

**CITY OF NORWALK
ZONING COMMISSION
November 14, 2018**

PRESENT: Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Galen Wells; Kelly Straniti; Mike Witherspoon; Frank Mancini

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Atty. John Bove; Martin Marciano; Wayne D'Avanzo; Tod Bryant; Atty. Hennessey; Paxton Kinol; Jason Schuler; John Edmondson; Kim Morque

I. CALL TO ORDER

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

II. ROLL CALL

Mr. Kleppin called the roll. Mr. Sumpter then explained the rules of the public hearings.

III. PUBLIC HEARINGS

a. #10-18SP/#15-18CAM – BPC Capital Management. V, LLC – 87 East Avenue – 6 unit multifamily

Atty John Bove began the presentation by handing in the certified, return receipt cards evidencing notice of the public hearing, as well as a letter of support for the application. He then introduced the project team. He gave a brief history and overview of the property. He noted that it has been a doctor's office as well as a 2nd family residence. The proposed property would now house 6 units with parking and recreation space, among other things. The application also included a traffic report which noted that the traffic would not have an impact on East Avenue.

Martin Marciano, the architect, continued the presentation by discussing the site plan. The recreation area would include paving and grills for use by the residents. It would be landscaped as well. He noted that the building was neglected. He then discussed the unit locations. He showed them the layouts of the different floors. There was a discussion about ingress and egress on the 3rd floor of the building since there was only 1 way in and out. The concern was about emergencies. Mr. Marciano explained that there were emergency rescue openings in the windows of the bedrooms. He then discussed the addition on the original house. He showed them what is existing currently. They also saw the various elevations of the buildings.

Mr. D'Vanzo, the engineer on the project, continued the presentation. He explained that his company had reviewed what is currently on the property as well as designing a new retention system and galleries. He said that it met all of the city's requirements.

Mr. Schulman noted that the 25 year storm data was inadequate due to the storms that the city was witnessing in the recent past. Mr. Wrinn said that Department of Public Works was aware of it.

Tod Bryant, Morgan Ave., noted that he was not far from where this property was. He said that he was aware of Mr. Craighead's work and was complimentary to what he had done to preserve historical buildings in the city. He did note that this building was based upon a design in Virginia. He also wondered why the Historical Commission had not been asked to comment on this project since it is on the National Register. He then noted that there are certain requirements that should be followed and read some of them into the record. He had concerns about the size and its relation to the other building. He also showed them a picture of the house when it was nominated to the National Register which was taken in 1986. He submitted it for the record.

No one else spoke for or against the application.

Attorney Bove noted that Mr. Craighead always did a quality job on preserving historical buildings and that the city had hired their own consultant to review the plans.

Mr. Sumpter closed the public hearing.

IV. DISCUSSION/ACTION ON PENDING APPLICATIONS

a. Action on Item III. a

Mr. Mancini said that he believed that it met all of the requirements and was in favor of the application. Ms. Straniti appreciated the comments from Mr. Bryant and was in favor of the project. Mr. Roina agreed with his fellow commissioners and would vote in favor of it. Ms. Wells thought that it would help save the building. Mr. Schulman had nothing to add. Mr. Witherspoon also agreed that he did not want to see the building deteriorate and was happy to see this project. Mr. Sumpter thought it was appropriate to have more units in this area of the city.

****MS. STRANITI MOVED: BE IT RESOLVED** that application #10-18SP/#15-18CAM – BPC Capital Mgmt. V, LLC – 87 East Ave – 6 unit multi-family residence, and as shown on the zoning location survey dated 8/24/2017 and revised to 11/13/2018 by Arcamone Land Surveyor (Norwalk, CT), Wayne J. Arcamone, CT. LIC. 15773; and on the engineering plans by Fairfield County Engineering (Norwalk, CT) dated 10/12/2018; and the architectural Fieldler Marciano Architecture (NYC) dated 9/26/2018 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 the 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
15. That the ground floor of the carriage house be used for two (2) parking spaces; and
16. That the top floor of the carriage house not be a residential unit and that an affidavit to such be submitted and placed on the Norwalk Land Records; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-500, "East Avenue Village District," 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 November 23, 2018.

