

**CITY OF NORWALK  
ZONING COMMISSION  
October 18, 2017**

**PRESENT:** Nathan Sumpter, Chair; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells

**STAFF:** Steve Kleppin; Mike Wrinn

**OTHERS:** Atty. Al Vasko; Patricia Gill; Frank Diurno; Jim Kousidis; Jimmy Dimitrogou; Atty. Joseph Williams; Jim Galella; Patrick O’Leary; David Westmoreland; Fran DiMeglio; Ernie DesRochers; Frank DiNicola; Maglie \_\_\_\_\_; Atty. Jackie Kaufman; Paxton Kinol; Mike Mushak; Peter Libre

**I. CALL TO ORDER**

Mr. Sumpter opened the meeting at 7:02 p.m. and discussed the rules of the public hearings.

**II. ROLL CALL**

Mr. Kleppin took the roll.

**III. PUBLIC HEARINGS**

**a. #7-17SP/#22-17CAM – Third Taxing District – 16 & 18 Rowan St – Construction of storage building for public utility supply & storage facility**

Mr. Sumpter opened the public hearing.

Attorney Al Vasko introduced the members of the project team and handed in the certified, return receipt cards evidencing the notice of the public hearing to the abutting neighbors. He then oriented the commissioners as to the location of the property on an aerial map. He described the application to them as well.

Patricia Gill, the architect on the project, who explained the type of structure that it would be by showing them the site plans. It would be used for storage for the equipment. There was a discussion as to why it didn’t have to have access under the Americans with Disabilities Act (“ADA”).

Atty. Vasko continued the presentation regarding storm water drainage systems. He then described the proposed landscaping but he said because of the substation that not many trees could be planted. He then said that he believed the application met all the Zoning regulations.

No one spoke for or against the application. Mr. Sumpter closed the public hearing.

**b. #5-17SP/#21-17CAM – Dimitrogou – 198-200 East Ave – 14 unit multifamily development**

Mr. Sumpter opened the public hearing. Frank Diurno introduced the project team members. He then explained the application to the commissioners. He showed them the project on site plans, which would be on the rear of the property.

Jim Kousidis, the civil engineer of the property, who continued the presentation by explaining that his firm had prepared the utilities, etc. for the property. He also explained the parking lot, recreation areas. He said that the application had received approvals from various City departments. There was a discussion of the screening with arbor vide on East Avenue. There was a discussion of a sprinkler system which Mr. Passides said was not provided. There was also a discussion of the traffic study which some commissioners felt was questionable.

Jimmy Dimitrogou said that he had spoken to the traffic engineer who was not available to be at this public hearing. He explained how he had broken down the car trips. Mr. Wrinn read from the traffic report, prepared by the applicant’s traffic engineer. There was a discussion about having a right turn only at the site; however, he explained that there are 2 traffic lights which make it easier to come out of the site, without having a right turn only.

There was a discussion about the landscaping plan. Mr. Diurno explained where a fence would

be which would block it from the surrounding neighbors. Mr. Dimitrogou said that he would have to speak with the owner of Dunkin' Donuts to find out where the fence would be placed. There was a discussion of the lighting on the property. Mr. Diurno said that there might be one area where there would be light bleeding off the property.

Mr. Sumpter opened the public hearing to the public for comments. No one spoke for or against the application. Mr. Diurno concluded by explaining the intent of the application which was to provide housing for those looking for more affordable housing near the railroad.

Mr. Sumpter closed the public hearing.

**c. #1-17M/#7-17R/#4-17SP - Cumberland Farms, Inc. – 2-4 West Main Street/125-131 Main Street – Proposed change to Building Zone Map from D Residence in part & Business #2 in part to entirely Business #2 zone and d. #7-17R - Cumberland Farms, Inc. – Proposed amendments to Section 118-1010 to remove text regarding a minimum distance of two thousand (2000) feet between gas stations and e. #4-17SP - Cumberland Farms, Inc. – 2-4 West Main Street/125-131 Main Street – New gas station with 6 pump islands and 4,794 sf retail store**

Mr. Sumpter opened the public hearing.

