

**CITY OF NORWALK
ZONING COMMISSION
August 21, 2013**

PRESENT: Emily Wilson, Chair; Linda Kruk; Jill Jacobson; Nathan Sumpter;
Michael Mushak; James White; Michael O'Reilly

STAFF: Mike Wrinn; Frank Strauch

OTHERS: Atty John Bove; Do H. Chung; Chris D'Angelis; Steven Cipolla; Charlie Langalis; Tom Livingston; Bill Hayes; Dana Laird; Wendy Livingston; Matt Marion; Lorraine; John Massey; Alan Lo; Bill Silver; Elisa Nelson;

I. CALL TO ORDER

Emily Wilson called the meeting to order at 7:34 p.m.

II. ROLL CALL

Mike Wrinn called the roll.

III. PUBLIC HEARINGS

a. #6-13SP/#10-13CAM - R. Grosvenor Ely - 71 & 77 Rowayton Avenue – Proposed 8 unit multifamily development

Before the public hearing opened, Ms. Wilson recused herself and left the room. Ms. Jacobson continued the meeting and opened the public hearing.

Atty Bove, the attorney for the applicant, began the presentation by handing in the certified, return receipt cards evidencing that legal notices of the public hearing were sent to the abutting neighbors. He also submitted photos for the public record. He explained to the commissioners the existing use of the commercial building and then the proposed use of the building and parking lot. The working boatyard would remain. They have obtained all the sign-offs from city departments. He then introduced the project's team.

Do H. Chung, the project's architect, continued the presentation. He gave a brief introduction of his completed projects in Norwalk. He also discussed the history of the Coastal Area Management Act in Connecticut. He described the public access. He also said that the building would be perpendicular to the water. Although the proposed building would be a similar size to the current building, it would have a less intense use as a residential property. It is a 3.5 story building. He then described the proposed building including new entry ways and living spaces which are above the levels in the FEMA regulations. He also described the building's colors and showed the materials board. Most of the units would have waterfront views except the end units which would have views of Rowayton Avenue.

Mr. D'Angelis, the engineer on the project, continued the presentation. He described the parcels, the curb cuts and the parking below the building, the water dependent uses, and the plaza for the public. He then discussed the storm water management plan which would help reduce the impervious surfaces and run-off from the site.

Mr. Cipolla, the traffic engineer, continued the presentation. He discussed the traffic impact study and how it was performed. They applied a seasonal factor to the study.

They also factored in growth in 2014. He also mentioned that there would be all way traffic signs which would have acceptable levels of service. The records they received from the Norwalk Police Department indicated that there were no accidents in the vicinity of the property. Mr. Mushak had questions about the growth rate that was applied in this traffic study.

Charlie Langalis, 11 Indian Spring Road, who was the husband of Tammy Langalis, a commissioner of the Sixth Taxing District, spoke about the City's Zoning regulations. He read from the Zoning regulations which spoke about the intent to maintain the neighborhood, water dependent uses and building designs. Any buildings along with water should have public access to the water. He asked the commissioners whether this application met these regulations.

Tom Livingston, 23 Crockett Street, agreed with Mr. Langalis. He asked the commissioners to remember the amount of traffic there is on Rowayton Avenue.

Bill Hayes, President of Oyster Wharf Condos Homeowners Association, said that the Oyster Wharf condos are adjacent to marina. Although supportive of the project, they had concerns. The first was a concern about the parking in relation to the number of boats that would be stored there. The second was the granting of the view easement for passersby and if so, what would the impact be on the project. The third concern was about the height level of the first floor. He urged the commissioners to require that floor to be raised even higher than was required. His last concern was about having a crane removed from the site. He also told the commissioners that he was not sure that his neighbors received notice of the public hearing.

Dana Laird, 214 Highland Avenue, had questions about the amount of parking and boat storage.

Wendy Livingston, President of the Rowayton Historical Society, said that she agreed with Mr. Langalis' remarks. She hoped that the building would keep the design of the neighborhood.

