

**CITY OF NORWALK
ZONING COMMISSION
March 15, 2017**

PRESENT: Louis Schulman, acting as Chair; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina; Galen Wells

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Lee Levey; Bill Meister, Ralph Bloom , Sally Dodd, Laura Lamorte, Christine Names; Francis Vitale; Tom Fisher; Andre Pienczykowski; Leigh Grant, Joan Walsh; Heather Dunn; Danny Grundman; Joe Tamburri; Joel Green; Michael O'Rourke; David Speer; Sue Palinkos; Sheldon Green; Nancy Meany; Ralph Filardo; Kevin Regan; Councilwoman Shannon O'toole Giandurco; Diane Lauricella;

I. CALL TO ORDER

Before Mr. Schulman called the meeting to order, he noted that he was acting as Chair, since Mr. Sumpter could not attend the meeting. He then discussed the rules for the public hearings.

II. ROLL CALL

Mr. Kleppin called the roll.

III. PUBLIC HEARINGS

a. #13-16SP - Main Norwalk, LLC – 272 - 280 Main Avenue – “The Village” – Proposed new ±103,000 square foot retail development – Continue hearing from March 1, 2017 for review of traffic reports

Mr. Schulman opened the public hearing. He reminded members of the public that this hearing was for comments on traffic only.

Lee Levey, 1 Comstock Hill Avenue, spoke in opposition to the application. He reminded the commissioners that there are 20 big boxes stores in the city so he was reminded to keep the discussion to traffic. He noted that an additional big box store would draw customers from the region. He believed that they would cut through the side roads as well.

Bill Meister, who spoke against the application, began the presentation by explaining how he sat in traffic in White Plains recently because of the amount of stores there. He was concerned about that happening in Norwalk.

Ralph Bloom had concerns about the safety in the area because vehicles would be bypassing Main Avenue to get to their destinations quickly. These side streets were hills and he had seen bad accidents which killed people.

Sally Dodd, 50 Aiken Street, the President of the Rolling Ridge Condo Association, spoke in opposition to the application. She was concerned about the safety of buses from schools in the area as well as the students that walk to school. She asked that the application not be approved.

Laura Lamorte, 50 Aiken Street, spoke in opposition. She was concerned about the pollution from vehicle traffics. She also had concerns about the amount of trains and times that vehicles were stopped because of them. She noted that there were problems near the Dunkin Donuts as well. She suggested that it should be a smaller, mixed use type of project. She also noted that the applicant made

Christine Names, 223 Silvermine Avenue, spoke in opposition. She noted that she had spoken previously in 2013 as well as on March 1, 2017. She spoke about the traffic light adjustments. Although the state controlled them, there had not been many changes. Traffic engineer should have addressed issues with vehicles going into the Zero Hotel, car washes, etc.

Francis Vitale, 182 Perry Avenue, spoke in opposition because he thought that traffic was bad enough on Main Avenue. He thought it would get worse with this project.

Tom Fisher, 183 Perry Avenue, spoke in opposition because of the backup on Perry Avenue. He also thought it would get worse with this project. He has found that the streets where he lives have become feeder streets. He asked the commissioners to deny the application.

Andre Pienczykowski, spoke in opposition. He thought that there were already too many vehicles on Main Avenue. He believed that this project would add so many more cars that it would be difficult to drive in the area. He also said that many more vehicles would be on the streets in Silvermine and joggers and walkers could get hurt.

Leigh Grant, 99 Comstock Hill Avenue, handed out pictures to the staff and commissioners. She discussed the pictures that she handed out to them. She also noted that the traffic study was too narrow. She discussed the businesses that were near the train tracks, also noting them on the pictures that she had handed out. She pointed out what roads she thought that vehicles would travel to come to the big box store in this project. She referenced the Plan of Conservation and Development ("POCD") in her remarks.

Joan Walsh, 150 Silvermine Avenue, commended her neighbors and spoke in opposition to the application.

Heather Dunn, 117 Perry Avenue, spoke in opposition. She noted that the traffic study stopped before the Briggs High School. She then mentioned all the buses that stopped on Main Avenue. She was also concerned about the high number of accidents as well as a few deaths of people trying to cross Main Avenue.

Danny Grundman spoke in opposition to the application. He was concerned that the tractor trailers would find other routes through their neighborhoods, going to and from whatever big box store that leased the space.

