling gates and the amenity area will have a pergola, outdoor dining and a fire pit. He also conveyed to the commissioners that the lighting would not go off property. Some of the commissioners had questions about the parking and gates.

Mr. McCarthy read letters into the record from the Planning Commission, and the Coastal Area Management dept.

After he finished the readings, Mr. McCarthy asked if there were any questions from the public.

The first speaker was Zaric Jimena, 17 Chestnut St., Norwalk, Ct. She told the commissioners which property belonged to herself and her family. Although she is happy that there will be neighbors, her concerns were about sound, pollution, parking and the zoning changes.

Mr. Beinfield began the rebuttal by pointing out that the applicant's intent was the same as the Ms. Jimena in that both want the neighborhood to be cleaned up. The site plan application does not include the parking garage. However, when they do want to do it, they could put in fencing and landscaping to buffer the building from the neighbors. The applicant still has to reach an agreement with the Parking Authority to build a parking garage for the area.

Mr. McCarthy closed the public hearing.

**d. #5-11R – Norwalk West, LLC - Proposed amendments to allow 1 story buildings in interior courtyards & modify outdoor dining criteria in CBDD**

Mr. McCarthy opened the public hearing. Atty. Liz Suchy started the presentation with introductions and a background of the property which led to the proposed amendments. She handed out copies of the proposed text amendments of the Zoning regulations to the commissioners. Mr. McCarthy read letters from the Planning Commission and Coastal Area Management into the record. Atty. Suchy also stated that the traffic engineer did not find that the amendment would adversely affect traffic.

Mr. McCarthy asked if any members of the public had any comments. No one did. He then closed the public hearing.

**e. #3-11R – Zoning Commission – Proposed amendments to require that windows and doors are closed when live music is playing**

Mr. McCarthy opened the public hearing. Mr. Greene discussed the background of the amendment. He also noted that the commission was clarifying policies that the commission has had for years. Mr. Sumpter had questions about whether this amendment would work. He thought it would be counterproductive to business in the SoNo area. Mr. White conveyed that the commission was responding to the numerous complaints they had received over the years about the music being too loud in the area.

Mr. McCarthy read a letter into the record a letter from the Planning Commission that it took no action. Mr. Greene reminded them that by taking no action, they were in effect approving it.

Mr. McCarthy asked if any members of the public had any comments. No one did. He then closed the public hearing.

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

**a. Action on Item III. a. - #7-11SP/#17-11CAM – 300 Wilson Av, LLC – 310 Wilson Avenue – Ice rink facility**

**\*\* MR. WHITE MOVED: BE IT RESOLVED** that application # 7-11 SP/17-11CAM submitted by 300 Wilson Avenue LLC for a commercial recreational ice rink facility at 310 Wilson Avenue, as shown on various plans by Beinfield Architecture PC, Norwalk,

CT dated 6-24-11, as revised and plans by Cabezas DeLangelis Engineers and Surveyors, Bridgeport, CT be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That all required erosion and sedimentation controls be in place prior to any construction; and.
3. That any graffiti on the site, now or in the future, be removed immediately; and
4. That the required murals for the northern end of the building be approved by the Commission prior to the installation
5. That the existing curbs and sidewalks be replaced with code compliant construction.
6. That the dumpster for the ice rink be located along the wall of the ice rink building (opposite building #5) and be properly screened;
7. That all dumpsters on the site be picked up only between the hours of 7:00 AM to 6:00 PM
8. That the hours of operation be as offered by the applicant, namely 6:00 AM to 11:00 PM
9. That a solid screening fence a minimum of 4' high be installed along the water between buildings #5 and #7 to provide screening of the cars.

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-700 Industrial #1, 118-1450, Special Permit, and 118-1110, Coastal Zone; and

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable coastal area management use policies; and

**BE IT FURTHER RESOLVED** that a Certificate of Special Permit and a map of the property be placed on the Norwalk Land Records; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be September 30, 2011.