Atty. Joseph Williams continued the presentation by explaining that he had provided a copy of the slide presentation. He then introduced the project team and handed in the certified, return receipt cards evidencing the notice of the public hearing to the abutting neighbors. He gave a brief history of Cumberland Farms which started in 1939. The company also donates funds to children's hospitals in the areas that their stores are located. He then gave a brief history of the current location which was built in about 1940. He also explained what would happen to the current location, as well as showed them pictures of what a new location looked like in Milford. He then discussed the current text of the regulations and what was proposed to change. He also discussed the history of the present regulations by discussing the minutes when the original regulations were passed in 1969. It seemed that there were some businesses for the regulations and others were against. It did not seem that any residents spoke at the hearing. He stated 3 reasons to approve the text amendment changes.

Atty. Williams then discussed the zone change by showing the commissioners an aerial view of the property. He then showed the pictures of the current neighborhood. Much of the neighborhood is now residential townhouses. He then showed them pictures of the structures that are currently on the property. He also discussed areas that would be landscaped. He then explained that the applicant would make a donation to an affordable housing fund. He noted that the Planning Commission had denied the applications and why the applicant had shown that it met the requirements of the regulations. He discussed the Plan of Conservation and Development ("POCD") as it related to the application. He noted that all utility wires would be buried underground. He also discussed that the commissioners had received letters of support from neighbors. He also referenced an article from the Norwalk Hour about the healthy choices of food that were offered at the new Milford store.

Jim Galella, the civil engineer on the project, continued the presentation, by showing the commissioners a survey which showed them the combining of the lots. He explained that the current lot was various different zones. He then explained what zones they were proposing and that all the structures on the lots would be demolished. He explained the structures that would be constructed as well as a retaining wall.

There was a discussion about the parking spaces and the truck turning radius. There will be no left turns out of the site, as per the state's Department of Transportation ("DOT"). He also discussed curb cuts and lighting. He then discussed the landscaping plan in detail. He discussed the new sidewalks that would be installed. Utilizes would be located underground. There would be a public school bus stop as well as public bus stop at their location. He also discussed the drainage report which the Department of Public Works ("DPW") said was "acceptable." The applicant is decreasing impervious areas. He also discussed the signage on the properties. He then discussed the building itself by showing them the proposed facility.

There was a discussion about the additional parking. He showed them how the fuel trucks would enter and exit the site, as well as where the deliveries would be made. Peter Yasky addressed concerns

about parking along West Main Street. He said that he had spoken with the Chief of Police but suggested that the applicant should speak with the Norwalk Parking Authority which they had not done as of this public hearing.

Patrick O'Leary, the traffic engineer on the project, to explain how the study was completed. He noted that traffic counts had gone down over the last 10 years, according to the DOT. He also discussed the trip generation as well as the level of service at the site. He addressed some parking spaces that were on West Main Street. He did not think that they were actually not being used at this time. They had received preliminary analysis from the DOT. He said this area was not a viable cut through route. They would put up signage to encourage drivers how to get to other roadways and not go into the neighborhood. There was a discussion as to the applicant mitigating traffic and affecting levels of service.

Atty. Williams summarized the application and noted that it met all Zoning requirements. Mr. Sumpter opened the hearing to the public for comments.

David Westmoreland spoke as an individual but noted that he was the Chair of the Historical Commission. He noted that the Zoning application was filed but that there was no notification to the Historical Commission since historical structures would potentially be demolished by this project. He noted that there are other parts of the POCD which were not being addressed especially those that said that historical structures should be preserved. He also noted that sometimes developers buy properties and then let the structures fall into disrepair. He asked for time to research the properties. He is concerned about the commercialization of this area. He thought that the neighbors should be concerned about parking being taken away from the area. He asked that the public hearing be continued for further public comment.

Fran DiMeglio, Chair of the Planning Commission, spoke about why the Planning Commission denied the application. She said that the Planning Commissioners thought that it did not meet the requirements POCD. She felt that it was being "dropped" into the neighborhood. It did not fit into the neighborhood because trucks would be coming into the neighborhood for gas.

