

**CITY OF NORWALK
ZONING COMMISSION
January 17, 2018**

PRESENT: Nate Sumpter, Chair; Mike Witherspoon; Louis Schulman; Rod Johnson; Galen Wells; Richard Roina

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Atty. Liz Suchy; Colin Grotheer; Eric Rains; Michael Broncati; Brett Holzwarth; Seelan Pather; Matt Edvardsen; Ardy Loo

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7:00 pm.

II. ROLL CALL

Mr. Kleppin called the roll.

III. PUBLIC HEARINGS

Before the public hearings began, Mr. Sumpter explained the rules of the meeting.

a. #6-17SP/#23-17CAM - TR South Water Street, LLC – 121 and 123 Water Street/Hanford Place/Raymond Street - New 6 story development with 80 residential units, 4,340 sf retail and 1,590 sf office in Transit Oriented Development (TOD) area: Public hearing continued from December 13, 2017

Mr. Sumpter said that this was a continuation of the public hearing from December 13, 2017.

Atty. Suchy continued the presentation by introducing the project team, including the architect, landscape architect and others. She gave a brief description of the application as well as the project. She noted that the application had received Redevelopment Agency design review.

Colin Grotheer continued the presentation by going over the design elements that they had discussed with the Redevelopment Agency. He then showed the site plans of the project. He noted that the affordable housing units were now disbursed more evenly through the buildings. He showed various designs from the landscape architect.

Mr. Raines then continued the presentation by discussing what types of plantings would be on the site. He explained that some of them would be evergreens so as not to leave the area bare in the winter months. Mr. Grotheer continued the presentation by explaining how the elevated walk would look as it got narrower to the street. As a last rendering, he showed them an aerial view of the building. The commissioners did not have any other questions for the project team.

Atty Suchy ended her presentation with a request to act upon the application this evening.

Mr. Sumpter closed the public hearing.

b. #9-17SP – Michael Broncati - 346 Main Ave – Tenant Fit-up for 3,500 sq ft soccer training

Mr. Sumpter opened the public hearing. Mr. Broncati began the presentation. He explained the application which he said had not been changed since the first time he had spoken before the commissioners in December. He described the usage to the commissioners.

Mr. Sumpter asked whether anything had transpired since the last time he had appeared before the commission, in reference to articles that were published. There were questions about the ability to rent the facility which the commissioners had concerns about. They felt there were different uses than stated in the application. There were also concerns about a usage in the upstairs as a lounge. Zoning Department staff had believed that it would be storage only. There was a question about an event on Martin Luther King Day ("MLK Day") which Mr. Broncati claimed did not happen. There was a discussion about using the upstairs which Mr. Broncati also claimed had not been constructed.

No one spoke for or against the application. Mr. Broncati said they were looking forward to the opening. There was a discussion about a flyer that had been seen around the city which advertised an event on MLK Day. Mr. Broncati noted that there were no other facilities like it around the city.

Mr. Sumpter closed the public hearing.

IV. DISCUSSION/ACTION ON PENDING APPLICATIONS

a. Action on Items III. a. and b.

i. **#6-17SP/#23-17CAM - TR South Water Street, LLC – 121 and 123 Water Street/Hanford Place/Raymond Street - New 6 story development with 80 residential units, 4,340 sf retail and 1,590 sf office in Transit Oriented Development (TOD) area: Public hearing continued from December 13, 2017**

***** MR. JOHNSON MOVED: BE IT RESOLVED** that special permit application **#6-17SP** and coastal site plan review application **#23-17CAM** - TR South Water Street, LLC – 121 and 123 Water Street/Hanford Place/Raymond Street - New 6 story mixed use development with 80 residential units, 4,340 sf retail and 1,590 sf office in an attached 2 story building in a Transit Oriented Development (TOD) area as shown on a set of plans entitled "121-123 Water Street Norwalk, CT" by Beinfield Architecture and Redniss & Mead Associates Engineers and other related plans dated November 13, 2017 as **revised to January 10, 2018** be **APPROVED**, subject to the following conditions:

