

**CITY OF NORWALK
ZONING COMMISSION
April 17, 2013**

PRESENT: Emily Wilson, Chair; Jill Jacobson; Nathan Sumpter; Joseph Santo; Jim White

STAFF: Michael Wrinn; Dori Wilson; Brenda Hrtanek

OTHERS: Ron Kellogg; Atty Liz Suchy; Tom Rich; Andrew Hill; Kristen Sokich; Aris Stalis; Tom Aubrey; Joe Bruno; David Romanoff; Eric Raines; Tom Blair; Tad Diesel; Edward J. Musanti, Jr; Maria Bryant

I. CALL TO ORDER

Emily Wilson called the meeting to order at 7:30 p.m.

II. ROLL CALL

Mr. Wrinn called the roll call.

III. PUBLIC HEARINGS

a. #1-13M – G. & M. Vona – 15 Arch St/Lynes PI - Proposed change to the Building Zone Map from AAA &D Residence to entirely D Residence and b. #2-13SP – G. & M. Vona – 15 Arch Street & Lynes Place - 12 unit multifamily development

Emily Wilson opened the public hearing. Ron Kellogg, who represented the applicant, began the presentation. He turned in the certified, return receipt cards to the Zoning Department staff. He discussed the property on the map. He went over the reason for the zone change. Previously, it had first been unzoned and then the Zoning Commission made it a Triple A zone, which is the most difficult residential zone. The applicant has all sign-offs and has complied with all zoning requirements. There were no questions from the commissioners. No members of the public spoke in support or against the application. Ms. Jacobson read a referral from the Planning Commission, which approved the application, into the record. Mr. Kellogg also said that the applicant would have pervious pavers on their walkways; however, the city sidewalk would be made of concrete. Mr. Santo asked Mr. Wrinn if the staff had looked at the landscaping plan. He said they had and that it looked nice. Emily Wilson closed the public hearing.

c. #16-12R - TR Sono Partners, LLC – Proposed amendment to allow valet, tandem or stacked parking for multifamily developments of more than 50 units in the Washington Street Design District and d. #1-13SPR/#1-13CAM – TR Sono Partners, LLC – 99 Washington St - Modify approved site plan for a 52unit multifamily development to add 14 units for a total of 66 units, to convert parking garage from 90spaces to a 154 space garage with valet, tandem, compact and stacked parking and eliminate 24 offsite parking spaces at 43-47 South Main Street

Atty Suchy began the presentation. She turned in the certified, return receipt cards to the Zoning Department staff. Since there are three applications, she asked that the public hearing be the public hearing for all three of them and that the testimony of one be the same for all three. She gave an overview of the F.D. Rich Company, affiliated with T.R. Sono Partners, which owns properties in South Norwalk as well as invests in the

community through the Sono Arts Festival and other community activities.

She then discussed the current property which has a building on it, with offices and a restaurant, as well as a parking lot which holds 45 parking spaces. It is also close to the Norwalk River so that the application is also a CAM application. The Zoning Commission in 2012 approved a building on this site which included three floors of parking garage. The current application seeks to modify the approval by converting one of the floors of the parking garage to residential units. Another application is a text amendment to allow for valet, stacker and tandem parking. The number of parking spaces would increase from 90 to 154. She noted that they were adding more than enough parking spaces than the applicant is required to provide. In connection with the current applications, the applicant was asked many questions about the parking structure to which they provided numerous reports from their consultants. Atty Suchy went over the number of reports from the applicant's consultants. She said that the applicant has all but one sign-off. They are all in the file.

Tom Rich, the owner of F.D. Rich and T.R.Sono Partners, continued the presentation. He thanked the commissioners for their time on the application. He said that he would start his presentation with discussing why they had not studied this before. He discussed the differences between the current application and the application that had been approved. He showed the commissioners a slide show. One of the slides showed a normal parking garage and then he showed the average cost for each parking space, under the current approval, as well as what it would be for the current application. He was very sure the valet parking would be successful. He did not think that there were many other businesses who would want to have this type of parking.

Ulises Montes de Oca, the project's architect, continued the presentation. He explained how one floor of the project would now be residential. Nothing has changed architecturally since the last approval last year. The character of the neighborhood has been preserved. The façade will be preserved and there will be a water feature. Along with that, there are 10 public parking spaces.

Andrew Hill of Desman Associates, continued the presentation. His company, which was hired in January 2013, studied the parking issues. He discussed the analysis, the deliverables and the parking management plan that they provided. He went over the many, key questions that would be studied after their analysis. He ultimately said that the structure should be valet parking because it would be the only way for it to work. If it became a self-park structure, the number of parking spaces would have to be reduced. He discussed the required staffing. The parking structure will not cover its debt service but that was never assumed. The commissioners had asked for parking garages that would be the same as the proposed garage but his company could not find one. They did find comparable ones that Mr. Hill discussed. One such parking garage became a self-park garage. The residents became buddies, had each other's keys and stacked their own cars. This showed that the stackers are easy to use. As far as permits, valet parking was usually regulated when it was to be on public streets. If a municipality had all three, the project was usually a special permit so that it could be inspected closely. Mr. Hill also talked about technology and how it would continue to be used in parking garages. He also talked about getting more capacity in less space.

