

**CITY OF NORWALK  
ZONING COMMISSION  
January 20, 2016**

**PRESENT:** Adam Blank, Chair; Nate Sumpter; Rod Johnson; Emily Wilson; Linda Kruk; Doug Stern; Mike O'Reilly

**STAFF:** Mike Wrinn; Dori Wilson; Adam Carsen

**OTHERS:** Atty John Bovi; Atty Liz Suchy; Jim Rotondo; Ray Sullivan; Michael Galante; Tony D'Andrea; Bruce Root; Laurie Kydes; Audrey Cozzarin; Colin Grotheer; Atty. Kevin Duffy; Eli Alsof; Ralph Bloom; Kathy Brescia; Adolf Needleman; Diane Lauricella; Vickie Otis; Elsa Peterson; Marcia Kibbe; Pete Romano; Mike Mushak; Atty David Waters;

**I. CALL TO ORDER**

Mr. Blank called the meeting to order at 7:01 p.m.

**II. ROLL CALL**

Mr. Wrinn called the roll. After the roll call, Mr. Blank explained the procedure for the public hearings.

**III. PUBLIC HEARINGS**

**a. #20-15SP/ #25-15CAM – B. Craighead – 2 Park Street – 5 residential units**

Before Mr. Blank opened the public hearing, Emily Wilson recused herself and left the room.

Atty Bovi began the presentation for the applicant. He described the current structure, as well as gave the commissioners a brief history. He then explained the application before the commissioners. There would be no expansion of the structure. He submitted a copy of the easement that had been negotiated with the neighbor. He explained the drainage as well as the traffic study. There were no questions for the architect. No one spoke in support or against the application.

Mr. Blank closed the public hearing and Emily Wilson returned to the room.

**b. #9-15SPR/#24-15CAM – 587 CT. Ave. LLC – 11 Belden Avenue – 69 residential units**

Mr. Blank opened the public hearing. Atty Suchy began the presentation by handing in the certified, return receipt cards which evidenced noticing the neighbors of the public hearing. She then introduced the team for the project. She noted to the commissioners that this application had previously been before the Zoning Commission but then had to be withdrawn. She oriented the commissioners as to the location of the property on the site plans. She described the parking requirements as well as the parking arrangements that the applicant had made. Atty Suchy then reminded the commissioners as to their role in the review of the application. There were 6 standards that applicant had to meet. She then handed out and discussed case law on this topic. She continued with a description of the parking and interior units in the building and recreation areas. She said that the applicant met and exceeded the regulations. She then described the lighting, bike storage. She then discussed the possibility of a crosswalk in front of the applicant's building.

Jim Rotondo, the civil engineer on the project, continued the presentation. He described the proposed building and the parking areas. He also discussed the driveways for access, dumpsters in the rear, as well as the amenities inside. He also described the utilities in the area, storm water management system and the erosion and sedimentation controls. The office building will remain open

during construction. A logistics plan will be provided to show how that will happen.

Atty Suchy noted that the applicant was willing to provide 5 parking spaces, Monday – Friday, from 9 a.m. – 3 p.m., to the library.

Ray Sullivan, the architect on the project, continued the presentation by describing the interior and exterior of the building. He showed the commissioners the architectural plans. He also noted where the workforce housing was located and discussed the recreation areas. He described the windows. He provided renderings of different views of the building. He discussed the concerns about blocking the views of the church that was nearby.

Atty Suchy discussed the parking spaces that could be used by library patrons. There is no easement for them to do that at this time. There was a further discussion about the lack of parking at the library and in the neighborhood.

Jim Rotondo continued the presentation with a discussion of the lighting and how it would be mounted on the poles. There was then a discussion of the landscaping and screening.

Michael Galante, the traffic engineer, continued the presentation by orienting the commissioners as to the study area. He also described how the study was done. He also discussed the trips generated from the site. He then described the accident data because he said that the property was located at a unique intersection. There was a discussion about pedestrians as well as vehicles on Mott Ave.

Tony D'Andrea, Liberty Sq., represented the United Methodist Church since he is on the Board of Trustees by reading a letter from the pastor and the Board of Trustees into the record, in opposition to the application.

Bruce Root spoke in opposition to the application. He addressed the reality that most of the units would probably have 2 cars since married people; usually each had their own cars.

Laurie Kydes, had questions about the 5 parking spaces on the property which were to be used by library patrons. She was concerned about the parking for library employees.

Audrey Cozzarin, Kendall Court, spoke in opposition to the application. She was concerned about the number of developments being constructed in Norwalk. She was also concerned because she did not see things like an arts center were not being built. She enjoyed the library and that all of the development takes away from it.

Colin Grotheer, 16 West Rocks Road, spoke in support of the application because he thought it would make the city more walkable. He did, however, think that the library was underserved with parking. He also made suggestions for more bus transportation from the train station because the transit service stops running so early.

