

**CITY OF NORWALK
ZONING COMMISSION
March 1, 2017**

PRESENT: Nate Sumpter, Chair; Michael Witherspoon; Richard Roina; Louis Schulman; Douglas Stern; Roderick Johnson and Galen Wells (arrived after roll call)

STAFF: Steven Kleppin; Mike Wrinn

OTHERS: Atty Liz Suchy; Pete Romano; Bruce Beinfield; Mike Galante; Joe Fishinger; Lee Levey; Sally Dodd; Christine Names; State Representative Fred Wilms; Barbara Kent; Leigh Grant; Adolph Neaderland; Heather Dunn; Joann Horvath; Deborah Goldstein; Councilman Doug Hempstead; Laura LaMorte; Donna Smirniotopoulos; Diane Lauricella; Diane CeCe; Deborah Guarino; Barbara Smith

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7:02 p.m.

II. ROLL CALL

Mr. Kleppin called the roll. After he did, Mr. Sumpter discussed the procedures for the public hearing. He reminded everyone that since there would be a lot of people speaking that they should keep their comments to 2-3 minutes so that everyone could have a turn.

III. PUBLIC HEARINGS

a. #13-16SP - Main Norwalk, LLC – 272 - 280 Main Avenue – “The Village” – Proposed new ±103,000 square foot retail development

Atty. Suchy began the meeting with an introduction of the project team. She asked that they be qualified as experts because of the amount of experience they had. She then handed Mr. Kleppin the certified, return receipt cards, evidencing notice of the public hearing to the neighbors. She discussed a brief history of the application including the fact that there had been a prior application in 2013. She then described the project. There would be a front structure which included restaurants and small retail shops which wrapped around the larger project. It included parking spaces, solar panels on the roof, and two entrances. She said that the applicant understood that they have to reduce traffic in the area. She discussed how the traffic study was developed. She noted that they did not have a specific tenant at this time. She discussed further the restaurants and retail stores and how many jobs they would provide, both full and part-time. She briefly discussed the storm and drainage plans, utilities and landscape plans. The applicant would provide trees to fill in the understory near Rolling Ridge Condominiums. The trees will be on both properties. She explained how the project would encourage walkability. She described the square footage for the small stores and the restaurants. She noted that the applicant would have to return to the Zoning Commission if that should change.

Pete Romano, the civil engineer on the project, continued the presentation by passing out a packet of the slides that were being shown in the PowerPoint presentation. He described the turning lane and then going underneath the building to the 2nd floor. He also described the water treatment facility on the property. It was currently at the back of the property and will be moved and made a part of the small stores section of the project. He spoke about the conversations that the project team had with Rolling Ridge Condominium, including the trees which would be on their property. There was a discussion of where the large sign would be

once a tenant was found for the larger part of the project. The commissioners wondered how customers would find it if the sign was not large.

Bruce Beinfield, the architect on the project, continued the presentation by answering some problems that had arisen from the first application. There were 4 issues which were the sea of cars between the building and the street, the pedestrian unfriendly streetscape, the unwalkability of the neighborhood and the fact that it did not add to the social and cultural life of the community. He noted that the parking was now hidden. He explained that he remembered what Route 7 looked like in the 1950s. The smaller buildings at the front of the building were reminiscent of that look. He believed that the project encouraged people to walk in the neighborhood. He then described the parking structure. There was a discussion of the tenants. Mr. Beinfield said he did not know there were any yet.

Mike Galante, the traffic engineer, continued the presentation by handing in copies of his company's response to the peer review report. He gave a background of his firm as well as his own background. He described the process of approvals that the applicant had to go through to get permits from the state of Connecticut which began in May 2016. He also described the traffic study and how it was done. He then went over the accident analysis and site traffic distribution which is an estimate of where traffic will come from and where it will go. He then discussed the traffic mitigation plan because if no plan was in place, there would be traffic problems. One aspect of the plan was a proposed traffic signal widening of Route 7 which would be on the same side as the project. There was a discussion of synchronization with the trains that travel nearby. The traffic signals are coordinated with the train gates. There was a discussion of projected development such as on Glover Avenue. The project was not included because it was further away. The applicant was not asked to include it. There was a discussion about parking lots and whether they reached their maximum at other large buildings such as Costco. Mr. Wrinn noted that it may only happen at holiday time.

Atty. Suchy summarized the presentation before members of the public began to speak. She also briefly discussed the response to the peer review traffic study.

