

**CITY OF NORWALK
ZONING COMMISSION
September 13, 2017**

PRESENT: Nathan Sumpter, Chair; Lou Schulman; Doug Stern; Mike Witherspoon; Joe Passero; Richard Roina; Roderick Johnson; Galen Wells

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Atty Liz Suchy; Tom Nelson; Anthony Totilo; Mike Galante; Paul Brodsky; Scott Gilbert; Paxton Kinol; Craig Flaherty; Atty Jackie Kaufman; Kwesi Brown;

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7 p.m. and went over the rules of the public hearings.

II. ROLL CALL

Mr. Kleppin called the roll.

III. PUBLIC HEARINGS

a. #3-17SP/#18-17CAM/#2-17MV – Black Bridge Motors LLC – 314 Wilson Ave – Motor vehicle repairer

Atty Suchy began the presentation by handing in the certified, return receipt cards evidencing notice of the public hearing to the abutting neighbors. She then introduced the project team and continued with a brief overview of the application. She also oriented the commissioners as to the location of the property on an aerial map. She discussed the hours of operation and then The applicant has received all sign-offs except for the State's approval from the Department of Motor Vehicles.

Tom Nelson, the engineer on the project, who explained that there was not much to the plan. There were not many changes to the site. There will be no car washing on the premises and work is done within the building. There should be no effect on coastal resources.

Anthony Totilo, the architect on the project, who discussed the floor plan of the building which included offices, and bathrooms. It is a wide open space and a good space for this business.

Mike Galante, the traffic engineer, who explained the traffic report and how the analysis was done. He noted how many employees were on the property and that there were no accidents in the last 3 years. There would be an insignificant impact on traffic in the area.

Paul Brodsky, 12 Split Rock Rd., had concerns about air pollution, water pollution and noise pollution. He said they would expect the tenants to be a good neighbor. There was a discussion about the possibility of work being done after hours on the property. The applicant agreed to stipulate in the resolution that no work be done after 5 p.m. on Saturday.

Scott Gilbert, the owner, explained the restoration process and the use of water on the property. He also explained that the cars, after the restoration, were sent out to be detailed.

Mr. Sumpter closed the public hearing.

b. #4-17R – NWMFP Norwalk Town Ctr II/3 Q Property LLC – Proposed amendments to revise Design District Development Park (DDDP) criteria for developments in Central Business Design District Subarea B – Continue public hearing from August 16, 2017 and c. #2-17SPR/#14-17CAM – NWMFP Norwalk Town Ctr II/3 Q Property LLC – The Pinnacle @ Waypointe South Block - 467 West Av/17 Butler St/3 Quincy St – New 7 story, 519,820 square foot mixed use development

with 330 dwelling units, 496 seat iPic movie theater (41,604 sf), 12,209 square feet restaurant, 14,046 square feet retail, 23,979 square feet fitness center and 942 space parking garage - Continue public hearing from August 16, 2017 and d. #3-17SPR/#15-17CAM – 6 Butler Properties, LLC – 6 Butler Street – Demolish existing building at 6 Butler Street; Relocate historic building from 3 Quincy Street to 6 Butler Street; demolish a portion of the historic building and rehabilitate remaining portion of historic building for reuse as 7,680 square feet of office - Continue public hearing from August 16, 2017

Mr. Kinol began the presentation by showing the commissioners the revised landscape plan which he said there were minor changes on. He explained the changes to them which included changes would allow the pool to be on the garage. There would be more landscape area and less impervious area. He then showed them several renderings and explained the changes to each one.

Atty Kaufman introduced Craig Flaherty and discussed the landscape plan which was modified due to Department of Public Works (“DPW”) comments.

Mr. Flaherty continued the presentation by showing the commissioners the modified site plans, according to DPW comments. He also explained some further landscape plan changes.

Atty Kaufman explained that OESTA has not made a final recommendation but has received the application. (Check 31:42) They are still awaiting comments from Redevelopment Agency but they do not have them. They hope to have them by October so they can close the public hearing.