Joe Tamburri, 22 Noah's Lane Extension, spoke in opposition to the application. He said he was always stuck in traffic on Main Avenue. He asked the commissioners to deny the application.

Joel Green, spoke on behalf of the Norwalk Association of Silvermine Homeowners ("NASH"). He has been retained in the last week. He has also recently been traveling on Main Avenue and when he is late, his GPS will route him off of it. He said that since there is no tenant yet, the commissioners should be scrutinizing the traffic at the highest levels. His review said that a delivery truck could go over the curb. His concern was that vehicles and these trucks would make left hand turns. He provided copies of a report that was done by his colleague, Michael O'Rourke.

Mr. O'Rourke, traffic engineer with Adler Consulting, discussed the fact that he reviewed the traffic report by the applicant's traffic engineer as well as his review of the applicant's site plans. He noted that the square footage seemed to be incorrect. He then discussed his findings which included storage of vehicles waiting in a queue at traffic signals. Based on his findings, he said that he recommended that the application not be approved.

Mr. Green then introduced David Speer, who also did a review of the traffic reports which were similar to the ones that Mr. O'Rourke had.

Mr. Speer, VLS Consulting, noted which traffic reports that he had reviewed in order to prepare his report. He reviewed site plans as well. He discussed how he prepared his comments which included a site visit. He then discussed the applicant's reports and pointed out some discrepancies including the amount of accidents reported. He also noted that some reductions in traffic generation should not have been taken. He noted that some of the numbers in the traffic study may not be what they actually were. He also noted that the right of way lines were not shown on the plans. They would have to widen Main Avenue. He also noted that trucks would have to go over the island because the radius is not wide enough for them. He thought they were "overdeveloping the site." He discussed how trucks would come into the site which would be north on Main Avenue. He noted that the applicant had not addressed how those trucks would get back to I-95. Mr. Green asked Mr. Speer questions about vehicular accidents, and traffic congestion. Mr. Speer also noted that the level of traffic service would go down to E or F.

Mr. Green asked whether a tenant had been procured for this development but one had not. He then spoke about the Little Pub in Fairfield and the traffic that was now increased in this area. He was skeptical in that the more successful the tenant would be at this development, the more unsuccessful the traffic would be. He noted that there were reports that contradicted the applicant's, and many neighbors that came out in opposition to the application. He thought the commissioners should ask the applicant to come back when they have addressed these concerns and issues. He asked the commissioners to deny the application on behalf of NASH.

Sue Palionkos, Silvermine area, discussed the projects that she has seen over the years be developed in this area. She then discussed all the traffic on Main Avenue. She noted that the barrier on Perry Avenue was almost gone because vehicles could not get out of the CVS on Main Avenue. They would make left turns onto Perry Avenue even though it was not allowed. She had concerns that delivery trucks will make a left onto Main Avenue.

Sheldon Green, 108 New Canaan Avenue, described where he walked on New Canaan Avenue and when. He was concerned that the applicant has not considered the safety of pedestrians, including the senior adults that live at the Laura Raymond Homes.

Nancy Meany, 8 Old Kings Highway, said she lived in Silvermine and agreed with all of the other speakers. She explained how her job made her drive all around Norwalk. The previous speaker's remarks resonated with her. She noted that the city had commissioned several studies which showed that the maximum amount of square footage on the site should be 10,000 sq. ft. She asked the commissioners to deny the application.

Ralph Filardo, resident of Coach Run condominiums, noted that the space should be filled but not in haste. He also noted how long it took him to get out of his driveway. He thought this new development would add to the traffic. It would affect the neighbors on Main Avenue as well as West Rocks which included several schools. He had concerns about the safety of the children in these areas.

Kevin Reagan, 50 Aiken Street, said that he opposed the application for several reasons. He was concerned about the increase in traffic which would increase the probability of the vehicle accidents.

Council Shannon O'toole Giandurco, 163 Chestnut Hill Road, spoke on behalf of her constituents and also spoke in opposition to the application. She had many reservations about the project. She read a letter which she had written for Nancy On Norwalk in 2013 which, she believed was still appropriate today. She had concerns about the current amount of accidents which she believed would increase. She thanked the commissioners for allowing the public extra time to speak.

