

**CITY OF NORWALK
ZONING COMMISSION**

January 21, 2015

PRESENT: Joseph Santo, Chair; Emily Wilson; Linda Kruk; Nora King; Adam Blank;
after the roll call: Nathan Sumpter and Mike O'Reilly

STAFF: Mike Greene; Dori Wilson; Frank Strauch

OTHERS: Atty. Al Vasko; Earl Govern; Doug DiVesta; Ray Sullivan; Michael Galante; Alan Webber; David Westmoreland; Mike Mushak; Wayne Miller; Lisa Thompson; Charles Schoendorf; Julie Burton; Seely Hubbard; Diane Lauricella; Ed Hines; Jenny Butler; Tim Sheehan

I. CALL TO ORDER

Mr. Santo called the meeting to order at 7:30 p.m.

II. ROLL CALL

Mr. Greene called the roll.

III. PUBLIC HEARINGS

Before the public hearings began, Mr. Santo discussed the rules and procedures for the public hearings.

a. #2-14M – Head of the Harbor South, LLC - 2 East Wall Street - Proposed map change for 2 East Wall St from entirely East Ave Village District (EAVD) to Central Business Design District Subarea C (in part) and EAVD (in part) and

b. #8-14SP/#20-14CAM – Head of the Harbor South, LLC - 6 Smith Street - Proposed 4 story mixed use development with 5,000 sq ft office and 60 dwelling units in 2 buildings

Atty. Vasko began the presentation by asking for permission to hold one public hearing for 2 different applications. The commissioners agreed. He then handed in the return receipt cards evidencing notification of the public hearing. He then introduced members of the project team as well as explaining what the applicant was proposing. He also showed them the site plan. He said there would be a continuous loop running through the property.

Earl Govern, the landscape architect, discussed the parking spaces as well as the garage below the buildings and the handicapped access. He explained the access to the property from all entry points. He showed them the site plan. He also discussed the refuse areas which would blend in with gates. The applicant may use wood from the original buildings for some outdoor features. He discussed the landscape feature which would include native grasses, etc. for the project. He then described the storm water treatment system. It was a more sustainable system which would not tax the city's systems. There was also a pergola that would utilize stone and wood from the existing building and site. He also showed the commissioners a picture of all the plantings that would be used for the buffer and landscape.

There was a lengthy discussion about the public access and removal of landscaping to connect the walkways along the waterfront. However since there is a building next to this property, the walkway had to be re-routed. It was decided that the resolution could have a condition to say that if the neighboring property was transferred, the applicant would ask whether they could continue the walkway through the property.

Doug DiVesta, the civil engineer on the project, continued the presentation. He also spoke in detail about the storm water management system. There was then a discussion about comments from Marcy Ballint, CT D.E.E.P. The applicant seemed to think there was a misunderstanding because her comments referred to a sea wall and not a seat wall which is what is on the plans.

Ray Sullivan, the architect on the project, continued the presentation by showing plans of the two buildings to be constructed. He described the buildings in detail including where the workforce housing units would be located. He also described the materials to be used.

There was a concern that the soil would not be able to accommodate these buildings because a condominium development down the street, on East Avenue, was having problems because it had been built on a hill as well. Mr. Sullivan explained what they would do to alleviate any problems.

Michael Galante, the traffic engineer, continued the presentation by discussing how the study had been done. He also discussed peak volume times and reviewed accident reports from 2011-2014. His recommendation was that no changes would be necessary to the traffic signals. He did note that eventually the traffic signals would be changed by the city.

Alan Webber, a representative for Mike DiScala, an owner of Head of the Harbor South, LLC, read a statement into the record from Mr. DiScala. The letter explained how they wanted to create a new neighborhood. It also gave a brief history of the property.

Atty. Vasko discussed the other commissions that the applicant had met with. He then summarized the presentation, as well as read a letter from Diane Lauricella into the record. There was some discussion about adding a condition to the resolution to allow for the city to place signs showing where public access was. There was some clarification about the seat wall.

Mr. Santo opened the hearing to the public.

