

**CITY OF NORWALK
ZONING COMMISSION
March 19, 2014**

PRESENT: Joseph Santo, Chair; Emily Wilson; Nathan Sumpter; James White; Nora King; Linda Kruk. After the roll call: Michael Mushak; Mike O'Reilly

STAFF: Michael Greene; Michael Wrinn; Brenda Hrtanek

OTHERS: Corporation Counsel Mario Coppola

I. CALL TO ORDER

Mr. Santo called the meeting to order at 7:31 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

III. REPORT OF PLAN REVIEW COMMITTEE, NORA KING, ACTING AS CHAIR

a. #2-03SP/#6-03CAM - City of Norwalk - Calf Pasture Beach Rd – Restaurant – Request for 1 year extension of approval time – Report & recommended action

**** MS. KING MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit #2-03SP/#6-03CAM - City of Norwalk - Calf Pasture Beach Concession as shown on various plans by Robert Storm Architects dated revised to February 11, 2003, be **APPROVED**, subject to the following conditions:

1. That the original conditions of approval remain in effect; and
2. That the new approval deadline for obtaining permits will be **March 31, 2015**; and

BE IT FURTHER RESOLVED that the effective date of this action be March 28, 2014.

**** MS. WILSON SECONDED.**

**** MOTION PASSED (6-0).**

b. #2-08SPR/#2-08CAM – Norwalk Land Development (formerly 95/7 Ventures LLC) - West Av/Putnam Av & Reed St – North of Reed St – ±605,000 sf mixed use development in a Design District Development Park (park includes #5-11SPR – South of Reed St) - Request for 1 year 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 #2-08SPR and coastal site plan application #2-08CAM; 95/7 Ventures, LLC – 105-141 West Avenue/3-11 Reed Street/1-41 & 62-64 Putnam Avenue - ±605,000 square foot mixed use development (Phase 1) with 507,596 sq ft office, 88,094 sq ft of retail (including 15,000 GSF of restaurant space) in 4 new buildings within a design district development park as shown on a set of plans entitled "District 95/7 South Norwalk, Site Plan Review Submission" by Beyer Blinder Belle Architects & Planners, LLP; MPFP; and Stantec Consulting, dated January 17, 2008 as revised to March 13, 2008, be approved, subject to the following conditions:, 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 4, 2015**; and

BE IT FURTHER RESOLVED that the effective date of this action be March 28, 2014.

**** MS. WILSON SECONDED.**

**** MOTION PASSED (6-0).**

c. #6-10SP/#9-10CAM – Cedar Hammocks, LLC - Cedar Hammock Island – Single family residence - 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 #6-10SP/#9 -10CAM – Cedar Hammocks, LLC - Cedar Hammock Island – Single family residence - Request for 1 year extension of approval time **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; and

BE IT FURTHER RESOLVED that the new deadline to obtain zoning and building permits will be July 30, 2015.

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 28, 2014.

**** MS. KRUK SECONDED.**

**** MOTION PASSED (6-0).**

d. #7-08SP - SoNo Field House – 350 Ely Ave/Dr. Martin Luther King Jr. Dr – Commercial recreation facility – Request for release of maintenance bond – Report & recommended action

**** MS. KING MOVED: BE IT RESOLVED** that the request to release the surety held for applications #7 -08SP and #18-08CAM – Q Properties LLC – 350 Ely Avenue/Dr. MLK Jr. Drive for the construction of a 51,276 square foot commercial recreation facility with related site improvements at 350 Ely Avenue, as shown on plans by Butler Rogers Baskett Architects, South Norwalk CT; Land Tech Consultants, Southbury, CT; and Loureiro Engineering Associates, Inc, Plainville CT; dated July 29, 2008 as revised to August 5, 2008, be **APPROVED**,

BE IT FURTHER RESOLVED that the effective date of this action be March 28, 2014.

**** MR. SUMPTER SECONDED.**

**** MOTION PASSED (7-0).**

e. #8-07SPR – Fortis Property Group – 10 Norden Place – 168,000 sf data center facility – Request for 50% reduction in surety – Report & recommended action

**** MS. KING MOVED: BE IT RESOLVED** that the request for a **50% reduction** in the surety held for that the proposed site plan for #8-11SPR – Fortis Property Group/FPG Norden DC, LLC - 10 Norden Place – 167,588 sq. ft. Data Recovery center in an existing industrial development park as shown on a various plans by Perkins Eastman Architects, P.C., Tighe & Bond and LandTech Consultants Inc, and dated as revised to September 8, 2011, be **APPROVED**, subject to the following conditions:

BE IT FURTHER RESOLVED that 50% of the required surety be retained pending completion of remaining site improvements; and

BE IT FURTHER RESOLVED that the effective date of this action be March 28, 2014.

