

**CITY OF NORWALK  
ZONING COMMISSION  
May 20, 2015**

**PRESENT:** Joseph Santo, Chair; Emily Wilson; Linda Kruk; Nate Sumpter; Nora King; Adam Blank; Mike O'Reilly

**STAFF:** Michael Wrinn; Frank Strauch; Jim Bova

**OTHERS:** Atty. Liz Suchy; Norma Gerwig; Tim Widmer; Rick Pank; Jeff Gerwig; Brenda Pank; Ed Kim; Atty. Ron Bryan; Roger Caturro; Steve Allman;

**I. CALL TO ORDER**

Mr. Santo called the meeting to order at 7:30 p.m.

**II. ROLL CALL**

Mr. Wrinn called the roll. Before the public hearings, Mr. Santo explained the rules.

**III. PUBLIC HEARINGS**

**a. #7-15SP/#6-15CAM – Skyzone Trampoline Park – 360 Dr. MLK Jr. Drive – 40,000 sq ft commercial recreation trampoline center in an existing building**

Mr. Santo opened the public hearing. Atty. Suchy began the presentation by submitting the certified, return receipt cards, evidencing the notification of the public hearing to the neighbors as well as introducing the applicant and the project team. She explained the history of the site, showed the commissioners the site plans and described the applications. She described the business of "Skyzone." She also explained the improvements to the building as well as showing them the materials board. She showed the commissioners pictures of the outside of the building as well as the plans to upgrade the outside. She briefly described the traffic plan. She then said that the applicant changed the parking plan because they were a few more parking spaces and had better circulation. There was a discussion about the revised plans. She said that the applicant would work with staff to tweak the plans. There was then a discussion of the lighting. Atty Suchy said that there were no plans to add lighting because they did not want it to be glaring and disturb the neighbors. She gave the commissioners another reason as to why they had changed the parking plan. She then went over the sign-offs that the applicant had received. The storm water drainage report indicated that the system could handle the proposed use. Mr. Santo opened the public hearing to the public.

Norma Gerwig, of 38 Burchard Lane, asked questions about some construction/demolition that was happening on the site, security, parking. She was also concerned that there would be after hour's gatherings.

Tim Widmer, of 34 Burchard Lane, had questions about how loud it would be during the hours of operation.

Rick Pank, of 33 Burchard Lane, believed that because his house was on a hill, the noise was louder. He said it sometimes jarred the house. He asked if the windows or doors would be open which would filter out.

Jeff Gerwig, of 38 Burchard Lane, had questions about the site plan as it was shown. He also

wanted a confirmation that the area would remain gated.

Brenda Pank, of 33 Burchard Lane, asked whether there would be music amplification which could be heard outside the building.

Atty. Suchy answered some of the questions raised by the neighbors in her rebutting statement. She reminded them that the applicant was a tenant and could not answer some of the questions because they did not own the site. She also said that the parking behind the building would remain. She did not believe that their renovation would be noisy since it was in the interior. She said that the applicant would be happy to speak with the neighbors if there were still issues as the build-out progressed.

Mr. Kim, the applicant, addressed the issue of the noise by explaining that since the building was made of concrete, it should keep the noise mostly inside. Since there was only one entrance, the noise would be in front of the building which did not face the neighbors.

Mr. Santo had some questions about the parking in Bethel which Mr. Kim addressed.

Ms. King asked for assurances from Mr. Kim that the outside would be kept up, cleaned up and maintained. She also said that she would like to see graphics on the outside of the building. She also had concerns about the parking. He reassured her that the parking would be safe because he had young kids of his own. He also noted that the franchisor came to the location monthly to inspect the site.

Mr. Santo closed the public hearing.

**b. #1-15SP – Alliance Energy, LLC – 224 Connecticut Ave – Replacement gas station**

Mr. Santo opened the public hearing. Atty. Bryan began the presentation by submitting the certified, return receipt cards, evidencing the notification of the public hearing to the neighbors as well as introducing the project team. He then gave a brief overview of the application by first orienting the commissioners as to the location of the project. He said they were not changing the use but rather, enhancing the site. He discussed the site plans which included the elimination of service bays. The underground oil tanks would be re-located which would help the traffic. He also noted that the applicant had received a variance for the canopy. They were over the parking requirements.