**\*\* MS. WILSON SECONDED.**

**\*\* MOTION PASSED (6-0)**

**b. #13-10SP/#17-10CAM – Norwalk Inn & Conference Ctr – 93 - 99 East Ave - 3rd flr addition to existing hotel with 37 new rooms & 7 hotel rooms – Request for extension of time (1st request) – Report & recommendation**

**\*\* MR. WHITE MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for Special permit application **#13-10SP** and coastal site plan application **#17-10CAM** - Norwalk Inn & Conference Center – 93 - 99 East Avenue – Third story, 37 room addition to existing hotel at 99 East Avenue and conversion of existing rooming house at 93 East Avenue to 7 hotel rooms with kitchen and related site improvements as shown on a set of plans entitled "Norwalk Inn 93-99 East Avenue" prepared by Jozsef Solta Architects, Peter F. Alexander, Landscape Architect and Joseph Risoli, P.E. and dated as revised to October 15, 2010 be modified as shown on a set of plans by Fairfield

County Engineering LLC dated January 31, 2011 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 October 29, 2012; and

**BE IT FURTHER RESOLVED** that the effective date of this action be September 30, 2011.

**\*\* MS. WILSON SECONDED.**

**\*\* MOTION PASSED (6-0)**

**c. #8-11SPR - Norwalk Center, LLC – 10 Norden PI (NordenPark) – ±13,000 sq. ft. addition to approved 154,691 sq. ft. building for Data Center office use – Report & recommendation**

**\*\* MR. WHITE MOVED: BE IT RESOLVED** that the proposed site plan for #8-11SPR – Norwalk Center, LLC - 10 Norden Place – 13,000 sq ft addition to an approved 154,691 sq. ft. office building in an existing industrial development park as shown on a various plans by Perkins Eastman Architects, P.C., Tighe & Bond and LandTech Consultants Inc, and dated as revised to September 8, 2011, be **APPROVED**, subject to the following conditions:

1. That all of the original conditions of approval for this development approved as #8-07SPR remain in effect; and
2. That any additional changes to the approved plans be submitted to the Zoning Commission for review and approval; and

**BE IT FURTHER RESOLVED** that the application complies with the Norwalk Building Zone Regulations, including Sections 118-711 Restricted Industrial zone, as amended, and 118-1451, Site Plan Review.

**BE IT FURTHER RESOLVED** that the effective date of this action be September 30, 2011.

**\*\* MS. WILSON SECONDED.**

**\*\* MOTION PASSED (6-0)**

**d. #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) – Report & recommendation**

**\*\* MR. WHITE MOVED: BE IT RESOLVED** **BE IT Resolvedly** the Norwalk Zoning Commission that the approval time on **#5-08SPR– The Berkeley – Frost Building, LLC**

- 500 and 550 West Ave – 150,000 sq. ft. mixed-use development - Request extension of time be **APPROVED** for an extension of a period of 365 days; and

1. That property taxes be kept current for the duration of the extension period;

**BE IT FURTHER RESOLVED** that the new deadline to obtain zoning and building permits will be September 26, 2012.

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be September 30, 2011.

**\*\* MS. WILSON SECONDED.**

**\*\* MOTION PASSED (6-0)**

**e. #21-11CAM – 7 Nylked Terrace, LLC – 7 Nylked Terrace - New single-family residence – Rpt & recommend**

**\*\* MR. WHITE MOVED: RESOLVED** that application #21-11 CAM, construction of a single-family residence for the property 7 Nylked Terrace, and as shown on the site plans titled “Zoning Location Survey of Property for Charles H. & Melanie K. Berman, 7 Nylked Terrace, Rowayton Connecticut,” Scale 1”=10’, Date: Sept. 8, 2010 and Revised to January 10, 2011” by Arcamone Land Surveyors, LLC, Norwalk, CT, Wayne J. Arcamone, Land Surveyor, CT Lic. No 15773 **AND** on the architectural plans by Brooks & Falotico Associates, Inc, dated August 18, 2011 by Vincent J. Falotico, CT Lic. No. 9509 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 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.

