

**CITY OF NORWALK  
ZONING COMMISSION  
October 19, 2016**

**PRESENT:** Adam Blank; Nate Sumpter; Doug Stern; Rod Johnson; Galen Wells (left the meeting at 10:25 p.m.); Mike Witherspoon; Lou Schulman; Joseph Passero

**STAFF:** Steve Kleppin; Mike Wrinn; Dori Wilson

**OTHERS:** Atty. Liz Suchy; Dean Martin; Michael Galante; Theresa Patterson; Atty Jackie Kaufman; Paxton Kinol; Craig Flaherty; Atty. Eric Bernheim; Atty. William Hennessey; Doug Adams; Paul Madden; Herb Kantor; Sallie Marsico; Jennie Yu

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Mr. Kleppin called the roll.

**III. PUBLIC HEARINGS**

**a. #5-16SPR/#19-16CAM – Seaman Construction Inc. – 149 Woodward Avenue – Proposed contractor’s storage yard**

Mr. Blank opened the public hearing. Atty Suchy began the presentation by handing in the certified, return receipt cards which evidenced notice of the public hearing. She welcomed Mr. Kleppin and then introduced the applicant and the project team. She oriented the commissioners as to the location of the property. Then she explained the current uses and the application. They have received all of the necessary sign-offs as well as a letter from the Department of Energy and Environmental Protection.

Mr. Martin continued the presentation with a discussion of the proposed drainage system on the site plan. He also discussed the landscaping plan. There was then a discussion of the 100 year storm and that FEMA has changed the flood maps.

Atty. Suchy continued the presentation by showing the commissioners photos of the current site.

Mike Galante, the traffic engineer, described the traffic analysis as well as their recommendations.

Atty. Suchy then handed in letters of support including a letter from the Norwalk Fire Department and Side by Side Charter School.

Theresa Peterson asked a question about the trees around the property and what would happen to them if they died. Atty Suchy described the bonding for the trees and Mr. Wrinn reminded them that, under the landscape plan, trees would always have to be there.

Mr. Blank closed the public hearing.

**b. #7-16R – NW MFP Norwalk Town Center II, LLC (Waypointe) – Proposed amendments to Section 118-504 to revise Design District Development Park (DDDP) criteria for developments in Central Business Design District Subarea B and related technical**

## **amendments**

Mr. Blank opened the public hearing and read the Planning Commission referral into the record.

Atty. Kaufman began the presentation by explaining the text amendment and how it is difficult to get to completion as regulations currently stand. She outlined the 10 properties on the site plan and explained how they shared rights. There are multiple investors and owners for the different entities. She explained the goals of the text amendment.

Mr. Kinol explained the history of the DDDP as well explaining why they do not have final Certificates of Zoning Compliance or Certificates of Occupancy. The text change would mostly affect the shopping center and is for the buildings that are completed. There would be another site plan amendment for the shopping center. They would like to start work in November if they received the Commission's approval at this meeting. His intent is not to use the additional development rights for more than what is needed to complete the project because they are still investors. It could hurt their own investment. He also showed pictures of the Berkley that he had taken that same day. He then showed renderings of inside the building. They were building as fast as they could.

There was a discussion of possibly not voting at this meeting on the text amendment because of further changes that may be necessary. There was a discussion about the amount of retail space. Mr. Knowles said that he had a meeting with investors the following day and had hoped that there would be a vote on the text amendment at this meeting. They didn't want to lose time.

Atty. Kaufman discussed the densities that the buildings already have. Future developers would have to come back to the Zoning Commission with any changes, which would have to be filed on the Land Records.

Craig Flaherty, the engineer on the property, continued the presentation by discussing a chart that summarized how to explain the ownership of the different properties and explained why the density should be 500 sq. ft.

Atty Kaufman explained that there may have been a misunderstanding among the Planning Commissioners, some of who had wanted to see the density removed from the resolution. She explained why it should be in there.

No one spoke for or against the application.

