

**CITY OF NORWALK**  
**SPECIAL MEETING OF THE ZONING COMMISSION**  
**April 2, 2018**

**PRESENT:** Nathan Sumpter, Chair; Louis Schulman; Michael Witherspoon; Galen Wells; Joseph Passero; Richard Roina; Rod Johnson

**STAFF:** Steve Kleppin; Mike Wrinn

**OTHERS:** Atty. Deborah Brancato; Atty. Liz Suchy; Tom Nelson; Steve Christian; Mike Galante; Carl McGiver; Colleen Kenna; Marjorie Powell; Peter Halliday; Debby \_\_\_\_\_; \_\_\_\_\_  
Diane CeCe; Eric Rains; Seelan Pather; Phil Schaeffing; Jennifer Conley; Jim Carter;  
Mark Albertson; Phil Piers; Daniel Jump; Diane Lauricella; John Lacey; Sarah Hunt; Maria Bryant; Vic Palladino; Michael Matteris; Bill Collins; Tod Bryant; Diane Lauricella; John Lacey; Sarah Hunt;

**I. CALL TO ORDER**

Mr. Sumpter called the meeting to order at 7 p.m.

**II. ROLL CALL**

Mr. Kleppin called the roll.

**III. PUBLIC HEARINGS**

Before the public hearings began, Mr. Sumpter discussed the rules. He also reminded the public that if they were in attendance for a public hearing that was being continued, that they try not to repeat testimony of previous speakers. He also reminded them not to applaud after each speaker.

**a. #1-18M – Stone Realty Associates, LLC – 15 Oakwood Avenue – Proposed Change to the Building Zone Map from AAA Residence & Business #2 to entirely Business #2 zone and**

**b. #1-18SPR – Stone Realty Associates, LLC – 15 Oakwood Avenue – Stone Realty Associates, LLC – 15 Oakwood Avenue – New mixed use development with 15,517 square feet office, 3,554 square feet (2,666 sf active) research & development, three (3) multifamily dwelling units (1,554 sf) and 100 space parking facility (existing buildings to remain)**

Mr. Sumpter noted that items III. a. and b. would be heard as one public hearing.

Deborah Brancato, the attorney for the applicant, who began by introducing the project team. She handed in the certified, return receipts cards that were sent to the abutting neighbors, evidencing notice of the public hearing. She gave them a brief description of the project. The applicant was continuing to grow in Norwalk where it had been in business since 2001. She explained the zone changes that were being applied for, as well as what the new building would look like.

Atty. Suchy then continued the presentation with a further discussion of the application and oriented the commissioners as to the location of the property on a site plan. She also gave them a brief history of the property and further explained the zone change as well as then explaining the site plan application. It would be a multi-use property which included apartments for visiting artists. She explained how the parking requirement waiver would work which included the applicant to post a bond. She also noted that the applicant was attempting to purchase state land which could be used for a parking structure, if necessary. There was a discussion as to where Main Avenue and Route 7 were. She used an aerial map to show them.

Tom Nelson, the engineer on the property, continued the presentation with a discussion of the storm water management and drainage. He explained the current terrain and noted that there would be a minimal amount of excavation because the structure would be elevated above it. This project is respecting the terrain. The project follows Norwalk's regulations. The building has a green roof and explained where the rain would then run off to, which included rain gardens.

Steve Christian, the designer and project manager, described what an innovation center was and what the building would be used for. He showed them a rendering of the building which included buildings that were currently there. He also showed them an aerial rendering. He showed them a cross section of the building as it would be constructed on the ledge. He explained the activities in the building which included a resource library, research and development area, and office areas. There would be a minimal number of people working in the building. He also explained the roof. He noted that the building would be mostly invisible to Route 7, even in the winter when trees had no leaves on them. There was an open air plaza. He explained the use of staircases so as not to use elevators as much, which were a power hog. He also explained the Living Building Challenge which was a step beyond L.E.E.D. design. He showed them several renderings of what the building would look like.