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be September 30, 2011.

**\*\* MS. WILSON SECONDED.**

**\*\* MOTION PASSED (6-0)**

**f. #19-11CAM – R. Zapata (El Ranchero Fish) – 102A Wall St – Convert retail to restaurant use – Rpt & recom**

**\*\* MR. WHITE MOVED: BE ITRESOLVED** that #19-11CAM – Ramon Zapata (El Ranchero Fish) – 102A Wall St – Convert retail to restaurant use and as shown on the drawings by ADA Architects, Norwalk CT, dated 4/7/11 and revised to 4/8/11 be **approved** subject to the following conditions:

1. That no live music or DJ entertainment take place in the facility without approval from the Zoning Commission first; and

**BE IT FURTHER RESOLVED** that under Section 118-1220 (L) (1), Parking in Norwalk Center, the additional 9 spaces generated by the increased use, will not be required to be provided, as the property is located in the “Exempt From Municipal Parking Permit Fees” area of the downtown; and under this proposal; and

**BE IT FURTHER RESOLVED** that the proposal complies with all applicable coastal resource and use policies; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be September 30, 2011.

**\*\* MS. WILSON SECONDED.**

**\*\* MOTION PASSED (6-0)**

**g. #15-11CAM – Hey 19.LLC – 41 N. Main St – New restaurant w/live entertainment – Rpt & recommend**

**\*\* MR. WHITE MOVED: BE ITRESOLVED** that Coastal Area Management #15-11CAM – Hey 19.LLC – 41 N. Main St – New restaurant with live entertainment and as shown on the site plan and architectural drawings by CPG Architects, Stamford, CT, dated 6/22/11 and on the renderings “Option 3” and “Service Entrance” both dated 8/11/11 by CPG Architects and as shown on the DJ and/ or band location plan by CPG Architects and received by Planning & Zoning on 7/12/2011 and engineering plan by McChord Engineering, LLC, Wilton, CT, dated 7/8/11 and be **APPROVED** subject to 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 original flagpole be retained and re-erected near the front service entrance along North Main Street; and
5. That the band / DJ area be 8’ x 10’ and NOT a raised platform and that it be located in the dining room toward the rear of the restaurant; and
6. That all recommendations from the sound report be executed; and
7. That sound levels be at or below 90 decibels; and
8. That the proposed dumpster be locked; and
9. That the hours of garbage pick-up be no earlier than 7 a.m. and no later than 7 p.m.; and
10. That all signage, existing and proposed, comply with the zoning regulations; and
11. That any graffiti on the site, now or in the future, be removed immediately; and
12. That all needed permits from the applicable City agencies be obtained.

**BE IT FURTHER RESOLVED** that under Section 118-1220 (M) (1), Parking in South Norwalk, the additional 65 spaces generated by the increased use, will not be required to be provided, as the property is located in the “Exempt From Municipal Parking Permit Fees” area of the South Norwalk; and under this proposal; and

**BE IT FURTHER RESOLVED** that the proposal complies with all applicable coastal resource and use policies; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be September 30, 2011

**\*\* MS. WILSON SECONDED.**

**\*\* MOTION PASSED (6-0)**

**h. #2-10SPR/#14-10 CAM – A. Jackson - 10 Goldstein Place – Contractor’s yd – Request for extension of time -Report & recommendation**

**\*\* MR. WHITE MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the approval time on #2-10SPR/#14-10 CAM – A. Jackson - 10 Goldstein Place – Contractor’s yard – Request for extension of time be **DENIED** for an extension of a period of 365 days; and