Mr. Sumpter had some questions for Mr. Hill. He asked how many valets would be needed for the peak hours. There was a parking management plan which would set forth how many hours would be necessary so that the developer could schedule and/or hire accordingly. Mr. Hill told Mr. Sumpter what the peak hours would be for the parking garage. Mr. Sumpter also asked about the name of the stacker units. Mr. Hill gave the name of the stacking unit, their reliability, safety features and redundancies

Mr. Santo asked Mr. Hill some questions as well. He asked whether they had designed stackers for outside. He said he had seen them outside. Mr. Santo then had questions about the parking and the viability of the project for TR Sono Partners. He was also concerned if the developer should ever sell the property and who would take care of the stackers. Mr. Santo asked Mr. Wrinn about the effect of the text amendment. He said that it would only affect the Washington Street Design District. Atty Suchy reminded Mr. Santo that there were other requirements that were part of the text amendment. Thus, it would not apply to all parcels. Mr. Rich also said that another owner could not unilaterally change the parking from valet to self-park. Mr. Santo said he would consider staggering the approval so that there would be valet, tandem and later stackers.

Mr. Sokich, who works for ProPark America, continued the presentation. He gave a background of his company. He said that the trend for parking was non-traditional solutions and using technology. The parking garages of the future will be known as urban mobility centers. More people than ever will live in urban areas and many more will own electric cars. They will be able to plug them in at a parking garage. The parking garages will not be traditional anymore. He said they have many tools to manage parking garages efficiently. His company believed that the project would work.

Mr. Sumpter asked about the valet parking for handicapped parking. Mr. Sokich said that the Americans with Disabilities Act does not require them to set aside a separate spot for them. They would leave the easiest space accessible to park for them so that they can park themselves. Mr. Santo asked what they would do if someone came into the parking garage with a modified vehicle. Mr. Sokich said that they would be directed to the front of the lot where the handicapped spots were.

Aris Stalis, of Aris Land Studio which is the landscape architect on the project, continued the presentation. He told the commissioners that nothing had changed on the landscape plan since the original approval in June of 2012. He thought that this was a smart use of space. They will be reconstructing the sidewalk. He discussed the street trees that will be replaced. There will also be brick pavers. Mr. Santo asked what the water feature looked like. Atty Suchy said that it had been modified slightly in August of 2012 with input from the Redevelopment Agency.

Mr. White congratulated Mr. Rich and his experts on their presentation which helped clarify what the parking garage would be. His concerns were alleviated. Mr. Sumpter thought the experts spent a lot of time and detail on the presentation. He thought that the city needed to expand its horizons and this project would help that. Mr. Rich complimented the Zoning Department staff. Ms. Wilson asked if there was anyone who wanted to speak on the applications.

Tom Aubrey, 125 Washington Street, thought the project would raise his property values but spoke about his concerns about the traffic on Washington Street. He noted that the drawbridge causes delays of at least 10 min. when it goes up. He questioned whether there had been a study done about it. He also noted that there was a high traffic problem on the street from 3 – 7 p.m. He was concerned that the time to get through the street would be even longer especially in an emergency.

Joe Bruno, the owner of Pasta Nostra, 116 Washington Street, was impressed by the presentation. He then gave a brief history of the various developers that have tried to develop the property as well as other properties on the street. Other developers did not want to take care of Washington Street. He was also concerned that if the parking garage became a self-park garage, how would bar patrons work the stackers. He also mentioned that since South Norwalk was not on the main power grid, there were power outages at least once a summer. With a power outage, how would the stackers work? If that happened, and his customers could not get their cars, they would not come back. He was also concerned about the cost of the parking since other towns did not charge for parking. Mr. Bruno then passed out photos to the commissioners. The photos were the current parking lot which had dumpsters in it as well as grease containers. He wondered where these dumpsters and containers would be when the building was completed. He also showed them a picture of a FedEx truck on Washington Street. He was told by the TR Rich Company that this truck should not be there since there are “No Parking” signs. He wondered then how the businesses on Washington Street will get their deliveries when the project is completed. He also wondered where the moving vans would go. He did not think that it was easy to operate a business on Washington Street.