Eric Bernheim, special counsel for the City of Norwalk, reiterated his comments to the Planning Commission at their previous night's meeting. He explained that the sharing agreements among the owners of the parcels were private matters. This text amendment would have documents/chart recorded on the Land Records which would be beneficial to the city, if there is a problem. He took no position on the residential density.

Atty. Kaufman suggested language to be added to the resolution. Mr. Knowles showed the commissioners some design site plans. He explained that realistically they could not add more residential because there would not be enough parking. Mr. Knowles then explained the restaurant leases that they were signing. There was a discussion of the active retail. He also explained that retail loses money so they needed space where they could make some money on. There was a discussion of the Persian rug dealer near the Waypointe property. They are still actively working with Container Store, Nordstrom Rack and I-Pic.

Additional images were submitted for the record. Mr. Blank closed the public hearing.

### **c. #6-16R - Norwalk Land Development LLC - Proposed amendments to Article 121**

**regarding Electronic Video Screen Signs and Exterior sign manual for Mixed use retail shopping centers in Reed Putnam Design District Subarea A and d. #6-16SPR/#20-16CAM - Norwalk Land Development LLC - 1 Putnam Avenue (North parcel) - Site plan review of proposed The SoNo Collection Comprehensive Exterior Signage Manual dated revised October 4, 2016 and graphic examples dated revised October 7, 2016 for The SoNo Collection properties e. #7- 16SPR/#21-16CAM - Norwalk Land Development LLC - 63 West Avenue (South parcel) - Site plan review of proposed The SoNo Collection Comprehensive Exterior Signage Manual dated revised October 4, 2016 and graphic examples dated revised October 7, 2016 for The SoNo Collection properties**

After the public hearing was opened, Mr. Blank read the comments into the record from Marcy Balint, at the Connecticut Department of Energy and Environmental Protection ("D.E.E.P.") as well as the Planning Commission.

Atty. Hennessey began the presentation by noting for the record that the public hearing would be used for all of the separate applications. He then handed in the certified, return receipt cards evidencing notice of the public hearing. He described the SONO collection. He spoke about how these sign regulations were similar to those of the Norwalk Hospital and the Waypointe development. He oriented the commissioners as to the location of the property on an aerial map. He explained the signage regulations of Norwalk Hospital along with the sign manual. His firm had worked on the sign regulations and manual for Waypointe so they were encouraged to do the same for this project. He then discussed a history of the project which started approximately 3 years prior when GGP purchased the property. He also described all the uses on the property including the mall and a boutique hotel as well as the taxes that would be a benefit to the city.

Doug Adams explained his part in the project as a member of GGP. He explained the amount of jobs that would be created. He explained what GGP had been doing since the project was approved. He described the boundaries of the project which are West Avenue and the Metro-North railroad tracks.

Atty. Kaufman continued the presentation by explaining the text amendment and the site plan applications to the commissioners. She set forth the amount of signage types. She discussed the Electronic Video Signs ("EVS") and what they would be used for.

Mr. Madden then discussed the sign manual, the 11 different sign types and where they were located. He showed the commissioners photos from the point of view of driving on I-95. He handed in the images for the record. There was a discussion about information about the Aitoro sign as well as nits.

Atty. Kaufman then continued the presentation with a discussion of the brightness of the lights. She explained how it was a controlled technology which will then change with brightness of the sun.

The hearing was opened to public speakers.

Herb Kantor, 33 North Water St., spoke in opposition to the EVS signs because of concerns that they would be seen in the condominiums where he lived. He was also concerned about the residents of 55 and 77 North Water Street.

Sallie Marsico, 6 Lancaster Drive, had an opinion and concern about the EVS signs. She did not think that large signage was not necessary for the mall. She thought the Zoning Commission should look further into the EVS signs.

Jennie Yu, 33 North Water Street, also had concerns about the EVS signs. She handed in letters from residents which were opposed to the signs. She is not necessarily opposed to the mall but wanted to let the applicant know they should be respectful of the neighbors.

Heather Weiss, 33 North Water Street, spoke in opposition to the application.