Mr. Galante continued the presentation with an overview of the study and orienting the commissioners as to the location of the property on an aerial map. He then explained how the study was conducted. He showed them the study which included the number of trips to and from the building and added that to the traffic in the area. He noted that no modifications to the area would be needed for the traffic.

There was a discussion about the number of people that would be at the building each day. Atty Suchy noted approximately 25-30 people daily. She then concluded her presentation.

Carl McGiver, Seir Hill Gardens, questioned whether such a large building was necessary for 20-25 people. He did not think the design fit with the other buildings in the area. He did not think it was a minimalist building. He also wondered why the artists had to stay in the building, and not stay in a hotel. He also questioned why a traffic analysis was necessary when only 25 people were working there. He did not understand why there was no rendering of what it would look like from Route 7. He did not want to see a large structure from Route 7.

Colleen Kenna explained that one building is on Seir Hill on the dead end. The area is mostly residential and that there was a speeding problem on Oakwood. She also wondered why a large parking structure was necessary. She said that the neighbors were concerned. She thought it was too large for the area. She asked the commissioners to vote against it.

Marjorie Powell, owns a unit that would look into the parking structure, if it is built. She said that if this 4 story building was built, she would have no privacy. She believed she had not seen any renderings for this. She also had questions about the traffic that was in the area, especially since there were new units being built on Glover Ave. Parking was already a problem in the area. She thought it would become a nightmare. She was not supportive of the building with this design.

Peter Halliday, the Human Rights Commissioner for the City of Norwalk, spoke in opposition to the application. He lived in Glen Rock Condominiums and asked the commissioners to oppose the application.

Debby \_\_\_\_\_, an owner of at Glen Rock Condominiums, spoke in opposition to the application because she said that the residents of Glen Rock Condominiums did not receive notification of the public hearing. She said that with the other businesses in the area, the traffic was a problem.

Diane CeCe wondered whether the two applications had been combined into 1 public hearing, whether the applicant knew what would happen to property values since the zone was changing from a AAA zone to a Business #2 zone and then she asked for a show of hands to see how many of the audience members who were residents would like the commissioners to reconsider this application. A good number of them raised their hands.

Mr. Galante continued the presentation with rebutting some of the remarks from the public. He explained how the traffic from the project would be minimal since it is only about 30 trips, 15 in the morning and in the evening. He said that the other project in the area, which would be adding traffic to the roads, would certainly have an impact.

Mr. Christian explained how the building could not be re-configured very easily. He explained why there are so many parking spaces. He also explained the shape of the building. There was a discussion

about the views from the glass windows. He showed them the arrival courtyard and explained they would be adding some trees. There was also a discussion about whether it would impinge on the privacy of the condo units and showed it on the renderings. There was also a discussion of where the parking structure would be located if necessary. The applicant would prefer to have surface parking. There was a discussion of the number of employees in the building.

Atty. Suchy continued the presentation explained that the applicant was not looking to fill the building with tenants. She noted that it would not be rented out to others. She explained the standards for the zoning application for both the site plan and zone change. She addressed the speeding problems on Oakwood as well as the notification to the neighbors.

Mr. Witherspoon read the referral from the Planning Commission into the record.

Mr. Sumpter closed the public hearing. He then asked for a discussion before the commissioners voted on this application. Mr. Roina said that at first he was confused about the project at first but he did like it. He said that he had no problem with the zone change or site plan application. Ms. Wells said that she had no problem with this application moving forward. Mr. Passero agreed with the zone change. He did not understand how the building would only have 10 employees but that since the regulations allowed it, it would be hard to deny it. Mr. Schulman agreed with the commissioners about the zone change and agreed with the traffic study.