David Westmoreland spoke on behalf of the Norwalk Historical Commission in support of the project. He said that they took 2 actions which were approving a purchase option agreement to sell the land as well as passing a resolution in support of it.

Ms. Kruk read the referrals from the Planning Commission, Coastal Area Management and the Harbor Commission into the record.

Mike Mushak spoke in support of the project. He suggested something that would indicate there are bike lanes. There was a discussion about "sharrows".

No one spoke against the project. Mr. Santo closed the public hearing.

c. #8-14R – Zoning Commission - Proposed amendments to require notification of neighbors for pending Coastal Site Plan applications.

Dori Wilson began the presentation by notifying the commissioners that the Planning Commission had denied the referral from the Zoning Commission. She also told the commissioners that there were many emails in support of the proposed amendment. She went over which areas of the city would be affected by the changes.

Ms. Kruk read the referral from the Planning Commission into the record which led to a discussion among the commissioners. She then read the referrals from the Coastal Area Management and the Harbor Commission into the record. Mr. Sumpter asked for a meeting between the Planning Commission and the Zoning Commission.

Mr. Santo opened the hearing to the public.

Wayne Miller spoke in support of the proposed amendments.

Lisa Thompson spoke in support of the proposed amendments. She was asked by Emily Wilson what a better step would be. Ms. Thompson said that she would like to see more of the environment preserved and that Rowayton was no longer a quaint fishing village. They could no longer see the water.

Charles Schoendorf, 8 Harbor Bluff Lane, a member of savefarmcreek.org, spoke in support of the proposed amendments. He had organized residents to send emails in support as well. He said that they appreciated that the neighbors would be informed.

Julie Burton spoke in support of the amendments. She spoke of the benefits then asked members of the audience that did not want to speak, to raise their hands to show their support.

Seely Hubbard spoke in support of the proposed amendments.

Mike Mushak spoke in support of the proposed amendments. He gave a brief history of the Harbor Management Commission in Norwalk. He believed that a staff member from the Planning and Zoning Department should be attending the Harbor Management's meetings.

Diane Lauricella spoke in support of the proposed amendments.

Ed Hines spoke in support of the proposed amendments.

Jenny Butler spoke in support of the proposed amendments.

Mr. Greene clarified that the Harbor Management Commission does not review referrals for single family residences. When Mr. Greene said that they had not reviewed them since 1988, there was a discussion as to whether they should begin review again.

Mr. Santo closed the public hearing.

IV. REPORT OF PLAN REVIEW COMMITTEE, EMILY WILSON, ACTING AS CHAIR

a. #2-15CAM – 61 Bluff Ave, LLC – 61 Bluff Ave – Proposed single family residence - Report & recommended action

MS. WILSON MOVED: BE IT RESOLVED that application #2-15CAM, construction of additions to a single-family residence for the property 61 Bluff Avenue and as shown on the A-2 Survey titled: "Zoning Location Survey of a Property Prepared For 61 Bluff Avenue, LLC , #61 Bluff Avenue, Rowayton, Connecticut, Scale: 1"=20', Date: Sept. 10, 2014 and Revised to Dec. 10, 2014" by Arcamone Land Surveyors, LLC, Wayne Arcamone Land Surveyor – Connecticut Registration No. 15773 and on the engineering drawings dated Dec. 16, 2014 by McChord engineering Associates, Inc., Wilton, CT and on the architectural drawings of Dec. 10, 2014 by Pagliaro, Bartels, Sajda Architects, LLC, 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 January 30, 2015.

**** MR. BLANK SECONDED.**

Before the vote, Ms. King said that she believed there should be a public hearing on this matter.

