

**CITY OF NORWALK  
ZONING COMMISSION  
June 8, 2017**

**PRESENT:** Nathan Sumpter, Chair; Doug Stern; Rod Johnson; Mike Witherspoon; Joe Passero; Richard Roina; Galen Wells

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

**OTHERS:** Atty. William Hennessey; Paul Madden; Winnie Mola; Sally Marsico; Patsy Brescia; Peter Romano; Paul Brodsky; Teresa Peterson; Colin Hosten, Diane Lauricella

**I. CALL TO ORDER**

Mr. Sumpter called the meeting to order at 7:05 p.m.

**II. ROLL CALL**

Mr. Kleppin called the roll.

**III. PUBLIC HEARINGS**

a. **#3-17R – Norwalk Land Development, LLC (The SoNo Collection) – Proposed amendments to Section 118-100 to revise definition of mixed use retail shopping center development to add public realm, commercial recreation and cultural arts and entertainment facilities as additional permitted uses and**

b. **#21-15SP/#26-15CAM – Norwalk Land Development, LLC (The SoNo Collection) – 1 Putnam Avenue/North Water Street/Crescent Street – North Parcel: Request to modify approved plans for an 8 story mixed use retail shopping center development to revise the mix of retail, restaurant/café, public improvements, to revise the total square feet of development from ±785,284 square foot to 761,251 square feet and to reduce the amount of parking provided from 2,493 parking spaces to 2,410 parking spaces**

c. **#22-15SP/#27-15CAM – Norwalk Land Development, LLC (The SoNo Collection) – 63 West Avenue/North Water Street/Pine Street Extension – South Parcel: Request to modify approved plans for an 8 story mixed use retail shopping center development to revise the mix of retail, restaurant/café and public improvements, to revise the total square feet of development from ±311,703 square foot to 206,360 square feet, to remove the proposed ±13 story, 152 room hotel, and to reduce the amount of parking provided from 558 parking spaces to 493 parking spaces**

Atty. Hennessey began the presentation by asking that the public hearings for all three applications be combined as one. He then noted that the certified, return receipt cards, evidencing notice of the public hearing to the abutting neighbors, had been handed in. He also introduced the project team. He then began orienting the commissioners as to the location of the property on an aerial map. However, he noted that the overhead projector was not working. He also discussed a history of the application. He noted that the project was getting smaller and that nothing else was changing. He showed the original plan and then the revised plan without the hotel.

Paul Madden explained further the revised plans. Parking will not go as far underground as before. The parking was reduced by over 100 parking spaces. The lobby space would be converted to retail.

Atty. Hennessey then discussed the text amendment changes which included different retail uses and entertainment uses. A memo was handed out from Atty. Hennessey. He then concluded

with requests to approve the applications. He also said that the Redevelopment Agency had issued a report which was favorable to the changes in the original plan. He also explained that all the approvals had been provided. The plan was to have the mall open by October 2017.

Mr. Witherspoon read the referrals into the record from the Planning Commission, and WCCOG.

Mr. Sumpter asked if any members of the public wished to speak about the application.

Winnie Mola, Little Fox Lane, began by noting that her and her husband were lifelong residents of Norwalk and as well as realtors in Norwalk. She discussed her and her husband's volunteer duties during their lifetimes. She spoke in support of the project and the modifications that the applicant was requesting.

Sally Marsico, 6 Lancaster Drive, spoke about her discussions with the Redevelopment Agency about the public realm in the structure. She thought that it had been reduced but it had not been. She thanked the commissioners and the staff. She liked the electronic lighting which flashed from the train station in Stamford. She then discussed the signage at the property which she did not think was proper to monetize with advertising. She did support the removal of the hotel from the project.

Patsy Brescia, 136 East Avenue, spoke in support of the application.

Atty. Hennessey discussed the comments about the signage. He also handed in letters of support from members of the business community. He then handed out several other papers for the record, including the foundation permits.