Mr. Witherspoon seconded.

Nathan Sumpter; Louis Schulman; Richard Roina; Galen Wells; Kelly Straniti; Mike Witherspoon; Frank Mancini voted in favor.

No one opposed.

No one abstained.

b. #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 sf mixed use development with 330 dwelling units, 496 seat iPic movie theater (41,604 sf), 22,509 sf restaurant, 0 sf retail, 23,979 sf fitness center and 942 space parking garage - Status report and c. #3-17SPR/#15-17CAM – 6 Butler Properties, LLC – 6 Butler St – Demolish existing building at 6 Butler St; dismantle historic building at 3 Quincy St; reconstruct/rehabilitate historic bldg.; reuse as 1,395 sf restaurant on first floor & 3,840 sf office on second floor – Status report

Mr. Sumpter agreed to hear these two items together. Atty Hennessey began the presentation and noted that they were before the Zoning Commission at their direction. He noted that the permit had been extended 90 days until January of 2019. He introduced the project team so that they could answer questions from the commissioners. He also noted that his client, Paxton Kinol had written a letter to the commissioners which they had already received.

Mr. Kinol continued the presentation by showing the commissioners pictures of the piles of dirt that are on the site. Mr. Sumpter noted that they wished to see the completion of the project and eliminate the piles. Mr. Kinol explained that the site was being used by the construction crew of the mall and how they were used the dirt.

Jason Schuler, Sr. Project Contractor of AMEC, for the SoNo Collection, continued the presentation by orienting the commissioners as to the location of the dirt piles on an aerial map. He noted that much of the dirt would have to go back to these areas to create foundations. There are 2 piles which are being depleted. On another aerial map he showed them the Pinnacle, the AMEC transfer station and the SoNo Collection site. He also noted that these routes were minimizing truck traffic to the mall. Mr. Schuler explained that they looked to industrial areas to minimize impacts on residential neighborhoods. These were the closest areas to the SoNo Collection which would add 6 weeks of construction.

There was a discussion about why this had not been cited because this was an illegal action. Mr. Schulman believed that it was not allowed because it was not properly permitted. He thought that it should be removed at the end of three months. Mr. Kinol explained that the SoNo Collection had come to his company to ask to put the dirt on the site of the Pinnacle. He also noted that every major department had known about the plan because it was in the best interest of the city. Mr. Kleppin noted that the permits that were requested were only for the Pinnacle, and not for the SoNo Collection. He did, however, agree that this might be the best place for the dirt and the best solution. There was a question as to whether this was a violation on the property or not. Mr. Kleppin did not remember being asked for a permit to store dirt on the Pinnacle site. Atty Hennessey noted that the city did know, during weekly meetings with the SoNo Collection and the city, that the dirt would be moved to the Pinnacle site. Mr. Kinol noted that he had been told several times, since they were being “good neighbors” by helping the SoNo Collection, they did not need a permit from DPW which they normally would. Mr. Kleppin did note that the Pinnacle site is not a contractor’s yard but did not make a big issue of it because it would be temporary. Mr. Sumpter noted that they needed clarity on what was happening at this site. Mr. Roina said that it seems there was a misunderstanding and if they could

legitimize this process, he would be happy to approve it. Mr. Kleppin noted that they do not have to take action on this and they were trying to be flexible. Atty Hennessey said that this was done for altruistic reasons and that it would not be a continuing violation. He suggested a solution which included milestones for moving the dirt. Mr. Kinol noted that they had used the SoNo Collection's site during the construction of his buildings down the street. After the soil is removed, it would take at least 27 months but that the iPic movie theater was going bankrupt. They would need another movie theater. He also noted that there would be more tweaks before they could pull building. John Edmondson, head of the SoNo Collection Mall operations, continued the presentation by discussing the timeline of when the piles of dirt would be removed which should be about June of 2019. The mall should open by October 11, 2019. Mr. Mancini agreed this is the least impact on the city. Mr. Edmondson noted that this was the least impactful to public safety. Mr. Sumpter said that they had received a lot of clarity in tonight's meeting. Atty Hennessey said that he would need an extension for the Pinnacle project as well as setting up a schedule for the removal of the piles. Ms. Straniti noted that she did not think it was necessary to set up a schedule. There would be a letter submitted requesting an extension for the Pinnacle project.