**** MOTION PASSED UNANIMOUSLY.**

b. #1-15CAM – Walter Mattera – 61 Main Street – Conversion of storage to retail – Report & recommended action

MS. WILSON MOVED: BE IT RESOLVED that Coastal Area Management #1-15CAM – Walter Mattera – 61 Main Street – Conversion of storage to retail and as shown on the architectural drawings submitted by the applicant and received on 1/14/2015 be **APPROVED** subject to the following conditions:

1. That all signage, existing and proposed, comply with the zoning regulations; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That all needed permits from the applicable City agencies be obtained; and
4. That proof of the required parking permits be presented to the Zoning Officer prior to receiving any zoning permit; and

5. That prior to receiving any zoning permit, the applicant shall sign an affidavit guaranteeing that the required additional spaces will be renewed annually as long as the new use exists; and

BE IT FURTHER RESOLVED that under Section 118-1220 (L), municipal parking in Norwalk Center, the additional 8 spaces generated by the increased use (28 parking spaces total), will be required to be provided, as the property is located on the map known as "Map Of Designated Properties For Fees In-Lieu Of Parking In Norwalk Center"; and

BE IT FURTHER RESOLVED that the proposal complies with all applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be January 30, 2015.

**** MR. SUMPTER SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

c. #7-11SP/#17-11CAM – SoNo Ice House – 310 Wilson Avenue – Request for release of surety - Report & recommended action

MS. WILSON MOVED: BE IT RESOLVED by the Norwalk Zoning Commission that the surety held on #7-11SP/17-11CAM for the SoNo Ice House ice rink facility at 310 Wilson Avenue, submitted by 300 Wilson Ave LLC be released as the required improvements have been properly installed.

BE IT FURTHER RESOLVED that the effective date of this action shall be January 30, 2015.

**** MS. KING SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

d. #8-11SP – Norwalk Hospital Association – 34 Maple St - 97,600 sf outpatient addition – Request to modify flight paths for relocated helicopter landing site - Report & recommended action

MS. WILSON MOVED: BE IT RESOLVED that Special Permit application #8-11SP; Norwalk Hospital Association, Maple & Stevens Street; New 96,700 sq. ft. addition for outpatient and private physician offices, rehabilitation of 35,500 sq. ft. of existing building be revised to show final location of *relocated helicopter landing site on roof of new addition and associated flight paths* as shown on a certain set of plans and related drawings entitled "Norwalk Hospital Outpatient Pavilion Norwalk, Connecticut" by Freeman White, Inc.; Vanasse Hangen Brustlin, Inc. and others dated October 13, 2011, as revised to January 27, 2012 and as amended by a map entitled "Helicopter Flight Paths Norwalk Hospital" showing proposed new flight paths prepared by Ryan & Faulds and dated May 7, 2014, be **APPROVED**, subject to the following conditions:

1. That the landscape plan as revised to January 5, 2015 showing 6 new Paperbark Maple trees, to replace the 4 existing trees to be removed, be made part of this approval; and
2. That the helicopter landing site be limited to a total of no more than forty (40) flights per calendar year, as documented in a report submitted by Norwalk Hospital to the Zoning Commission. Such reports shall be submitted within one month following the conclusion of every six months of each calendar year, documenting the total number of flights that occurred, a log of the time and date of each flight, the number of patients transported and any problems experienced during such flights; and
3. That this approval is subject to the procurement of a Heliport License from the State of Connecticut Department of Transportation: Bureau of Aviation and Ports and to whatever terms and conditions are set forth in such license, and to the following additional restrictions:

- a. Use of this landing site shall be limited to BK-117 twin turbine powered helicopters.
- b. Use of this landing site shall be limited to LIFESTAR or similar critical care air transport services.
- c. Pilots using this landing site must be properly trained in the approved approach & departure flight paths and the limits of the No-Fly zone prior to receiving authorization to land (as per approved maps provided by Norwalk Hospital); and
4. That the existing conditions of approval regarding the operation of the helicopter landing site remain in effect; and
5. That a revised certificate of special permit and mylar of the helicopter landing site approved site plan be filed on the Norwalk Land Records; and

BE IT FURTHER RESOLVED that the application complies with Section 118-440 Hospital Zone, as amended, and Section 118-1450 Special Permits and all other applicable sections of the Building Zone Regulations.

BE IT FURTHER RESOLVED that the effective date of this action be January 30, 2015.