1. That the draft deed restriction as shown on a certain document entitled "TR South Water Street LLC DRAFT Affordability Plan" dated revised October 4, 2017 and related documents showing one (1) studio, four (4) one-bedroom and three (3) two-bedroom units, for a total of eight (8) 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 lot consolidation survey be submitted for review by staff and then filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. 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
4. That final CEAC signoffs shall be submitted prior to the start of construction; and
5. 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
6. 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
7. That a Connecticut licensed engineer shall 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 FEMA 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 hours of garbage pick-up be no earlier than 7:00 a.m. and no later than 7:00 p.m. and that any deliveries be no earlier than 8:00 a.m. and no later than 6:00 p.m.; and
13. That any sidewalks to be replaced provide be a full 5' clearance from any obstruction; and
14. That cutoff shields be installed on all lighting to prevent any stray light from being emitted off the property; and

BE IT FURTHER RESOLVED that this application complies with applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that this application complies with Section 118-700 Industrial Zone. No. 1; Section 118-1450 Special Permits, 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 26, 2018.

Mr. Witherspoon seconded.

Nat Sumpter, Chair; Mike Witherspoon; Louis Schulman; Rod Johnson; Galen Wells; Richard Roina voted in favor.

No one opposed.

No one abstained.

#9-17SP – Michael Broncati - 346 Main Ave – Tenant Fit-up for 3,500 sq ft soccer training

Mr. Schulman moved to deny the application but no one seconded it.

***** MR. JOHNSON MOVED: BE IT RESOLVED** that application #9-17SP – Michael Broncati – 346 Main Ave. – Tenant fit-up for 2,500sf soccer training facility, and as shown the architectural plan received on 12/1/2017 by the Planning & Zoning Department be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That all signage, existing and proposed, comply with the zoning regulations; and
3. That no temporary signs, including 'A' frame signs, be erected on the property or in the City right-of-way; and
4. That this facility be utilized for soccer training only and any modifications must obtain necessary approvals and permits; and
5. That no leagues or competitions be held at this facility; and
6. That the second floor area be used for storage only and any modifications must obtain all necessary permits; and
7. That the second floor area be separated by adjacent suite by installing a lockable door; and
8. That the hours of operation be 7 am to 10 pm daily; and
9. That any graffiti on the site, now or in the future, be removed immediately; and
10. That there will not be any pickup games played at this facility; and
11. That other organizations cannot rent any of the space occupied by the soccer training facility; and
12. That this facility be utilized for soccer training only and any modifications must obtain necessary approvals and permits; 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 Zone," and under 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 the effective date of this approval shall be January 26, 2018.

Ms. Wells seconded.

There was a discussion about changing the conditions of the resolution for approval. Mr. Witherspoon suggested that the applicant check in with Planning and Zoning about the usage of the space. Mr. Schulman said he had many concerns which included violations by the landlord. Although Mr. Sumpter had concerns about usage, he also realized that the applicant was providing programs for the youth in Norwalk.

Mr. Kleppin suggested some changes to the conditions at this time. He suggested deleting #7 & #9 and adding a sentence to #6 which said, "any modifications must obtain all necessary permits." He said that the Zoning Department staff could monitor the business through publicity and social media. If problems were noticed they would address them.

**Nat Sumpter, Chair; Mike Witherspoon; Rod Johnson; Galen Wells; Richard Roina voted in favor.
Louis Schulman opposed.
No one abstained.**

b. #26-17CAM – Daniel Hafner – 43 Yarmouth Rd – New single family residence changes – Report and recommended action

Brett Holzwarth, the engineer on the project, began the presentation with a brief overview of the application. He explained the current structure and what would be constructed. He said they addressed the comments of staff particularly the flood zone comments. They also received approvals from the necessary departments. They had received approvals from all the necessary departments. Mr. Wrinn said that the Zoning Department staff had been waiting for the Harbor Commission's approval, which they had.