d. #9-11SPR/#22-11CAM – North Water, LLC - 20 North Water Street (Ironworks) – 133,035 sf mixed use development with 108 units, 6,002 sf retail, 8,898 sf restaurant 8,898 sf – Request to modify approved plan - Report & recommended action

Kim Morque, from Spinnaker, began the presentation by explaining the modifications to the site plan. He explained that the Walk Bridge project would impact their business in 2019 and 2020 for electrical disruptions. He then showed them the existing conditions and the proposed conditions. The existing included the first floor where the fountain and parking facility was. The North Water St. would be impacted by lane closures in 2019 and 2020 when the bridge would be constructed. He was requesting entrance and exit on Washington St. when North Water St. was closed. There was a discussion about the parking spaces in the circle, which had been removed, and how the two lanes would work. Mr. Marquay said that they would like to make the changes permit. There was a discussion about having the applicant go to DPW and work with the staff as well. Mr. Marquay asked for a decision this evening. There would be no changes to the gate and parking facility from North Water St. The fountain would remain but it would be two ways. Signage would have to be changed.

****MR. SCHULMAN MOVED: BE IT RESOLVED** that the proposed modification to the approved site plan for #9-11SPR and coastal site plan #22-11CAM; North Water, LLC – 20 N. Water St for a 133,035 sf. mixed use development with 108 multifamily dwelling units, 7,700 sf retail, 6,000 sf office, 7,200 sf restaurant and related site amenities including 10 public parking spaces, a pedestrian plaza and a water feature as shown on a set of plans entitled "The Norwalk Company, North Water Street, Norwalk, CT." by Beinfield Architecture, PC; Rotondo Engineering, LLC; Eric Rains Landscape Architecture, LLC and related plans dated February 3, 2012 as revised to November, 2018 to provide a temporary two-way internal driveway during closures of North Water Street be **APPROVED**, subject to the following conditions:

1. That the original driveway configuration be restored and the North Water Street entrance to the site be reopened at the conclusion of the construction; and
2. That the applicant ensures the continuous operation and maintenance of each of the three (3) proposed site amenities, including a 3,015 sq ft public pedestrian plaza reserved and available for public use at all times, a 1,567 sq. ft. water feature in the center of the plaza and 10 public parking spaces, which shall run with the land in perpetuity; and
3. That all other conditions of approval remain in effect and any additional changes be brought to the Commission for review and approval; and
4. That staff shall confirm with the Department of Public Works whether drivers can safely make a left turn onto Washington Street. If Public Works determines that is not safe, the applicant shall install a no left turn sign; and

BE IT FURTHER RESOLVED that the effective date of this action be November 23, 2018.

Mr. Roina seconded.

Nathan Sumpter; Louis Schulman; Richard Roina; Galen Wells; Kelly Straniti; Mike Witherspoon; Frank Mancini voted in favor.

No one opposed.

No one abstained.

V. APPROVAL OF MINUTES: November 1, 2018

**** MR. SCHULMAN MOVED to approve the November 1, 2018 Zoning Commission minutes.**

Mr. Witherspoon seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Kelly Straniti; Richard Roina voted in favor.

No one opposed.

Michael Witherspoon and Frank Mancini abstained.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin said that the 2nd draft of the POCD would be out in the first week of December. The East Ave. TOD study would be started soon as the contract would be signed shortly. Mr. Wrinn also noted that the December 6 Zoning Commission meeting had been cancelled. The proposed revocation permit regulations would be re-drafted and discussed at their December 12 meeting.

VII. COMMENTS OF COMMISSIONERS

Most of the commissioners did not have any comments. Mr. Schulman apologized for his "passion" during the previous discussions for the Pinnacle and SoNo Collection which were based on his past interactions with Mr. Kinol. There was a further discussion about the excavation permits that Mr. Kinol had spoken about earlier.

VIII. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Nathan Sumpter; Louis Schulman; Richard Roina; Galen Wells; Kelly Straniti; Mike Witherspoon; Frank Mancini voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 9 p.m.

Respectfully submitted,

Diana Palmentiero