Mr. Johnson agreed with previous commissioners and said he would support the application. Mr. Witherspoon said he would vote in favor of the application and would not like to see the applicant move out of Norwalk if the application was denied. Mr. Sumpter was impressed with the fact that the building was a Living Building Challenge.

Mr. Kleppin noted that some slight modifications could be added as conditions to the resolution. The commissioners agreed.

**#1-18M – Stone Realty Associates, LLC – 15 Oakwood Avenue – Proposed Change to the Building Zone Map from AAA Residence & Business #2 to entirely Business #2 zone**

**\*\*\* MR. PASSERO MOVED: BE IT RESOLVED** that the proposed change to the Building Zone Map as shown on a certain document entitled "#1-18M – Stone Realty Associates LLC - 15 Oakwood Avenue - Proposed Change to the Building Zone Map from AAA Residence in part & Business #2 in part to entirely Business #2 zone" dated January 19, 2018 and as shown on a survey entitled "General Location Survey Map 15 Oakwood Avenue" prepared for Stone Realty Associates, LLC" dated November 30, 2017 as revised to February 16, 2018, affecting property located in the Fifth Taxing District, Block 38A, Lot 12 including property now part of the Oakwood Avenue and U. S. Route 7 ROW, all of which is now zoned AAA Residence in part and Business #2 in part and is proposed for change to Business #2 zone in its entirety be **APPROVED**.

**BE IT FURTHER RESOLVED** that the reason for this action is:

- 1) To implement the Plan of Conservation and Development policy to "Use streets, the railroad, natural features or property lines as boundaries between different land uses (F.2.1.5, p. 42)
- 2) To implement the Plan of Conservation and Development policy to "Seek private investment within the community" (A.1.1.1, p. 10) and to "Encourage diversity in commerce and industry" (A.1.1.2, p. 10) and
- 3) To implement the Plan of Conservation and Development policy to "Encourage a balance between new jobs and housing opportunities (A.1.1.7, p. 10)

**BE IT FURTHER RESOLVED** that the effective date of this action be April 13, 2018.

**Mr. Schulman seconded.**

**Nathan Sumpter; Louis Schulman; Michael Witherspoon; Galen Wells; Joseph Passero; Richard Roina; Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

**b. #1-18SPR – Stone Realty Associates, LLC – 15 Oakwood Avenue – Stone Realty Associates, LLC – 15 Oakwood Avenue – New mixed use development with 15,517 square feet office, 3,554 square feet (2,666 sf active) research & development, three (3) multifamily dwelling units (1,554 sf) and 100 space parking facility (existing buildings to remain)**

Before the commissioners voted on this resolution, there was a discussion of the parking regulations. The commissioners discussed minor changes which were to be incorporated into the resolution, specifically regarding the parking and sale of the property.

**\*\*\* MR. ROINA MOVED: BE IT RESOLVED** that the site plan application #1-18SPR – Stone Realty Associates LLC – 15 Oakwood Avenue – Proposed 4 story, ±21,260 sf Innovation Center with 15,517 sf office, 3,768 sf research & development space, three (3) residential dwelling units with 59 new parking spaces required (subject to approval of associated parking waiver for 29 spaces) and related recreation area and site improvements as shown on a set of plans by McLennan Design, LLC and McChord Engineering dated February 16, 2018 as revised to March 7, 2018 be **APPROVED**, subject to the following conditions:

1. 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
2. That final CEAC signoffs shall be submitted prior to the start of construction including a final review by the Zoning Inspector to confirm that the proposed plans comply with zoning for maximum height/average grade calculations; and
3. That this approval includes a request for a fifty percent (50%) parking waiver for twenty-nine (29) parking spaces and that the applicant shall submit a surety in the amount of \$435,000 (29 spaces X \$15,000 per space) to cover the future cost of construction of a second level of parking deck to accommodate the waived parking spaces prior to the issuance of a final certificate of zoning compliance (CZC); and
4. That such parking waiver surety be held for a minimum period of two (2) years from the issuance of a final CZC; and
5. That at the conclusion of the two (2) year period, the owner submit a detailed parking analysis to the Commission to confirm that a fifty percent (50%) parking waiver is warranted; at which time the Commission will act either to request that the second level of parking be constructed or to permanently waive the parking; 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 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
8. 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 regulations and that such certification be submitted prior to the issuance of a Certificate of Zoning Compliance; and
9. That any changes to the plan or the use of the facility be submitted to the Zoning Commission for review and approval; and
10. That within six months of the issuance of the Certificate of Zoning Compliance a follow-up traffic study be submitted to the Commission; and
11. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
12. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
13. That all signage, existing and proposed, conform to the zoning regulations and that any graffiti on the site, now or in the future, be immediately removed; and

14. 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
15. That any sidewalks to be installed or replaced provide be a full 5' clearance from any obstruction; and
16. That cutoff shields be installed on all lighting to prevent any stray light from being emitted off the property and that all light fixtures on the upper level of the parking deck be properly shielded so as to reduce any impacts on residential units beyond the property line; and
17. 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 Norwalk Building Zone Regulations, including Section 118-522 Business #2 zone and Section 118-1451, Site Plan Review.

**BE IT FURTHER RESOLVED** that the effective date of this action be April 13, 2018.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Michael Witherspoon; Galen Wells; Joseph Passero; Richard Roina; Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

The commissioners adjourned for 5 min. and began again at 8:55 p.m.

**c. #11-17R - 230 East Avenue, LLC – Proposed amendments to Section 118-700 to permit transit oriented development (TOD) in the Ind#1 zone at the East Norwalk Railroad Station – Continue hearing from March 1 and**

**d. #11-17SP/#29-17CAM - 230 East Avenue, LLC – 230 East Ave/3 Rowan St/Osborne Av – New 5-6 story, 276,408 sf mixed use development with 189 multifamily dwelling units (215,025 sq ft), 39,492 square feet office, 4,260 sq ft gross (2,130 sq ft active) restaurant, 5,550 sq ft gross (4,163 sq ft active) retail and 15,939 sf Pooch Hotel (existing) in 4 separate buildings with 311 parking spaces (207 spaces in below grade garage) - Continue hearing from March 1**

Before the public hearing began, Mr. Sumpter noted that these two applications would be heard together.

Atty. Suchy began the presentation with a reminder that this was a continuation of the public hearing on March 1, 2018 and introduced the project team. She then discussed the changes that had been made to the application since the last public hearing.

Eric Rains, the landscape architect, continued the presentation with the explanation of the drive surfaces into the property. He showed them the changes on the site plan. He then showed them some pictures of active waterfronts that had been inspiration for their project to delineate edges. He also discussed the courtyard itself, by showing them renderings of it. He also showed them pictures of ships' flags that were used as inspiration. He showed them renderings of aerial views of the courtyard. There would be seating, etc. and wood used from active waterfronts. The courtyard could be used for events. There was a discussion about bringing some of these elements into the building, if only the lobby. Seelan Pather, the architect on the project, said it could be. Mr. Raines continued the discussion of the types and quantity of trees that would be used.

Tom Nelson answered a question from the previous public hearing about flooding on Osborne Avenue. He explained the catch basins in the street. He explained that it was difficult to lower the street at Osborne Avenue.

Atty. Suchy asked that the city's peer review consultants begin their presentations.

Phil Schaeffing, from Stantech, began with an explanation of how his company was affiliated with the city by working on the city's Plan of Conservation and Development ("POCD"). He discussed the neighborhood meetings which had recently taken place. He noted that they should be able to have the

plan ready for it to be adopted in fall of 2018. He also noted that East Norwalk had not recently seen growth. He discussed the important points, including adding residential units to support retail and restaurants in the area. He also noted that the proposal included sustainability by using the building that was currently on the site. Impervious surfaces were being reduced. He discussed the transit oriented development which would be supported by the POCD. He said the application supported this development. He discussed the office space in this application as well, which would help the activity at site.