David Romanoff, a resident of Stamford, CT, spoke in support of the amendment to the project. His company, Ackman Ziff & Co., is working for TR Sono Partners to arrange for construction financing on the project. He knows that it is a difficult financing market at the moment. Because of the addition of more units, there are two banks that are interested in loaning money for the project to move forward. He spoke from personal experience that it was sometimes difficult to park on Washington Street especially when one was trying not to miss a dinner reservation. He thought the concept of valet parking would be a great amenity for residents.

Eric Raines, 33 North Water Street, spoke in support of the project. He explained how the parking in his building was calculated. He said that the parking lot was never full. He said that since his building has a generator there has not been a problem in storms, etc.

Tom Blair, who lives in North Stamford, spoke in support of the project. He is a boater who docks his boat in Norwalk. He thought that now was the time to do this project because interest rates are so low. He also thought the parking company; ProPark was a good company that knew how to run parking garages. He said it was important that TR Sono Partners were also on Washington Street. They wanted to see the economic viability of the street be enhanced.

Tad Diesel, 21 Willow Street, Director of Marketing and Business Development, spoke in support of the project. He also apologized for not addressing his letter to the current Chairperson of the Zoning Commission, Emily Wilson.

Edward J. Musanti, Jr., President of the Chamber of Commerce, spoke in support of the project. He pointed out to the commissioners that the drawbridge would go up and traffic would stop. This was part of life in South Norwalk. Also, more residential units in the city mean more tax revenues. He also thought that the new technologies for the parking garage should be tried.

Maria Bryant, of the Norwalk Preservation Trust, spoke in favor of the project.

Ms. Wilson asked if there were any other speakers and no one responded.

Atty Suchy continued the presentation by reading some letters of support into the record. Afterwards she gave them to staff members for the file. She then began her rebuttal. She mentioned that a traffic analysis in 2012 showed that there was no adverse impact on traffic on Washington Street with the additional 52 units. The supplemental analysis was given in November 2012. She also agreed with Mr. Musanti that there is not much that can be done about the drawbridge. She addressed some of Mr. Bruno's questions. The dumpsters and the oil containers all had a place in the proposed project. She also said that it was not feasible for the property to stay a parking lot. Land was valuable so it should be put to a better use. She reminded the commissioners that they were providing more parking spaces than they were required to provide.

Mr. Santo asked about the pictures that Mr. Bruno handed to them. He wondered if the mess at the dumpsters would be considered a zoning violation. Mr. Wrinn said they would look into it. Mr. Santo then said that he did not think that the Zoning Commission needed to know about the financial problems of a developer. It was not their purview. He felt the Zoning Commission was becoming a financial board. He felt they were being influenced by knowing the financial problems. Mr. Sumpter said that he did not feel that way at all. He appreciates the fact that TR Sono Partners is coming into Norwalk to do this project. Mr. Rich reminded them that there are now more units and more parking spaces. Mr. White asked where the dumpsters would be in the new building as well as where moving vans would be when tenants began to move in. Mr. Rich said that there would be a trash room inside the building and that they would manage the moving vans to operate during off peak hours.

Ms. Jacobson read a referral from the Planning Commission which was to deny the application. Atty Suchy reminded them that the denial was written in January of 2013 before the technical memos were issued and before any further information about the parking garage was in the file. She believed that many of the concerns raised by the Planning Commission were answered through the documentation submitted the Zoning Commission.

Emily Wilson closed the public hearing.

IV. REPORT OF PLAN REVIEW COMMITTEE, JILL JACOBSON, CHAIR

a. #9-06SP – 110 Richards Ave LLC – 110 Richards Avenue – Third story, 13,056 sf office addition - Request for 1 year extension of approval time - Report & recommended action

**** MR. SANTO MOVED: BE IT RESOLVED** that the request for a one year extension of time for special permit #9-06SP - 110 Richards Avenue, LLC - 110 Richards Avenue – Renovations and addition to 110 Richards Avenue for a 116,200 sq ft office and manufacturing building as shown on various plans by Telfer-Palmquist Architects and Studio Rai Architectural Design and dated as revised to March 17, 2010 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 **April 8, 2014**; and

BE IT FURTHER RESOLVED that the effective date of this action be April 26, 2013.

**** MR. WHITE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

b. #7-09SPR – Norwalk Community Health Center – 120 CT. Ave – Health center - Release of maintenance surety - Report & recommended action

Mr. Wrinn said that there were some landscaping issues on this application. It would be revisited at a later date.

c. #2-09SPR – Tilly – 25 - 29 Bouton Street – 12 unit multifamily development – Request for 1 year extension of approval time - Report & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the approval time on #2-09SP – Tilly – 25-29 Bouton Street – 12 units of multifamily be **APPROVED** for an extension of a period of 365 days with the following condition:

1. That property taxes be kept current for the duration of the extension period;

BE IT FURTHER RESOLVED that the effective date of this approval shall be April 26, 2013.