Matt Marion, Chairman of the Five Mile River Commission, alerted the commissioners to the fact that the Five Mile River Commission would be meeting with the applicant. He believed that their findings might indirectly impact the current Zoning Commission application.

Lorraine, a current tenant at 71 Rowayton Avenue was concerned about the views on Rowayton Avenue with a large building being built. She also thought there were cracks in the building and that it was sinking into the river. She gave some examples of what happened when there was flooding in the area.

John Massey, 36 Meeker Court, said that he agreed with Mr. Langalis' remarks. He wanted the commissioners to protect the character of Rowayton and the waterfront. He said that he was speaking against overdevelopment of Rowayton.

John Bove made his rebuttal remarks. He reminded them that the Ely's have been in the boating business from many years. They were concerned about the impact of the project on the town especially concerned about sight lines and waterfront views. He discussed the parking for the boat slips.

Chris D'Angelis continued the rebuttal. He went over the number of parking spaces and boat slips in greater detail. He also discussed the public walkway and the FEMA regulations in connection with the project. Mr. Sumpter asked what the FEMA height regulation was. Mr. Mushak asked about the environmental regulations that would

affect the property if the application was approved and construction started. Since his next question was about the excavation of the new building which Mr. Chung answered. Mr. Wrinn asked Mr. Chung whether the materials from the excavation would be taken off site. He said they would not. Mr. Sumpter asked Mr. Chung several questions about the public access.

Atty Bove then discussed the drainage on the property which he said complied with the regulations. Mr. Mushak asked about the current drainage at the site and what would happen with the drainage once the new building is constructed.

Ms. Jacobson closed the public hearing.

b. #7-13SP – Norwalk Public Schools – Naramake Elementary School – 16 King Street – Construction of 4 additional classrooms

Ms. Wilson returned to the room. Alan Lo, representing the City of Norwalk, began the presentation by introducing the application as well as the architect.

Bill Silver, the architect for the project, continued the presentation. He said that he has worked on projects in Norwalk for a long time. He also explained exactly what the project would encompass including the addition of classrooms and improving the parking situation for parents, teachers and the neighborhood. The addition will match the existing building. A storage area will be created where the elevation drops that will be used by the Board of Education during the day. The driveway will be narrow so that other drivers will not be able to use it. He discussed the storm water management and then the parking areas. He noted that with the commissioners' input, they have added more parent spaces to get cars off the street. He also explained the improvements to the entrance.

Mr. Mushak asked questions about the crosswalks and traffic calming measures. There was a discussion about the buses as well as other traffic calming measures. Ms. Wilson asked if staff would monitor the situation. Mr. Lo said that the new traffic patterns would not go into effect until 2014 and at that time, it would take at least a week to implement. Mr. White asked about police involvement. Mr. Wrinn said that the police would go to the school to help them set the rules.

Elisa Nelson, Interim Principal of Naramake Elementary School, continued the discussion. She was pleased that the children would be dismissed to both sides of the sidewalks to help with safety. She explained the buses as well as what the teachers were doing during pick-up. Mr. Mushak asked about the installation of bike racks. Ms. Nelson reminded him that since the age of the students was fairly young, she did not think that many students would use them. Mr. Mushak thought that staff might. Mr. Mushak thought that a good policy should be that bike racks should be at all schools for students and staff.

Alice Tierney, 23 King Street, was the first member of the public to speak about the application. She wondered whether the parents would follow the parking plan would since they have been parking on her lawn for years. There was a lengthy discussion about the problems that were occurring in her neighborhood from the people that were parking illegally when they picked up their children at the school.

Mr. Lo acknowledged that there is a problem and that the proposed traffic plan may be able to help it. Mr. Wrinn asked if there would be a chain across the driveway for the storage area. He said there would be. Before Mr. Lo finished the presentation, Mr. Mushak asked for clarification about the state law regarding the storm water on educational sites. Mr. White asked that Mr. Wrinn send a letter from the Zoning

Commission to the police department, pending approval of the application, for continued enforcement of the parking situation for the neighbors.