Jennifer Conley, WSP, the traffic engineer, discussed the review of the traffic study. She explained what the issues were. One was the appropriateness of the study area. One area was not included in their study was Van Zant Street. The applicant had said that the study area was approved by the state. However, she did not know if anything would be gained to include it. She also noted that their future counts were ready in 2019. She did not think that the project would be completed so it would be hard to count cars then. She also had concerns about traffic on Rowan Street. She did like the modifications from the applicant. She was concerned about the trip generation which did not follow the Zoning regulations. She noted that the applicant's conclusions were basically correct.

Jim Carter, 16 Norport Drive, spoke in support of the project. He noted that there were many retail vacancies. This project would add to the residential as well as helping the local businesses. He also noted that the developer should be respectful of the area.

Mark Albertson, Russell Street, spoke against the project because he thought it was too large for the neighborhood, which has a small town atmosphere. He had a concern that too much property was in the hands of 1 property owner.

Phil Piers said he grew up in Norwalk. He represented 232 East Ave. who were in support of the application. He then gave a handout to be turned over to the commissioners.

Daniel Jump, 14 First Street, spoke against the project. His opposition was to the economic model and the concerns for housing stock in East Norwalk. He was also concerned about the rents for this building which might be out of reach for people who move to East Norwalk.

Diane Lauricella said that she had concerns with the WBS consultant who had made suggested changes to the traffic plan but then assured the commissioners that the applicant's plan was basically correct. She also had concerns about the past chemicals that had been used on the site. She made suggestions for the Zoning application. She raised concerns about sustainability including solar panels and renewables. She asked that the developer start over.

John Lacey, Lorena Street, had concerns about the peer reviews from the Stantech and WSP. He also noted that there should be concerns about the Mall and that people would try to find other ways to get there.

Sarah Hunt said she would like the city to be more thoughtful. She had concerns with traffic, especially density. She thought it was a lot of units. She also thought this was spot zoning. She had concerns about the fact that they could not wait until the POCD was completed. She noted that she had never seen increased density lower her taxes.

Diane CeCe noted that the commissioners should evaluate the letters received from people in support of the project. Many did not live in Norwalk or in East Norwalk. She thought that they had a vested interest in the project. She was representing both as herself as a resident and as a member of the East Avenue Board. She asked them to deny the zone change. She also noted that they should not consider this application without waiting for the POCD to be completed. The only reason they were was to assist the private developer. She also had concerns about the limit of activity areas. She made other suggestions to the resolutions as well.

Maria Bryant, Morgan Avenue, had concerns about the rush to approve the application without waiting for the POCD to be completed.

Mr. Galante addressed the comments from WSP and those from the public about the traffic study. One of those comments was the fact that they had done their counts in November. He said that they were seasonally adjusted. He also discussed comments that he had written in a letter on March 30. He also addressed comments about the bridges that were being fixed in the area. Other issues he addressed were the parking and the distribution of traffic.

Mr. Pather continued the rebuttal and addressed several items in the peer review memorandum. One of them was the sustainability of the buildings. He explained some of the ways that the applicant was doing that.

Atty. Suchy handed out an index of documents for the commissioners' review. She then discussed the application again. She noted the approvals they received and which were still ongoing. She discussed the pros of this project. She also explained why the resolution should be passed.

Mr. Sumpter closed the public hearing. He noted that this would be voted on at the next meeting on Thursday, April 5. Mr. Roina said he has read all the materials and listened to the tapes of what he missed. Ms. Wells and Mr. Passero said that they listened to the tapes as well.