There was a bit of confusion that Atty. Bryan was saying that Norwalk was an eyesore. He clarified by saying that the applicant realized that their site was an eyesore and needed to be enhanced.

Roger Caturo, the project engineer, continued the presentation. He showed the commissioners pictures of the site. He explained how the site is a mess. He also discussed the storm water drainage.

Steve Allman, the traffic engineer, continued the presentation by describing the traffic analysis. He also described the discussions with Connecticut's Department of Transportation for the traffic light. They have not received a final decision from them. He also asked for help from the Zoning Commission to get a final answer. There was a discussion among the commissioners as to what could be the next steps including asking for help from Norwalk's State Representatives.

No members of the public spoke for or against the application. Mr. Santo closed the public hearing.

**c. #2-15R - Zoning Commission – Proposed amendments to Section 118-700 to add**

**“medical office” as a permitted use in the Industrial #1 zone**

Mr. Santo opened the public hearing. Ms. Kruk read the referrals into the record. Mr. Wrinn explained that “medical office” was never added to the regulations. This amendment would add this as a permitted use.

No members of the public spoke for or against the application. Mr. Santo closed the public hearing.

**IV. REPORT OF PLAN REVIEW COMMITTEE, NORA KING, ACTING AS CHAIR**

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

**i. #7-15SP/#6-15CAM – Skyzone Trampoline Park – 360 Dr. MLK Jr. Drive – 40,000 sq ft commercial recreation trampoline center in an existing building**

**\*\* MS. KING MOVED: RESOLVED** that application #7-15SP/#6-15CAM, submitted by EBSA Group LLC for the reuse of an existing building for a commercial recreation trampoline facility and related site improvements at 360 MLK Jr. Drive as shown on plans by Haverson Architecture, Greenwich, CT. and by BL Companies, Engineers, Meriden, CT dated 4/21/2015 be **APPROVED** with the following conditions:

1. That any graffiti on the site, now or in the future, be removed immediately; and
2. That the required erosion controls be in place prior to construction and properly maintained throughout the construction; and
3. That all landscaping be retained and maintained for the life of the project; and
4. That 120 parking spaces be dedicated to the proposed use and that as stated the remaining parking spaces on the site will be available for use during peak Saturday hours; and
5. That a follow up traffic study be conducted within 6 months of operation to verify the peak hour traffic; and
6. That the internal circulation pattern be clearly marked and properly maintained for the safety of those dropping off and picking up; and
7. That any additional needed traffic signage or pavement markings be installed at the direction of the Commission’s staff; and

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-711 Restricted Industrial Zone, 118-1450 Special Permit and 118-1110 Coastal Zone; and

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

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be May 29, 2015.

Before the vote, there was some further discussion about parking which had been covered as a condition in the resolution. There was also a discussion about adding graphics on the outside of the building.

**Mr. Sumpter seconded.  
Joe Santo; Adam Blank; Emily Wilson; Linda Kruk; Nora King; Nate Sumpter and Mike O’Reilly voted in favor.  
No one opposed.  
No one abstained.**

**ii. #1-15SP – Alliance Energy, LLC – 224 Connecticut Ave – Replacement**

**gas station**

**\*\*MS. KING MOVED: BE IT RESOLVED** that application #1-15SP – Alliance Energy, LLC – 224 Connecticut Ave – Replacement gas station, and as shown on various site and on the survey, architectural and engineering plans by Benesch Engineers (Glastonbury, CT)., dated 1/21/2015 and revised to 2/26/2015 be **APPROVED** with the following conditions:

8. That all required CEAC signoffs are submitted; and
9. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; and
10. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
11. 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
12. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
13. That a traffic light signaling the traffic out of the gas station be installed at the owner's expense; and
14. That the proposed dumpsters be locked and properly screened; and
15. That the hours of garbage pick-up and any deliveries be no earlier than 7 a.m. and no later than 7 p.m.; and
16. That all signage, existing and proposed, comply with the zoning regulations; and
17. That any changes to the plan be reviewed and approved prior to those changes being implemented; and
18. That a final certified "as-built" will be required to verify the completed project is built in accordance with the Zoning Regulations (height, setback, etc.); and
19. That a storm water system be maintained per the maintenance plan submitted; and
20. That any graffiti on the site, now or in the future, be removed immediately; and
21. That all HVAC units shall be located in conformance with the applicable zoning setbacks and as per 118-522 B (4) (e); and

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-522, "Business # 2 Zone" and 118-1450 "Special Permit"; and

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

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be May 29, 2015.