The public hearing was closed.

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

a. Action on Items III a. and b.

i. #6-13SP/#10-13CAM - R. Grosvenor Ely - 71 & 77 Rowayton Avenue – Proposed 8 unit multifamily development

Prior to the vote on this resolution, Ms. Wilson recused herself and left the room.

**** MR. SUMPTER MOVED: BE IT RESOLVED** that application #6-13SP/#10-13CAM - R. Grosvenor Ely - 71 & 77 Rowayton Avenue – Proposed 8 unit multifamily development and dock office for the existing marina, and as shown on various site and engineering and landscape plans Cabezas and DeAngelis, Bridgeport, CT and Aris Land Studio, Bridgeport, CT dated 5/3/2013 and revised to 8/1/2013 and on the Architectural Plans by Do H. Chung & Partners, Stamford, CT dated 4/18/2013 and revised to 8/1/2013 be **APPROVED** with the following conditions:

1. 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
2. That a surety, 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 in place and verified by an inspection by Staff prior to the start of any work on the site; and
4. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
5. That the owner make an application to the Department of Energy and Environmental Protection (DEEP) in order to remove one boat slip (in order to comply with the parking regulations); and
6. That the \$150 per square foot public access infringement fee be paid prior to the release of any zoning permit; and
7. That public access signs be conspicuously sited upon entering the site and along the public access route; and
8. That the proposed dumpster be locked and properly screened; and
9. That the hours of garbage pick-up and any deliveries be no earlier than 7 a.m. and no later than 7 p.m.; and
10. That all signage, existing and proposed, comply with the zoning regulations; and
11. That any graffiti on the site, now or in the future, be removed immediately; and
12. That all HVAC units shall be located in conformance with the applicable zoning setbacks.

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-530, “Rowayton Avenue Village District” and 118-1450 Special Permit; 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.

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 30, 2013.

**** MR. WHITE SECONDED.
** MOTION PASSED (4-1).**

ii. #7-13SP – Norwalk Public Schools – Naramake Elementary School – 16 King Street – Construction of 4 additional classrooms

Before the vote on this resolution, Ms. Wilson returned to the room.

**** MR. SUMPTER MOVED: BE IT RESOLVED** that application # 7-13 SP, submitted by the Norwalk Board of Education, as shown on various plans by Silver/Petrucelli & Associates, Hamden, CT, dated April 30, 2013 as amended be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That all required soil and sedimentation controls be installed prior to the start of construction and maintained until the project is completed and stabilized; and
3. That any change to the plan will require Zoning Commission approval; and
4. That any graffiti on the site, now or in the future, be removed immediately; and
5. That, as offered by the Board of Education, they have the Norwalk Police Department on site for the opening school days, in order to minimize any traffic disruptions due to the new traffic plan and to discourage any parking on residential side street; and
6. That a removable bollard will be placed across the storage area driveway;

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 the effective date of this approval shall be August 30, 2013.

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

b. #1-10SP – Tomas – 42 - 46 Stuart Avenue – Multifamily development – Request for release of maintenance surety - Report & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** that the request to release the maintenance surety held on #1-10SP – Tomas – 42 - 46 Stuart Avenue – Multifamily development – Request for release of maintenance surety be **APPROVED** as the required improvements have been properly installed and maintained; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 30, 2013.