Ernie DesRochers spoke in support of the application. He also was a Zoning Commissioner a few years ago. He explained why the application should be approved. If it was not approved, a more intensive use could be constructed on the property.

Frank DiNicola spoke in support of the application but he did have a concern about the traffic entering and exiting onto Main Street.

Maglie \_\_\_\_\_, West Main Street, spoke against the application. She was concerned about there being a school bus stop at the Cumberland. She was also concerned about parking and the traffic. She asked them to be concerned about the people that lived in the neighborhood.

Atty. Williams asked whether the Zoning Commission would like to address the concerns this evening or would the applicant would be asked back. He said that the structures on the property could be moved to another site, if residents would like to do that. He was not aware of the structures being historical. He noted that Cumberland Farms was leasing the property. The applicant would be open to the structures being moved. He also noted that other properties had been looked at around the city but that this was the best site. It would be an aesthetic improvement.

There was a discussion about tractor trailers being maneuvered on the site to deliver fuel. There was a discussion of the times of the deliveries of gas and groceries. Augie Vulcans discussed the types of trucks that would be used to deliver, which are 18 wheelers. He said there are no deliveries during school bus pickups and drop-offs. Atty Williams said that the applicant could commit to deliveries being in off-peak traffic times.

There was a discussion about whether to continue the public hearing. Mr. Schulman asked for it to be continued, Mr. Roina agreed. Mr. Passero did not agree to continue it. Ms. Wells thought it was a thorough presentation and could vote on it but would not mind holding it open. Mr. Johnson agreed. Mr. Witherspoon and Mr. Sumpter agreed to hold it open. Some commissioners wanted further clarification of some issues, including parking. It was decided that the public hearing would be continued to the Commission's next regular meeting on Wednesday November 15, 2017. Mr. Witherspoon read the denials from the Planning Commission into the record.

**f. #8-17R – Wall Street Theater Company, Inc –Proposed amendments to Article 121 to revise Signs in Central Business Design District to permit marquee signs with digital changeable copy and related technical amendments and g. #6-17SPR – Wall Street Theater Company, Inc – 71 Wall Street - Add new marquee sign with two digital panels and a new projecting sign to façade of the Wall Street Theater**

Before the applicant began, Mr. Sumpter called for a 5 minute recess. The meeting resumed at 9:31 p.m. and Mr. Sumpter opened the public hearing.

Atty. Jackie Kaufman began the presentation by introducing those on project team and handed in the certified, return receipt cards evidencing the notice of the public hearing to the abutting neighbors. She noted that there was a booklet that was passed out so that the commissioners could follow along with her presentation. She then oriented the commissioners as to the location of the property on an aerial map. She also described the property. She explained that many people did not realize that the theater was open because there is no signage. She explained the history of the property and showed them some historical photos. No one is sure when the marquis sign was removed. She then explained what the applicant was requesting for the signage. She explained the changeable, lighted copy and when it was proposed to be on. She noted the letters of approval that the applicant had received, including from the Historical Society.

Mr. Schulman noted that the signs had been fabricated before this application had been approved. Atty. Kaufman noted that the applicant had thought these signs would have been an over the counter permit but were then made aware that they would have to submit an application to the Zoning Commission. In the future, Mr. Schulman did not think that this was a good practice.

Mr. Sumpter asked if the applicant could move to public comment. No one spoke in favor or against the application. Atty. Kaufman added a couple of letters in support to the record. Mr. Witherspoon read the approval from the Planning Commission. Atty. Kaufman asked that the effective date be immediate so that the applicant could process the historical credits. Mr. Wrinn said that it would have to be published first and then it would be effective. Mr. Sumpter closed the public hearing.

**h. #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 September 13, 2017 and i. #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 sf retail, 23,979 sf fitness center and 942 sp pkg garage - Continue public hearing from Sept 13, 2017 and j. #3-17SPR/#15-17CAM – 6 Butler Properties, LLC – 6 Butler St – Demolish existing building at 6 Butler St; Relocate historic building from 3 Quincy St to 6 Butler St; demolish portion of historic bldg and rehabilitate remaining portion of historic bldg for reuse as 7,680 sf of office - Continue public hrg from Sept 13, 2017**

Mr. Sumpter noted that these amendments would be heard together. Atty Kaufman introduced the project team and then reminded the commissioners of the proposed applications.