Mr. Kinol hoped that the commissioners would not wait 4 months for the Redevelopment Agency’s final review. Mr. Sumpter said they hoped it would not be waiting 4 months but that they would have to make sure the Zoning Commission completed its due diligence. Mr. Schulman said that he had seen some of their comments and that it would be in their best interest to answer the Redevelopment Agency’s comments. There was also a discussion about bike lanes and how the applicant could work with the city on them. There was a discussion about when the hearing would be closed because the commissioners had 65 days after that to vote on it. There was then a discussion of outstanding items. Mr. Kleppin said that they should be able to leave the hearing open until October and then vote on the applications that night. Atty Kaufman gave staff a letter allowing the Zoning Commission to keep the public hearing open.

Mr. Brown, the traffic engineer, continued the presentation by explaining that he would look at the bike lanes and would work with DPW to make a determination about whether they should be placed on West Avenue. Mr. Kleppin said that he had met with DPW earlier in the week and they said they would like to see bikes lanes but are not requiring them at this time. They did not think that it should be difficult to add them later. Mr. Flaherty added that this building was providing additional space which was now parking on the street. It could accommodate bike lanes later.

The public hearing would be continued until October 18, 2017.

IV. REPORT OF PLAN REVIEW COMMITTEE

a. Action on Item III. A

i. #3-17SP/#18-17CAM/#2-17MV – Black Bridge Motors LLC – 314 Wilson Ave – Motor vehicle repairer

There was a discussion about a change to the resolution before it was voted on about the hours of operation.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the applications #3-17SP/#18-17CAM/#2-17MV – Black Bridge Motors LLC – 314 Wilson Ave – Motor vehicle repairer and sales for the property 314 Wilson Avenue as shown on the site plans dated 6/30/2017 by McChord Engineering Associates, LLC, Wilton, CT and on the architectural plans dated 5/22/2017 and revised 7/11/17 by Anthony Totilo Architects and Associates, Darien, CT be **APPROVED** subject to 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 all vehicles to be repaired and / or restored shall be stored within the building and not outdoors; and
4. That there be no on-street parking of vehicles; and
5. That there be no on-street parking for patrons or employees; and
6. That there shall be parking only in designated spaces as shown on the approved site plan; and
7. That there be no temporary signs erected at the site; and
8. That no off-premise signs are permitted; and
9. That any graffiti on the site, now or in the future, is to be removed immediately; and
10. That all signage, existing and proposed, be in compliance with the Zoning Regulations; and
11. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
12. That there are no storage containers on site, and
13. That all signage, existing and proposed, comply with the zoning regulations; and
14. That any graffiti on the site, now or in the future, be removed immediately; and
15. 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
16. 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
17. That any proposal to add a dumpster to the site will need an approval by the Zoning Commission; and
18. That the operating hours of the site be 9:00 a.m. to 5 p.m., Monday through Saturday and Sunday be limited to appointments only; 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 September 22, 2017.

Mr. Passero seconded.

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

No one opposed.

No one abstained.

b. #4-17CAM – ServPro – 173 Main Street – Indoor contractors parking facility - Report & recommended action

Mr. Schulman asked whether the applicant's attorney, Atty Suchy, had addressed the commissioners' concerns about the aesthetics of the property. Mr. Wrinn said they were incorporated into the resolution.

***** MR. PASSERO MOVED: BE IT RESOLVED** that the application #4-17SPR, for an indoor contractors parking facility at 173 Main Street for ServePro, as shown on the floor plans by ADA Architects, Norwalk, CT dated 7/11/17 be **APPROVED** with the following conditions:

1. That all equipment, supplies, and vehicles other than personal vehicles of staff be stored indoors at all times; and
2. That, as recommended in the traffic report, stop bars and stop signs be located on the site, at the exit of both Catherine St. and Main St. exits; and
3. That any future tenant seeking to reuse the building as an Indoor Contractors Parking facility apply and receive approval of the Zoning Commission prior to occupancy in order to verify that the future use and traffic load is appropriate for the area; and
4. That all lighting, existing or proposed, be properly shielded and screened to prevent any lighting off the property; and
5. That the large storage containers at the SE end of the building be removed off the property; and
6. That any subtenant occupying the space shown as a separate storage space at the SE end of the