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

c. 8-24 Review – Department of Public Works - Street Abandonment – Portion of Oakwood Avenue - Report & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission in accordance with Section 95-35 of the City Code under an 8-24 Review regarding the street abandonment of a portion of Oakwood Avenue be **APPROVED** ; and

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

To implement the Plan of Conservation and Development goal to "Improve the appearance of public plazas, streets, and rights-of way." (F.4.3. p. 44); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

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

d. #6-11SPR - SoNo Metro LLC - 11-15 Chestnut Street - Mixed use development with 11,000 sq ft office and 17 multifamily units - Request for extension of approval time - Report & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application **#6-11SPR - 11 Chestnut Street Site Plan Review** for a 24,745 square foot mixed use development with 11,000 sq. ft. office and 17 multifamily units and related site improvements as shown on a certain set of plans by entitled "11 Chestnut Street Site Plan Review" by Beinfield Architecture dated June 23, 2011 Revision 1, by Rotondo Engineering dated revised to July 13, 2011, by Eric Rains Landscape dated June 20, 2011 and related site plans and drawings as revised to August 4, 2011, 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 **September 30, 2014** and

BE IT FURTHER RESOLVED that the effective date of this action be August 30, 2013.

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

e. #15-07CAM - Harbor Avenue, LLC - 25 Harbor Avenue - Reconstruction of existing building - Request for release of surety - Report & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** that the request to release the maintenance surety held on **#15-07CAM - Harbor Avenue, LLC - 25 Harbor Avenue - Reconstruction of existing building - Request for release of surety** be **APPROVED** as the required improvements have been properly installed and maintained; and

BE IT FURTHER RESOLVED that a two (2) year, 15% maintenance surety or \$1,000.00, whichever amount is greater, be held to guarantee satisfactory performance of the required improvements; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 30, 2013.

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

f. #13-13CAM - TR Sono Partners LLC - 31-47 South Main Street - Proposed 62 space parking lot - Report & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** that coastal site plan application **#13-13CAM** by TR Sono Partners, LLC - 31 - 47 South Main Street - 62 space parking lot on three properties at 31 - 47 South Main Street as shown on a set of plans by Cabezas-DeAngelis, LLC dated May 11, 2012 as revised to November 21, 2012 be approved, subject to the following conditions:

1. That the new on site drainage be installed to ensure compliance with City standards; and
2. That all CEAC sign-offs be submitted prior to the issuance of a zoning permit; and
3. That if the applicant decides to use this lot as a permanent off-site parking lot for the new development proposed at 99 Washington Street, then a map consolidating the 3 lots (District 2, Block 45, Lots 10, 11 & 12) be filed on the Norwalk Land Records to ensure compliance with the 600 foot distance for offsite parking; 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 118-501 Washington Street Design District, as amended, and with the applicable sections of the Building Zone Regulations for the City of Norwalk.

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

g. #15-13CAM – James Falsey & Two St. James Place LLC – 41 Rowayton Av – Renovation of single family residence - Report & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** that application #5-13CAM, construction of a single-family residence for the property 41 Rowayton Avenue as shown on the A-2 Survey titled: “Zoning Location Survey of a Property Prepared For Jim Falsey, #41 Rowayton Ave., Rowayton, Connecticut, Scale: 1”=10, Date: June 27, 2013” by Arcamone Land Surveyors, LLC, Wayne Arcamone Land Surveyor – Connecticut Registration No. 15773 and on the architectural drawings dated June 28, 2013 and Revised to July 31, 2013 by Christopher Carpiello, Wilton, CT, 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; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 30, 2013.

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

h. #6-13SPR – iPark Norwalk LLC - 761 Main Ave - 6,924 sf 2nd floor addition to existing bldg - Report & recommended action

**** MR. SUMPTER MOVED: BE IT RESOLVED** that site plan application #6-13SPR – iPark – 761 Main Avenue for a 6,294 sq. ft. second story addition to an existing building and renovation of 13,700 sq ft of space within the existing building and related site improvements as shown on a certain set of plans by entitled “iPark Proposed Tenant Second Floor South” by Pustola & Associates Engineers, Amenta/Emma Architects, P.C. and related drawings as revised to July 31, 2013, be **APPROVED**, subject to the following conditions:

1. That all CEAC signoffs be submitted prior to the start of construction; and

2. That the six (6) new rooftop HVAC be enclosed to prevent noise disturbance to adjacent properties; and that all HVAC units be screened from view; and
3. That a final as-built Zoning Location survey be submitted showing the total number of striped parking spaces be submitted prior to the issuance of a Certificate of Zoning Compliance for the new tenant; and
4. That any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and

BE IT FURTHER RESOLVED that the application complies with the Building Zone Regulations for the City of Norwalk, including Sections 118-522 Business #2 zone and 118-1451, Site Plan Review; and

BE IT FURTHER RESOLVED that the effective date of this action be August 30, 2013.