***** MR. JOHNSON MOVED: BE IT RESOLVED** that application #26-17CAM, construct additions to an existing single-family residence for the property 43 Yarmouth Road and as shown on the zoning location survey dated 11/15/2017 by Land Surveyor – Laurence W. Posson, Jr., CT Lic. 18130 (for Redness & Mead, Stamford, CT) and on the engineering plans dated 11/16/2017 and revised to 12/4/2017 by Redness & Mead, Stamford, CT and on the architectural drawings dated 11/29/2017 and revised to 12/4/2017 by Beinfeld Architecture, PC, Norwalk, CT be **APPROVED** subject to the following conditions:

1. That all CEAC sign-offs be submitted; and
2. That all City storm-water management requirements are met; and
3. That a permit is obtained from the Department of Public Works in regards to City storm-water management requirements; and
4. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
5. 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 26, 2018.

**Mr. Johnson seconded.
Nat Sumpter, Chair; Mike Witherspoon; Louis Schulman; Rod Johnson; Galen Wells; Richard Roina voted in favor.**

**No one opposed.
No one abstained.**

c. #7-15SPR/#20-15CAM - Highpointe Holding LLC – 74-88 Main St/6-8 North Av/37-45 High St – Highpointe West: 6 story mixed use development w/ 212 units &14,250 sf retail - Request for 1 year ext of time – Report and recommended action

THIS ITEM WAS POSTPONED BEFORE THE MEETING BEGAN.

d. #8-15SPR - Highpointe Holding LLC – 42-48 High St – Highpointe East: 6 sty mixed use development w/66 units & 4,320 sf retail - Request for 1 year extension of approval time – Report and recommended action

THIS ITEM WAS POSTPONED BEFORE THE MEETING BEGAN.

e. #5-15SP – Special Properties II, LLC – 440 Newtown Ave/78 Cranbury Rd: 15-unit Conservation Development - Request for extension of approval time – Report and recommended action

Mr. Wrinn began the presentation by explaining the approval in 2015 and then various reasons that the applicant had been seeking an extension. There had been a court case and now they were working with the Norwalk Land Trust to buy the property.

***** MS. WELLS MOVED: BE IT RESOLVED** that application #5-15SP – Special Properties II, LLC – 440 Newtown Ave/78 Cranbury Rd for a 15 unit residential conservation development submitted by Special Properties II, LLC, as shown on various plans by McChord Engineering Associates, Wilton, CT be **GRANTED** a one year extension of the approval deadline to April 6, 2019.

**Mr. Witherspoon seconded.
Nat Sumpter; Mike Witherspoon; Louis Schulman; Rod Johnson; Galen Wells; Richard Roina voted in favor.
No one opposed.
No one abstained.**

V. RECEIPT/REVIEW AND ACTION ON NEW APPLICATIONS

a. #11-17R/#11-17SP/#29-17CAM - 230 East Avenue, LLC – 230 East Ave/3 Rowan St/Osborne Av - Proposed amendments to Section 118-700 to permit transit oriented development (TOD) in the Ind#1 zone at the East Norwalk Railroad Station and special permit for 5-6 story, 260,663 sf mixed use development with 195 dwelling units, 40,955 sf office, 2,130 sf restaurant,1,500 sf retail and 15,939 sf Pooch Hotel (existing) in 4 separate buildings – Status Report

Mr. Sumpter opened the presentation by reminding the public that this is before the commissioners for the first time. This is not an item for the public to make comments. Atty. Suchy continued the presentation by introducing the project team which included Mr. Leed and Matt Edvardsen and then a brief overview of the applications. She discussed the property, its boundaries and the various buildings on the site. She explained the text amendments as well as the other amendments. She said there could be a rooftop restaurant at the top of one of the building, as well as building an additional smaller 2 story building along East Avenue. She noted that they would like to have a public hearing at the March 1 Zoning Commission meeting. The application would not go to the Redevelopment Agency because the property was not in a redevelopment zone.

Seelan Pather continued the presentation by first orienting the commissioners as to the location of the existing building from Google Maps. He explained how they came up with the design and the history of the hat factory. He described the uses for the various buildings which included residential, office, retail and a courtyard. There was a discussion of the amenities on the first floor. He explained that they would be joining underground parking spaces. He also said that they had spoken with the neighbors about what the building should look like. He said that

they would have a factory aesthetic like similar factory buildings that had been rehabilitated. There was a discussion about having balconies on the new building to have views of Long Island Sound. There was also a discussion of the street trees. He also explained how the first floor would be used for retail. He explained the heights of the buildings.