**** MR. WHITE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

d. #6-13CAM – LaVigna – 40 Shorefront Park - New single family residence - Report & recommended action

**** MR. WHITEMOVED:BE ITRESOLVED** that application #6-13CAM, construction of a single-family residence for the property 40 Shorefront Park and as shown on the improvement location survey plan by the A-2 survey by Lewis associates, Monroe, CT, Tracy Lewis, CT LS #15160 dated 2-19-2013 and amended to 3-12-2013 and on the engineering drawings by Waldo & Associates, Guilford, CT, Robert Sonnichsen, CT Lic. Eng. #14596 dated 2-21-2013 and on the architectural drawings by LaVigna Associates, Ridgefield, CT, dated 3-20-2013 be **APPROVED** subject to the following conditions:

1. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
2. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; 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 April 26, 2013.

**** MR. SUMPTER SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

V. REPORT OF ZONING COMMITTEE, NATHAN SUMPTER, ACTING AS CHAIR

a. #1-13M – G. & M. Vona – 15 Arch St/Lynes PI - Proposed change to the Building Zone Map from AAA &D Residence to entirely D Residence and b. #2-13SP – G. & M. Vona – 15 Arch Street & Lynes Place - 12 unit multifamily development

i. ** MR. SUMPTER MOVED:BE IT RESOLVED that the proposed change to the Building Zone Map as shown upon a certain document entitled “#1-13M – G. & M. Vona – 15 Arch St/Lynes PI - Proposed Change to the Building Zone Map from AAA Residence & D Residence to entirely D Residence zone” and dated February 13, 2013 affecting property in the First Taxing District, Block 20 Lot 32, be **APPROVED**.

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

- 1) To implement the Plan of Conservation and Development policy to “Use streets, the railroad, natural features or property lines as boundaries between different land uses (F.2.1.5, p. 42)
- 2) To implement the Plan of Conservation and Development policy to “Preserve and enhance the character of Norwalk” (A.1.1.4, p. 10); and
- 3) To implement the Plan of Conservation and Development policy to “Encourage quality housing for a variety of tenures, family sizes, incomes, the senior population, and persons with special needs” (A.2.1.1, p. 10); and

BE IT FURTHER RESOLVED that the effective date of this action be April 26, 2013.

**** MR. WHITE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

ii. ** MS. JACOBSON MOVED: BE IT RESOLVED that the site plan application # 2-13SP – G. & M. Vona – 15 Arch Street/Lynes Place - 12 unit multifamily development as shown on various plans by ADA Architects dated as revised to March 15, 2013, Fairfield County Engineering, LLC dated as revised to April 1, 2013 and Land Design

Studio dated as revised to March 19, 2013, be **APPROVED**, subject to the following conditions:

1. That the drainage plan be revised to provide an on-site retention system in lieu of a pump chamber system; and
2. That a surety for the required erosion controls, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
3. That all soil and erosion controls be installed and maintained 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 any graffiti on the site, now or in the future, be removed immediately; and
5. That a Connecticut licensed engineer certify that all of the required improvements were installed to City standards; and
6. That all onsite walkways shall be constructed with permeable pavers; and
7. That a perc test be submitted prior to the issuance of a zoning permit; and

BE IT FURTHER RESOLVED that the proposed unenclosed front porches be exempt from building area calculations as per the Norwalk Building Zone Regulations, specifically Section 118-360 (C.) (7a (4)); and

BE IT FURTHER RESOLVED that the application complies with the Norwalk Building Zone Regulations, including Section 118-360 D Residence zone and Section 118-1450, Special Permit.

BE IT FURTHER RESOLVED that the effective date of this action be April 26, 2013.

**** MR. WHITE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

iii. #16-12R - TR Sono Partners, LLC – Proposed amendment to allow valet, tandem or stacked parking for multifamily developments of more than 50 units in the Washington Street Design District and d. #1-13SPR/#1-13CAM – TR Sono Partners, LLC – 99 Washington St - Modify approved site plan for a 52unit multifamily development to add 14 units for a total of 66 units, to convert parking garage from 90 spaces to a 154 space garage with valet, tandem, compact and stacked parking and eliminate 24 offsite parking spaces at 43-47 South Main Street

**** MR. SUMPTER MOVED:** To send these three applications back to the Zoning Committee.

**** MR. SANTO SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

VI. APPROVAL OF MINUTES: March 20, 2013

MR. WHITE MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 20, 2013 MEETING.

**** MR. SUMPTER SECONDED THE MOTION**

VII. COMMENTS OF ASSISTANT DIRECTOR

Mr. Wrinn said that BJ's Wholesale Club may be filing an application the next day.

IX. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

X. ADJOURNMENT

**** MR. WHITEMADE A MOTION TO ADJOURN.
** MR. SUMPTER SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Diana Palmentiero