**** MS. KRUK SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

e. #6-08SPR/#16-08CAM - POKO IWSR Developers – 61-65 Wall St/Isaacs St - Wall St Place – Proposed modifications to approved plans to revise from 182,112 sf to 179,740 sf mixed use development with 101 units, 12,832 sf retail & 2,875 sf restaurant — Report & recommended action

MS. WILSON MOVED: BE IT RESOLVED that the request to modify the approved plans for Site Plan **#6-08SPR** and Coastal Site Plan **#16-08CAM** – POKO-IWSR Developers, LLC – 61–65 Wall Street/2, 21 & 23 Isaacs Street to revise to a 179,740 sq ft mixed use development (Phase 1) with 101 units, 12,832 square feet retail and a 2,875 square foot restaurant with on site below grade automated parking garage as originally shown on a set of plans entitled "Wall Street Place Site Plan Phase 1" by Crosskey Architects, LLC, Wesley Stout Associates and Redniss & Mead Inc., dated May 16, 2008 as revised to May 30, 2008 and as modified by revised drawings submitted by Kitchen Associates dated 08 January 2015 as revised to 21 January 2015 and a revised Zoning Location Survey by Redniss & Mead dated Dec 30, 2014 be approved, subject to the following conditions:

1. That any further changes to the approved plans be submitted to the Zoning Commission for review and approval;
2. That the original conditions of approval remain in effect; and

BE IT FURTHER RESOLVED that the effective date of this action be January 30, 2015.

**** MR. SUMPTER SECONDED.**

Dori Wilson showed the commissioners some renderings that they had requested. At this point, she was made aware that none of the commissioners had received their packets of information that they normally received before a meeting. There was a discussion with Mr. Tim Sheehan, the director of the Redevelopment Agency about some changes in the plans.

**** MOTION PASSED UNANIMOUSLY.**

V. REPORT OF ZONING COMMITTEE, EMILY WILSON, CHAIR

- a. **Action on Items III. a., b. and c. Note: Action on zoning map change must precede action on related special permit/coastal site plan review applications**

i. #2-14M – Head of the Harbor South, LLC - 2 East Wall Street - Proposed map change for 2 East Wall St from entirely East Ave Village District (EAVD) to Central Business Design District Subarea C (in part) and EAVD (in part) and

MS. WILSON MOVED: BE IT RESOLVED that the proposed changes to the Building Zone Map as shown on a certain document entitled "**#2-14M** – Head of the Harbor South, LLC/City of Norwalk - 2 East Wall Street - Proposed map change from entirely East Ave Village District to Central Business Design District Subarea C (in part; including portion of ROW) and East Ave Village District (in part)" and dated November 21, 2014 affecting property located in the First Taxing District, Block 57, Lot 2 and including property now part of the Smith Street ROW and East Wall Street ROW, all of which is now zoned East Avenue Village District and proposed for change to Central Business Design District Subarea C (in part) and East Avenue Village District (in part), be **APPROVED**.

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

1. To implement the Plan of Conservation and Development to "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
2. To implement the Plan of Conservation and Development to "A.6 Advance current redevelopment plans" (p. 13); and "A.3.1.2 Strengthen the revitalization of the West Avenue, Wall Street, and Reed Putnam areas by encouraging mixed-use development (i.e. offices, stores, services, restaurants and theaters together with housing, parks and cultural facilities)" (p.12); and
3. To implement the Plan of Conservation and Development to "C.1.1 Maintain, improve, and increase water access for the public" and to "C.1.1.1 Encourage public walkways as part of developments along the Norwalk and Five Mile Rivers and their harbors, consistent with Connecticut Coastal Management Act water-dependent use criteria" (p.24); and

BE IT FURTHER RESOLVED that the effective date of this action be January 30, 2015.