Mr. Kinol noted that the Redevelopment Agency had recently approved the plans. He then showed them the changes the Redevelopment Agency requested which included windows which could display art in the movie theater, and changes to the façade. Windows would be clear to be able to bring the inside out. There would also be a fountain in the area. There was a discussion about the iPic entrance. Mr. Schulman thought that some areas did not focus on West Avenue. He was concerned that one could not see anything from West Avenue. There was a discussion about the recent application for changes to the sign manual.

Atty. Kaufman discussed the text amendments which would include personal services establishments. She noted why the applicant thought this would be a good inclusion. There was a discussion of the bike lanes. She also noted that there would be parking spaces on West Avenue and the developer could eventually put bike lanes. Mr. Kinol said that they would add bike lanes or parking spaces, whichever the city wanted. Atty Kaufman said that she was providing copies of the Workforce

Housing Plan to the commissioners and that they were evenly spread out through the buildings.

Mike Mushak said he was speaking as a private citizen. He had concerns about the parking on this street. He made a request for a change which would not remove parking on the street so that the applicant did not have to come before the Zoning Commission again later. He also noted that research said there was a 20% increase in retail sales where there are bike lanes. Craig Flaherty explained some calculations which agreed with Mr. Mushak's comments.

Peter Libre spoke in support of the bike lanes. He was an ophthalmologist who noted that many people were getting cataracts younger because of unhealthy lifestyles. He discussed the bike lanes in NYC. He also noted that eventually West Avenue could not have all the cars on it that are projected in the next 10 years.

Atty. Kaufman said that she did not have a rebuttal. Mr. Kinol asked if the commissioners could vote on this item so that he could complete his financing.

**k. Proposed amendments to By-Laws and Rules of Procedure Zoning Commission**

Mr. Sumpter opened the public hearing. Mr. Kleppin explained why these amendments were being recommended. Duplication of items as well as clarification of the election process.

No one spoke for or against the amendments. Mr. Sumpter closed the public hearing.

**IV. REPORT OF PLAN REVIEW COMMITTEE**

**a. Action on Item III. a. and b.**

**i. #7-17SP/#22-17CAM – Third Taxing District – 16 & 18 Rowan St – Construction of storage building for public utility supply & storage facility**

**\*\*\* MR. JOHNSON MOVED: BE IT RESOLVED** that application #7-17SP/#22-17CAM, submitted by the Third Taxing District of Norwalk, or a new 4,500 sf storage facility for electrical equipment and supplies at #16-18 Rowan Street, as shown on plans by Gill and Gill Architects, 39 Wall Street, Norwalk, CT dated July 13, 2017, as amended be **APPROVED** with the following conditions:

1. That any additional required soil erosion and sedimentation controls be installed at the direction of the Zoning Commission staff; and
2. That all required soil erosion and sedimentation controls be installed prior to the start of any construction at the site; and
3. That no backing into the building from Rowan Street is allowed; and
4. That all required CEAC signoffs are submitted prior to the issuance of a zoning approval; and

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable coastal area management policies; a and

**BE IT FURTHER RESOLVED** that this application complies with the Neighbor Business Zone regulations and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended; and

**BE IT FURTHER RESOLVED** that a Special Permit Certificate and map be placed on the Norwalk Land Records;

**BE IT FURTHER RESOLVED** that the effective date of this action be October 27, 2017.

**Mr. Schulman seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**ii. #5-17SP/#21-17CAM – Dimitrogou – 198-200 East Ave – 14 unit multifamily development**