Atty Kevin Duffy, an attorney that represented the owner of the abutting property, spoke in opposition to the application. He explained that there were many issues with parking in the area. He reminded the commissioners that there was also another building on the property, along with this building. He also asked about a plan for when the building was being constructed because he had not seen it in the application. Mr. Wrinn said that the Zoning Department had received a letter from Atty Duffy's office that afternoon.

Eli Alsof, 3 Belden Ave., the owner of the abutting property, spoke in opposition to the application. He explained the parking situation in the area because of the lack of parking at the library. He also explained that there were not a lot of spaces for the library, bank, church, etc. He thought it would only get worse when the development was constructed.

Ralph Bloom, Aiken Street, a library volunteer for 16 years, spoke in opposition to the application. He was concerned about the parking for library patrons.

Patsy Brescia, on the Board of Trustees for the Norwalk Public Library, spoke in opposition to the application. She was concerned about the parking and traffic in the area. She questioned the traffic study and when it was done. She asked for the application to be further reviewed and returned to committee.

Adolf Needleman, 1 Greenhill Road, spoke in opposition to the application because of the issues with parking. He said he volunteered at the library and there was not enough parking.

Diane Lauricella, 21 Blue Mountain Road, spoke in opposition to the application. She noted that the application did not take into account the Plan of Conservation and Development with reference to the library, walkability. She referenced many paragraphs and pages from this document. She asked that the commissioners deny this application.

Vickie Otis, who worked at the library, noted that attendance, especially for children's programs has increased. She explained that before 9 a.m. there is parking but between 9 a.m. and 6 p.m. there is traffic and very little parking.

Elsa Peterson spoke in opposition to the application. She wondered since there was not enough parking, why the applicant didn't build a smaller building. She thought there was a lot of concerned about short term profit over long term value

Marcia Kibbe, who spoke in opposition to the application, was concerned about the number of home owners vs. rentals and the lack of on-site parking at the library.

Mr. Galanty, who spoke in rebuttal to one of the public speakers, said that he used the ITE handbook when he did the traffic study.

Atty Suchy spoke in rebuttal to the public speakers. She said that the applicant could not fix the problems of the parking at the library. She noted that the application met the requirements of the regulations. She also noted that the Plan of Conservation and Development was an advisory document. There was a discussion about a condition regarding the construction plan. She noted that the application had been sent to the Redevelopment Agency for design review. There was a discussion about the 25 year parking lease agreement with 3-5 Mott Ave. and what would happen in 25 years if the owner denied the applicant access to the property. Atty Suchy said that her client would still be responsible for parking. There was a discussion about the off-site parking and what it looked like. She said that the Zoning Commission could impose conditions for the applicant to work on those parking lots. There was a discussion whether the applicant would be willing to revisit the number of parking spaces that they would be willing to share with the library, in the future. Mr. Wrinn also mentioned that the library has requested additional funding to acquire a property, etc. in their Capital Budget requests. He noted that it is still too earlier to know whether this request will be granted.

Atty Suchy explained that the applicant was doing its best to help the library. She reminded the commissioners that the applicant had met all the requirements and that it should be approved.

Mr. Blank closed the public hearing.

**c. #14-15R - A. J. Pena & Son - Proposed amendment to permit contractors storage yards on parcels of 2 acres or more that abut a limited access highway as a special permit use in Business #2 zone and d. #19-15SP - A. J. Penna & Son - 2 Muller Avenue - Contractors storage yard**

Mr. Blank suggested that the public hearing for one application be used for both.

Pete Romano, who represented the applicant, gave a background of the application. He explained that the Connecticut Department of Transportation would be reconstructing the Metro-North railroad bridge in South Norwalk and was displacing Mr. Penna's storage yard. He had looked at

many different areas in Norwalk so that he could move his business. He then oriented the commissioners as to the location of the property on an aerial map. He also showed them the site plans for the construction. There was a discussion about language that the Planning Commission had suggested to be added to the amendment of the regulation. He explained that the applicant had a storm drainage plan for the property. He turned in the certified, return receipt cards evidencing notice of the public hearing to the abutting neighbors.

Ms. Kruk read the referral from the Planning Commission into the record.

Mr. D'Andrea spoke in support of the application because he knew that that the Pennas would do what they said they would do. They were his neighbors and had cleaned up their current location.

Mr. Mushak, 50 Elmwood Ave., spoke in support of the application. He said that contractors and their small businesses support the city.

Ron Czebiniak spoke in support of the application. He explained that the special permit was too expensive and that other towns did not have it. He asked them to review this process. He also thought the regulations should be changed from 2 acres to 1 acre. Many contractors have had to move to Bridgeport.