**** MS. KRUK SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

ii. #8-14SP/#20-14CAM – Head of the Harbor South, LLC - 6 Smith Street - Proposed 4 story mixed use development with 5,000 sq ft office and 60 dwelling units in 2 buildings

MS. WILSON MOVED: BE IT RESOLVED that special permit application #8-14SP and coastal site plan review application #20-14CAM – Head of the Harbor South, LLC – 6 Smith Street – New 4 story mixed use development with 60 multifamily dwelling units and 5,000 sf office in 2 buildings as shown on a set of plans entitled "Head of the Harbor South 6 Smith Street Norwalk, Connecticut" by The Sullivan Architectural Group, Blades & Goven Landscape Architects and DiVesta Civil Engineering Associates, Inc and other related plans dated November 11, 2014 as revised to January 7, 2015 and January 21, 2015 be **APPROVED**, subject to the following conditions:

1. That the draft deed restriction as shown on a certain document entitled "Workforce Housing Plan Head of the Harbor South" and related documents showing three (3) one-bedroom and three (3) two-bedroom units, for a total of six (6) workforce housing units, shall run with the land in perpetuity and shall 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; and
2. That a certificate of special permit and mylar of the approved site plan (as revised by any conditions of approval) be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. That all CEAC signoffs, including evidence of street abandonment and transfer of property by the City to the applicant, shall be submitted prior to the start of construction; and
4. That an easement for the fifteen (15) foot wide public access area along the waterfront shall run with the land in perpetuity and shall be submitted for Corporation Counsel review and then filed on the Norwalk Land Records and that public access signs be conspicuously sited

upon entering the site and along the public access route; and

5. 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

6. 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

7. That a Connecticut licensed engineer certify that all of the required improvements, including any required off-site improvements, were installed to City standards and that the development as constructed complies with all relevant Federal flood regulations and that such certification be submitted prior to the issuance of a Certificate of Zoning Compliance; and

8. 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 that all signs conform to the zoning regulations; and

9. That within six months of the issuance of the Certificate of Zoning Compliance a follow-up traffic study be submitted to the Commission; and

10. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and

11. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and

12. That the river walk be extended to the southern property line to connect with the public access walkway to the south if and when the property to the south provides such public access; and

13. That the City retains the right to place public access signs as needed; 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 Section 118-504 Central Business Design District (CBDD) Subarea C, as amended by the proposed change to the Building Zone Map, and with the applicable sections of the Building Zone Regulations for the City of Norwalk.

BE IT FURTHER RESOLVED that the effective date of this action be January 30, 2015.

**** MS. KRUK SECONDED.**

At this point, there was some discussion about the walkways for public access. Mr. Blank made some changes to the proposed resolution.

**** MOTION PASSED UNANIMOUSLY.**

iii. #8-14R – Zoning Commission - Proposed amendments to require notification of neighbors for pending Coastal Site Plan applications.

MS. WILSON MOVED: BE IT RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#8-14R – Zoning Commission – Proposed amendments to Section 118-1110 Coastal Zone to add a certified mail notice requirement affecting CSPR applications for single family residences in the Coastal Zone" and dated November 13, 2014 be **APPROVED**.

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

1) To implement the Plan of Conservation and Development to "Preserve and enhance the character of Norwalk" (A.1.1.4, p. 10); and

2) To implement the Plan of Conservation and Development to "Strengthen the character of neighborhoods and commercial areas and improve the quality of architectural design" (F.4.1, p. 43); and

BE IT FURTHER RESOLVED that the effective date of this action be January 30, 2015.

**** MR. SUMPTER SECONDED.**

Before the vote there was a discussion about the merits of the proposed amendment. Some commissioners believed it was an inexpensive way to make the application transparent to their neighbors. Mr. Blank said that if he did not pass, he would always vote for a public hearing on a single family residence in this zone.

The roll was called for the vote. Mr. Blank, Ms. King, Ms. Kruk, Ms. Wilson and Mr. Sumpter voted yes. Mr. Santo and Mr. O'Reilly voted no.

****MOTION PASSED (5-2)**

VI. APPROVAL OF MINUTES: December 10, 2014

MS. WILSON MOVED to approve the minutes.

**** MR. SUMPTER SECONDED.**

There was then a discussion as to whether they could list how the commissioners voted on resolutions.

**** MOTION PASSED UNANIMOUSLY.**

VII. COMMENTS OF DIRECTOR

Mr. Greene had no comments for the commissioners.

VIII. COMMENTS OF COMMISSIONERS

None of the commissioners had any comments.

IX. ADJOURNMENT

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

**** MR. SUMPTER SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:48 p.m.

Respectfully submitted,

Diana Palmentiero