

**CITY OF NORWALK**  
**ZONING COMMISSION**  
**August 1, 2019**

**PRESENT:** Nathan Sumpter, Chair; Louis Schulman; Mike Witherspoon; Richard Roina; Stephanie Thomas; Frank Mancini; Rod Johnson and Galen Wells (after the roll call)

**STAFF:** Mike Wrinn; Steve Kleppin (8:30 p.m.)

**OTHERS:** Atty. Liz Suchy; Andy Soumelidis; Michael Mitchell; George Dumitru; Atty. Jeff \_\_\_\_\_; James Elkins; Orlando Giacchetta; Atty. Jackie Kaufman; David Sands; Jason Schuler (AMEC); Atty. John Bove; Colin Grotheer;

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Mr. Wrinn called the roll. Mr. Sumpter then proceeded to discuss the rules for the public hearings.

**III. PUBLIC HEARINGS**

**a. #7-19R – Marco C. Perry - Proposed amendments to permit artist live/workspace as a new principal use in the SoNo Station Design District and b. #3-19SP/#3-19SPR/#6-19CAM – Marco Perry – 3 & 5 Raymond Street – Renovate ±3,648 square foot building for reuse as two residential dwelling units and one artist live/workspace unit**

Mr. Sumpter opened the public hearing by explaining that the public hearing would be for both applications. Atty. Suchy began the presentation by handing in the certified, return receipt cards evidencing the notification of the public hearing to the abutting neighbors. She introduced the project team members as well as Mr. and Mrs. Perry. She then showed the commissioners the site plan of the current building as well as a picture of the existing structure. She gave them a brief of history of the building including previous uses of it. She showed them various art pieces of Mr. Perry's father which he had created in this building. She explained the shape of the building as well as the neighboring buildings. It had been in an industrial zone in the past. She explained the text amendment of the live/workspace which would also include residential spaces. She then showed them the proposed site plan. They were requesting 2 parking spaces, rather than the required three spaces. She explained the Special Permit application as well. She also noted that there were several other commissions that this project had to meet with as well as city departments for approvals.

Mr. Soumelidis continued the presentation by orienting the commissioners as to the location of the property and explained the curb cuts. He explained the proposed drainage as well. He also noted how the building would be brought up to code with regards to the drainage. The utilities would remain the same. The lots would be merged.

Mr. Mitchell, the landscape architect, continued the presentation by showing the commissioners the plantings on the site plan. There was also a discussion of the parking spaces, one being in the building and the other is outside.

Mr. George Dumitru, the architect on the project, continued the presentation by showing the commissioners the renderings of the outside of the property. He then showed them pictures of the outside of the property. He also noted that some of Mr. Perry's sculptures will be on the outside, in the back. He wanted to feature his work. He noted that they would change windows and the garage door

to be more appealing. Since it is an historical building, they would be cleaning it as well. There would not be many changes because of this. There was a discussion of the residential units in the building. There would be a studio, or possibly a 1 bedroom. The other would be a 3 bedroom unit to be used by the owners.

Atty. Suchy discussed that there are ongoing discussions with the Redevelopment Agency about having several of Mr. Perry's sculptures on display in Ryan Park.

There was then a discussion about what happens when the property is sold and whether the space would still be used as an artist space. The commissioners wondered how it would be monitored. Atty. Suchy made suggestions.

Mr. Sumpter thought that it would be a good idea to have the sculptures on display in the park. There was a discussion about having enough parking for the building, since there are 3 units, one being the workspace. There was a discussion about how this text amendment would affect the rest of the district.

Atty. Suchy noted that since the Planning Commission had not acted upon this application yet, the applicant realized that the Zoning Commission would have to make a decision at their next meeting. Mr. Sumpter opened the hearing up for comments from the public but there were none. Atty. Suchy asked for an approval from the commissioners. Mr. Sumpter noted that they public hearing would be kept open, waiting for the Planning Commission's referral.

#### **IV. DISCUSSION/ACTION ON PENDING APPLICATIONS**

##### **a. Action on Items III. a. and b.**

These items will be held over until the August 21, 2019 Zoning Commission meeting.

##### **d. #14-18SP – Home Depot – 600 Connecticut Ave – Modification of outdoor storage & sales – Status review & recommended action**

Mr. Sumpter opened the presentation while he waited for the applicant to arrive for #b and #c. Mr. Wrinn began since Home Depot had not met several of the conditions that they were required to do. He also referenced pictures from today that the staff had provided.