Diane Lauricella asked the commissioners to deny the application in connection with the POCD. She discussed several issues including the Governor's studies of the future of the Danbury Metro-North train line. She also handed in several copies of various articles for the commissioners to review.

Peter Viteretto, 119 Comstock Hill Avenue, who spoke in opposition to the application, noted that the city was scaled to be pedestrian friendly. He did not think that the development was promoting walkability. He

Adolf Niederland believed that the traffic study was flawed because it was limited. The study said that the developer could not “guess what was coming down the pike.” He refuted these claims as well as noting that there could be upwards of 4,000 more cars on the road. He thought it was “irresponsible” of the applicant. He discussed the future of big box stores.

Diane CeCe, Olmstead Place, noted that she was speaking as a private citizen. She also noted that there were times when she would cut through different streets in order to avoid Connecticut Avenue. She refuted some claims by Atty Suchy at the previous public hearing. She noted that the POCD should be used when they make their decision about this application. She also noted that the applicant’s marketing materials to prospective tenants included the phrase “significant traffic.” She made several other points, particularly about the regional draw of the big box tenant.

Mary Lavens, who has lived in Norwalk in the Silvermine area, noted how bad the traffic on Perry Avenue was after the CVS open on Main Avenue. She had a bad experience with a train passing by on Perry Avenue when she was stuck at that light. She asked the commissioners to deny the application.

Mr. Schulman closed the public portion of the public hearing. He also noted that the applicant and the city’s consultant should have time to review the new traffic studies submitted earlier in the evening.

The commissioners took a break at 9:35 p.m. and returned at 9:45 p.m. It was decided that the public hearing would be continued, for rebuttal only, until the following Wednesday, March 22, 2017.

b. #11-16R - Zoning Commission – Proposed amendments to Article 140 regarding technical review of various applications

Mr. Schulman opened the public hearing. Mr. Witherspoon read the referral from the Planning Commission into the record.

Mr. Kleppin discussed the purpose of the proposed amendment which was a non-negotiable item for applicants in the future. He explained step by step how it would work. There was a discussion as to whether the Zoning Commission would decide to hire an expert or whether the staff would decide. Mr. Kleppin said that New Canaan and several other towns have similar amendments. Staff would make a recommendation.

Diane Lauricella spoke in support of the proposed amendment since she had lobbied for it for many years. She was concerned about state and federal money being cut which could affect this. She used the Aquifer Protection Agency as an example of how this worked for the city. They were people that the commissioners could rely on for their expertise.

Diane CeCe spoke in support of the proposed amendment. She discussed her reasons for that but also had a few concerns.

Mr. Schulman then closed the public hearing.

IV. REPORT OF PLAN REVIEW COMMITTEE

a. Action on Item III. a.

i. #13-16SP - Main Norwalk, LLC – 272 - 280 Main Avenue – “The Village” – Proposed

new ±103,000 square foot retail development – Continue hearing from March 1, 2017 for review of traffic reports

This item was sent back to the Plan Review Committee.

b. #15-13SP/#21-13CAM – Trinity Washington Village Ltd Prtnrs/City of Norwalk – Raymond, Water & Day Sts - 193 unit multifamily develop – Request for 1 year ext of approval time - Report & recommended action

***** MR. JOHNSON MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application site plan application **#15-13SP** and coastal site plan application **#21-13CAM** – Trinity Washington Village Limited Partnership and the Norwalk Housing Authority – Raymond Street – New 193 unit multifamily development in Flood Zone AE and in a Transit Oriented Development (TOD) area as shown on a set of plans entitled "Washington Village Buildings C, D, E Norwalk, CT. Trinity Washington Village Limited Partnership & the Norwalk Housing Authority" by Icon Architecture; Tighe & Bond Engineers & Surveyors; Eric Rains Landscape Architecture and other related plans dated September 19, 2013 as revised to November 22, 2013 be **APPROVED**,

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **February 28, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be March 24, 2017.

Mr. Witherspoon seconded.

Louis Schulman; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina; Galen Wells

No one opposed.

No one abstained.

c. #2-17CAM – Christopher Thompson – 32 Shorefront Park – New single family residence – Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that application **#2-17CAM**, construction of a new single-family residence for the property 32 Shorefront Park and as shown on the site plans dated 1/16/2017 and revised to 2/1/2017 by D'Andrea Surveying and Engineering, PC, Riverside, CT and on the architectural drawings dated 1/18/2017 and revised to 2/1/2017 by ISO Architects, LLC, Stamford, 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 needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 24, 2017.