**e. #2-18M – Norwalk Zoning Commission – Monroe Street/South Main Street/Day Street/Hanford Place & vicinity - Proposed change to the Building Zone Map from D Residence, Neighborhood Business, Industrial #1 and SoNo Station Design District (in part) to entirely SoNo Station Design District (SSDD)**

**f. #1-18R – Norwalk Zoning Commission – Proposed amendments to Section 118-506 SoNo Station Design District to increase the permitted density from 43 units/acre to 87 units/acre; to increase the permitted height of buildings from 4 stories/45 ft to 6 stories/72 ft provided that all stories above 4th flr be setback at least 10 ft from 4th floor facade; to reduce required open space from 30% to 15%; to encourage the preservation of historic buildings; to require that all multifamily developments of 12 units or more provide a minimum of ten percent (10%) as workforce housing units with maximum monthly rents not to exceed sixty percent (60%) of the State Median Income & related technical amendments**

Mr. Sumpter opened the public hearing.

Mr. Kleppin said that there had been a joint commission meeting in December. Since there had been modifications to what came out of that meeting, they had decided to have another public hearing. He gave a background of the proposed regulations. He showed the original bounds of the TOD zoning and it went back to regulations proposed by the Redevelopment Agency in 2016. He also discussed 1-2 bedroom complexes are not adding much to the public education system. He also discussed water capacity as well as then discussed the proposed regulation. He noted that some large employers were saying that their staff could not afford to live in Norwalk. This may affect long term planning for these employers. He also discussed the fund that might be set up for affordable housing. There was a discussion about the amount of affordable housing that the city had. Mr. Kleppin noted that it was at 12%, which was slightly higher than the 10% required by the state.

Vic Palladino spoke about a property that he owned that was in the proposed zone change area. He owned an auto repair shop and it would become a non-conforming use if the regulation passed. He had questions about whether it could continue as the current business. He was very concerned about whether current owners were grandfathered in.

Michael Matteris, representing a company that owns properties in this area, read a letter from the property owner into the record. Mr. Matteris asked that the zone not be changed and what happens to his company.

Bill Collins made suggestions about the proposed regulations.

Tod Bryant spoke in support of the proposed regulations. He liked many of the items that had been added. He questioned the use of special permits in the regulations.

Diane Lauricella agreed with previous speakers. She was representing the South Norwalk Citizens for Justice. She then discussed areas that were excluded. She did not like the reduction of the amount of parks being allowed and asked them to reconsider the percentage change. She asked for language to enforce the new zone. She also asked for clean industries. She also handed in a flyer to be passed out to the commissioners.

Keith Brown said that he supported the proposed regulations but he was unclear what was happening in those areas where it was shrunk back.

There was a discussion about how many months the staff would need to revise with a fee in lieu of, which would policy citywide. Mr. Schulman asked if they could come back to the Zoning Commission in the fall with recommendations for this. He wondered if they could check what other towns are doing.

Mr. Witherspoon read the Planning Commission referral into the record. The public hearing was closed. They would not be voting on this matter. It would be on the Zoning Commission agenda for Thursday, April 5, 2018.

#### **IV. DISCUSSION/ACTION ON PENDING APPLICATIONS**

- a. **Action on Items III. a., b., c., d., e. and f** – These items were all decided on earlier in the meeting.

#### **V. RECEIPT/REVIEW AND ACTION ON NEW APPLICATIONS**

- a. **None**

#### **VI. APPROVAL OF MINUTES: March 1, 2018**

**MR. SCHULMAN MOVED** to approve the Zoning Commission minutes of March 1, 2018.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Michael Witherspoon; Galen Wells; Joseph Passero; Rod Johnson voted in favor.**

**No one opposed.**

**Mr. Roina abstained.**

#### **VII. COMMENTS OF DIRECTOR**

There were no comments from the Director.

#### **VIII. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

#### **IX. ADJOURNMENT**

**Mr. Schulman made a motion to adjourn.**

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Michael Witherspoon; Galen Wells; Joseph Passero; Richard Roina; Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 12:18 a.m.

Respectfully submitted,

Diana Palmentiero