Jeff \_\_\_\_\_ 185 Asylum St. Hartford, CT, the attorney for the applicant and said that there were no complaints from the customers. He addressed the fact that some of the conditions had been met but some were out of their control. One condition was painting the ground which had to go through corporate approvals. There was a discussion about signage and using temporary signage.

James Elkins, the store manager, spoke about the signage and said temporary signs were out since the product was out. He did not have the specified signage but that everything was safe. Mr. Wrinn said that there were still safety features that had not been put in place until recently. The commissioners noted that next time nothing would be in stock until all of these conditions had been met.

There was then a discussion about the fence in the back between Home Depot and the neighbor. Mr. Elkins said that they would be able to meet the September 15 deadline. Mr. Wrinn showed the commissioners a site plan which showed problems on the site. Atty. \_\_\_\_\_ addressed Mr. Wrinn's concerns about the barriers and said that it would be fixed the following day. There was a

discussion about the location of the bollards. There was then a further discussion about the signage which had been late to be put up. There was also a further discussion about the barriers and keeping the customers safe.

Atty. \_\_\_\_\_ said that everything would be completed the following day.

Orlando Giacchetta, 95 Keeler Avenue, one of the neighbors, noted that it was noisy after 10 p.m. It was under his bedroom window. Trucks would idle all night long.

Mr. Elkins said that Home Depot was a 24 hr. operation and that the beepers were in place to keep employees safe. He would work with Zoning Department staff to mitigate the noise. The commissioners asked Mr. Elkins to address this again in September. Mr. Orlando that the noise was okay before the Garden Center was installed recently. He said that the noise ordinance said that they should stop after midnight. Mr. Orlando's suggestion was to put a police officer there to see if this was a continuing problem. There was a discussion as to whether the fence would help but Mr. Orlando's fence sits high up. Mr. Elkins said that he would have to reach out to vendors about having the trucks idling. There was a discussion about exemptions from OSHA about the back-up noises. Mr. Wrinn suggested a white noise back-up. There was a discussion about contacting the vendors about the delivery trucks.

Mr. Wrinn said that the staff would go out to the site tomorrow to see if the items had been addressed. If not, a cease and desist letter would be sent out. They would also work with the police department. He also noted that this approval would end on September 15 because it was for the Garden Center and they would have to return next year for it again.

**e. #13-16SP – The Village – 272-280 Main Avenue – 103,000 sf retail – Extension of time – Report and recommended action**

Mr. Wrinn said that the applicant was looking for an extension in case they could not obtain their Building permit in September.

Atty. Suchy said that Mr. Wrinn had noted everything adequately. They were asking for a 1 year extension. They would like to begin building soon. There was a discussion about a lawsuit on the property but had been settled. There was a tenant but she was not authorized to state who it was.

**\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** that the 1 year extension be **GRANTED**.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina;; Frank Mancini; Stephanie Thomas and Galen Wells voted in favor.**

**Rod Johnson opposed.**

**No one abstained.**

**b. #2-17SPR/#14-17CAM – NW MFP Norwalk Town Center II, LLC & 3Q Property LLC – 467 West Av/17 Butler/3 Quincy St –The Pinnacle – Demolish existing bldgs, relocate historic bldg. from 3 Quincy St to 6 Butler St; construct new 7 story, 519,820 sf mixed use development with 330 dwelling units, 496 seat iPic movie theater (41,604 sf), 22,209 square feet restaurant, 0 sf retail, 23,979 sf fitness center and 942 sp. pkg. garage in a Design District Development Park (DDDP) – Request for extension of approval time - Report and recommended action and c. #3-17SPR/#15-17CAM – 6 Butler Properties, LLC – 6 Butler St – Demolish existing bldg @ 6 Butler,**

**dismantle existing historic building at 3 Quincy St for use as 1,395 sf restaurant & 3,840 sf office – Request for extension of approval time - Report and recommended action**

Mr. Sumpter noted that these two applications would be discussed together. This item was delayed until the applicant arrived.

Atty. Kaufman began the presentation by introducing the project team. She then said they would explain about the piles which were to be moved. She explained that Toll Brothers would now own the Pinnacle but that it was why there were requesting an extension of time. The contract had now been signed but transfer would occur with 60 days which could bring them to approximately October 11. She noted that there could be design review by the new owners and this was why they were requesting a 1 year extension.

There was a discussion about making this the final extension since the zoning had changed in this area. Atty. Kaufman noted that they were eager to get this project started.

Atty. Kaufman also reported about the piles that had to be removed. She said that 40% had been removed and was continuing. The completion would be in 60 days from this date. It is a requirement of the contract between the developer and the new owners. Jason Schuler, 145 Main Street, AMEC, explained the further removal of the piles. Some would go back to the mall but others would go to New York. This is the only zoning violation on the property.