Ms. Lauricella spoke in opposition to the application because she thought that that the record should be left open. There was a nearby aquifer that she was concerned about.

Mr. Romano continued the presentation by stating that the site was registered with the Aquifer Protection Agency. He asked that the hearing be closed that night.

It was decided that the public hearing would be closed but they would not vote on it until they received the findings from the APA.

Mr. Blank closed the public hearing.

**e. #13-15R – CP IV Waypointe BP LLC – Proposed amendments to permit compact car parking in Design District Development Parks**

Mr. Blank opened the public hearing and Ms. Kruk read the referrals from the Planning Commission and Department of Energy and Environmental Protection into the records.

Atty Suchy began the presentation by the amendment and why it was being proposed. Some parking spaces did not conform and were not compliant with Norwalk's parking regulations.

Craig Flaherty, the senior engineer on the project, explained how the spaces were shortened by some of the columns. They were not asking to change the aisle widths or space widths. He showed pictures of the spaces to the commissioners.

No one spoke in support or opposition to the application.

Mr. Blank closed the public hearing.

**f. #15-15R – Zoning Commission – Proposed amendments to Section 118-1050 Workforce Housing regulation to revise priority designations for workforce units**

Mr. Blank opened the public hearing.

Dori Wilson described the amendment that was being proposed. A new category of priority would be added to include those tenants that had lived in the development that was being demolished.

Ms. Kruk read the referrals from the Planning Commission and Marcy Balint, from the

Connecticut Department of Coastal Management, into the record.

Atty David Waters discussed the background of Norwalk's Workforce Housing regulations which he had helped to draft. He advised the commissioners that they should have the regulation reviewed by an attorney that knew the Fair Housing and state regulations to see whether this category would not be challenged. If a lawsuit was brought, it would be against the developer.

Mr. Mushak concurred with Atty Waters. He did wonder if there were going to be any large developments that this amendment would be affecting. He supported the amendment.

Mr. Blank closed the public hearing.

**g. #16-15R – Zoning Commission – Proposed amendments to Sections 118-1450 and 118-1451 regarding provision of sidewalks meeting minimum clearance requirements**

Mr. Blank opened the public hearing.

Dori Wilson described the changes that were being proposed for the amendment. It would revise Special Permit requirements. Ms. Kruk read the referrals from the Planning Commission and Marcy Balint, from the Connecticut Department of Coastal Management, into the record.

Mr. Mushak spoke in support of the application.

Ms. Lauricella spoke in support of the application.

**IV. REPORT OF PLAN REVIEW COMMITTEE, LINDA KRUK, ACTING AS CHAIR**

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

**i. #20-15SP/ #25-15CAM – B. Craighead – 2 Park Street – 5 residential units**

**\*\* MR. BLANK MOVED: BE IT RESOLVED** that the application #20-15SP / 25-15CAM, submitted by B. Craighead for the conversion of an existing building into 5 residential units at #2 Park Street as shown on various plans by Fielder Marciano Architecture, New York, NY dated 11/09/15 and a survey by Wayne J. Arcamone, LS, Norwalk, CT, dated 06/02/15 as amended be **APPROVED** with the following conditions:

1. That any change to the plan will require Zoning Commission approval; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That the driveway easements be reviewed and approved by Corporation Counsel and placed in the Land Records; and
4. That any additional controls be installed as directed by staff; and

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

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

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be January 29, 2016.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern Rod Johnson and Mike O'Reilly voted in favor.**

**No one opposed.**

**No one abstained.**

ii. **#9-15SPR/#24-15CAM – 587 CT. Ave. LLC – 11 Belden Avenue – 69 residential units**

\*\* **MR. BLANK MOVED:** that this application be sent back to the Plan Review Committee.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern Rod Johnson and Mike O'Reilly voted in favor.**

**No one opposed.**

**No one abstained.**

b. **#8-11SPR – Fortis Property Group/FPG Norden DC, LLC - 10 Norden PI – Data center – Request for release of surety - Report & recommended action**

\*\* **MR. BLANK MOVED: BE IT RESOLVED** that the request for a release of the maintenance surety held for that the proposed site plan for #8-11SPR – Fortis Property Group/FPG Norden DC, LLC – 10 Norden Place – 167,588 sq. ft. Data Recovery center 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 condition:

1. That the site improvements continue to be maintained and that the conditions of approval regarding the data center Conceptual Valet Parking Plan remain in effect; and

**BE IT FURTHER RESOLVED** that the effective date of this action be January 29, 2016.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern Rod Johnson and Mike O'Reilly voted in favor.**

**No one opposed.**

**No one abstained.**

Before the following three resolutions were voted on, Mr. Blank proposed that the discussion for one of the resolutions should be noted as the discussion for all three of the resolutions, since they were part of the same development.