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

- 1) To implement the Plan of Conservation and Development goal to "Minimize the number of non-conforming uses." (F.2.1.6 p.42); and
- 2) To implement the Plan of Conservation and Development goal to “Maintain & expand Village Districts to preserve the character of the districts, to improve the design of buildings and their relationship to the streetscape, and to protect resources of historical and architectural significance; establish Village Districts in Cranbury (Gregory’s Store), Golden Hill (Cedar Street area), Silvermine Tavern area, and **Liberty Square** area.” (F.4.1.5p.43)

**\*\* MS. WILSON SECONDED.**

**\*\* MOTION PASSED (6-0)**

**i. DEEP/AC – 10 Norport Drive – Install a dock for recreational boating access & modify shoreline by grading and planting for erosion control – Report & recommendation**

**\*\* MR. WHITE MOVED: BE IT RESOLVED** that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #201102255-SJ – 10 Norport Drive – Install a dock for recreational boating access & modify shoreline by grading and planting for erosion control; and

1. That there are no zoning issues associated with this application; and

**BE IT FURTHER RESOLVED** that this proposal is consistent with coastal resource and

use polices.

**\*\* MS. WILSON SECONDED.  
\*\* MOTION PASSED (6-0)**

**j. DEEP/AC - 43 Rowayton Ave - Install a dock for recreational boating access  
- Rpt & recommendation**

**\*\* MR. WHITE MOVED: BE IT RESOLVED** that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200801806-SJ – 43 Rowayton Avenue - Install a dock for recreational boating access; and

**BE IT FURTHER RESOLVED** that a zoning permit with the City of Norwalk will need to be obtained for work related to the 15' by 16' deck; and

**BE IT FURTHER RESOLVED** that this proposal is consistent with coastal resource and use polices.

**\*\* MS. WILSON SECONDED.  
\*\* MOTION PASSED (6-0)**

**k. DEEP/AC - 3 Cudlipp St - Install a dock for recreational boating access and  
retain shed - Rpt & recommend**

**\*\* MR. WHITE MOVED: BE IT RESOLVED** that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200801023-SJ – 3 Cudlipp Street - Install a dock for recreational boating access and retain shed; and

**BE IT FURTHER RESOLVED** that a zoning permit with the City of Norwalk will need to be obtained for work related to the 10' by 12' shed; and

**BE IT FURTHER RESOLVED** that this proposal is consistent with coastal resource and use polices.

**\*\* MS. WILSON SECONDED.  
\*\* MOTION PASSED (6-0)**

**V. REPORT OF ZONING COMMITTEE, DAVID MCCARTHY, CHAIR  
a. Action on Items III b., c., d. and e.**

**#1-11M - SoNo Metro, LLC – 11, 13 & 15 Chestnut St/Henry St Ext – Proposed  
change to Building Zone Map from Industrial #1 & D Residence to SoNo Station  
Design District**

**\*\* MR. MCCARTHY MOVED: BE IT RESOLVED** that the proposed changes to the Building Zone Map as shown upon a certain map entitled “#1-11M - SoNo Metro LLC – 11, 13 & 15 Chestnut St – Proposed change to Building Zone Map from Industrial #1 & D Residence to SoNo Station Design District” and dated July 12, 2011 affecting property in the Second Taxing District, Block 55, Lots 4, 5, 6, 22 and 29 and adjacent portions of the public ROW all of which are now zoned Industrial No. 1 zone or D Residence zone, in whole or in part, and proposed for change to SoNo Station Design District (SSDD), in whole or in part, be approved.