Mr. Witherspoon seconded.

Louis Schulman; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina; Galen Wells

No one opposed.

No one abstained.

d. #3-17CAM – Gabriel Silva – 2 Grayrock Rd – Convert single family residence to two family residence - Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that application #3-17CAM, construction of convert an existing single family residence to a two family residence for the property 2 Gray Rock Road and as shown on the zoning location survey dated 10/19/2016 by Richard W. Plain, Land Surveyor, Milford, CT, Lic. No 70091 and on the architectural drawings dated 1/17/2017 by the applicant 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 needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 24, 2017.

Mr. Witherspoon seconded.

Louis Schulman; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina; Galen Wells

No one opposed.

No one abstained.

e. #6-17CAM – Matthew Hessian – 12 Jacob St – New single family residence – Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that application #6-17CAM, construction of a new single-family residence for the property 12 Jacob Street and as shown on the site plans dated 2/10/2017 by Redness and Mead, Stamford, CT and on the architectural drawings dated 1/5/2017 by Westchester Modular Homes of Fairfield County, Inc., Bethel, CT be approved subject to the following conditions:

1. That all CEAC sign-offs be submitted; and
2. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
3. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 24, 2017.

Mr. Witherspoon seconded.

Louis Schulman; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina; Galen Wells

No one opposed.

No one abstained.

f. #1-17MV – Fernando Obando – 527 Main Av – Replacement motor vehicle repairers license – Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that application #1-17MV – 527 Main Ave – Motor vehicle use – Replacement repair garage for an auto repair facility at 527 Main Avenue, and as shown on the site plan accepted by the Planning and Zoning Department, dated 2/15/17 be **APPROVED** with the following conditions:

1. That there be no commercial towing / storage operation conducted on the site; and that all repairs be conducted within the building; and
2. That there be no outdoor storage of parts or auto carcasses; and
3. That there be no on-street parking of vehicles; and
4. That there be no on-street parking for patrons or employees; and
5. That there shall be parking only in designated spaces as shown on the approved site plan; and
6. That there be no temporary signs erected at the site; and
7. That no off-premise signs are permitted; and
8. That any graffiti on the site, now or in the future, is to be removed immediately; and
9. That all signage, existing and proposed, be in compliance with the Zoning Regulations; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 24, 2017.

Mr. Witherspoon seconded.

Louis Schulman; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina; Galen Wells

No one opposed.

No one abstained.

g. #1-16SPR/#4-16CAM - NW MFP Norwalk Town Ctr II, LLC – 467 West Av/6 Butler/605 West Av – 6 story, 108,370 sf mixed use development with 76 units & 16,820 sf retail – Request for 1 yr extension of approval time - Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application **#1-16SPR/#4-16CAM** - NW MFP Norwalk Town Ctr II, LLC – 467 West Avenue (Waypointe South Block) – Demolish existing “Gap” building and construct a new 6 story 109,157 square foot mixed use development with 76 dwelling units (8 workforce housing units and 68 market-rate units) and 16,820 square foot retail and expand existing below grade parking garage with 52 parking spaces within a Design District Development Park as shown on a set of plans entitled "District Center at Waypointe Norwalk CT." by Redniss and Mead Engineers dated June 17, 2014 as revised to March 31, 2016 and various related plans by Gooding Architecture and Didona Associates Landscape Architects, LLC, be approved, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **April 29, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be March 24, 2017.

Mr. Roina seconded.

Louis Schulman; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina; Galen Wells

No one opposed.

No one abstained.

h. #4-16SP - 6 Butler St Properties, LLC – 6 Butler St – 14 space off street parking lot – Request for 1 yr ext of approval time - Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application **#4-16SP** - 6 Butler Properties, LLC – 6 Butler Street – New 14 space off

street parking lot as shown on a set of plans entitled "Zoning Site Plan depicting 6 Butler Street Norwalk, CT" prepared for 6 Butler Properties, LLC by Redniss and Mead Engineers and Didona Associates Landscape Architects and dated revised to March 31, 2016, be **APPROVED**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **April 29, 2018**;

BE IT FURTHER RESOLVED that the effective date of this action be March 24, 2017.

Mr. Stern seconded.

