

**CITY OF NORWALK
ZONING COMMISSION**

May 16, 2018

PRESENT: Nathan Sumpter, Chair; Louis Schulman; Galen Wells; Richard Roina;
Michael Witherspoon; Frank Mancini

STAFF: Steven Kleppin; Mike Wrinn

OTHERS: Diane CeCe; Deborah Goldstein; Keith Brown; Al Pascarella; Atty. Liz
Suchy; Joe Grasso; Joe Fanan; Michael Lasano; Kendra Halliwell; Tim
Sheehan; Atty Jay Klein; Jim Rotondo

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7:01 p.m.

II. ROLL CALL

Mr. Kleppin called the roll. Mr. Kleppin and the Zoning Commission welcomed the new alternate commissioner, Frank Mancini.

III. PUBLIC HEARINGS

a. #2-18R - Norwalk Zoning Commission – Proposed amendments to Section 118-700 Industrial Zone No. 1 B2(I) to remove the following text from the regulations “Designated Properties for Transit Oriented Development at South Norwalk Railroad Station” – Continue public hearing from April 18, 2018

Mr. Sumpter opened the public hearing which he noted was a continuation from the public hearing on April 18, 2018. Mr. Kleppin also noted that he had emailed everyone with a memo. He outlined answers to the questions that had been raised at the public hearing. They reviewed the proposed maps of the SSDD Bounds & I1 TOD parcels. Mr. Mancini recused himself from this matter and Mr. Roina reminded the commissioners that he had done so in the previous public hearing and would do so again for this meeting. He showed them an aerial map with different areas on it and explained what would be allowed and what would not be allowed. There was some discussion about design districts; He also noted that as the boundaries moved from the train station, it became more residential. There was one area that would remain in the TOD area. He said that there were some businesses that did not want to be re-zoned. He also explained that there was a legal notice that was not sufficient so that it had to be re-noticed to allow the public time to comment. Mr. Schulman thought that these proposed amendments were the best for this area, especially since they had worked on it for a year. No other commissioners had comments.

Diane CeCe, Olmstead Place, explained that she was not sure why they were making these changes. She also made comparisons to the East Norwalk TOD language. She hoped they would ask for clarifications from staff about these proposals.

Deborah Goldstein said that she agreed with the previous speaker. She noted that the two train stations are different sizes. Previously they had been told that the TOD amendments should work at all the train stations but now there were new proposed amendments.

Keith Brown addressed some comments from the last public hearing. He discussed 56 and 57 Chestnut Street. He said that he had submitted a permit application for these properties. He believed that when he bought the building it was in an industrial zone and didn't realize it would now be in an SSDD boundary. He was asking for some clarification of the maps. He was

concerned about the large number of properties that would be non-conforming. He did not think that many of the buildings would become mixed use and it would be a good use for the area. He thought the commissioners thought that it should be reviewed more carefully. He described some different uses for the buildings which included units that were live/work spaces. He didn't think that properties should be legally non-conforming.

Al Pascarella said he represented several businesses. He said that he was concerned that his email to Mr. Kleppin was shared with the other commissioners. He said he shared Mr. Brown's concern for the homeless shelter. He said that he knew that Mr. Brown had accumulated properties including 3, 4, 5, 7, 11, 13, and 15 Chestnut, as well as other properties on Monroe Street. He said that he also listened to the previous Zoning Commission audio recording. He thought that there should be competition in rent prices so that people can move in. Many people are moving out of Norwalk because of the rent prices. He expressed concerns about Mr. Brown and Mr. Beinfield's relationship as it applied to Mr. Beinfield's work with the Redevelopment Agency. He also had concerns about the fact that Mr. Brown owned many properties in Norwalk which would drive rent prices up and drive people out of Norwalk.

There were no other speakers.

Mr. Kleppin noted that there were no implications to the East Norwalk TOD. He explained further how the proposed amendments would affect the current uses in these areas.

Mr. Brown asked to speak again but was told that the public was not allowed to rebut.

Mr. Sumpter closed the public hearing.

V. DISCUSSION/ACTION ON PENDING APPLICATIONS

a. Action on Item III. a.

Ms. Wells explained that she would be in favor of the proposed regulations. Mr. Witherspoon and Mr. Sumpter agreed with her as well.