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

1. To implement the Plan of Conservation and Development policy to “Preserve the character of neighborhood businesses and neighborhood businesses districts” (A.4.1.4, p.13); and
2. To implement the Plan of Conservation and Development policy to implement the recommendations of the Industrial Zones Committee Report to “Update Restricted Industrial Zones, Industrial 1 Zones, and Industrial 2 Zones, to allow on a case-by-case basis certain types of office and multifamily residential uses, to reflect current economic trends in Norwalk provided they are compatible with the surrounding neighborhoods” (A.5.1.1 p.13); and

**BE IT FURTHER RESOLVED** that the effective date of this action be September 30, 2011.

**\*\* MR. WHITE SECONDED.**  
**\*\* MOTION PASSED (6-0)**

**c. #6-11SPR - SoNo Metro, LLC – 7, 11 & 13 Chestnut Street – Reuse of existing building for a mixed use development with 11,000 sq ft office and 17 multifamily units (11 studios & 6 one bedroom)**

**\*\* MR. MCCARTHY MOVED: BE IT RESOLVED** that site plan application #6-11SPR – 11 Chestnut Street Site Plan Review for a 24,745 square foot mixed use development with 11,000 sq. ft. office and 17 multifamily units and related site improvements as shown on a certain set of plans by entitled 11 Chestnut Street Site Plan Review by Beinfield Architecture dated June 23, 2011 Revision 1, by Rotondo Engineering dated revised to July 13, 2011, by Eric Rains Landscape dated June 20, 2011 and related site plans and drawings as revised to August 4, 2011, be approved, subject to the following conditions:

1. That all CEAC (Code Enforcement Administration Committee) signoffs be submitted prior to the start of construction; and
2. That all soil and erosion controls be installed and maintained prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission’s staff, as needed; 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 a Connecticut licensed engineer certify that the required improvements were installed to City standards; and
5. That any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and

**BE IT FURTHER RESOLVED** that the application complies with the Norwalk Building Zone Regulations, including Sections 118-506 SoNo Station Design District and 118-1451, Site Plan Review.

**BE IT FURTHER RESOLVED** that the effective date of this action be September 30, 2011.

**\*\* MR. WHITE SECONDED.**  
**\*\* MOTION PASSED (6-0)**

**#5-11R – Norwalk West, LLC - Proposed amendments to allow 1 story buildings in interior courtyards & modify outdoor dining criteria in CBDD**

**\*\* MR. MCCARTHY MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “#5-11R – Norwalk West, LLC – Proposed amendments to Section 118-504 Central Business Design District to allow 1 story buildings in interior courtyards & to revise outdoor dining criteria” and dated July 22, 2011 be **APPROVED**.

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

1. To implement the Plan of Conservation and Development policy to “Strengthen the revitalization of the West Avenue, Wall Street, and Reed Putnam areas by encouraging mixed-use development (i.e. offices, stores, services, restaurants and theaters together with housing, parks and cultural facilities). (p. 12, A.3.1.2); and
2. To implement the Plan of Conservation and Development policy to “To encourage retail activity in the West Avenue/Wall Street and Reed Putnam areas and place emphasis on pedestrian-oriented environment (p. 12A.4.1.1); and
3. To encourage outdoor dining in the Central Business Design District; and

**BE IT FURTHER RESOLVED** that the effective date of this action be September 30, 2011.

**\*\* MR. WHITE SECONDED.**  
**\*\* MOTION PASSED (6-0)**

**#3-11R – Zoning Commission – Proposed amendments to require that windows and doors are closed when live music is playing**

**BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “#3-11R – Zoning Commission – Proposed amendments to require that windows and doors be closed when live music is playing” and dated May 18, 2011, be approved.

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

- 1) To implement the Plan of Conservation and Development policy to “Preserve the character of neighborhood businesses and neighborhood businesses districts” (A.4.1.4, p.13); and

**BE IT FURTHER RESOLVED** that the effective date of this action be September 30, 2011.

**BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “#3-11R – Zoning Commission – Proposed amendments to require that windows and doors be closed when live music is playing” and dated May 18, 2011, be approved.

