

CITY OF NORWALK
PLAN REVIEW COMMITTEE
July 11, 2013

PRESENT: Jill Jacobson; Chair; Harry Rilling; Emily Wilson; Mike O'Reilly; Nate Sumpter; Mike Mushak; Joe Santo; Jim White

STAFF: Mike Wrinn; Frank Strauch

OTHERS: Nancy Esteva; Mark Reber; John Ireland; Dr. Nelson; Atty Frank Zullo; Mike Galante; Richard Lutsky; Alfred Kovalik, Larry Bourque

Jill Jacobson called the meeting to order at 7:30 p.m.

I. SITE PLAN REVIEWS & COASTAL SITE PLAN REVIEWS

a) #1-12CAM – SoNo Market – 314 Wilson Ave – Request to add outdoor liquor service area and live music – Determine if minor change

Mr. Wrinn began the presentation. He mentioned that the SoNo Market would like to request outdoor dining with live music. He then noted that the conditions of the approval of their site plan did not allow it; but that they could come before the commission again to request permission. The hours would remain the same. He pointed out where the market was on a map and what would be constructed for the outdoor music area. The sound report stated that with certain types of music there should not be a sound problem that would bother the neighbors.

Nancy Esteva, Marketing Services for SoNo Marketplace, continued the presentation. She said that they would create an area outside for people to dine, drink and listen to music. She hoped that this would help generate traffic to the Market for the small businesses that were there. They planned to sell local Connecticut craft beer which was a trend at the moment. Mr. Sumpter and Mr. White asked whether they had checked with the Village Creek Association. Ms. Esteva said that the residents seemed to be amenable to the marketplace now. She said the music would be complementary to the courtyard experience. They were planning on building a fountain as well. She thought the sound was insulated where it would be. Mr. White thought it would be helpful to get a letter from the Village Association saying that they agreed with the proposal. Mr. White was concerned about the noise getting letter. Mr. Sumpter thought they should also speak with Wilson Point residents.

Mr. Mushak said that the letter from the sound experts, Jaffe Holden, was quite convincing since it described the types of music that would conform to the city's noise regulations. He said that he would support that the request be a minor change; however, if there were complaints then they could deal with them. He thought it should pass so that they could start in the summer season. Mr. Rilling thought that since the letter said that they could install an inexpensive monitoring system, they should implement it.

Mark Reber, Jaffe Holden, continued the presentation by describing the monitoring system. The system would give warnings so that the music could be turned down. He also mentioned that the moderately amplified music could be performed which included a solo singer as well as a jazz combo.

Mr. Santo said that he would also allow this request to be a minor change especially since the music would be seasonal. If there were any problems, the commissioners would not allow it next year. He thought that the location of the courtyard would give the music a good sound barrier.

The commissioners agreed that the request could be a minor change with the monitoring system in place.

II. SPECIAL PERMITS

a) #6-13SP/#10-13CAM - R. Grosvenor Ely - 71 & 77 Rowayton Ave – Proposed 8 unit multifamily development – Final review prior to public hearing

Before the beginning of this presentation, Ms. Wilson recused herself and left the room. Mr. Strauch began the presentation by saying that there were still a couple of sign-offs that are missing. The one that the staff is the most concerned with is the one from the Department of Public Works (“DPW”). There are deficiencies in sight lines which could be problematic. Staff recommended that this applicant should present its public hearing in August. There were some other issues with windows and parking.

Mr. Mushak asked if the parking lot drainage would be pre-treated. Mr. Strauch said it would. Mr. O’Reilly asked if there would be a longer dock for the public access. Mr. Strauch said there would be public access but that the state would be the entity to decide about a longer dock.

b) #7-13SP – Norwalk Public Schools – Naramake Elementary School – King St – Construction of 4 additional classrooms – Further review

Before the presentation began, Ms. Wilson returned to the room. Mr. Wrinn began the presentation. He said that the applicant has revised their plan since the commissioners did not think the previous one would work.