WHEREAS, the Commission held a public hearing on the comprehensive regulation amendments to the SSDD Zone on April 2, 2018 in response to the South Norwalk TOD Redevelopment Plan, dated September, 2016;

WHEREAS, the proposed amendments considered by the Commission on April 2, 2018 included removing the text from the regulations "Designated Properties for Transit Oriented Development at South Norwalk Railroad Station" within Section 118-700 Industrial Zone No. 1;

WHEREAS, the proposal was further considered by the Commission on April 5, 2018, at which time the Commission determined a separate public hearing was appropriate prior to acting on whether to remove the text from the regulations;

WHEREAS, the Commission had previously referred the modified SSDD amendments to the Planning Commission for their consideration, which included the subject amendment, at their March 20, 2018 meeting, at which time they unanimously concluded that the proposed amendment to the Building Zone Map was consistent with the Plan of Conservation and Development;

WHEREAS, the Commission conducted an additional public hearing on April 18, 2018, at which time the hearing was closed;

WHEREAS, the Commission conducted deliberations on the closed application on April 18, 2018;

WHEREAS, the Commission made the following findings:

1. One of the purposes of revising the SSDD regulations was to allow for increased TOD development in close proximity the South Norwalk Railroad Station.
2. While the plan area was reduced from the initial plan area, the intent, regardless, was to remove the following text from the regulations "Designated Properties for Transit Oriented Development at South Norwalk Railroad Station".

3. The Commission determined that the areas within the new SSDD bound are most appropriate for more dense development and that the I#1 zoned properties within the plan area that previously allowed for TOD developments should no longer permit that use at this time.

BE IT FURTHER RESOLVED that, the Commission finds that the proposed amendment is consistent with the Plan of Conservation and Development. Specifically, the proposed amendment is consistent with the following sections within the plan:

- a. *Introduction, p. 4*: "With proper planning dense mixed-use development in existing Transportation corridors and improved public transit can effectively accommodate new population growth without adversely impacting existing neighborhoods and natural resources;
- b. *§A.5.1.1, p.13*: to "Update Restricted Industrial Zones, Industrial 1 Zones, and Industrial 2 Zones, to allow on a case-by-case basis certain types of office and multifamily residential uses, to reflect current economic trends in Norwalk provided they are compatible with the surrounding neighborhoods";
- c. *§B.1.1.2, p. 16*: to "Encourage new development around transit access and allow new development which does not exceed the capacity of infrastructure systems (roads, sewers, water, etc.)";
- d. *§F.1.1.6, p. 40*: to "Allow for the future needs of Norwalk to be met as identified in this Plan (i.e. housing, economic growth, community facilities, etc.)";

THEREFORE, BE IT RESOLVED THAT upon a motion made by **Mr. Schulman** and seconded by Mr. Witherspoon, the Commission voted to **approve** the proposed amendment, #2-18R – Norwalk Zoning Commission – Proposed amendments to Section 118-700 Industrial Zone No. 1 B2(l) to **remove** the following text from the regulations:

"Designated Properties for Transit Oriented Development at South Norwalk Railroad Station" dated October 30, 2017 and to read as follows:

- (l) Multifamily dwellings, including mixed use developments, **provided that**:
 - i. The subject property is located within ~~[[a]] the designated areas [[as]] shown on the maps entitled "Designated Properties for Transit Oriented Development at South Norwalk Railroad Station" and "DESIGNATED PROPERTIES FOR TRANSIT ORIENTED DEVELOPMENT AT THE EAST NORWALK RAILROAD STATION"~~;
 - ii. Maximum height does not exceed 6 stories and ~~72~~ **62** feet above base flood level; and ~~for multifamily and mixed use developments, except that a maximum height of 6 stories and 62 feet for such developments in a Transit Oriented Development at the East Norwalk Railroad Station.~~, provided that a minimum of ten percent (10%) the total number of units shall comply with Section 118-1050 Workforce Housing Regulation.
 - iii. Residential Density: **density** does not exceed 800 square feet of lot area per dwelling unit; and
 - iv. ~~provided that a~~ **A** minimum of ten percent (10%) the total number of units shall comply with Section 118-1050 Workforce Housing Regulation; and
 - v. There is a defined recreation area of not less than one hundred fifty (150) square feet per dwelling unit shall be provided and located with due concern for the safety and convenience of the residents for whose use it is intended [Added effective 7-27-2012; amended effective 10-24-2014; 2-27-2015].

BE IT FURTHER RESOLVED that the effective date of this action be May 25, 2018.

b. #3-17SP/#18-17CAM/#2-17MV – Black Bridge Motors, LLC – 314 Wilson Ave – Motor vehicle repair – Request to modify approved plan to relocate to another section of the building - Determine if minor change – Report and recommended action

Before this matter started, Mr. Roina returned to the meeting.