- building receive a tenant fit up and occupancy permit
7. That the large used signbox on the Catherine Street side of the building be removed unless a complying sign utilizing that signbox is proposed prior to occupancy of the building. This is no way prohibits any legally complying signage in the future from being installed on the building; and
 8. That no maintenance work be performed on the vehicles stored in the garage; that all maintenance be performed offsite; and
 9. That all backing maneuvers be done on the property, either inside the building or

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 22, 2017.

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

c. #24-95CAM – Crystal LLC (Grasso) 314 Wilson Avenue – Landscape berm along Village Creek - Report & recommended action

***** MS. WELLS MOVED: BE IT RESOLVED** that the proposal to modify the approved site plan associated with application #24-95CAM SPR – Crystal LLC, for a contractors storage yard at 314 Wilson Avenue to allow the construction of an earthen berm with a rain garden and associated drainage with landscaping above at the eastern side of the property along Village Creek as required by the Department of Energy & Environmental Protection (DEEP) be **APPROVED** with the following conditions:

1. That the berm be constructed in accordance with the plan approved by DEEP, as described in their order of March 28, 2017, as amended (File #LIS-2015-3747-V); and
2. That no parking or storage of any materials is allowed in the area west of the rain garden, a distance of approximately 280 linear feet, from the northern end of the concrete block wall of the material pile to the southern end of the new proposed curbing; and
3. That the trees be properly maintained for the life of the project and any dead trees be replaced immediately;
4. That the proposed White Spruce trees be substituted with a species which is tolerant of salt water spray, with no change in number, size or spacing; and
5. That the surface material between the new curb remain unchanged from the original approval, specifically an asphalt surface in good condition; and
6. That the surface material to the west of the new curb remain unchanged from the original approval, specifically an asphalt surface in good condition; and
7. That this modification for the DEEP approval affects only that limited area and that the original site plan and conditions for the remainder of the site continue in force and remain unchanged.

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 22, 2017.

Mr. Passero seconded.

Nathan Sumpter; Lou Schulman; Doug Stern; Mike Witherspoon; Joe Passero; Richard Roina; Roderick Johnson; Galen Wells

No one opposed.

No one abstained.

d. #20-17CAM – Troupe 429 – 3 Wall Street – Live music request - Report & recommended action

***** MS. WELLS MOVED: BE IT RESOLVED** that Coastal Area Management #20-17CAM – Troupe 429 – 3 Wall Street – Live music request music for “Troup429 Bar & Performance Space” and as shown on the highlighted architectural drawing received by the Planning & Zoning Department on August 30, 2017 be **APPROVED** subject to the following conditions:

1. That all recommendations from the sound report be executed; and
2. That all windows and doors be closed during a live music event; and

3. That sound levels be at or below 55 decibels during the day and 45 decibels during the night; and
4. That the live music be confined to the raised stage at the rear of the tavern; and
5. That all signage, existing and proposed, comply with the zoning regulations; and
6. That any graffiti on the site, now or in the future, be removed immediately; and
7. That all needed permits from the applicable City agencies be obtained; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 22, 2017.

Mr. Passero seconded.

Nathan Sumpter; Lou Schulman; Doug Stern; Mike Witherspoon; Joe Passero; Richard Roina; Roderick Johnson; Galen Wells

No one opposed.

No one abstained.

e. #7-14SP – 587 Connecticut Storage LLC – 587 CT. Ave – Request for return of maintenance surety- Report & recommended action

***** MR. PASSERO MOVED: BE IT RESOLVED** that the maintenance surety be **APPROVED** to be released on application #7-14 submitted by Connecticut Storage, LLC and 587 CTA, LLC for the location at 587 Connecticut Ave. as all improvements have been completed and maintained; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 22, 2017.

