

**CITY OF NORWALK  
ZONING COMMISSION  
May 21, 2014**

**PRESENT:** Joseph Santo, Chair; Emily Wilson; Nathan Sumpter; Mike O'Reilly; arriving after the roll call: Nora King; Linda Kruk; Mike Mushak

**STAFF:** Michael Wrinn; Dori Wilson; Adam Carsen

**OTHERS:** Atty. Liz Suchy; Chris DeAngelis; Kermit Hua; Phil Clark; Toni Philips; Craig Flaherty; Ella Lagasse; Fernando Lopez; Paxton Kinol; Jane DiDona; Kwesi Brown; Reine Boyer; Miguel Zuniga; Connie Clark; Jeff Kaplan

**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. PUBLIC HEARINGS**

Before the public hearings began, Mr. Santo went over the rules to be followed for the public hearings.

**a. #2-14SP – Swim Seventy LLC – 8 Willard Road – Aquatic facility in existing building and b. #5-14SPR – Swim Seventy LLC – 11 Willard Road – Off street parking facility, 116 spaces for #2-14SP**

Mr. Santo asked whether the two public hearings could be heard as one. Atty. Suchy agreed. She handed over the certified, return receipts for the mailing of the legal notice for the public hearing. She did note that some had been returned. She then handed out copies of the site plans to the commissioners. She discussed the different applications with respect to the current properties. She showed the commissioners some of the plans as well as the survey for the properties. She noted that the applicant had received a permit from the Conservation Commission in March and all approvals were in the file.

Chris DeAngelis continued the presentation with a brief outline of the project. He described how 8 Willard Road would essentially remain the same building. The parking lot would be re-stripped. Most of the work would happen in the interior of the building. He then described the work that would be done at 11 Willard Road which included demolishing the building so that they could pave the land to become a parking lot. There would also be landscaping. The applicant was in discussions with a neighboring commercial property owner as to how to landscape. They would come back to the commissioners when that was decided. He said that the drainage was evaluated and the impervious areas are being reduced. There would be a rain garden as well. He then discussed the lighting plan for the property. They did not want any spillover lighting to the residential neighbors' properties. The light poles are 22' so that this would not happen. Mr. Mushak was concerned that these poles were too tall and could be seen by the neighbors. He wondered if they could be shorter as they were at other sites in Norwalk. Mr. DeAngelis said that this was an average height; however, he would discuss this with the applicant. Mr. Santo also suggested that the applicant work with the applicant on this matter.

Before Atty. Suchy introduced the next member of the team, she discussed the revised traffic analysis which incorporated the projected traffic from the commercial neighbor that had also recently submitted an application to the Zoning Commission.

Kermit Hua the traffic engineer on the project, continued the presentation with a review of the peak volumes and peak hours. He said there was no significant impact on the area's intersections which included the abutting commercial neighbor. Ms. King asked what the peak hours were to which Atty.

Suchy replied that they were weekday hours between 3:30 – 7:30. However, the facility is self-regulating in that only a certain amount of swimmers have training during these hours. Not every swimmer can be in the pool at the same time.

Mr. Sumpter had questions about the lanes in the pool. This began Mr. Clark's presentation about the interior and exterior of the building. He described his background which included working on the SoNo Icehouse. He also described the pools and the second floor which would include an exercise area and offices. Most of the work would be done on the inside, although the façade would be upgraded. There was a discussion of the timeline for this project.

Mr. Sumpter had questions about the heat of the pool. Toni Philips, one of the owners, said that one pool would be 80 degrees and another pool would be 85 degrees. Atty. Suchy said that they would like to be open by the start of the swimming season which was in September.

Mr. Santo opened the hearing for public comment. No one spoke in support or in opposition to the applications.

Atty. Suchy said that she had several letters in support of the applications. Mr. Wrinn said the Zoning Department office had not received any letters against the application and had received about 30 letters in support. There was a discussion about the legal notification of the trailer park property which was an abutting neighbor. Atty. Suchy said that the owner of the property was notified. She was not aware whether the owner had notified the individual renters. Ms. King wondered what the issues were with the commercial property owner that had a pending application for a mixed use development abutting this property. Atty. Suchy said that there were landscaping issues which she hoped could be dealt with on the staff level. They would prefer to not have to come before the commissioners again. Mr. Mushak said that he liked some of the trees that would be planted. He thought they would help create a buffer for the neighbors from the lighting at the facility.