Mr. Sumpter closed the public hearing.

**d. #1-17R – Meadow Street Partners, LLC – Proposed amendment to Industrial #1 zone to allow storage of empty solid waste containers and refuse collection receptacles associated with an approved solid waste transfer station as a contractor's storage yard – Continue hearing from May 17, 2017 and e. #1-17SPR/#1-17CAM – Meadow Street Partners, LLC – 6 & 30 Meadow St – Site plan review/CAM for new contractor's storage yard to store empty containers and refuse collection receptacles within 100 ft of an existing solid waste transfer station – Continue hearing from May 17, 2017**

Mr. Sumpter noted that the public hearings for both applications be combined as one. He also explained that this was a public hearing that was being continued from May 17, 2017.

Atty Hennessey continued the presentation by summarizing what questions the commissioners had from the last public hearing. These would be addressed in this continued hearing.

Peter Romano continued the presentation by discussing the height of the dumpsters, the height of the wall as well as how to deaden sound with a wooden fence. He oriented the commissioners as to the location of the property on an aerial map. He also discussed the landscaping plan which would help with the view from Village Creek in order to address their concerns. He also timed the unloading of the dumpsters. There was a discussion of the amount of dumpsters, not stacked, that would be on the site at the same time.

There was a discussion of the conditions that the applicant would agree to, including the amount of containers that would be on the site. The wall would be higher than the height of the containers being stacked. He then discussed a plan suggest by a neighbor in the case of problems at the site. There would be someone in the business who would give their contact information to the Director of Planning and Zoning to contact when there were problems at the site. There was also a discussion about the paving and the fact that the canisters would be stored on the gravel. The staff noted that vehicles are typically stored on asphalt and other paved areas. They had concerns about

runoff from the containers. Atty Hennessey said they would be empty so there was no need to be concerned about runoff and that there was a bioswale that would capture any runoff. Mr. Romano explained that there was limited area that was disrupted. The commissioners had a concern about the runoff.

There was a discussion about the truck turning patterns as well as a discussion as to a condition for the paving. There was then a discussion of the views from Village Creek. Mr. Strauch discussed the landscape plan which he believed should include higher trees on the site but were not there.

Atty. Hennessey said that he did not agree with the staff's recommendations. Mr. Kleppin made his recommendations as well. There was a discussion about the noise from the trucks backing up and how many trucks were in the fleet. There was a discussion about clarifying the landscape plan. There was also a discussion about a problem with the Department of Public Works which the applicant would address.

Mr. Sumpter asked if any members of the public wished to speak about the application.

Paul Brodsky, 12 Split Rock Road, began by handing out photos of the site which he had taken the day before this public hearing, the dumpsters, standing water, debris in the containers, etc. He explained the amount of truck trips into and out of the property. He did not think it was a small operation. He thought the sound mitigation was not correct. He was concerned about the runoff into the harbor. He was not in support of the application.

Teresa Peterson, lived in Village Creek, discussed the wall to mitigate the noise. She noted that there had been no testing for this. She did not think that the company that prepared the sound report was not the proper company to do it especially because it had not done any testing. She was concerned about the quality of life in her neighborhood. She asked that one of the conditions was to have sound testing done. She also asked that operating hours be a part of the permit.

Colin Hosten, President, Village Creek Homeowners Association, said that they appreciated the efforts of the applicant to follow the regulations of the city of Norwalk. He discussed some of the elevations of Village Creek which would view the site especially in the winter when there was less coverage. He noted that there should be compromise on the landscape plan. He was also concerned about leaching of runoff into the Long Island Sound. He thought it was a good idea to have a point person at the business that would help mitigate problems.

Diane Lauricella spoke about former permits at the site. She also discussed the possibility of a referral to the Shellfish Commission. She asked that the public hearing be held open for testing from a sound company. She also asked that the applicant confirm that they could keep lead, etc. out of the Village Creek and the L.I. Sound.