c. **#14-15SP – 150/166/170 Glover, LLC – 150 Glover Avenue – Grist Mill Village - 230 unit Commercial PRD – Report & recommended action**

\*\* **MR. SUMPTER MOVED: BE IT RESOLVED** that special permit application #14-15SP - 150/166/170 Glover, LLC – **150 Glover Avenue Building A**– 230 unit Commercial Planned Residential Development and related site improvements as shown on a certain set of plans entitled “Grist Mill Village **Building A**: Special Permit Approval” by Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers, dated September 17, 2015 as revised to December 9, 2015 and related site plans and drawings, be approved, subject to the following conditions:

1. That the deed restriction documents referenced in the “Grist Mill Village – **Building A** Workforce Housing Affordability Plan” dated November 2015 for a total of twenty three (23) onsite deed restricted workforce housing units (5 two bedroom, 14 one bedroom and 4 studio units), be submitted for Corporation Counsel review and then filed on the Norwalk Land Records and that all such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and

2. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and

3. That all traffic improvements, including improvements required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
4. That a signed long term instrument to allow shared access to parking, utilities and drainage facilities among the three sites which comprise Grist Mill Village, be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a certificate of zoning compliance (CZC); and
5. That all CEAC signoffs be submitted prior to the start of construction; and
6. 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;
7. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required soil and sedimentation controls; and
8. That a Connecticut licensed engineer certify that the required improvements were installed to City standards prior to the issuance of a certificate of zoning compliance (CZC); and
9. That any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and
10. That cutoff shields be installed on all lighting fixtures to prevent any stray light from being emitted off the property; and
11. That trash pick-up be restricted to the hours between 8:00 a.m. and 8:00 p.m.; and
12. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
13. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
14. That all landscaping be installed as proposed and properly maintained and that any major pruning of the trees receive prior permission of the staff; the intent is to allow the proposed trees to grow to a natural mature height; and
15. That a certificate of special permit and approved site plan be filed on the Norwalk Land Records; and
16. That a 10 foot wide access easement for the Norwalk River Valley Trail (NRVT) from the proposed internal sidewalk at the north side of Building C to the northeast corner of the property be granted to allow for the trail to be extended and that the applicant will grade the easement area so that it complies with the NRVT's slope standards and then seed the area; and
17. That the applicant make its best efforts to work with State to continue the NRVT to the Grist Mill Road underpass at a 10 foot width, that the applicant work with the City and the NRVT to agree upon material to pave or otherwise finish the trail on its property and the DOT property

**BE IT FURTHER RESOLVED** that the application complies with the Norwalk Building Zone Regulations, including Section 118-760 Commercial Planned Residential Developments and Section 118-1450, Special Permits.

**BE IT FURTHER RESOLVED** that the effective date of this action be January 29, 2016.

**Mr. Sumpter seconded.**

**Before the resolution could be voted on, Mr. Blank requested the following amendment:**

**MR. BLANK MOVED: BE IT RESOLVED:** that the following language be added "and that the applicant bear the cost of grading and finishing the trail on its property and across the DOT property to the Grist Mill Road underpass"

**Mr. Sumpter seconded.**

Before the vote was taken, there was much discussion on whether this should be required by the applicant to do. Some commissioners felt it was not a problem that was

caused by the applicant. Others thought it was a safety issue and that the applicant should be required to complete the improvements.

The roll was called to determine the voting on the amendment:

Adam Blank – yes  
Nathan Sumpter – yes  
Linda Kruk – no  
Emily Wilson – no  
Doug Stern – yes  
Rod Johnson – abstained  
Mike O'Reilly – yes

The amendment passed.

The following resolution, including the amendment was approved:

**\*\* MR. SUMPTER MOVED: BE IT RESOLVED** that special permit application #14-15SP - 150/166/170 Glover, LLC – **150 Glover Avenue Building A**– 230 unit Commercial Planned Residential Development and related site improvements as shown on a certain set of plans entitled “Grist Mill Village **Building A**: Special Permit Approval” by Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers, dated September 17, 2015 as revised to December 9, 2015 and related site plans and drawings, be approved, subject to the following conditions:

1. That the deed restriction documents referenced in the “Grist Mill Village – **Building A** Workforce Housing Affordability Plan” dated November 2015 for a total of twenty three (23) onsite deed restricted workforce housing units (5 two bedroom, 14 one bedroom and 4 studio units), be submitted for Corporation Counsel review and then filed on the Norwalk Land Records and that all such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
2. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and
3. That all traffic improvements, including improvements required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
4. That a signed long term instrument to allow shared access to parking, utilities and drainage facilities among the three sites which comprise Grist Mill Village, be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a certificate of zoning compliance (CZC); and
5. That all CEAC signoffs be submitted prior to the start of construction; and
6. 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;
7. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required soil and sedimentation controls; and
8. That a Connecticut licensed engineer certify that the required improvements were installed to City standards prior to the issuance of a certificate of zoning compliance (CZC); and
9. That any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and
10. That cutoff shields be installed on all lighting fixtures to prevent any stray light from being emitted off the property; and
11. That trash pick-up be restricted to the hours between 8:00 a.m. and 8:00 p.m.; and

12. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
13. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
14. That all landscaping be installed as proposed and properly maintained and that any major pruning of the trees receive prior permission of the staff; the intent is to allow the proposed trees to grow to a natural mature height; and
15. That a certificate of special permit and approved site plan be filed on the Norwalk Land Records; and
16. That a 10 foot wide access easement for the Norwalk River Valley Trail (NRVT) from the proposed internal sidewalk at the north side of Building C to the northeast corner of the property be granted to allow for the trail to be extended and that the applicant will grade the easement area so that it complies with the NRVT's slope standards and then seed the area; and
17. That the applicant make its best efforts to work with State to continue the NRVT to the Grist Mill Road underpass at a 10 foot width, that the applicant work with the City and the NRVT to agree upon material to pave or otherwise finish the trail on its property and the DOT property and that the applicant bear the cost of grading and finishing the trail on its property and across the DOT property to the Grist Mill Road underpass; and

**BE IT FURTHER RESOLVED** that the application complies with the Norwalk Building Zone Regulations, including Section 118-760 Commercial Planned Residential Developments and Section 118-1450, Special Permits.

**BE IT FURTHER RESOLVED** that the effective date of this action be January 29, 2016.

**Mr. Stern seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern and Mike O'Reilly voted in favor.**

**No one opposed.**

**Mr. Johnson abstained.**

**d. #15-15SP – 150/166/170 Glover, LLC – 166 Glover Avenue – Grist Mill Village - 230 unit Commercial PRD – Report & recommended action**

**\*\* MR. SUMPTER MOVED: BE IT RESOLVED** that special permit application #15-15SP - 150/166/170 Glover, LLC – 166 Glover Avenue Building B– 230 unit Commercial Planned Residential Development and related site improvements as shown on a certain set of plans entitled “Grist Mill Village **Building B**: Special Permit Approval” by Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers, dated September 17, 2015 as revised to December 9, 2015 and related site plans and drawings, be **APPROVED**, subject to the following conditions:

1. That the deed restriction documents referenced in the “Grist Mill Village – **Building B** Workforce Housing Affordability Plan” dated November 2015 for a total of twenty three (23) onsite deed restricted workforce housing units (5 two bedroom, 14 one bedroom and 4 studio units), be submitted for Corporation Counsel review and then filed on the Norwalk Land Records and that all such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
2. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and
3. That all traffic improvements, including improvements required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
4. That a signed long term instrument to allow shared access to parking, utilities and drainage facilities among the three sites which comprise Grist Mill Village, be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a certificate of zoning compliance (CZC); and

5. That all CEAC signoffs be submitted prior to the start of construction; and
6. 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;
7. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required soil and sedimentation controls; and
8. That a Connecticut licensed engineer certify that the required improvements were installed to City standards prior to the issuance of a certificate of zoning compliance (CZC); and
9. That any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and
10. That cutoff shields be installed on all lighting fixtures to prevent any stray light from being emitted off the property; and
11. That trash pick-up be restricted to the hours between 8:00 a.m. and 8:00 p.m.; and
12. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
13. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
14. That all landscaping be installed as proposed and properly maintained and that any major pruning of the trees receive prior permission of the staff; the intent is to allow the proposed trees to grow to a natural mature height; and
15. That a certificate of special permit and approved site plan be filed on the Norwalk Land Records; and
16. That a 10 foot wide access easement for the Norwalk River Valley Trail (NRVT) from the proposed internal sidewalk at the north side of Building C to the northeast corner of the property be granted to allow for the trail to be extended and that the applicant will grade the easement area so that it complies with the NRVT's slope standards and then seed the area; and
17. That the applicant make its best efforts to work with State to continue the NRVT to the Grist Mill Road underpass at a 10 foot width, that the applicant work with the City and the NRVT to agree upon material to pave or otherwise finish the trail on its property and the DOT property;

**BE IT FURTHER RESOLVED** that the application complies with the Norwalk Building Zone Regulations, including Section 118-760 Commercial Planned Residential Developments and Section 118-1450, Special Permits.

**BE IT FURTHER RESOLVED** that the effective date of this action be January 29, 2016.

**Ms. Wilson seconded.**

**Before the resolution could be voted on, Mr. Blank requested the following amendment:**

**MR. BLANK MOVED: BE IT RESOLVED:** that the following language be added "and that the applicant bear the cost of grading and finishing the trail on its property and across the DOT property to the Grist Mill Road underpass"

**Mr. Sumpter seconded.**

The commissioners agreed to let the record reflect that the discussion for the previous amendment would also be applied to this amendment.