Mr. Santo closed the public hearing.

**c. #1-14M – Norwalk West VI, LLC – 26-36, 33 Orchard Street/2 Quincy Street – Proposed changes to Building Zone Map from entirely D Residence to entirely CBDD Subarea B (1.44 acres; 8 parcels) d. #2-14SPR/#2-14CAM - Norwalk West VI, LLC. – 26-36 Orchard Street/2 Quincy Street – New 6 story, 69 unit multifamily development in a Design District Development Park (DDDP) with 87 parking spaces (7 parcels) & related modifications to DDDP**

Mr. Santo said that the public hearing could be heard for both of the applications. Atty. Suchy began the presentation by giving an overview of the application. She handed over the certified, return receipts for the mailing of the legal notice for the public hearing. She discussed the other projects that were being built around where the proposed property was located. She then discussed why the applicant would like to change the zone. She told the commissioners that they had received the Planning Commission's approval. There would be no impacts to coastal resources.

Craig Flaherty, the engineer on the project, continued the presentation. He described the utilities as being adequate to accommodate the development. He also discussed the storm water management and sanitary discharge. He then discussed the parking. The applicant has also been working with WPCA. They have received the required sign-offs.

Mr. Sumpter had questions about how the workforce housing units were marketed. Atty. Suchy explained what the applicant was doing to market them but Mr. Sumpter believed that there are some in the community, including the NAACP and the Fair Housing Officer, who were not finding out about these units. Ella Lagasse said that there was an affordable housing plan which included different departments in the city that they had marketed to. Ms. King asked Ms. Lagasse if she could find out how the tenants had found out about these units.

Fernando Lopez, Gooding Architecture, continued the presentation by discussing the floor plans and the exterior materials that would be used on the building. He also described how they had concealed the garage by "pushing" it into the ground. He described the rooftop terraces and stoops added to allow access to the units directly from Orchard St. Mr. Mushak asked if these were wood frame buildings. He was concerned about sound and asked whether the applicant would do any sound attenuation to the building. Mr. Lopez explained about how they would keep the sound between the walls with insulation and gypcrete. Paxton Kinol also spoke on the sound attenuation issue. He explained how each apartment is a separate unit. Sound would not transfer to the next unit. There was a discussion about the American with Disabilities Act ("ADA") and the electrical outlets in the apartments.

Jane DiDona, the landscape architect on the project, continued the presentation. She noted that the streetscape for this project was the same as Waypointe since it is an extension of that project. She then described the trees that would be used. They would be screening the parking. There would be a second level of plantings on the roof terrace. It is an environmentally friendly project as they are using recycled pavers.

There was a discussion about whether the city would be responsible for any of the infrastructure on this project, such as sidewalks. Mr. Kinol explained that there had been state grants for the Waypointe project which they may also pursue for this project. There was also a discussion about the retail and restaurants that had leased spaces in the Waypointe building. Dori Wilson added that the Planning Commission had suggested that flowering trees be added to the streetscape for this project. Ms. DiDona did not think those trees would be appropriate.

Kwesi Brown, the traffic engineer, continued the presentation. He said that the traffic study included the impact from the nearby residential neighborhood. He discussed the parameters of the study area and the different levels of service. He set forth recommendations for the signals. He said there was no significant impact on traffic. Mr. Mushak asked whether there would be bike storage. Mr. Kinol said there would be.

Emily Wilson read the comments from the Planning Commission as well as from Coastal Area Management. Mr. Santo opened the hearing for public comment.