Atty. Hennessey assured the commissioners that the dumpsters are empty. He also explained that the Department of Energy and Environmental Protection ("D.E.E.P") had agreed to less of a landscape plan. He reminded them about remediation that had happened on the property which brought them to this point. He also pointed out that Mr. Brodsky was on the applicant's property without permission. He said that it was easy to make the containers look bad. He explained the efficiency of the site because it was close to the dump. Mr. Romano explained that the sound company was a world renowned company and that his company had used them before. He made some concessions about the landscape plan. He also addressed the comments from the D.E.E.P.

Mr. Sumpter asked if the applicant would consider changing the application to a special permit. Atty. Hennessey was reluctant to do that. Mr. Sumpter closed the public hearing.

#### **IV. REPORT OF ZONING COMMITTEE**

##### **a. Action on Items III. a., b., c., d. and e.**

*Note: Action on zoning amendment must precede action on related Site plan review/CAM applications.*

**i. a. #3-17R – Norwalk Land Development, LLC (The SoNo Collection) – Proposed amendments to Section 118-100 to revise definition of mixed use retail shopping center development to add public realm, commercial recreation and cultural arts and entertainment facilities as additional permitted uses**

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled “#3-17R – Norwalk Land Development, LLC – Proposed amendments to Section 118-100 to revise definition of mixed use retail shopping center development to add public realm, commercial recreation and cultural arts and entertainment facilities as additional permitted uses” and dated May 9, 2017, 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). (p. 12, A.3.1.2); and
- 2) To implement the Plan of Conservation and Development to “To encourage retail activity in the West Avenue/Wall Street and Reed Putnam areas and place emphasis on pedestrian-oriented environment (p. 12A.4.1.1); and
- 3) To implement the Plan of Conservation and Development to “Modify plans for Reed-Putnam Parcels 1, 2, and 4 as amended” (A.6.1.1, p. 13); and
- 4) To implement the Plan of Conservation and Development to “Encourage retail/cultural development within the Reed-Putnam Design District and at the South Norwalk Intermodal Pulse Point to create a critical mass of activity with the Maritime Aquarium and the Washington Street Historic District” (D.7.1.2, p.33); and

**BE IT FURTHER RESOLVED** that the effective date of this action be June 13, 2017.

**Mr. Johnson seconded.**

**Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson**

**No one opposed.**

**No one abstained.**

**iii. #21-15SP/#26-15CAM – Norwalk Land Development, LLC (The SoNo Collection) – 1 Putnam Avenue/North Water Street/Crescent Street – North Parcel: Request to modify approved plans for an 8 story mixed use retail shopping center development to revise the mix of retail, restaurant/café, public improvements, to revise the total square feet of development from ±785,284 square foot to 761,251 square feet and to reduce the amount of parking provided from 2,493 parking spaces to 2,410 parking spaces**

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that the request to modify approved plans for special permit application #21-15SP and coastal site plan application #26-15CAM – Norwalk Land Development, LLC (The SoNo Collection) – 1 Putnam Avenue/North Water St/Crescent St – **North Parcel**: 8 story, ±761,251 square foot mixed use retail shopping center development with ±498,375 sf retail, ±45,392 sf restaurant/cafe and public improvements with 2,410 parking spaces in a shared garage as shown on a set of plans entitled “THE SoNo COLLECTION A GGP Retail Development Project: Final Site Plan Submission” by RTKL Architecture, Langan Engineering, Mahan Rykiel et al, dated April 15, 2016 as revised October 7th 2016 as revised by a set of plans entitled “Site Plan Approval – Spring 2017 Revisions” dated April 17<sup>th</sup>, 2017, be **APPROVED**, subject to the following conditions:

1. That the original conditions of approval shall remain in effect (except that condition #6 shall be removed); and

**BE IT FURTHER RESOLVED** that the effective date of this action be **June 13, 2017**.

**Mr. Witherspoon seconded.**

**Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson**

**No one opposed.**

**No one abstained.**

iii. **#22-15SP/#27-15CAM – Norwalk Land Development, LLC (The SoNo Collection) – 63 West Avenue/North Water Street/Pine Street Extension – South Parcel: Request to modify approved plans for an 8 story mixed use retail shopping center development to revise the mix of retail, restaurant/café and public improvements, to revise the total square feet of development from ±311,703 square foot to 206,360 square feet, to remove the proposed ±13 story, 152 room hotel, and to reduce the amount of parking provided from 558 parking spaces to 493 parking spaces**

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that the request to modify approved plans for special permit application **#22-15SP** and coastal site plan application **#27-15CAM**; Norwalk Land Development, LLC (The SoNo Collection) – 63 West Ave/North Water St/Pine St Extension – **South Parcel** - 8 story, ±206,360 square foot mixed use retail shopping center development with ±162,186 sf retail, ±14,468 sf restaurant/cafe and public improvements with 493 parking spaces in a shared garage and to remove the proposed ±13 story, 152 room hotel as shown on a set of plans entitled "THE SoNo COLLECTION A GGP Retail Development Project: Final Site Plan Submission" by RTKL Architecture, Langan Engineering, Mahan Rykiel et al, dated April 15, 2016, revised October 7th 2016, as revised by a set of plans entitled "Site Plan Approval – Spring 2017 Revisions" dated April 17<sup>th</sup>, 2017, be **APPROVED**, subject to the following conditions:

1. That the original conditions of approval shall remain in effect (except that condition #6 shall be removed); and

**BE IT FURTHER RESOLVED** that the effective date of this action be **June 13, 2017**.

**Mr. Witherspoon seconded.**

**Nate Sumpter; Lou Schulman; Doug Stern; Joe Passero; Mike Witherspoon; Galen Wells; Roderick Johnson**

**No one opposed.**

**No one abstained.**

iv. **#1-17R – Meadow Street Partners, LLC – Proposed amendment to Industrial #1 zone to allow storage of empty solid waste containers and refuse collection receptacles associated with an approved solid waste transfer station as a contractor's storage yard – Continue hearing from May 17, 2017 and**

e. **#1-17SPR/#1-17CAM – Meadow Street Partners, LLC – 6 & 30 Meadow St – Site plan review/CAM for new contractor's storage yard to store empty containers and refuse collection receptacles within 100 ft of an existing solid waste transfer station – Continue hearing from May 17, 2017**

**MR. WITHERSPOON MOVED** to send these applications back to the Zoning Committee.

**Mr. Stern seconded.**

**Nate Sumpter; Lou Schulman; Doug Stern; Mike Witherspoon; Galen Wells; Roderick Johnson**

**Joe Passero opposed.**

**No one abstained.**

v. **#1-17SPR/#1-17CAM – Meadow Street Partners, LLC – 6 & 30 Meadow St – Site plan review/CAM for new contractor's storage yard to store empty containers and refuse**

collection receptacles within 100 ft of an existing solid waste transfer station – Continue hearing from May 17, 2017

**MR. WITHERSPOON MOVED** to send this application back to the Zoning Committee.

**Mr. Stern seconded.**

**Nate Sumpter; Lou Schulman; Doug Stern; Mike Witherspoon; Galen Wells; Roderick Johnson**

**Joe Passero opposed.**

**No one abstained.**

**V. COMMENTS OF DIRECTOR**

There were no comments from Mr. Kleppin.

**VI. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

**VII. ADJOURNMENT**

**Mr. Sumpter made a motion to adjourn.**

**Mr. Witherspoon seconded.**

**Nathan Sumpter, Chair; Doug Stern; Rod Johnson; Mike Witherspoon; Joe Passero; Richard Roina; Galen Wells No one voted in opposition.**

**No one abstained.**

The meeting was adjourned at 9:19 p.m.

Respectfully submitted by,

Diana Palmentiero