**\*\*\* MR. JOHNSON MOVED: BE IT RESOLVED** that application #5-17SP/#21-17CAM – Dimitrogou – 198-200 East Ave – 14 unit multi-family development, and as shown on combination map dated 12/2/2016 by Shevlin Land Surveying, LLC (Fairfield, CT), Michael S. Shevlin, Jr., CT. LIC. 70339; and on the engineering plans by Kousidis Engineering (Westport, CT), dated 8/17/2017 and revised to 9/27/2017 and the architectural plans by Balance Architecture (Norwalk, CT) dated 8/17/2017 and revised to 9/25/2017 be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; 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 all soil and erosion controls be in place and verified by an inspection by Staff prior to the start of any work on the site; and
5. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
6. That if there is a proposed dumpster outside that it be locked and properly screened; and
7. That the hours of garbage pick-up be no earlier than 7 a.m. and no later than 7 p.m. and that any deliveries be no earlier than 8 a.m. and no later than 6 p.m.; 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 maintenance plan be submitted and that any proposed system be properly maintained; and
11. That any changes to the plan be reviewed and approved prior to those changes being implemented; and
12. That any graffiti on the site, now or in the future, be removed immediately; and
13. That all HVAC units shall be located in conformance with the applicable zoning setbacks; and
14. That any sidewalks to be replaced be a full 5' clearance from any obstruction; and

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-510, "Neighborhood Business Zone," and 118-1450 Special Permit and 118-1110 Coastal Zone ; and

**BE IT FURTHER RESOLVED** that a Certificate of Special Permit AND map be placed on the Norwalk Land Records; 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 October 27, 2017.

**Mr. Passero seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**b. #15-15SP – 150/166/170 Glover LLC – 166 Glover Av (now 200 Glover Av) – Grist Mill Village Bldg B - 230 unit Commercial PRD – Request for 1 year extension of approval time - Report & recommended action**

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application #15-15SP - 150/166/170 Glover, LLC – **166 Glover Avenue Building B** – 230 unit Commercial Planned Residential Development and related site improvements as shown on

a certain set of plans entitled "Grist Mill Village **Building B**: Special Permit Approval" by Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers, dated September 17, 2015 as revised to December 9, 2015 and related site plans and drawings, 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 **January 29, 2019**;

**BE IT FURTHER RESOLVED** that the effective date of this action be October 27, 2017.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**c. #16-15SP – 150/166/170 Glover LLC – 174 Glover Ave (now 200 Glover Av) – Grist Mill Village Bldg C - 250 unit Commercial PRD – Request for 1 year extension of approval time - Report & recommended action**

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application #16-15SP - 150/166/170 Glover, LLC – **170 - 174 Glover Avenue Building C** – 250 unit Commercial Planned Residential Development and related site improvements as shown on a certain set of plans entitled "Grist Mill Village **Building C**: Special Permit Approval" by Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers, dated September 17, 2015 as revised to December 9, 2015 and related site plans and drawings, 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 **January 29, 2019**; and

**BE IT FURTHER RESOLVED** that the effective date of this action be October 27, 2017.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**d. #6-13SP/#10-13CAM – G. Ely & Sons Inc. 71-75 Rowayton Ave – 8 unit multifamily development – Request for release of maintenance surety - Report & recommended action**

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that the maintenance surety be **APPROVED** to be released on application #6-13SP/#10-13CAM submitted by R. Grosvenor Ely & Sons, Inc. for the location at 71 & 77 Rowayton Avenue as all improvements have been completed and maintained; and

**BE IT FURTHER RESOLVED** that the effective date of this action be October 27, 2017.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**e. #10-15SPR – Chick-Fil-A – 467 Connecticut Av – Modification to add additional parking on land leased from the State - Report & recommended action**

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that application #10-15SPR, Tucker Management, LLC for 2 individual buildings at 467 Connecticut Avenue/Rampart Road, consisting of a 2 story Chick-Fil-A restaurant with a drive up service window and a separate 2 story 10,000 SF retail furniture building, have condition #10, which stated no access to the State of Connecticut property along

I-95 through this parcel be replaced with a new condition #10, to read as follows:

1. That access to vehicle parking on the State of Connecticut property is allowed, based on a lease being in place and that no parking for commercial or construction vehicles occur on the leased parcel and that approval from the Conservation Dept. is obtained for the change;

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be October 27, 2017.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero;  
Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