Reine Boyer the attorney for Miguel Zuniga and Ms. Zeta Brown, the owners of 31 Orchard St., addressed the Commission with her clients concerns with the proposed zone change and site plan. She said that Ms. Brown was not able to attend although Mr. Zuniga was there. She said the two owners had some concerns about the project because there had been some disruptive and unneighborly behavior at the site. She entered two letters into the record which discussed various issues including an easement between her clients, the owners of 31 Orchard St, and 33 Orchard St. She thought that there were some problems with the tenants at 33 Orchard St and those working on the Waypointe project which included gross negligence. Mr. Zuniga expressed his concerns about the setbacks, the easement, the common driveway, the employees at Waypointe, etc. He said that he was at the public hearing to make sure that the problems were on the record. Some of the commissioners asked whether Mr. Zuniga had made some official complaints with the city of Norwalk. Their attorney said that there had not been.

Mr. Zuniga explained how Mr. Kinol had contacted him and tried to purchase his property. The commissioners then looked at a map to determine where his property was in relation to the other houses. Mr. Zuniga had some pictures on his phone which his attorney said that they would submit for evidence the next day.

Connie Clark, 35 Orchard St., had questions about the landscaping. She also said that she had made complaints about garbage in the applicant's neighboring yards. They came to clean it up.

Atty. Suchy began the rebuttal by stating that she was unaware of the issues that Mr. Zuniga had been having. Mr. Kinol continued the rebuttal by explaining about the house that Mr. Zuniga owns as well as another house on the block that they do own. Mr. Zuniga owns a home in between 2 houses that he owns. He apologized for the problems that had been happening. He said that he had tried to get in touch

with Mr. Zuniga with letters but he had never heard from him.

Jeff Kaplan, who works for the applicant, said that he had been to see Mr. Zuniga twice, once delivering a letter to him. Atty. Suchy said that if anyone had concerns, they could call her. There was a discussion about a pile of dirt that had been left in the parking lot. Atty. Suchy then discussed the sign-offs that were in the file. There was a brief discussion of all the setbacks.

Mr. Santo closed the public hearing.

#### **IV. REPORT OF PLAN REVIEW COMMITTEE, NORA KING, ACTING AS CHAIR**

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

##### **i. #2-14SP – Swim Seventy LLC – 8 Willard Road – Aquatic facility in existing building and b.**

**\*\* MS. KING MOVED: BE IT RESOLVED** that application #2-14, submitted by Swim Seventy LLC for the re-use of an existing building for a private aquatic facility and related site improvements at 8 Willard Road, as shown on plans by Cabezas DeAngelis, Engineers and Surveyors, Bridgeport, CT and Aris Land Studio, Bridgeport, CT, and Claris Constructions, Inc., Newtown, CT dated March 20, 2014, revised to April 25, 2014 be **APPROVED** with the following conditions:

1. That any graffiti on the site, now or in the future, be removed immediately; and
2. That the required erosion controls be in place prior to construction and properly maintained throughout the construction; and
3. That all landscaping be retained and maintained for the life of the project; and
4. That as proposed, no meets be held in the facility; and

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-522, Business #2 and 118-1450 Special Permit.

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be May 30, 2014.

**\*\* MS. EMILY WILSON SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

##### **and b. #5-14SPR – Swim Seventy LLC – 11 Willard Road – Off street parking facility, 116 spaces for #2-14SP**

**\*\* MS. KING MOVED: BE IT RESOLVED** that application #5-14 SPR, submitted by Swim Seventy LLC for the construction of a 116 space off street parking facility and related site improvements at 11 Willard Road, as shown on plans by Cabezas DeAngelis, Engineers and Surveyors, Bridgeport, CT and Aris Land Studio, Bridgeport, CT, dated March 20, 2014, revised to April 25, 2014 be **APPROVED** with the following conditions:

1. That any graffiti on the site, now or in the future, be removed immediately; and
2. That the required erosion controls be in place prior to construction and properly maintained throughout the construction; and
3. That all landscaping be retained and maintained for the life of the project; and

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-522, Business #2 and 118-1451 Site Plan Review.

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be May 30, 2014.

**\*\* EMILY WILSON SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

**b. #2-10SPR/#14-10CAM – A.J. Penna & Son - 10 Goldstein Place –Request for return of maintenance bond – Report & recommended action**

**\*\* MS. KING MOVED: BE IT RESOLVED** that the request to release the maintenance surety held on #2-10SPR/#14-10CAM – A.J. Penna & Son - 10 Goldstein Pl. – Request for return of maintenance bond 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 May 30, 2014.