There was a discussion about parking for the railroad station. Matt Edvardsen explained some assumptions that included the possibility of adding another 100 parking spaces. There was a discussion about noise abatement for the residents. Mr. Edvardsen explained how they would address those details. There was a discussion about the rooftop restaurant and whether it would be enclosed. There was a continued discussion about the parking and residents who live there. Mr. Sumpter asked how they would differentiate from public parking and that for the residents. Matt Edvardsen said that there might be commuters who could purchase parking underground.

There was a discussion about the Plan of Conservation and Development (“POCD”), a state funded Transit Oriented Development study and how this application should be handled. Mr. Kleppin said that he would like those studies to be completed but that it was a benefit that this application was at the train station. He noted that there would be an outside traffic review by a consultant. There was a discussion about having the neighbors become involved. Mr. Kleppin said that they could also add this to an agenda for the neighborhood meeting which would be happening for the POCD before the March 1 public hearing on this application. Mr. Schulman suggested that the city’s traffic consultant study what the impact of this project would be and how it could impact other projects.

Atty. Suchy explained the various neighborhood meetings that had been already held and upcoming meetings with them. There was a discussion about they were reaching out to the communities through social media, community groups and property owners in the area. The taxing district commissioners have also been asked to attend.

There was a discussion about the completion of the POCD. Mr. Kleppin said it should be done in the fall. The East Avenue study would be started in late summer and early fall and be completed in about 10-12 months.

Mr. Sumpter asked about the timing of this application for a public hearing. Mr. Kleppin said he would be looking into March 1.

b. #28-17CAM - Bema Group, LLC – 12 Naromake Ave. – New two family dwelling – Report and recommended action

Mr. Wrinn began the presentation by stating that it would be reviewed by the Harbor Commission.

Ardy Loo, Atlantic Consulting and Engineering, the engineer on the property who oriented the commissioners as to the location of the property on a site plan. He explained the application which included the fact that the structure would be raised. There was a suggestion to move the structure forward and put the parking in the back. However there was not enough space for 4 cars.

There was a discussion as to whether the applicant had to come back to the commission. Mr. Wrinn said they did not if they received an approval from Harbor Commission. It would be on the Zoning Commission agenda for a vote.

There was a discussion about proposed plantings in the front and on the side as well as those to windows.

c. #10-17SP – Yew Street Partners – Brierwood Road – 5 unit conservation development – Status Report

Mr. Wrinn said that there was a report about the outstanding items on the application. They were waiting for the applicant to address the staff’s questions.

VI. APPROVAL OF MINUTES: December 13 and December 18, 2017

**** MR. SCHULMAN MOVED** to approve the Zoning Commission minutes of December 13, 2017.

**Mr. Witherspoon seconded.
Nat Sumpter; Mike Witherspoon; Louis Schulman; Rod Johnson; Richard Roina voted in favor.
No one opposed.
Galen Wells abstained.**

**** MR. SCHULMAN MOVED** to approve the Zoning Commission minutes of December 18, 2017.

**Mr. Witherspoon seconded.
Nat Sumpter; Mike Witherspoon; Louis Schulman; Rod Johnson; Galen Wells; Richard Roina voted in favor.
No one opposed.
No one abstained.**

VII. COMMENTS OF DIRECTOR

Mr. Kleppin explained about the Joint Meeting between the Zoning and Planning Departments. He said that they were finishing up a memorandum about the regulations. He said they were almost done but still waiting for materials.

VIII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

IX. ADJOURNMENT

**Mr. Roina made a motion to adjourn.
Mr. Witherspoon seconded.
Nat Sumpter; Mike Witherspoon; Louis Schulman; Rod Johnson; Galen Wells; Richard Roina voted in favor.
No one opposed.
No one abstained.**

The meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Diana Palmentiero