John Ireland, the architect on the project from Silver/Petrucci, continued the presentation. He began by discussing a storage area under the addition. Also, the road to access it is a dead end which will have a sign. He said there are 2 buses that service the school but that most of the students either walk or are driven. Mr. O’Reilly asked if there was a breakdown on the number of students that take the bus and are dropped off. Mr. Ireland said that they had not been able to get firm numbers on this. He discussed the bus loop and the main parking lot. He said that typically schools would separate bus and vehicle traffic. Their main concern is safety. There would be signs for the areas that were buses only. They have increased the number of cars that can drop

off in the vehicular zone. He also explained how it was usually school policy to have a staff member await the arrival of students near the front of the school. They would like to change the stacking lanes.

Mr. Santo had questions since he lives across from the school. He believed that parents would try to park in the storage area driveway especially if there is no gate on it. Mr. Ireland explained that there would be no walkway access from it. He wondered if Mr. Ireland had any ideas how to stop parents from parking on King Street. Mr. Rilling thought that at the beginning of the year, a letter should be sent to parents. If there was no compliance, then the police should be called and tickets should be issued. Ms. Wilson wondered if there would be any conflicts with teachers and parents arriving at school at the same time. Mr. Ireland did not think so. Mr. Santo thought that one of the conditions of the approval should be that a staff member be in the parking lot. Dr. Nelson, the interim principal, answered that there is a staff member in the parking lot for safety reasons. Mr. Rilling said that he had seen numerous times when staff members had gotten into altercations with parents. He did not think it was a good idea to put them in that position. Mr. Mushak asked Dr. Nelson if she knew whether kids biked to school. She did not think so since most were between kindergarten and 5th grade age. She also thought that the majority of the kids were driven to the school. Mr. Mushak then asked if there was a bike rack on the property because Strawberry Hill was about to be re-paved with bike lanes. He thought that children could use them and help alleviate traffic.

c) #9-13SP – 272 - 280 Main Av, LLC – 272 - 289 Main Ave – 108,209 sf retail: B.J.’s Wholesale & other minor retail with parking structure – Preliminary review

Prior to the beginning of the presentation, Mr. Rilling read a statement before he recused himself from this matter. He had conferred with Corporation Counsel and thought it best that, because of comments that he had made in public that he should not weigh in on this matter. He did not want an unsuccessful developer to use his comments against the city. He will continue to speak out as a private citizen.

Atty Zullo began the presentation with introductions of all the members of his team that would be assisting in it. He also explained where the site was and what was on the site. He said that it was a Superfund site and had been vacant for over 20 years. He described the previous amount of impervious coverage on the site. The applicant is proposing to reduce this amount with the development and would clean up the water, as well. He also said that the development would create many jobs and bring in more taxes. He noted that in this zone there could be many more, smaller sites developed which would not be the best thing for Main Avenue. He then began to discuss the traffic in the area. Mr. White thought that he should begin his presentation with traffic.

Mr. Galante continued the presentation. Mr. Mushak asked who had determined what the study area should be. Mr. Galante said that it begins with his office, then CT Department of Transportation (“DOT”) as well as DPW. He wondered why the traffic on Rt. 123 was not included. Mr. Galante noted how on this project his company was hired

as one of the first consultants. Usually, traffic consultants are one of the last to be hired. In this case, the developer realized that traffic would be a problem. Mr. O'Reilly asked if there were any projects that his company thought could not work that were brought to the commission. Mr. Galante said there were not and that he would not take a project that he did not think he could do. He then described how they arrived at the placement of the building on the site. He said that one of their recommendations was that the timing of the lights on Main Avenue should be synchronized. Mr. White said that since this was a state road, it may not happen. He had tried to have the lights synchronized on Connecticut Avenue with little success. Mr. Galante said that it can be done. Mr. Mushak did note that in the new transportation plan, which has not been adopted by the city, there are higher standards that an applicant would have to meet with respect to traffic studies. He wanted the commissioners to request the higher standards from the applicant. Mr. Galante then explained the mechanics of the study and how it was undertaken. He then goes over his Recommended Improvement Plan. Mr. Santo asked Mr. Galante to explain the procedure in the parking garage. There was then a discussion about the Citgo gas station and the car wash where cars are stacked on Main Avenue.