**\*\* EMILY WILSON SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

**c. #6-14CAM – Kerschner – 5 St. James Place – New single family residence - Report & recommended action**

**\*\* MS. KING MOVED: BE IT RESOLVED** that application #6-14CAM, construction of a single-family residence for the property 5 St. James Place as shown on the A-2 Survey titled: “Zoning Location Survey of a Property Prepared For Volckert & Eliane van Reesema , #5 St. James Place, Norwalk, Connecticut, Scale: 1”=20’, Date: Feb. 5, 2014 and Revised to May 8, 2014” by Arcamone Land Surveyors, LLC, Wayne Arcamone Land Surveyor – Connecticut Registration No. 15773 and on the architectural drawings revised May 7, 2014 and Revised to by Beinfeld, Norwalk, 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 May 30, 2014.

**\*\* EMILY WILSON SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

**d. #3-14 SPR – Kingsway Senior Housing – 152 Westport Avenue – Off street parking facility for 29 cars – Report & recommended action**

**\*\* MS. KING MOVED: BE IT RESOLVED** that application #3-14 SPR, submitted by King’s Daughters and Sons Housing, Inc. for the construction of a 29 car off street parking facility at 152 Westport Avenue, as shown on plans by Trinkaus Engineering, LLC, Civil Engineers, Southbury, CT, dated 3/16/14, revised to 5/8/14 be **APPROVED** with the following conditions:

1. That any graffiti on the site, now or in the future, be removed immediately; and
2. That any changes to the plan require previous approval; and
3. That a long term drainage maintenance plan be submitted; and

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations; specifically Sections 118-522, Business #2, 118-1451 Site Plan Review.

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be May 30, 2014.

**\*\* MR. SUMPTER SECONDED.**

Before the commissioners voted on this item, Mr. Mushak thanked the owners for the drainage plan and thanked the Zoning Department staff for working with them.

**\*\* MOTION PASSED UNANIMOUSLY.**

**e. CT. Department of Energy and Environmental Protection – 46 South Beach Road – Seawall height modification – Report & recommended action**

**\*\* MS. KING MOVED: BE IT RESOLVED** that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #201303888-SJ – 46 South Beach Road - Seawall height modification:

1. That this proposal is consistent with coastal resource and use polices.

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

**V. REPORT OF ZONING COMMITTEE, EMILY WILSON, CHAIR**

**a. #1-14M – Norwalk West VI, LLC – 26-36, 33 Orchard Street/2 Quincy Street – Proposed changes to Building Zone Map from entirely D Residence to entirely CBDD Subarea B (1.44 acres; 8 parcels)**

**\*\* EMILY WILSON MOVED: BE IT RESOLVED** that the proposed changes to the Building Zone Map as shown on a certain document entitled "#1-14M – Norwalk West VI, LLC. – 26 - 36, 33 Orchard St/2 Quincy St – Proposed change to the Building Zone Map to change from D Residence to Central Business Design District Subarea B" and dated March 28, 2014 affecting property located in the First Taxing District, Block 12, Lots 1, 2, 3, 4, 5, 17 and 18 and Block 21, Lot 14, and including property now part of the City-owned Orchard Street ROW and Quincy Street ROW, all of which is now zoned D Residence in its entirety (1.444 acres) and proposed for change to entirely Central Business Design District Subarea B (1.444 acres), be **APPROVED**.

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

1. To implement the Plan of Conservation and Development "A.1.2.3 Allow a wide range of housing opportunities to ensure that the housing needs of all segments of the labor force are met" (p. 10)
2. To implement the Plan of Conservation and Development "A.2.1.4 Continue to provide budget funding to redevelop the West Avenue, Wall Street, and Reed Putnam areas with new housing and mixed use developments" (p. 11); and
3. To implement the Plan of Conservation and Development "A.6 Advance current redevelopment plans" (p. 13); and
4. To implement the Plan of Conservation and Development "F.4.1.10 Create an engaging urban landscape and architectural setting in the West Avenue area through the adoption and implementation of West Avenue planning, as amended (p. 44)

**BE IT FURTHER RESOLVED** that the effective date of this action be May 30, 2014.

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

**b. #2-14SPR/#2-14CAM - Norwalk West VI, LLC. – 26-36 Orchard Street/2 Quincy Street – New 6 story, 69 unit multifamily development in a Design District Development Park (DDDP) with 87 parking spaces (7 parcels) & related modifications to DDDP**

Before the commissioners voted on this item, they discussed and decided to delete the condition to add Bradford Pear street trees as the landscape architect did not recommend this change.