Brian Berger, 33 North Water St., had concerns about the lighting as others had.

Georgana Rutger, Chestnut St., supported the signage and the general application. She thought the signs were important for direction and to know which stores were in the mall. She wanted to the mall to be a success.

Ed Musante, of the Greater Norwalk Chamber of Commerce, spoke in support of the application.

Eric Rains, 33 North Water St., had concerns about the text amendment and asked that the language be more specific.

Colin Farmer, 33 North Water St., had concerns about the lighting from the signs. He did not think they need even needed them.

Atty. Hennessey addressed the safety issues that were concerns. There had been a study done which would show that this need not be a concern. He addressed the Planning Commission recommendations in their referral to the Zoning Commission. He also addressed the Cecil Group memo for the Redevelopment Agency.

Doug Adams addressed a study from the Federal Highway Association which addressed billboards and whether they were distractions to drivers. There was a bit of a discussion between him and the public. Mr. Blank reminded them that their individual questions could be answered after the meeting.

Atty. Kaufman reminded them that there were many safety controls that would be used by the applicant.

Mr. Blank reminded everyone that there would be no vote on the resolution at this meeting. There would be more debate at the next Committee meeting with the vote being taken at next month's Zoning Commission meeting.

Doug Adams addressed the lighting on the different facades.

Paul Madden discussed the light levels which would go lower and not higher.

Atty. Hennessey handed in the extension for the Zoning Commission to render their decision.

Mr. Blank closed the public hearing. Ms. Wells left the meeting.

#### **IV. REPORT OF PLAN REVIEW COMMITTEE**

##### **a. Action on Items III. a.**

##### **i. #5-16SPR/#19-16CAM – Seaman Construction Inc. – 149 Woodward Avenue – Proposed contractor's storage yard**

**\*\* MR. SUMPTER MOVED: BE IT RESOLVED** that Application #5-16SPR/#19-16CAM proposed contractor's storage yard for the owner, Seaman Construction Inc. for the property 149 Woodward Avenue, as shown on the plan entitled, "Contractor's Yard Site Plan", Scale 1" =30'-0", Dated 6/20/2016 and revised 9/21/16 by Grumman Engineering, LLC, Norwalk, CT be **APPROVED** subject to the following conditions:

1. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
2. That any additional soil sedimentation and erosion controls be installed at the direction of the Staff; and
3. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
4. That the owner/applicant will lease the yard to only one tenant at any one time; and
5. That all stockpile areas be covered at all times in order to prevent any materials from

- migrating off site; and
6. That the proposed sprinkler system be maintained and kept in good working order; and
  7. That there are no storage containers on site, and
  8. That all signage, existing and proposed, comply with the zoning regulations; and
  9. That an engineer's certification be submitted prior to a certificate of occupancy; and
  10. That a stormwater system be maintained per the operations and maintenance plan submitted; and
  11. That any graffiti on the site, now or in the future, be removed immediately; and
  12. That any horn blowing, idling of trucks, and exhaust discharge be in compliance with Chapter 68 [§68-6 Prohibited Activities] - Noise Ordinance of the City Code of Norwalk; and
  13. That any modification by any other agency which requires a substantial change to these plans be submitted to the Zoning Commission for review and approval; and
  14. That any proposal to add a dumpster to the site will need an approval by the Zoning Commission; and
  15. That the operating hours of the site be 8:00 a.m. to 4 p.m., Monday through Friday and Saturday be 8:00 am to 1:00 pm; and
  16. That permits required by the Connecticut Department of Energy and Environmental protection for work done in their jurisdiction be obtained; and

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

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be October 28, 2016.