The roll was called to determine the voting on the amendment:

Adam Blank – yes  
Nathan Sumpter – yes  
Linda Kruk – no  
Emily Wilson – no

Doug Stern – yes  
Rod Johnson – abstained  
Mike O'Reilly – yes

The amendment passed.

The following resolution, including the amendment was approved:

**\*\* MR. SUMPTER MOVED: BE IT RESOLVED** that special permit application #15-15SP - 150/166/170 Glover, LLC – **166 Glover Avenue Building B**– 230 unit Commercial Planned Residential Development and related site improvements as shown on a certain set of plans entitled “Grist Mill Village **Building B**: Special Permit Approval” by Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers, dated September 17, 2015 as revised to December 9, 2015 and related site plans and drawings, be **APPROVED**, subject to the following conditions:

1. That the deed restriction documents referenced in the “Grist Mill Village – **Building B** Workforce Housing Affordability Plan” dated November 2015 for a total of twenty three (23) onsite deed restricted workforce housing units (5 two bedroom, 14 one bedroom and 4 studio units), be submitted for Corporation Counsel review and then filed on the Norwalk Land Records and that all such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
2. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and
3. That all traffic improvements, including improvements required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
4. That a signed long term instrument to allow shared access to parking, utilities and drainage facilities among the three sites which comprise Grist Mill Village, be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a certificate of zoning compliance (CZC); and
5. That all CEAC signoffs be submitted prior to the start of construction; and
6. 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
7. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required soil and sedimentation controls; and
8. That a Connecticut licensed engineer certify that the required improvements were installed to City standards prior to the issuance of a certificate of zoning compliance (CZC); and
9. That any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and
10. That cutoff shields be installed on all lighting fixtures to prevent any stray light from being emitted off the property; and
11. That trash pick-up be restricted to the hours between 8:00 a.m. and 8:00 p.m.; and
12. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
13. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
14. That all landscaping be installed as proposed and properly maintained and that any major pruning of the trees receive prior permission of the staff; the intent is to allow the proposed trees to grow to a natural mature height; and

15. That a certificate of special permit and approved site plan be filed on the Norwalk Land Records; and

16. That a 10 foot wide access easement for the Norwalk River Valley Trail (NRVT) from the proposed internal sidewalk at the north side of Building C to the northeast corner of the property be granted to allow for the trail to be extended and that the applicant will grade the easement area so that it complies with the NRVT's slope standards and then seed the area; and

17. That the applicant make its best efforts to work with State to continue the NRVT to the Grist Mill Road underpass at a 10 foot width, that the applicant work with the City and the NRVT to agree upon material to pave or otherwise finish the trail on its property and the DOT property and that the applicant bear the cost of grading and finishing the trail on its property and across the DOT property to the Grist Mill Road underpass; and

**BE IT FURTHER RESOLVED** that the application complies with the Norwalk Building Zone Regulations, including Section 118-760 Commercial Planned Residential Developments and Section 118-1450, Special Permits.

**BE IT FURTHER RESOLVED** that the effective date of this action be January 29, 2016.

**Ms. Wilson seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern and Mike O'Reilly voted in favor.**

**No one opposed.**

**Mr. Johnson abstained.**

**e. #16-15SP – 150/166/170 Glover, LLC – 170-174 Glover Ave – Grist Mill Village - 250 unit Commercial PRD – Report & recommended action**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that special permit application #16-15SP - 150/166/170 Glover, LLC – 170 - 174 Glover Avenue Building C– 250 unit Commercial Planned Residential Development and related site improvements as shown on a certain set of plans entitled “Grist Mill Village **Building C**: Special Permit Approval” by Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers, dated September 17, 2015 as revised to December 9, 2015 and related site plans and drawings, be approved, subject to the following conditions:

1. That the deed restriction documents referenced in the “Grist Mill Village – **Building C** Workforce Housing Affordability Plan” dated November 2015 for a total of twenty five (25) onsite deed restricted workforce housing units (5 two bedroom, 16 one bedroom and 4 studio units), be submitted for Corporation Counsel review and then filed on the Norwalk Land Records and that all such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and

2. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and

3. That all traffic improvements, including improvements required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and

4. That a signed long term instrument to allow shared access to parking, utilities and drainage facilities among the three sites which comprise Grist Mill Village, be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a certificate of zoning compliance (CZC); and

5. That all CEAC signoffs be submitted prior to the start of construction; and

6. 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;

7. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required soil and sedimentation controls; and
8. That a Connecticut licensed engineer certify that the required improvements were installed to City standards prior to the issuance of a certificate of zoning compliance (CZC); and
9. That any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and
10. That cutoff shields be installed on all lighting fixtures to prevent any stray light from being emitted off the property; and
11. That trash pick-up be restricted to the hours between 8:00 a.m. and 8:00 p.m.; and
12. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
13. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
14. That all landscaping be installed as proposed and properly maintained and that any major pruning of the trees receive prior permission of the staff; the intent is to allow the proposed trees to grow to a natural mature height; and
15. That a certificate of special permit and approved site plan be filed on the Norwalk Land Records; and
16. That a 10 foot wide access easement for the Norwalk River Valley Trail (NRVT) from the proposed internal sidewalk at the north side of Building C to the northeast corner of the property be granted to allow for the trail to be extended and that the applicant will grade the easement area so that it complies with the NRVT's slope standards and then seed the area; and
17. That the applicant make its best efforts to work with State to continue the NRVT to the Grist Mill Road underpass at a 10 foot width, that the applicant work with the City and the NRVT to agree upon material to pave or otherwise finish the trail on its property; and

**BE IT FURTHER RESOLVED** that the application complies with the Norwalk Building Zone Regulations, including Section 118-760 Commercial Planned Residential Developments and Section 118-1450, Special Permits.

**BE IT FURTHER RESOLVED** that the effective date of this action be January 29, 2016.

**Ms. Wilson seconded.**

**Before the resolution could be voted on, Mr. Blank requested the following amendment:**

**MR. BLANK MOVED: BE IT RESOLVED:** that the following language be added "and that the applicant bear the cost of grading and finishing the trail on its property and across the DOT property to the Grist Mill Road underpass"

**Mr. Sumpter seconded.**

The commissioners agreed to let the record reflect that the discussion for the previous amendment would also be applied to this amendment.

The roll was called to determine the voting on the amendment:

Adam Blank – yes  
Nathan Sumpter – yes  
Linda Kruk – no  
Emily Wilson – no  
Doug Stern – yes  
Rod Johnson – abstained  
Mike O'Reilly – yes

The amendment passed.

The following resolution, including the amendment was approved:

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that special permit application #**16-15SP - 150/166/170 Glover, LLC – 170 - 174 Glover Avenue Building C**– 250 unit Commercial Planned Residential Development and related site improvements as shown on a certain set of plans entitled “Grist Mill Village **Building C**: Special Permit Approval” by Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers, dated September 17, 2015 as revised to December 9, 2015 and related site plans and drawings, be **APPROVED**, subject to the following conditions:

1. That the deed restriction documents referenced in the “Grist Mill Village – **Building C** Workforce Housing Affordability Plan” dated November 2015 for a total of twenty five (25) onsite deed restricted workforce housing units (5 two bedroom, 16 one bedroom and 4 studio units), be submitted for Corporation Counsel review and then filed on the Norwalk Land Records and that all such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
2. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and
3. That all traffic improvements, including improvements required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
4. That a signed long term instrument to allow shared access to parking, utilities and drainage facilities among the three sites which comprise Grist Mill Village, be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a certificate of zoning compliance (CZC); and
5. That all CEAC signoffs be submitted prior to the start of construction; and
6. 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
7. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required soil and sedimentation controls; and
8. That a Connecticut licensed engineer certify that the required improvements were installed to City standards prior to the issuance of a certificate of zoning compliance (CZC); and
9. That any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and
10. That cutoff shields be installed on all lighting fixtures to prevent any stray light from being emitted off the property; and
11. That trash pick-up be restricted to the hours between 8:00 a.m. and 8:00 p.m.; and
12. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
13. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
14. That all landscaping be installed as proposed and properly maintained and that any major pruning of the trees receive prior permission of the staff; the intent is to allow the proposed trees to grow to a natural mature height; and
15. That a certificate of special permit and approved site plan be filed on the Norwalk Land Records; and
16. That a 10 foot wide access easement for the Norwalk River Valley Trail (NRVT) from the proposed internal sidewalk at the north side of Building C to the northeast corner of the property be

granted to allow for the trail to be extended and that the applicant will grade the easement area so that it complies with the NRVT's slope standards and then seed the area; and

17. That the applicant make its best efforts to work with State to continue the NRVT to the Grist Mill Road underpass at a 10 foot width, that the applicant work with the City and the NRVT to agree upon material to pave or otherwise finish the trail on its property and the DOT property and that the applicant bear the cost of grading and finishing the trail on its property and across the DOT property to the Grist Mill Road underpass; and

**BE IT FURTHER RESOLVED** that the application complies with the Norwalk Building Zone Regulations, including Section 118-760 Commercial Planned Residential Developments and Section 118-1450, Special Permits.