Joe Fishinger, of NV5, continued the presentation with a discussion of his report to the applicant's traffic study. He agreed with much of the applicant's report in that he said that there needed to be re-timing and hardware upgrades on Route 7.

Lee Levey, 100 Comstock Hill Avenue, spoke against the application. He began with giving his background to the commissioners, and noting that he had been on the board of Norwalk Association of Silvermine Homeowners ("N.A.S.H.") for many years. He did say that he liked the design and hiding the larger project but that it was not appropriate for Route 7.

Sally Dodd, the president of the Rolling Ridge Condominium, spoke against the application. She described her meetings with the applicant. She said the residents had concerns about the traffic as well as noise from delivery trucks and emergency vehicles.

Christine Names, 223 Silvermine Ave., spoke against the application. She began by speaking of the prior application as it related to the current application. She also discussed what the zoning regulations allowed and she did not believe that they allowed this project. She believed that the side roads would be used to avoid traffic on Main Avenue. Speeding is a problem.

State Representative Fred Wilms, spoke against the project. He said he was speaking on behalf of his constituents. He also said that he lived at Rolling Ridge Condominiums. He thought it was inappropriate for the neighborhood. He also thought it was unusual that the applicant had not found a tenant for the large part of it, especially in this economic climate. He also discussed the Merritt Parkway Interchange project at Exit 40. The state was planning on beginning that in 2019 – 2020. He believed the traffic study should have included this project, along with a new bridge that would be built over the Merritt Parkway for West Rocks Road. He

said that the bridge would cause detours as West Rocks Road would be closed. Much of the traffic would be diverted onto Main Avenue. He also suggested that the Glover Avenue project should have been included in the traffic study.

Barbara Kent, 399 Main Avenue, spoke in opposition to the application. She read a letter into the record which she handed in as an exhibit.

Leigh Grant, 99 Comstock Hill Avenue, spoke in opposition to the application. She discussed the background of the application as well as her experience on local roads including Broad Street. She discussed future projects which she believed would impact this one as well as rush hour traffic and the walkability of the area.

Adolph Neaderland, a resident of Silvermine, discussed the three different traffic reports, including the one done for the previous application in 2013. He said that traffic has only gotten worse since then.

Heather Dunn, the president of NASH, spoke in opposition to the application.

Joann Horvath spoke in support of the application. She explained that the property had been vacant for over 2 decades. It is an eyesore and the application would make it look attractive. The big box store would attract customers to the smaller stores. She believed that the city would need more stores because of the many residential units that were being built.

Deborah Goldstein, who lived in East Norwalk, spoke in opposition to the application. She had done a virtual tour on Google Earth and realized that the project would be larger than anything that is currently in the area. She did not think that the traffic study including any future projects. She then asked the commissioners to Google "Dark stores" in connection with tax abatements. If one large store is empty, it will impact the others. They will ask for tax relief as well.

Councilman Doug Hempstead continued the presentation. He thought the traffic study should have included other areas that were slightly farther away on Main Avenue and Main Street.

Laura LaMorte, a resident of Rolling Ridge, spoke in opposition to the application. She said that she had received an email to remain neutral in this matter from the applicant's attorney. She submitted photos of what the property looked like in the winter. The residents would see all of the huge building. There was a discussion of feeder roads as well as a discussion of Dunkin Donuts. She addressed the regulations for these types of projects.

Danny Grunman, Adams Lane, spoke in opposition to the application. He was concerned about the water quality. He explained about the underground pipes and water treatment system, currently on the property. He also described the court case which placed the responsibility of cleaning the site on a prior owner. He noted that a representative from the Environmental Protection Agency said it could take 100 years before the carcinogens would be removed. He claimed that Linco is still responsible for the water treatment. He said that the garage would be built on top of the underground pipes. A federal court would have to transfer the responsibility to the new owner. He believed that they should know how the lessor is. He also thought the traffic study area was too small. He asked the commissioners to reject the application.

Donna Smirniotopoulos, 18 Shorefront Park, spoke in opposition. She wondered why with so much vacant retail space throughout the city, why did they need to build more? She believes that the façade was being built to hide the big box store and that the city had no plan.

Diane Lauricella spoke in opposition to the application. She gave her background and requested that the commissioners hold the public hearing open for comments after that evening.

She discussed a very lengthy list of reasons why the commissioners should not approve the project. She then submitted selected sections of the Plan of Conservation and Development (“POCD”) to the commissioners. She discussed sections of the POCD which the commissioners should review. She then discussed the land which was a superfund site and suggested that it be used for a clean industry. She was then asked to wrap up since she had spoken much longer than many other members of the public. She submitted her comments to Mr. Kleppin.