There was a lengthy discussion about the location of the BJ's in relation to the parking garage. Ms. Wilson was concerned about the fact that since the building was located on the left; cars would try to park in front of it but would be blocked from doing so by cars exiting the garage. Mr. White expressed concerns about the traffic from the cars stacking outside of the car wash and Citgo gas station since there would still be 4 lanes of traffic. Mr. Galante said there would be an additional left turning lane in front of BJ's. He also said that Main Avenue needed a traffic management plan. Mr. White noted that it would not help the current application. There was a discussion about where the traffic would be coming from which included Wilton, New Canaan, Darien. Mr. Mushak wondered how this would be affected by the new traffic standards that had not been adopted by the city. Mr. Sumpter asked whether staff did their own traffic study. Mr. Wrinn said they did not and that DPW works with the applicant.

Mr. Mushak discussed some comments from a study done in 2006 which included that the current zoning regulations are "too generic" with regard to traffic. This study was referenced in Norwalk's Master Plan of Conservation and Development. He noted that it had no reference to box stores but that this 2006 study was referenced in the Master Plan. He requested that the commission hire a peer review traffic study to check the numbers of the applicant's traffic study. He said that they had the money and they didn't do it very often. The other commissioners thought that they would not make this decision at this time.

Richard Lutsky, the architect on the project, continued the presentation. He passed out some handouts which included pictures of the current site. He also referred to the model that had been brought into the room. He noted how it only showed proposed landscaping of trees. He said there would be screening in the back from the residential areas. He then described the building and its footprint. He also described the different parts of the store, elevator locations. All retail would be accessible from the parking lots and the Main Avenue entrance. He then described the second level and

entrances and exits from the building. He also described the glass to be used as well as the colors of the brick. There was a discussion of the signs which included the fact that the applicant would be making an application to the Zoning Board of Appeals for an increase in the signs as well. Atty Zullo mentioned that they had received their approval from the Wetlands Commission. Mr. Sumpter asked what color was the roof. Mr. Lutsky said it was white and there would be roof screens for building.

Mr. Mushak had questions about the ventilation in the parking garage. He asked how they would be ventilating the vehicle exhaust. Mr. Lutsky said that it would be vented in the back, through some shafts.

Peter Romano, the civil engineer on the project, continued the presentation. He said that his firm was hired early in the project, which is also unusual. The current site is mostly impervious. He began by discussing the drainage which he said DPW had input on. They will be decreasing impervious areas and will improve the water quality leaving the site. The landscaping and lawn areas will help with this. He explained how the storm drainage would work. The back of the property is heavily vegetative. There are mature trees which the applicant would maintain and they would add new trees. The plans showed how the site looked through the site. He explained the grade and elevation of the parking lot. Mr. Mushak asked about the peak flows off the site and how long it would take to work. Mr. Romano said it would work for a 25 year storm. He also said that he had based his report on being a 5 acre site, although the site was slightly less than 5 acres. Mr. Mushak asked about what would happen with the big piles of dirt that were currently at the site. Mr. Romano said that the next speaker would be able to answer that question. Mr. Mushak had further questions about the drainage system which he was told had 3 drainage areas which had its own vortex system. There was a system for storm water management in the parking garage as well. In the plan there is a storm water management plan for the system to be maintained after it has been implemented. Mr. Mushak wondered if there could be a bigger vortex system since there seem to be larger storms occurring more frequently in the last few years. Mr. Romano said they would take a look at the price between the two different sizes to see what the difference was.