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

- 1) To implement the Plan of Conservation and Development policy to “Preserve the character of neighborhood businesses and neighborhood businesses districts” (A.4.1.4, p.13); and

**BE IT FURTHER RESOLVED** that the effective date of this action be September 30, 2011.

**\*\* MR. WHITE SECONDED.**

**\*\* MOTION PASSED (5-1)**

**b. #4-11SPR/#11-11CAM – Norwalk West LLC – Request to modify approved plan to add 1 story buildings to interior courtyard and related modifications - Report & recommendation**

**\*\* MR. MCCARTHY MOVED:BE IT RESOLVED** that the request to modify the approved plan for site plan application **#4-11SPR** and coastal site plan application **#11-11CAM** - Norwalk West, LLC / Belray Development, LLC – 467, 501, 507, 509, 523 & 525 West Avenue/2, 10, 15, 16 & 18 Merwin Street/7, 9, 11, 15, 19, 21, 23, 25, 27 & 33 Orchard Street/17 Butler Street entitled Waypointe Phase 1: 474,795 sq ft mixed use development with 325 multifamily dwelling units, 39,965 sq ft of retail, 10,200 sq. ft. restaurant and a 626 space parking garage within a Design District Development Park as shown on a set of plans entitled "Zoning Site Plan for Norwalk West, LLC" by Gooding Architecture, LLP; Redniss and Mead Engineers & Didona Landscape, dated July 7, 2011 as revised to August 11, 2011, be **APPROVED**, subject to the following conditions

1. That the original conditions of approval remain in effect; and
2. That any additional changes to the approved plans be submitted to the Zoning Commission for review and approval; and

**BE IT FURTHER RESOLVED** that the effective date of this action be September 30, 2011.

**\*\* MR. WHITE SECONDED.**  
**\*\* MOTION PASSED (6-0)**

**c. Modify application forms to require digital media presentations at public hearing for larger developments add versions of large reports - Report & recommendation**

Mr. Greene presented the modification to the commissioners by stating that it is a similar concept as with the models that are requested for larger projects. This would allow the audience members to review the presentation without small boards and/or without having to sit behind the commissioners. The second modification was to request that applicants involved with larger reports deliver them in PDF format. Ms. Wilson asked whether there was a classification as to what a "large development" was. Mr. Greene said that it would be on a case by case basis as decided by the commission.

**\*\* MR. MCCARTHY MOVED: BE IT RESOLVED** that the proposed revisions to the application forms for Special Permit, Site Plan Review and Coastal Site Plan Review to add new text requiring a digital media presentation for the public hearing for large scale developments and PDF files for large reports, as shown on the revised application forms dated September 9, 2011 be approved;

**BE IT FURTHER RESOLVED** that the effective date of this action be September 30, 2011.

**\*\* MR. WHITE SECONDED.**  
**\*\* MOTION PASSED (6-0)**

**VI. APPROVAL OF MINUTES:**

August 17, 2011:

**\*\* MR. MCCARTHY MADE A MOTION TO APPROVE THE MINUTES OF THE AUGUST 17, 2011 MEETING.**  
**\*\* MR. WHITE SECONDED THE MOTION**  
**\*\* MOTION PASSED (6-0)**

August 24, 2011

**MR. MCCARTHY MADE A MOTION TO APPROVE THE MINUTES OF THE**

**AUGUST 24, 2011 MEETING.**

**\*\* MR. WHITE SECONDED THE MOTION  
\*\* MOTION PASSED (6-0)**

**VII. APPOINTMENT OF THE NOMINATING COMMITTEE**

Mr. McCarthy appointed Ms. Wilson, Ms. Jacobson and Mr. White onto this committee and make their recommendations at the next commission meeting.

**VIII. COMMENTS OF DIRECTOR**

Mr. Greene had no comments.

**IX. COMMENTS OF COMMISSIONERS**

The commissioners had not comments.

**X. ADJOURNMENT**

**\*\* MR. MCCARTHY MADE A MOTION TO ADJOURN.  
\*\* MR. WHITE SECONDED THE MOTION.  
\*\* MOTION PASSED (6-0)**

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Diana Palmentiero