**** MS. WILSON SECONDED.**

**** MOTION PASSED (7-0).**

f. #1-14CAM – Muse Paint Bar – 55 North Main St – Reuse as painting studio serving alcohol – Report & recommended action

**** MS. KING MOVED: BE IT RESOLVED** that application #1-14CAM, submitted by Muse Paintbar for a retail paint studio serving alcohol at 55 North Main Street be **APPROVED** with the following conditions:

1. That any graffiti on the site, nor or in the future, be removed immediately; and
2. That any changes to this plan be reviewed and approved prior to those changes being implemented; and
3. That the final signoff be received from the Norwalk Redevelopment Agency; and,

BE IT FURTHER RESOLVED that the proposal complies with the applicable Coastal Area Management policies and objectives; and

BE IT FURTHER RESOLVED that in accordance with Section 118-1220 M(1), the 25 (twenty-five) additional parking spaces are approved; and,

BE IT FURTHER RESOLVED that the reason for this approval is that the proposed project complies with the Building Zone Regulations, Section 118-520, South Norwalk Business District and Section 118-1110, Coastal Zone; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 28, 2014.

**** MR. SUMPTER SECONDED.**

**** MOTION PASSED (7-0).**

f. #1-14SPR – The Berkeley Holding/Belpointe Capital – 500-520 West Avenue – 6 story, 150,000 sq. ft. mixed use development with 127 units – Report & recommended action

**** MS. KING MOVED: BE IT RESOLVED** that application #1-14SPR, submitted by The Berkeley, LLC and Frost Building, LLC, for a mixed-use development as shown on various architecture plans, dated 2/27/14, by Gooding Architecture, Stamford, CT and that the various site plans, dated 2/27/14, by Redniss & Mead, Stamford, CT, 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 prior to the Certificate of Occupancy being issued; 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 all required long term soil and erosion and sedimentation controls be properly maintained; and
6. That a follow-up traffic study be done within six (6) months of 80% occupancy of the residential units and presented to the Zoning Commission; and
7. That all signage, existing and proposed, comply with the zoning regulations; and
8. That cutoff shield on lighting fixtures must be installed as required to prevent any stray light from being emitted off the property; and
9. That any graffiti on the site, now or in the future, be removed immediately; and
10. That any changes to the plan be reviewed and approved prior to those changes being implemented; and
11. That a final certified “as-built” will be required to verify the completed project is built in accordance with the Zoning Regulations (height, setback, etc.); and
12. That all HVAC units shall be located in conformance with the applicable zoning setbacks; and

13. That a stormwater system be maintained per the maintenance plan submitted; and
14. That the property consolidation map of the property be placed on the Norwalk Land Records prior to the zoning permit being issued; and
15. That all requirements of Section 118-1050 Workforce Housing regulations be met for the 13 workforce housing units; and
16. That any changes to the approved workforce affordability plan or the designated workforce housing administrator be referred to the Commission for review and approval; and
17. That the deed restriction shown in Appendix D be filed on the Norwalk Land Records; and

BE IT FURTHER RESOLVED THAT reason for this approval is that the proposed project complies with the Norwalk Building Zone Regulations, Section 118-504, Central Business Design District and Section 118-1451, Site Plan Review; and

BE IT FURTHER RESOLVED that the proposed Affordability Plan complies with the Building Zone Regulations, specifically Section 118-1050 Workforce Housing regulations; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 28, 2014.

**** MS. WILSON SECONDED.**

**** MOTION PASSED (7-0).**

IV. APPROVAL OF MINUTES: February 19, 2014

MS. SUMPTER MOVED to approve the minutes, as amended.

**** MS. KRUK SECONDED.**

**** MOTION PASSED (7-0).**

V. COMMENTS OF ASSISTANT DIRECTOR

Mr. Wrinn told the commissioners that they were waiting for Mario Coppola, Corporation Counsel. He also noted that the following day was the deadline for new applications. The staff would inform the commissioners of any new projects.

VI. COMMENTS OF COMMISSIONERS

Mr. Sumpter asked that the Zoning Commission meet with the Planning Commission, semi-annually. Since the two commissions had actually been one commission at one time, he thought it would be beneficial. The only way that the commissioners knew what the other commission was doing was when they read it in the newspaper. Mr. White suggested that select commissioners from both commissions should meet to discuss issues. Mr. Santo said that although he had previously contacted Mr. Astrom the Chair of the Planning Commission, he would contact him again. The liaison members of the commission were the chairperson, vice chair and secretary.

Mr. Mushak said that he would like to thank Mr. Wrinn, Dori Wilson and Frank Strauch for helping him with a minor issue with the Sunoco station application. Although he agreed with Atty. Suchy that the commissioners did not have architectural review over the Waypointe project since it was a project from the Redevelopment Agency, he reminded the commissioners that they did have architectural review. He cited an example of a project that did not follow their plans and were later brought back before the Zoning Commission. He again expressed his disappointment that the bricks did not look like the ones in the Waypointe plans. Mr. White disagreed with Mr. Mushak's example. The commissioners had a discussion about the use of materials boards in the application process. The commissioners also discussed whether questions should have been put to the developer about Waypointe when it was not on the Plan Review Committee's agenda.

VII. EXECUTIVE SESSION – DISCUSS PENDING LITIGATION

a. **#12-11SP – Al Madany Islamic Center – Mosque and multi-purpose hall – 127 Fillow Street**

**** MS. WILSON MOVED: BE IT RESOLVED** that the Zoning Commission should hold an Executive Session.

**** MS. KING SECONDED.**

**** MOTION PASSED (7-0)**

Commission returned from Executive session

VIII. ADJOURNMENT

**** MS. KING MADE A MOTION TO ADJOURN.**

**** MR. SUMPTER SECONDED.**

**** MOTION PASSED (7-0).**

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Diana Palmentiero