**Mr. Witherspoon seconded.**

**Adam Blank; Nate Sumpter; Douglas Stern; Roderick Johnson; Michael Witherspoon; Louis Schulman and Joseph Passero**

**No one opposed.**

**No one abstained.**

## **V. REPORT OF ZONING COMMITTEE**

### **a. Action on Items III. B**

**#7-16R – NW MFP Norwalk Town Center II, LLC (Waypointe) – Proposed amendments to Section 118-504 to revise Design District Development Park (DDDP) criteria for developments in Central Business Design District Subarea B and related technical amendments**

There was a discussion about the active retail space. Mr. Schulman felt there should be a trade-off for the increase in housing density. The staff clarified Atty. Bernheim's opinion on the matter. There was then a discussion as to additional language in the resolution. There was then a discussion about the fact that it could allow lots by site plan review.

**\*\* MR. BLANK MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled "#7-16R – NW MFP Norwalk Town Center II, LLC – Proposed amendments to Section 118-504 to revise Design District Development Park (DDDP) criteria for developments in Central Business Design District Subarea B and related technical amendments" and dated September 28, 2016 be approved as modified to add text to require "a minimum of seventy thousand (70,000) square feet of retail and restaurant uses based on a design district development park of 15.5 acres maximum"; and

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

- 1) To implement the Plan of Conservation and Development to "Create an engaging urban landscape and architectural setting in the West Avenue area through the adoption and implementation of West Avenue planning, as amended" (F.4.1.10, p. 44); and

2) To implement the Plan of Conservation and Development to "Advance current redevelopment plans" (A.6.2, p. 13)

3) To implement the Plan of Conservation and Development to "Strengthen the character of neighborhoods and commercial areas and improve the quality of architectural design" (F.4.1, p. 43); and

**BE IT FURTHER RESOLVED** that the effective date of this action be October 28, 2016.

**Mr. Sumpter seconded.**

**Adam Blank; Nate Sumpter; Douglas Stern; Roderick Johnson; Michael Witherspoon; Louis Schulman and Joseph Passero**

**No one opposed.**

**No one abstained.**

**#6-16R - Norwalk Land Development LLC - Proposed amendments to Article 121 regarding Electronic Video Screen Signs and Exterior sign manual for Mixed use retail shopping centers in Reed Putnam Design District Subarea A d. #6-16SPR/#20-16CAM - Norwalk Land Development LLC - 1 Putnam Avenue (North parcel) - Site plan review of proposed The SoNo Collection Comprehensive Exterior Signage Manual dated revised October 4, 2016 and graphic examples dated revised October 7, 2016 for The SoNo Collection properties e. #7-16SPR/#21-16CAM - Norwalk Land Development LLC - 63 West Avenue (South parcel) - Site plan review of proposed The SoNo Collection Comprehensive Exterior Signage Manual dated revised October 4, 2016 and graphic examples dated revised October 7, 2016 for The SoNo Collection properties**

Mr. Blank moved these three items back to committees. Mr. Sumpter seconded and everyone voted to accept the motion.

**VI. APPROVAL OF MINUTES: September 21, 2016 and September 21, 2016 Special meeting**

**Mr. Blank moved to approve the September 21, 2016 minutes.**

**Mr. Witherspoon seconded.**

**Adam Blank; Nate Sumpter; Douglas Stern; Roderick Johnson; Michael Witherspoon; Louis Schulman and Joseph Passero**

**No one opposed.**

**No one abstained.**

**Mr. Sumpter moved to approve the September 21, 2016 Special Meeting minutes.**

**Mr. Schulman seconded.**

**Adam Blank; Nate Sumpter; Douglas Stern; Roderick Johnson; Michael Witherspoon; Louis Schulman and Joseph Passero**

**No one opposed.**

**No one abstained.**

**VII. APPOINTMENT OF NOMINATING COMMITTEE**

Mr. Blank appointed Mr. Sumpter, Mr. Schulman and Mr. Witherspoon as part of the Nominating Committee.

**VIII. COMMENTS OF DIRECTOR**

Mr. Kleppin said that if anyone had questions, they should either email or call him.

**IX. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

**X. ADJOURNMENT**

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

**Mr. Schulman seconded.**

**Adam Blank; Nate Sumpter; Douglas Stern; Roderick Johnson; Michael Witherspoon; Louis Schulman and Joseph Passero**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Diana Palmentiero