**\*\* MR. JOHNSON MOVED: BE IT RESOLVED** that the request for a THIRD extension of approval time for site plan review 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 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 **no later than October 11, 2020**; and

**BE IT FURTHER RESOLVED** that the effective date of this action be **August 9, 2019**.

**Ms. Wells seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Frank Mancini;**

**Rod Johnson and Galen Wells voted in favor.**

**Stephanie Thomas opposed.**

**No one abstained.**

**\*\* MR. JOHNSON MOVED: BE IT RESOLVED** that the request for a THIRD extension of approval time for site plan review application **#3-17SPR/#15-17CAM** - 6 Butler Properties, LLC – 6 Butler Street – New 2 story building with 1,395 sf restaurant on the first floor and 3,840 sf offices on the second floor 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 October 9, 2017 as revised to February 27, 2018, 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 **no later than October 11, 2020**; and

**BE IT FURTHER RESOLVED** that the effective date of this action be **August 9, 2019**.

**Mr. Johnson seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Frank Mancini; Stephanie Thomas; Rod Johnson and Galen Wells voted in favor.**

**No one opposed.**

**No one abstained.**

## **V. REVIEW AND ACTION ON NEW APPLICATIONS**

### **a. #7-19CAM/#4-19SPR – Rowayton One Eleven LLC - 111 Rowayton Ave – New five unit building – Report & recommended action**

Mr. Wrinn said that this was a brand new building. Atty. John Bove began the presentation with an overview. He said that an office building would be demolished and 5 residential units would be constructed. He introduced the project team.

Colin Grotheer, the architect on the project continued the presentation. He noted the location of the property and showed the picture of the current structure. He then showed them the renderings for the new structure. It would emulate the fishing culture of the 5 Mile River and discussed Beinfield Architecture's influence in the Rowayton Village District. There would be open access on the property. There would be 2 units on each floor and a penthouse unit on the top floor. They would be condominiums.

Atty. Bove asked the commissioners if they had any questions for the project team. Mr. Wrinn said that the consultant for the Rowayton Village District would make recommendations for the project. Those comments would be necessary before the public hearing. There was a discussion about the public access on the property. Eventually all of these walkways would be connected. There was a discussion about the public hearing date.

**\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** this application be sent to a public hearing as soon as available.

**Mr. Johnson seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Frank Mancini; Stephanie Thomas; Rod Johnson and Galen Wells voted in favor.**

**No one opposed.**

**No one abstained.**

### **b. Discussion of zoning regulations evaluation**

Mr. Kleppin began the discussion by explaining that there was a budget request in the Operating Budget to have a consultant review the zoning regulations. Developers and members of the public would be able to comment, as well as the Zoning Commission. There was an RFP out for the

consultants. Zoning Commissioners would be involved with the interviews. When the regulations were being revised, there would be a broader group involved. The consultant would help to line up the regulations with the Plan of Conservation and Development ("POCD"). Some regulations, such as TOD regulations, would probably remain the same. He gave examples of some parts of the regulations did not seem to work well. He also noted that his staff did not have the time to re-write the regulations so that is why a consultant would be hired to do the re-write.

**VI. APPROVAL OF MINUTES: July 17, 2019**

**\*\* MR. JOHNSON MOVED to approve the July 17, 2019 Zoning Commission minutes.  
Mr. Roina seconded.  
Nathan Sumpter; Richard Roina; Rod Johnson and Galen Wells voted in favor.  
No one opposed.  
Mike Witherspoon; Louis Schulman; Stephanie Thomas; Frank Mancini abstained.**

**VII. COMMENTS OF DIRECTOR**

Mr. Kleppin said that he would not be available on September 5 due to a conflict.

**VIII. COMMENTS OF COMMISSIONERS**

Mr. Schulman discussed the electronic billboards and that the Zoning Commission was not fond of them. He asked if they could move the number from 30 to zero. He did not want new ones to be installed if ones were taken down. He asked if it was something they wanted to pursue. Some of them liked them while others did not. There was a discussion about the price of current ones.

**IX. ADJOURNMENT**

**Mr. Roina made a Motion to Adjourn.  
Mr. Witherspoon seconded.  
Nathan Sumpter, Chair; Louis Schulman; Mike Witherspoon; Richard Roina; Stephanie Thomas; Frank Mancini; Rod Johnson and Galen Wells voted in favor.  
No one opposed.  
No one abstained.**

The meeting was adjourned at 8:46 p.m.

Respectfully submitted,

Diana Palmentiero