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

a. **Action on Items III. c., d., e., f., g., h., i., j., and k.**

**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**

i. **#1-17M Cumberland Farms, Inc. – 2-4 West Main Street/125-131 Main Street – Proposed change to Building Zone Map from D Residence in part & Business #2 in part to entirely Business #2 zone and #7-17R#7-17R - Cumberland Farms, Inc. – Proposed amendments to Section 118-1010 to remove text regarding a minimum distance of two thousand (2000) feet between gas stations and iii. #4-17SP - Cumberland Farms, Inc. – 2-4 West Main Street/125-131 Main Street – New gas station with 6 pump islands and 4,794 sf retail store**

The public hearing on these three items was continued to the November 15, 2017 Zoning Commission meeting.

**#8-17R – Wall Street Theater Company, Inc – Proposed amendments to Article 121 to revise Signs in Central Business Design District to permit marquee signs with digital changeable copy and related technical amendments**

**\*\*\* MS. WELLS MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#8-17R – Wall Street Theater Company, Inc – Proposed amendments to Article 121 Sign Regulations to revise Signs in Central Business Design District to permit marquee signs with digital changeable copy and related technical amendments**" and dated August 28, 2017 to allow a marquee sign with digital changeable copy (automatic) and a projecting sign on a theater located in CBDD Subarea A, be **APPROVED**;

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

1. To implement the Plan of Conservation & Development to "Continue to review and improve sign regulations" (F.4.1.4, p.43); and
2. That it is recommended by the Planning Commission that the zoning commission require a condition that the lighting intensity of the automatic changeable copy sign follow industry standards in regards to glare and brightness and be equipped with mechanism to automatically adjust the brightness based on the environmental conditions of the moment, to be monitored by the Zoning Officer; and
3. It is further recommended that the automatic changeable copy sign be turned off 1 (one) hour after the close of the establishment.

**BE IT FURTHER RESOLVED** that the effective date of this action be October 27, 2017.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero;  
Richard Roina; Galen Wells**

**No one opposed.  
No one abstained.**

v. **#6-17SPR – Wall Street Theater Company, Inc – 71 Wall Street - Add new marquee sign with two digital panels and a new projecting sign to façade of the Wall Street Theater**

**\*\*\* MS. WELLS MOVED: BE IT RESOLVED** that site plan application #6-17SPR submitted by the Wall Street Theater Company to add a new marquee sign with two digital panels and a new projecting sign to the façade of the Wall Street Theater as shown on a set of plans entitled "Wall Street Theater 71 Wall Street Norwalk, CT." prepared by ABC3i.com and dated August 22, 2017 and related submissions be approved, subject to the following conditions:

1. That any required CEAC signoffs be submitted prior to the start of construction; and
2. That any graffiti on the site, now or in the future, be immediately removed; and
3. That the lighting intensity of the automatic changeable copy sign follow industry standards in regards to glare and brightness and be equipped with mechanism to automatically adjust the brightness based on the environmental conditions of the moment, to be monitored by the Zoning Officer; and
4. That the automatic changeable copy sign be turned off 1 (one) hour after the close of the establishment.
5. That *any* modifications to the approved plans, including any changes to the approved uses, be submitted to the Zoning Commission for review and approval; and
6. That this approval includes only the signs shown on the submitted plans and that any additional signs be submitted to the Zoning Commission for review and approval prior to installation; 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 Section 118-504 Central Business Design District, Section 118-1295 I. Signs in Central Business Design District and related sign regulations as amended, and with the applicable sections of the Building Zone Regulations for the City of Norwalk.