**BE IT FURTHER RESOLVED** that the effective date of this action be January 29, 2016.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern and Mike O'Reilly voted in favor.**

**No one opposed.**

**Mr. Johnson abstained.**

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

**a. Action on Items III. c., d., e., f. and g. Note: Action on zoning amendment must precede action on related special permit application**

**i. #14-15R - A. J. Penna & Son - Proposed amendment to permit contractors storage yards on parcels of 2 acres or more that about a limited access highway as a special permit use in Business #2 zone and d. #19-15SP - A. J. Penna & Son - 2 Muller Avenue - Contractors storage yard**

**These applications would be sent back to the Zoning Committee pending actions from the APA**

**ii. #13-15R – CP IV Waypointe BP LLC – Proposed amendments to permit compact car parking in Design District Development Parks**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “**#13-15R - CP Waypointe BP I, LLC – Proposed amendments to Section 118-504 regarding smaller parking spaces in a Design District Development Park parking structure**” and dated December 14, 2015 be **APPROVED**.

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

1) To implement the Plan of Conservation and Development 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). (A.3.1.2, p. 12.); and

2) To implement the Plan of Conservation and Development “To encourage retail activity in the West Avenue/Wall Street and Reed Putnam areas and place emphasis on pedestrian-oriented environment (A.4.1.1, p. 12); and

**BE IT FURTHER RESOLVED** that notice of this action be forwarded to the Norwalk Zoning Commission.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern Rod Johnson and Mike O'Reilly voted in favor.**

**No one opposed.**

**No one abstained.**

**iii.#15-15R –Zoning Commission – Proposed amendments to Section 118-1050 Workforce Housing regulation to revise priority designations for workforce units**

Ms. Wilson recommended that this be sent back to the Zoning Committee and sent for a legal opinion.

**iv.#16-15R – Zoning Commission – Proposed amendments to Sections 118-1450 and 118-1451 regarding provision of sidewalks meeting minimum clearance requirements**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “**#16-15R – Zoning Commission – Proposed amendments to Sections 118-1450 and 118-1451 regarding provision of sidewalks meeting minimum clearance requirements**” and dated November 24, 2015 be **APPROVED**.

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

- 1) To implement the Plan of Conservation and Development to “Preserve and enhance the character of Norwalk” (A.1.1.4, p. 10); and
- 2) To implement the Plan of Conservation and Development to “Protect residential neighborhoods from incompatible development (A.1.1.6, p. 10); and
- 3) To implement the Plan of Conservation and Development to “Review all anomalies and spot zones to conform to regulations, and to encourage reasonable uses” (F.2.1.3, p. 42); and

**BE IT FURTHER RESOLVED** that the effective date of this action be January 29, 2016.

**Mr. Blank seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern Rod Johnson and Mike O’Reilly voted in favor.**

**No one opposed.**

**No one abstained**

**b. #9-13SPR – CP IV Waypointe BP LLC – 515 West Ave (Midblock) - Modify approved plans to revise parking layout in parking structure – Report & recommended action**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that the request to modify the approved 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 362 multifamily units, 8,433 sf banking uses, 1,381 sq ft of retail, 17,400 sq. ft. restaurant and a 850 space parking garage within a Design District Development Park as shown on a set of plans entitled “Plan of Proposed Striping Revisions of Middle Block Garage - 515 West Avenue prepared for CP IV Waypointe BP, LLC” by Redniss and Mead Engineers dated December 7, 2015 to reduce the length of no more than 25% of the parking spaces in accordance with the parking amendments (**#13-15R**); 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 January 29, 2016.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern Rod Johnson and Mike O’Reilly voted in favor.**

**No one opposed.**

**No one abstained**

**c. DPW Referral: 8-24 Review/Section 95-35 - Abandonment of a portion of Isaacs St to POKO-IWSR Developers - Report & recommended action**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that the DPW Referral to abandon a portion of Isaacs Street to POKO-IWSR Developers, LLC submitted in accordance with Section 95-35 of the City Code under an 8-24 Review be **APPROVED**; and

**BE IT FURTHER RESOLVED** that the reason for this action is:

- 1) To implement the Plan of Conservation and Development 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).” (A.3.1.2. p. 12); and

**BE IT FURTHER RESOLVED** that notice of this action be forwarded to the Common Council and other appropriate agencies.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern Rod Johnson and Mike O'Reilly voted in favor.**

**No one opposed**

**No one abstained**

**VI. APPROVAL OF MINUTES: December 9, 2015**

**Ms. Wilson moved to approve the minutes.**

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern Rod Johnson and Mike O'Reilly voted in favor.**

**No one opposed**

**No one abstained**

**VII. COMMENTS OF ASSISTANT DIRECTOR**

There were no comments from Mr. Wrinn.

**VIII. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

**IX. ADJOURNMENT**

**Mr. Blank made a Motion to Adjourn.**

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern Rod Johnson and Mike O'Reilly voted in favor.**

**No one opposed**

**No one abstained**

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Diana Palmentiero