**Mr. Sumpter seconded.**

**Joe Santo; Adam Blank; Emily Wilson; Linda Kruk; Nora King; Nate Sumpter and Mike O'Reilly voted in favor.**

**No one opposed.**

**No one abstained.**

**b. #2-09SP – ABM 28 Bouton LLC - 25 & 29 Bouton St – Multifamily development - Request for 1 year extension of approval time – Report & recommended action**

**\*\* MS. KING MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the approval time on #2-09SP – Tilly – 25-29 Bouton Street – 12 units of multifamily be **APPROVED** for an extension of a period of 365 days with the following condition:

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

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be May 29, 2015.

**Ms. Kruk seconded.**

**Joe Santo; Adam Blank; Emily Wilson; Linda Kruk; Nora King; Nate Sumpter and Mike O'Reilly voted in favor.**

**No one opposed.**

**No one abstained.**

**c. #3-14SP/#11-14CAM – Maritime Village I, LLC – 17-19 Day St – 68 units/ 9790 sf mfg - Modify approved plan to increase number of units to 76; revise manufacturing use in Bldg A to office & 2 dwelling units; revise affordable housing plan to change # of units from 20% affordable (14) to 10% workforce (8) and related modifications – Report & recommended action**

**\*\* MS. KING MOVED: BE IT RESOLVED** that the request to modify the approved plans for special permit application **#3-14SP** and coastal site plan review application **#11-14CAM**– Maritime Village I, LLC – 17-19 Day/Raymond Street – New 5 story, 56 ft mixed use development with 68 unit multifamily dwelling units in two new buildings & 9,790 sf mfg in an existing bldg in a Transit Oriented Development (TOD) area as shown on a set of plans entitled "Maritime Village LLC 19 Day Street South Norwalk, CT 06854" by Beinfield Architecture and Rose Tiso & Co. LLC Engineers and other related plans dated September 23, 2014 as revised to October 14, 2014, to revise the workforce housing plan to increase to 8 workforce units (1 studio, 5 one bedroom and 2 two bedroom units), to increase number of dwelling units from 68 to 76 and to eliminate the manufacturing use (Building A) and change it to 6,430 sf office and 2 dwelling units, be approved, subject to the following conditions:

1. That all other conditions of the original approval remain in effect; and

**BE IT FURTHER RESOLVED** that the effective date of this action be May 29, 2015.

**Ms. Kruk seconded.**

**Joe Santo; Adam Blank; Emily Wilson; Linda Kruk; Nora King; Nate Sumpter and Mike O'Reilly voted in favor.**

**No one opposed.**

**No one abstained.**

**d. #9-13SPR/#25-13CAM – CP IV Waypointe BP I, LLC – 515 West Av – Waypointe Midblock 494,578 sf mixed use development – Modify approved plans to use TOD parking to reduce residential pkg required from 638 sp to 551 sp, to increase restaurant space from 11,550 sf to 17,050 sf & related modifications – Report & recommended action**

**\*\* MS. KING MOVED: BE IT RESOLVED** that the request to modify the approved plan site plan application **#9-13SPR** and coastal site plan application **#25-13CAM** - CP IV Waypointe BP I, LLC – 467, 500, 515 & 520 West Avenue/18 & 26 Lynes Place/4 & 11 Merwin Street/29 Orchard Street/17 Butler Street/26, 28, 30, 32, 34, 36 Orchard Street and 2 & 3 Quincy Street entitled Waypointe Phase 1: 494,578 sq. ft. mixed use development with buildings ranging in height from 4-5 stories with 362 multifamily housing units, 38,431 sq ft of retail, 11,550 sq. ft. restaurant and a 850 space parking garage within a Design District Development Park as shown on a set of plans entitled "Zoning Site Plan prepared for CP IV Waypointe BP, LLC Waypointe Mixed Use development at 515 West Avenue Norwalk, CT" by Gooding Architecture, LLP; Redniss and Mead Engineers & Didona Landscape, dated November 7, 2013 to use TOD parking requirement for 173 one bedroom units to reduce residential parking required from 638 spaces to 551 spaces, to *reduce retail* uses from 38,431 sf to 1,381 sf, to increase restaurant uses from 11,550 sf to 17,400 sf and related modifications to approved plans be **APPROVED**, subject to the following conditions:

1. That all other conditions of the original approval remain in effect; and

**BE IT FURTHER RESOLVED** that the effective date of this action be May 29, 2015.

**Ms. Kruk seconded.**

**Joe Santo; Adam Blank; Emily Wilson; Linda Kruk; Nora King; Nate Sumpter and Mike O'Reilly voted in favor.**

**No one opposed.**

**No one abstained.**

**e. #3-13SPR/#3-13CAM – NW MFP Norwalk Town Center I, LLC – 11 Merwin St – Waypointe North Block 140,978 sf mixed use development – Modify approved plans to use TOD parking to reduce residential pkg required from 169 sp to 141 sp, add 1,988 sf yoga fitness use & related modifications – Report &**

**recommended action**

**\*\* MS. KING MOVED: BE IT RESOLVED** that the request to modify the approved plan for site plan **#3-13SPR** and coastal site plan application **#3-13CAM** - CP IV Waypointe BP I, LLC – 467, 500, 515 & 520 West Avenue/18 & 26 Lynes Place/4 & 11 Merwin Street/29 Orchard Street/17 Butler Street/26, 28, 30, 32, 34, 36 Orchard Street and 2 & 3 Quincy Street entitled Waypointe North Block for a 140,978 sf mixed use development with 98 multifamily units, 4,615 sf retail, 4,000 sf restaurant; 16,686 sq ft storage and a 159 space parking garage with a 15 space surface lot within a Design District Development Park as shown on a set of plans entitled "Zoning Site Plan depicting 11 Merwin Street Norwalk, CT" prepared for CP IV Waypointe BP LLC by Redniss and Mead Engineers; Gooding Architecture, LLP and Didona Landscape and dated revised to February 7, 2013, to use TOD parking requirement for 55 one bedroom units to reduce residential parking required from 169 spaces to 141 spaces, add new 1,988 sf yoga fitness use and related modifications to approved plans be **APPROVED**, subject to the following conditions:

1. That all other conditions of the original approval remain in effect; and

**BE IT FURTHER RESOLVED** that the effective date of this action be May 29, 2015.

**Ms. Kruk seconded.**

**Joe Santo; Adam Blank; Emily Wilson; Linda Kruk; Nora King; Nate Sumpter and Mike O'Reilly voted in favor.**

**No one opposed.**

**No one abstained.**

**f. #X-15SPR/#X-15CAM – CP IV Waypointe BP, LLC - Waypointe Design District Development Park Master Plan – Update approved plan to add two new parcels: 6 Butler St and 25 Butler St – Report & recommended action**

**\*\* MS. KING MOVED: BE IT RESOLVED** that request to revise the approved Design District Development Park plan for the Waypointe Design District Development Park (DDDP) to add two new parcels at 6 Butler Street and 25 Butler Street as shown on a set of plans entitled "Properties within the Design District Development Park prepared for Belpointe Capital" by Redniss and Mead Engineers dated April 8, 2015 and various related plans by Gooding Architecture and Didona Associates Landscape Architects, LLC for each Block within the DDDP, be **APPROVED**, subject to the following conditions:

1. That revised Design District Development Park cross easements and development park agreements between the midblock, north block, east block, south block, west block parcels and the new 6 and 25 Butler St parcels in the Waypointe Design District Development Park allowing the transfer of development rights to permit shared parking between parcels and increases in permitted FAR, coverage and density, be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC) for any individual parcel; and

2. That any modification to the blocks and/or parcels within the Design District Development Park will require review and approval by the Commission; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended.