**BE IT FURTHER RESOLVED** that the effective date of this action be October 27, 2017.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**#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 September 13, 2017**

***NOTE: Need 5 votes to approve and override Planning Commission's recommendation to deny***

**\*\*\* MR. JOHNSON MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled "**#4-17R – 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 May 18, 2017 **as modified October 18, 2017 to retain the word "active"**, be approved; 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 27, 2017.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**#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 sf retail, 23,979 sf fitness center and 942 sp pkg garage - Continue public hearing from Sept 13, 2017**

**\*\*\* MS. WELLS MOVED: BE IT RESOLVED** that site plan application #2-17SPR and coastal site plan application #14-17CAM - NW MFP Norwalk Town Center II, LLC & 3Q Property LLC – 467 West Avenue/17 Butler Street/3 Quincy Street (Waypointe South Block) – New 7 story, 519,820 sf mixed use development with 496 seat iPic theater, **0 sf retail, 22,509 sf restaurant**, 3,602 sf office, 23,979 sf fitness center and 330 multifamily dwelling units with new public amenities to permit one (1) additional story and 4 feet inches bonus height and 153,754 sf bonus floor area with 942 space parking garage within a Design District Development Park as shown on a set of plans entitled "The Pinnacle at Waypointe Norwalk CT." by Redniss and Mead and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, dated July 21, 2017 **as revised to October 9, 2017, be APPROVED**, subject to the following conditions:

1. That revised Waypointe Design District Development Park (DDDP) master plan as shown on a plan entitled "Data Accumulation Plan depicting property surveys within Waypointe Design District Development Park Norwalk CT." dated revised to **October 17, 2017** to permit shared parking between parcels and increases in permitted FAR, coverage and density shall be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final certificate of zoning compliance (CZC); and
2. That a final Workforce Housing Plan showing a total of thirty three (33) workforce housing units shall be submitted for Commission review and approval and shall include deed restriction documents, architectural floor plans and a breakdown of the number of studios, one bedroom, two bedroom and three bedroom workforce housing units; the final Plan shall be submitted for Corporation Counsel review prior to filing on the Norwalk Land Records. All such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
3. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and
4. That all traffic improvements, including improvements, including those required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
5. That a final Covenant Regarding Amenities and Bonus Amenities Exhibit showing wider sidewalks and a through block arcade which ensures the continuous operation and maintenance of each of the public amenities, including 18,737 sq. ft. of wider sidewalks and a 14,535 sq. ft. through block arcade as shown on a Bonus Amenity Exhibit dated July 21, 2017 and on related plans by Redniss & Mead, and that such amenities shall run with the land in perpetuity, shall be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC); and
6. That all CEAC signoffs shall be submitted prior to the start of construction; and
7. That the storm water maintenance plan, including the annual maintenance schedule, be made a part of this approval to verify that the proposed subsurface infiltration system is properly maintained; and
8. That all soil and erosion controls be installed prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and
9. That any graffiti on the site, now or in the future, be immediately removed; and

10. Pedestrian level windows shall remain at least 80% opaque, provided that is consistent with the design review approved by the Norwalk Redevelopment Agency and does not pose privacy issues for the tenant(s).
11. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements and that a Connecticut licensed engineer certify that the required improvements were installed to City standards; and
12. That all site improvements shown on the above-referenced plans are the applicant's responsibility including flush paver crosswalks, granite curbs, moveable furniture and any street improvement upgrades; and
13. That the landscape plan be revised to show decorative pavers on the crosswalk connecting the south block to the Stepping Stones Museum for Children and made part of this approval; and
14. That a shuttle bus service from the site to the train station be provided seven (7) days per week during AM and PM peak hours for at least one (1) year from the date of issuance of a certificate of zoning compliance (CZC); and
15. A modified site plan shall be submitted to the Planning and Zoning Department for review, prior to obtaining any zoning permits for this project, which indicates a seventy (70) foot wide road clearance on West Avenue, containing the 1) existing travel lanes; 2) existing on-street parking on the west side of West Avenue; 3) on-street parking as proposed by the applicant; and 4) five (5) foot wide bike lanes on both the east and west sides of West Avenue, in order to confirm that the components contained in this paragraph and their respective dimensional standards are feasible.
16. Sidewalk widths may be reduced to thirteen (13) feet from the proposed fifteen (15) feet, in order to accommodate future bike lanes on West Avenue, provided the combined amenity space of the revised sidewalk area and the proposed through-block arcade justify the amenity bonus' requested by the applicant.
17. That the idling of delivery vehicles on site shall be prohibited. The property owner will inform vehicle operators of this prohibition by posting the appropriate language in designated delivery areas; and
18. That any modifications to the approved plans, including any reduction in active area contained in the Zoning Information Table dated 12/20/16, revised through 10/17/17, be submitted to the Zoning Commission for review and approval.