**** MR. WHITE SECONDED.**

Mr. Mushak asked whether they could add a condition at this point. He also asked about the traffic going in and out of the parking lot. Mr. Wrinn said that the applicant had hired an engineer to help with the problem of the traffic. Mr. Mushak said that a condition was not necessary.

**** MOTION PASSED UNANIMOUSLY.**

i. #14-13CAM – Shorehaven Golf Club – 14 Canfield Ave – Replace 3,000 sq ft pool house & additions to tennis pro shop - Report & recommended action

**** MR. SUMPTER MOVED: BE ITRESOLVED** that application # 14-13 SP, submitted by Shorehaven Golf Club, Inc, for the replacement of a pool house and expansion of tennis pro shop at 14 Canfield as shown on various plans by KG&D Architects, Mount Kisco, NY dated 7/18/13, amended to 8/07/13 be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That all required soil and sedimentation controls be installed prior to the start of construction and maintained until the project is completed and stabilized; and
3. That any change to the plan will require Zoning Commission approval; and
4. That any graffiti on the site, now or in the future, be removed immediately; and

BE IT FURTHER RESOLVED that the application complies with the applicable Coastal Area Management resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 30, 2013.

**** MR. WHITE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

V. APPROVAL OF MINUTES: June 19, 2013

MR. WHITE MOVED to approve the minutes.

**** MS. JACOBSON SECONDED.**

**** MOTION PASSED (5-0)**

There was a discussion, started by Mr. Mushak, about the approval process of the minutes. He wondered if he had not received the minutes because he had not attended the last meeting. Mr. Wrinn could not confirm what had been sent out.

VI. COMMENTS OF ASSISTANT DIRECTOR

Mr. Wrinn notified the commissioners that the Zoning Commission meeting in September had been re-scheduled to September 19, 2013.

VII. COMMENTS OF COMMISSIONERS

Mr. White said that he had spoken with the Zoning Department staff to ask the POKO developers to come to the next Plan Review/Zoning Committee meeting on September 12, 2013.

Mr. Mushak began a discussion about the previous month's committee meeting minutes. He wondered why one of the committee minutes were not on the city's website as well as why they were not voted on and approved. He also said that he had not received them. Mr. Wrinn said he would find out why he had not received them. He also reminded Mr. Mushak that the committee meeting minutes were not voted on and that they followed Robert's Rules of Order which stated that it was important to have a record of the vote.

Mr. Mushak then asked about two items that he had requested to be on the Zoning Commission's agenda which were not added. One was for a peer review and the other was for an expanded traffic study for the BJ's Wholesale Club application. Ms. Wilson explained that she had not added them to the agenda. She said from Mr. Maslan's explanations at the previous committee meeting that she believed the Zoning Commission would be acting beyond the scope of a reasonable request. She did not feel that the Zoning Commission should be discussing and voting on something that they did not have the authority to do. Mr. Mushak felt that Mr. Maslan had been contradictory at that meeting and he would like his questions answered by staff. Mr. Mushak did not think the Zoning Commission did not have the right to request a peer review. He thought it would protect the public health and safety. Ms. Wilson thought that Mr. Maslan was clear that the commissioners should act upon what is in the regulations and not on what is not in the regulations. However, she recommended ending this discussion because this application was not specifically on the agenda and they should not be discussing it.

VIII. ADJOURNMENT

**** MR. WHITE MADE A MOTION TO ADJOURN.
** MS. JACOBSON SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Diana Palmentiero