Louis Schulman; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina; Galen Wells

No one opposed.

No one abstained.

i. #5-16SP/#10-16CAM - NW MFP Norwalk Town Center II LLC – 17 Butler St – 303 sp off street pkg lot – Request for 1 year extension of approval time - Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application **#5-16SP** and coastal site plan application **#10-16CAM - NW MFP Norwalk Town Center II, LLC – 17 Butler Street – Revise existing parking layout and increase to 303 space off street parking lot for adjacent mixed use developments as shown on a set of plans entitled "Zoning Site Plan depicting District Center at Waypointe 17 Butler Street Norwalk, CT" prepared for NW MFP Norwalk Town Center II, LLC by Redniss and Mead Engineers and Didona Associates Landscape Architects and dated revised to March 31, 2016, be **APPROVED**, subject to the following conditions:**

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **April 29, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be March 24, 2017.

Mr. Witherspoon seconded.

Louis Schulman; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina; Galen Wells

No one opposed.

No one abstained.

j. #1-13SPR/#1-13CAM – TR Sono Partners – 99-101 Washington St – Mixed use development w/66 units – Request to modify approved valet tandem stacked pkg. plan to revise offsite pkg. requirements - Report & recommended action

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that resolution to approve site plan application **#1-13SPR/#1-13CAM – TR Sono Partners LLC – 99 Washington St – New 5 story, 66 unit multifamily building in a mixed use development with valet, tandem and stacked parking in a 2 level parking garage and three amenities including 10 public parking spaces, a water feature and historic façade preservation as shown on a set of plans entitled "Washington Street Apartments Norwalk, CT." by Lessard Design dated April 2, 2013; Cabezas DeAngelis Engineers & Surveyors dated January 4, 2013 as revised to February 15, 2013; Aris Land Studios dated April 2, 2013 and other related plans be **MODIFIED, TO REMOVE CONDITION #12** (as noted below) subject to the following conditions:**

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

BE IT FURTHER RESOLVED that the effective date of this action be March 24, 2017.

12. That the proposed Parking Management Plan be revised to designate 25 additional off-site parking spaces (either on property owned or leased by the Applicant or through the purchase of parking permits from the City of Norwalk Parking Authority) that will be provided in the event that the proposed parking facility fails to meet the parking demands of the project within the one-year period following the issuance of a Certificate of Occupancy for all units; and

Mr. Witherspoon seconded.

Before the commissioners voted, they discussed the three concerns that the Zoning Department staff had voiced at the Plan Review Committee. They decided that since the applicant would return to update them in 6 months about the parking, they would be able to vote on this matter.

**Louis Schulman; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina;
Galen Wells
No one opposed.
No one abstained.**

V. REPORT OF ZONING COMMITTEE

a. Action on Item III. b.

#11-16R - Zoning Commission – Proposed amendments to Article 140 regarding technical review of various applications

***** MR. STERN MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#11-16R - Zoning Commission – Proposed amendments to Article 140 regarding technical review of various applications" and dated December 28, 2016, be **APPROVED**.

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

- 1) To implement the Plan of Conservation and Development to "establish and maintain an efficient system of zoning enforcement..." (F.6.1.1, p. 45); and

BE IT FURTHER RESOLVED that the effective date of this action be March 24, 2017.

Mr. Witherspoon seconded.

**Louis Schulman; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina;
Galen Wells
No one opposed.
No one abstained.**

VI. COMMENTS OF DIRECTOR

a. Update on fee schedule discussion

Mr. Kleppin said that he had sent the commissioners the revised fee schedule. There was a discussion as to whether there should be a conservative fee increase or whether the rates should be raised to the level of other town. They also discussed how long it had been since the fees had been increased. Mr. Wrinn said it was over 5 years. There was also a discussion as to whether it should be increased as high as Stamford. There was then a discussion about having the fees go up on a regular schedule and having that language added to the regulation. Mr. Kleppin would update the documents.

VII. COMMENTS OF COMMISSIONERS

The commissioners did not have any comments.

VIII. ADJOURNMENT

Mr. Schulman made a Motion to Adjourn

Mr. Witherspoon seconded.

Louis Schulman; Doug Stern; Roderick Johnson; Mike Witherspoon; Richard Roina; Galen Wells

No one opposed.

No one abstained.

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

Respectfully submitted,

Diana Palmentiero