**BE IT FURTHER RESOLVED** that this application complies with applicable coastal resource and use policies; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B, 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 October 27, 2017.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**#3-17SPR/#15-17CAM – 6 Butler Properties, LLC – 6 Butler St – Demolish existing building at 6 Butler St; Relocate historic building from 3 Quincy St to 6 Butler St; demolish portion of historic bldg and rehabilitate remaining portion of historic bldg for reuse as 7,680 sf of office - Continue public hrg from Sept 13, 2017**

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that site plan review application **#3-17SPR/#15-17CAM** - 6 Butler Properties, LLC – 6 Butler Street – New 7,680 sf office building 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 May 17, 2017 **as revised to October 9, 2017**, be **approved**, subject to the following conditions:

1. That any modifications to the approved plans be submitted to the Zoning Commission for review and approval; and
2. That the stormwater maintenance plan, including the annual maintenance schedule, be made a part of this approval to verify that the proposed subsurface infiltration system is properly maintained; and

3. That all soil and erosion controls be installed prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and
4. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; and
5. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements and that a Connecticut licensed engineer certify that the required improvements were installed to City standards prior to the issuance of a final certificate of zoning compliance (CZC); and
6. That all CEAC signoffs be submitted prior to the start of construction; and

**BE IT FURTHER RESOLVED** that this application complies with applicable coastal resource and use policies; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B 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 October 27, 2017.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**Proposed amendments to By-Laws and Rules of Procedure Zoning Commission**

**\*\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** that the proposed amendments to the By Laws and Rules of Procedure for the Norwalk Zoning Commission as shown on a certain document entitled "By-Laws and Rules of Procedure Zoning Commission Norwalk, CT" and dated November 15, 2017", be **APPROVED**.

**BE IT FURTHER APPROVED** that the effective date of this action be January 1, 2018.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**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**

**\*\*\* MS. WELLS MOVED: BE IT RESOLVED** that the request to revise the Waypointe Design District Development Park as noted below and to adopt a new master plan for the Waypointe Design District Development Park (DDDP) as shown on a plan entitled "Data Accumulation Plan depicting property surveys within Waypointe Design District Development Park Norwalk CT" dated July 21, 2017 **as revised October 17, 2017** and related plans by Redniss and Mead Engineers, Penney Design Group, Gooding Architecture, Didona Associates Landscape Architects, LLC et al for each Block within the 15.26 acre DDDP, be **APPROVED**, subject to the following revised conditions:

- 1) That any modifications to the blocks and/or parcels within the Design District Development Park requires review and approval by the Commission; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended.

**BE IT FURTHER RESOLVED** that the effective date of this action be October 27, 2017.

**VI. REPORT OF NOMINATING COMMITTEE: Election of Officers**

Mr. Schulman, who was appointed to the Nominating Committee, said that they had met and discussed the Zoning Commission. All three members believed that the Zoning Commission was operating well and that everyone was comfortable with one another. He then said that they recommended Nathan Sumpter for Chair, Louis Schulman as Vice Chair and Mike Witherspoon as Secretary. He added that they agreed that the following year they should give others the opportunity to lead. There were no nominations from the floor.

**MR. SCHULMAN MOVED** to nominate Nathan Sumpter, Chairman, Louis Schulman, Vice Chair and Michael Witherspoon, Secretary

**Mr. Passero seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**VII. APPROVAL OF MINUTES: September 13, 2017**

**\*\* MR. PASSERO MOVED** to approve the Zoning Commission minutes of the meeting on September 13, 2017.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

**VIII. COMMENTS OF DIRECTOR**

Mr. Kleppin had no comments.

**IX. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

**X. ADJOURNMENT**

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

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Mike Witherspoon; Rod Johnson, Louis Schulman; Joseph Passero; Richard Roina; Galen Wells**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 11:01 p.m.

Respectfully submitted,

Diana Palmentiero