Diane CeCe spoke in opposition to the application. She spoke about some of the prior speakers. She asked that the commissioners deny the application or at least, keep it open to the public. She said that she would not be recommending conditions as she usually did because she did not think the application should be approved. She discussed the special permit requirements. She was concerned about delivery trucks on the road. She also discussed the peer review of the traffic study which had recently been submitted. She then noted that there would be excessive noise and fumes from the site. She asked them to consider the fact that many people from neighboring towns would be coming to Norwalk to shop at this big box store. She noted that if the owner of the property ever came back for a change, the public would not have a chance to speak on it.

Deborah Guarino spoke in opposition to the application. She was concerned about emergency vehicles in the neighborhood getting through.

Barbara Smith, who lived in Rolling Ridge Condominium, spoke in opposition to the application.

At this point in the meeting, Atty. Suchy asked for a brief recess before the applicant’s rebuttal. The meeting resumed at 10:10 p.m.

Mr. Galante addressed the scope of the traffic study. He noted that it would be impossible to study the Merritt Parkway because of all the future plans for it. They also could not study the effect that new trains would have on traffic in the area. He noted that the state would come back to the owner if traffic conditions did not lessen. There was a discussion as to whether the state or the applicant should study the traffic at the Merritt Parkway.

Mr. Romano continued the presentation by discussing how the pipes underneath the building would be re-located. He discussed the treatment of the water on the property. He also discussed the logistics plan for the site, generators, deliveries, etc. He then mentioned the acoustical study which noted that the sounds would be less than Norwalk’s regulations specified. He also discussed the catch basins and the buffer between the two properties. He told the commissioners that the Laura Raymond Homes were pleased with the project. He said that the applicant had asked the Rolling Ridge Condominiums about things that they would like them to do. He also discussed the underground pipes and how they would be changed. They would also hire the same company that currently monitors the treatment facility that is on the property. He also discussed the delivery trucks.

Atty. Suchy continued the presentation by noting that the Laura Raymond Homes and Ed Musante, as president of the Norwalk Chamber of Commerce, had both written letters of support. She spent the next few minutes addressing the public’s comments including the fact that some thought that the application did not meet with Zoning regulations. She went through several Zoning Commission agendas which showed that the commissioners had discussed changing the regulations but had not done so. She also noted that the POCD was an advisory document and that the applicant was not bound by it until those advisements were included in the regulations. She wondered what other use there could be for the site since it has been vacant for a long time. She noted that this is a commercial zone and that all the appropriate intersections had been studied. She said that the only projects that could have been included were ones that had been approved. They could not include projects that the state was considering, including the Merritt Parkway interchange. She noted that the Adler traffic study, since it was done in 2013, had no relevance to the application today. She also noted that it was

the conclusion of the peer review traffic study that the applicant's traffic plan does work. She discussed other sites on Main Avenue that were similar to this project including Stop & Shop, CVS and Wal-greens.

She handed in to the commissioners a copy of a legal opinion from Corporation Counsel on a previous application in which the commissioners had questions about environmental remediation. She discussed many of Diane Lauricella's comments as well as the questions of signage. Then she went over the Special Permit regulations.

IV. REPORT OF PLAN REVIEW COMMITTEE

a. Action on Item III. a.

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Mr. Sumpter then recommended that the public hearing remain open for comments from the public with reference to traffic only. The next Zoning Commission meeting would be on March 15, 2017 and the public would be invited to speak then on that topic. Mr. Sumpter moved to do so and the commissioners all agreed. Atty. Suchy asked for clarification on which traffic analyses would be included in the next meeting. She objected to the inclusion of the traffic study from the 2013 application. Some members of the public thought that it should be included because they believed that it was still relevant.

V. APPROVAL OF MINUTES: January 18, 2017

Mr. Schulman moved to approve the minutes.

Mr. Witherspoon seconded.

Nate Sumpter, Chair; Michael Witherspoon; Richard Roina; Louis Schulman; Douglas Stern; Roderick Johnson

No one opposed.

No one abstained.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin handed out some paperwork to the commissioners.

VII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

VIII. ADJOURNMENT

Mr. Johnson made a Motion to Adjourn.

Mr. Witherspoon seconded.

Nate Sumpter, Chair; Michael Witherspoon; Richard Roina; Louis Schulman; Douglas Stern; Roderick Johnson; Galen Wells

No one opposed.

No one abstained.

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Diana Palmentiero