Alfred Kovalik, a licensed environmental professional, continued the presentation. He began with a history of the site that began in the 1960s and 1970s when there was manufacturing there. Solvents were leached into the ground water which flows into the Norwalk River. It is for this reason that the site is a Superfund site. In the 1980s, the Environmental Protection Agency ("EPA") made the owners responsible for cleaning up the site. He explained how there are several wells on the property which are pumping the water to the on-site water treatment center before it goes into the drainage system. The applicant must take over this process and the EPA will sign off on it. He then explained what had happened to the soil on the site. Before the applicant bought the property, the bank that owned the property did its own investigation. More soil was taken off the property. The samplings met even the most stringent criteria. They will try to use the soil on site. If not, they could send it somewhere else that it might be needed. He thought that the bigger issue on the property was the ground water. Mr. Sumpter asked for clarification about the timeframe

of the soil sampling. He said the bulk of the sampling was done before the property was acquired. Mr. Santo asked specifically whether the soil would state on-site. Mr. Kovalik said that as much of it as possible would stay on-site. They would use some of it to make sure that the site is on level with Main Avenue. Mr. Mushak had some questions about the wells. Mr. Kovalik said that none of them had yet to be replaced. There was some discussion about the timing of the construction of some of the buildings including the water treatment center. Mr. Mushak had some questions about the aquifer and how many people use it. Mr. O'Reilly asked how long the solvents are toxic. Mr. Kovalik said that it would be a long time.

Mr. Mushak put forth a request from the Laura Raymond senior homes that the driveways be interconnected. Atty Zullo said that the applicant would think about it.

At this point in the meeting, it was noted that Mr. Rilling had gone home.

d) #X-13SP – Oak Hills Park – Fallow Street – Request to add music to restaurant (Oak Hills Restaurant on the Green)

Mr. Wrinn began the presentation. He told the commissioners that the music would be inside, not outside and at a low level. The Zoning Department staff had no issues with the request.

e) #7-11SP – SoNo Ice House – 320 Wilson Ave – Request to modify street tree plan – Determine if minor change

Mr. Wrinn began the presentation. He said that the applicant had to modify the street tree plan because sidewalks would be installed. Mr. Sumpter asked about asphalt sidewalks being installed. Mr. Wrinn explained that this method has a better chance of saving trees, rather than concrete sidewalks. He also noted that the asphalt sidewalk was there before. The state of Connecticut, which has the right of way in this area, wanted to cut down more trees.

Eric Raines, the landscape architect, continued the presentation. Ms. Wilson asked about the width of sidewalk, which he said would be about 5 ft. He showed pictures of the current conditions. Earlier in the week, they had walked the street with the Zoning Department staff and looked at where they could add trees. There is also a CL&P easement on the property which would prohibit them from doing anything to the trees that are already there. They said they would plant more in the fall or spring.

Mr. Mushak asked what had happened to the mural that was supposed to be painted on the building. Mr. Wrinn said that although the applicant has sent over samples, they are having difficulties balancing between a painting and advertising. The commissioners gave some ideas of what could be put on the wall.

The commissioners decided the request was a minor change.

f) #4-00SP/#3-01SPR/#4-01SPR - Towers @ Merritt River –801-901 Main Av/399 Main Av – 3 office buildings & commercial PRD – Request to modify approved development park sign plan to revise ground signs on bridge

Mr. Strauch began the presentation by orienting the commissioners as to the location of the property. The applicant is changing the colors on the sign and it would be a little smaller. There would be no other changes. Larry Bourque from ABC Signs indicated that he had another change which had not been discussed with the staff. Mr. Wrinn said as long as the sign was still in compliance with zoning regulations then it should be fine. Ms. Wilson said that the request could be conditional upon the Zoning Department's review of this further change.

III. RELEASE OF SURETY

a) #1-10SP – Tomas – 42-46 Stuart Av – Multifamily development – Request for release of maintenance surety

Mr. Strauch began the presentation by telling the commissioners that he had seen the property that day. He thought since the site had been maintained that the surety should be released. Mr. Mushak asked about an issue with a neighbor. Mr. Strauch said that he had not heard anything more about it.

The meeting was adjourned at 10:19 p.m.

Respectfully submitted by,

Diana Palmentiero