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

f. #10-16SP – Metropolitan Realty Assoc., LLC - 1 Bates Court – New multifamily development with 40 units – Request for one year extension of approval time - Report & recommended action

***** MR. PASSERO MOVED: BE IT RESOLVED** that the request for a (1) year extension of the approval time on application #10-16SP – Metropolitan Realty Associates, LLC, 1 Bates Court, 40 residential units, be **APPROVED**.

BE IT FURTHER RESOLVED that the new deadline is November 25, 2018.

g. #15-13SP/#21-13CAM – Trinity Washington Village Ltd. Prtnrs/City of Norwalk – Raymond, Water & Day Sts. – 193 unit multifamily development – Request to modify approved plans to add new driveway on Water St.; shorten Building C; remove bridges between bldgs.; add compact car pkg spaces & related changes – Report and recommended action

***** MS. WELLS MOVED: BE IT RESOLVED** that the resolution for special permit 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 related plans dated September 19, 2013 and November 22, 2013 as revised to August 10 2017 be **approved**, subject to following conditions:

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

2. That all HVAC units shall be screened and located in conformance with the applicable zoning setbacks; and
3. That a mylar of the revised site plan be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
4. That final sign-offs from Redevelopment and Public Works be submitted prior to the issuance of a zoning permit; and

BE IT FURTHER RESOLVED that the reason for this action is that this application complies with applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that this application complies with Section 118-700 Industrial Zone. No. 1, as amended, and with applicable sections of the Building Zone Regulations for the City of Norwalk.

BE IT FURTHER RESOLVED that the effective date of this action be September 22, 2017.

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

V. REPORT OF ZONING COMMITTEE

a. Action on Items III. b., c. and d. – All of these items were moved back to committee and would be addressed at the next Zoning Commission meeting on October 18, 2017.

NOTE: Need 5 votes to approve and override Planning Commission's denial of proposed amendments

NOTE: Action on zoning amendment must precede action on site plan review/coastal site plan review

b. #X-17SPR - NWMFP Norwalk Town Ctr II/3 Q Property LLC et al - Modify Waypointe Design District Development Park (DDDP) and data accumulation plan to reduce DDDP acreage from 15.56 to 15.26 acres, to increase DDDP density from 814 units to 988 units and to increase sf of development on South Block from 345,632 sf to 519,820 sf and related changes - Report & recommended action

This item was moved back to committee and would be addressed at the next Zoning Commission meeting on October 18, 2017.

VI. APPOINTMENT OF NOMINATING COMMITTEE

Mr. Sumpter asked for volunteers for the committee, to which Mr. Passero said he would like to volunteer. Mr. Sumpter suggested having 5 commissioners on the committee but later realized that there were too many so scaled it back to 3 commissioners. There was a discussion about the fact that not all political party affiliations were being represented on the committee. Mr. Sumpter then appointed Mr. Schulman, Ms. Wells and Mr. Witherspoon.

VII. APPROVAL OF MINUTES: August 16, 2017

**** MR. SCHULMAN MOVED** to approve the Zoning Commission minutes of the meeting on August 16, 2017.

Mr. Witherspoon seconded.

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

**No one opposed.
Mr. Passero abstained.**

VIII. COMMENTS OF DIRECTOR

There were no comments from the director.

IX. COMMENTS OF COMMISSIONERS

Mr. Schulman thanked the chair for ending the meeting before 8:15 p.m.

Mr. Passero noted that this was the 2nd year in a row that there were no Republicans on the nominating committee for the Zoning Commissioners.

X. ADJOURNMENT

**Mr. Passero made a Motion to Adjourn
Mr. Witherspoon seconded.
Nathan Sumpter; Lou Schulman; Doug Stern; Mike Witherspoon; Joe Passero;
Roderick Johnson; Galen Wells
No one opposed.
No one abstained.**

The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Diana Palmentiero