**\*\* EMILY WILSON MOVED: BE IT RESOLVED** that site plan application **#2-14SPR** and coastal site plan application **#2-14CAM** - Norwalk West VI LLC – 26-36 Orchard St/2 Quincy St – New 6 story, 69 unit multifamily bldg in a Design District Development Park with 87 parking spaces (7 parcels) & related modifications within a Design District Development Park as shown on a set of plans entitled "Zoning Site Plan depicting 26-36 Orchard Street & 2 Quincy Street Norwalk, CT" prepared for Norwalk West VI LLC by Redniss and Mead Engineers; Gooding Architecture, LLP and Didona Landscape and dated February 19, 2014 as revised to April 28, 2014, be approved, subject to the following conditions:

1. That the 16 parking spaces at the current parking lot located at 2 Quincy St and required for uses at 3 Quincy St as per Variance #56-0607 be permanently relocated to 17 Butler Street and that the current parking easement entitled "Parking Agreement between 3 Quincy and 17 Butler" and dated June 30, 2011 be amended to permanently transfer these 16 spaces and filed, along with a site plan confirming that an adequate number of parking spaces exist to serve all onsite uses at 3 Quincy Street and at 17 Butler Street, on the Norwalk Land Records; and
2. That all site improvements shown on the above-referenced plans are the applicant's responsibility including granite curbs along Orchard and Quincy Streets, street trees, permeable paver tree pit, and any street improvement upgrades; and
3. That the deed restriction documents referenced in the "Norwalk West VI, LLC et al Draft Affordability Plan" dated April 25, 2014 for a total of 7 onsite deed restricted workforce housing units (3 one bedroom and 4 two bedroom), be submitted for Corporation Counsel review and then filed on the Norwalk Land Records and that all such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
4. That cross easements between the new eastern parcel and the northern, midblock and southern parcels in the Waypointe Phase I Design District Development Park allowing the transfer of development rights to permit an increase in residential density and an increase in permitted FAR be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final certificate of zoning compliance (CZC); and
5. That the stormwater maintenance plan dated January 6, 2014, including the annual maintenance schedule, be made a part of this approval to verify that the proposed subsurface infiltration system is properly maintained; and
6. That all soil and erosion controls be installed 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
7. 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
8. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements and that a Connecticut licensed engineer certify that the required improvements were installed to City standards prior to the issuance of a final certificate of zoning compliance (CZC); and
9. That all CEAC signoffs be submitted prior to the start of construction; and
10. That all traffic improvements be complete prior to the issuance of a final certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
11. That all signage, existing and proposed, comply with the zoning regulations and that any graffiti on the site, now or in the future, be immediately removed; and
12. That cutoff shield on lighting fixtures must be installed as required to prevent any stray light from being emitted off the property; and
13. That trash pick-up be restricted to the hours between 8:00 a.m. and 8:00 p.m.; and
14. That shuttle bus service to the train station during peak hours be provided; 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 with the Building Zone Map (as amended) and with Section 118-504 Central Business Design District Design District Development Park in Subarea B and applicable sections of the Building Zone Regulations for the City of Norwalk and 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 action be May 30, 2014.

**\*\* MR. MUSHAK SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

**VI. APPROVAL OF MINUTES:**

**MR. SANTO MOVED** to approve the minutes.

**\*\* EMILY WILSON SECONDED.  
\*\* MOTION PASSED (5-0)**

**VII. COMMENTS OF ASSISTANT DIRECTOR**

Mr. Wrinn thanked the commissioners for approving the projects on the agenda that night.

**VIII. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

**IX. ADJOURNMENT**

**\*\* MR. SUMPTER MADE A MOTION TO ADJOURN.  
\*\* MS. WILSON SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Diana Palmentiero