**BE IT FURTHER RESOLVED** that the effective date of this action be May 29, 2015.

**Mr. Sumpter seconded.**

**Joe Santo; Adam Blank; Emily Wilson; Linda Kruk; Nora King; Nate Sumpter and Mike O'Reilly voted in favor.**

**No one opposed.**

**No one abstained.**

**g. #9-13SPR/#25-13CAM – CP IV Waypointe BP, LLC – 33 Orchard St – Modify workforce housing plan for offsite units at 33 Orchard St from 5 units (all one bedroom units) to 4 units (1 three bedroom, 1 two bedroom & 2 one bedroom units) – Report & recommended action**

**\*\* MS. KING MOVED: BE IT RESOLVED** that the request to modify the “CP IV Waypointe BP LLC Draft Affordability Plan” dated January 2013 (Revised November 2013) for site plan application #9-13SPR and coastal site plan application #25-13CAM; CP IV Waypointe BP I, LLC – 515 West Ave from five (5) workforce units to be located offsite at 33 Orchard Street to four (4) workforce units to be located offsite at 33 Orchard Street and the remaining 33 units be located onsite at 515 West Avenue, for a total of 37 deed restricted workforce housing units, be approved, subject to the following conditions:

1. That the draft deed restrictions and workforce unit location floor plans for each site be revised to show 16 one bedroom units and 17 two bedroom workforce units to be located at 515 West Ave and 2 one bedroom, 1 two bedroom and 1 three bedroom workforce units to be located at 33 Orchard St, for a total of 37 workforce housing units, and that such restrictions shall run with the land in perpetuity and shall be filed on the Norwalk Land Records prior to the issuance of a Certificate of Zoning Compliance (CZC); and
2. That the revised deed restrictions for both locations shall be submitted to Corporation Counsel for review and approval prior to filing on the Norwalk Land Records; and
3. That all other conditions of the original approval remain in effect; and

**BE IT FURTHER RESOLVED** that the effective date of this action be May 29, 2015.

**Ms. Wilson seconded.**

**Joe Santo; Adam Blank; Emily Wilson; Linda Kruk; Nora King; Nate Sumpter and Mike O'Reilly voted in favor.**

**No one opposed.**

**No one abstained.**

## **V. REPORT OF ZONING COMMITTEE, EMILY WILSON, CHAIR**

### **a. Action on Item III.**

**i. #2-15R - Zoning Commission – Proposed amendments to Section 118-700 to add “medical office” as a permitted use in the Industrial #1 zone**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled “#2-15R - Zoning Commission – Proposed amendments to Section 118-700 to add “medical office” as a permitted use in the Industrial #1 zone” dated March 13, 2015, be **APPROVED**.

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

1) To implement the Plan of Conservation and Development to “Examine and modify existing zoning where necessary to achieve the goals of this plan” (F.2.1, p. 42); and

**BE IT FURTHER RESOLVED** that the effective date of this action be May 29, 2015.

**Ms. Kruk seconded.  
Joe Santo; Adam Blank; Emily Wilson; Linda Kruk; Nora King; Nate Sumpter  
and Mike O’Reilly voted in favor.  
No one opposed.  
No one abstained**

**VI. APPROVAL OF MINUTES: April 15, 2015**

**Ms. Wilson moved to approve the minutes  
Ms. Kruk seconded  
Joe Santo; Adam Blank; Emily Wilson; Linda Kruk; Nate Sumpter and Mike  
O’Reilly voted in favor.  
No one opposed.  
Nora King abstained.**

**VII. COMMENTS OF ASSISTANT DIRECTOR**

Mr. Wrinn apologized for any confusion on the SkyZone application regarding the parking.

**VIII. COMMENTS OF COMMISSIONERS**

There were no comments from commissioners.

**IX. ADJOURNMENT**

**Emily Wilson made a Motion to Adjourn.  
Ms. Kruk seconded.  
Joe Santo; Adam Blank; Emily Wilson; Linda Kruk; Nora King; Nate Sumpter  
and Mike O’Reilly voted in favor.  
No one opposed.  
No one abstained**

The meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Diana Palmentiero