Atty. Suchy began the presentation by orienting the commissioners as to the location of the property on an aerial map. She noted that this was a prior approval in September 2017. She gave a brief overview of the application. The area was closed for shell fishing. She explained the business to the commissioners which has been successful. Because of that, it was moved to a larger corner of the building. It is the same type of business which is car restoration. They have updated reports including traffic report. She asked the commissioners to consider this a minor change. Mr. Wrinn noted that the applicant moved within the building. Atty. Suchy said that the

applicant had not realized they needed to come before the Zoning Commission for this. Mr. Schulman said he was not inclined to approve this because the owner has violations on the property. He also thought that the public should have a chance to speak on this matter.

Atty. Suchy noted that there were more barriers which would help with sound attenuation for Village Creek residents. She said that as of 5 p.m. that afternoon, the violations had been cured. Mr. Schulman noted that this was the history of the owner of the building who cured violations when it suited its purposes. There was a lengthy discussion about why there are these violations and how to avoid having this constantly happening. There was a discussion about the procedure on how to cure the violation. Mr. Roina was concerned that the applicant had doubled their space and thought there should be another public hearing. Mr. Mancini asked whether the ventilation had been moved because of the paint and other fumes in the building from the restoration. He was also concerned about the odors now being closer to nearby residents. He also asked if this would create any additional jobs.

Mr. Witherspoon was also concerned that this was not a minor change because the space increased by 50%. Mr. Schulman again noted that there should be another public hearing. Mr. Sumpter also suggested that Village Creek residents should have the opportunity to speak on this matter. Mr. Wrinn said that the violations had not been corrected as of the morning but may have been corrected later in the day. He also noted that the motor vehicle business moved during the winter so he was concerned it would be different in the summer.

Mr. Schulman moved that the public hearing be held once the owner of the property had resolved the violations on the property. The tenant, Black Bridge Motors, would not have to move back to their former space in the building.

Mr. Witherspoon seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Richard Roina; Michael Witherspoon; Frank Mancini voted in favor.

No one opposed.

No one abstained.

c. #24-95 SPR/CAM – Crystal LLC (Grasso) – 310 Wilson Ave – Request to modify approved site plan by revising lot lines – Determine if minor change – Report and recommended action

Atty. Suchy began the presentation by explaining the request before the commissioners. She explained the existing lot lines and how they would have to be re-configured. There had been prior approvals which changed the lot lines so the Zoning staff requested that the owner come before the Zoning Commission. She also explained that as staff looked over the property they realized there were violations. Atty. Suchy showed them photos which addressed those violations which included vehicles and pipes being removed as well as piles of materials. She believed that the majority of the items had been cured by the afternoon. Mr. Wrinn said there were still violations in the morning. He said that it could be cleared up this afternoon but he had not had time to check. Mr. Sumpter asked why this kept happening. Atty. Suchy suggested that there be a walkthrough of the property to see what the violations are.

Joe Grasso, Crystal LLC, explained that there were pipes and trucks on the property because the berm is still being worked on. He also suggested that there be a walk through so that he could understand what the violations are. He believed that his violations were minor. Mr. Mancini appreciated that Mr. Grasso employed so many people and suggested that he hire someone to make sure these violations did not continue to happen. Mr. Grasso said that he did have someone but that changes needed to be made. There was a discussion about working together, someone who could work with the Zoning Department staff.

Mr. Sumpter said that Mr. Grasso should have known that the tenants needed to come before the Zoning Commission when they wanted to move within a building. Mr. Grasso agreed

that changes needed to be made. Mr. Schulman then suggested that the same motion be made for this application as the previous one. Mr. Grasso then explained how the berm came to be. Ms. Wells suggested that Mr. Grasso's compliance officer check in with the Zoning Department in order to end the violations on the property. Mr. Wrinn also suggested meeting with Atty. Suchy to do a walkthrough of Mr. Grasso's property to understand what the violations were.

There was a clarification about this application and the timing of the applicant coming before the Zoning Commission. Mr. Schulman recommended holding up action on this item until the violations were resolved. Atty. Suchy also discussed the lot lines application and how it would affect a future proposed development by the applicant.

Mr. Schulman moved that this application would be acted upon once the owner of the property, Mr. Grasso, had resolved the violations on the property.

Mr. Witherspoon seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Richard Roina; Michael Witherspoon; Frank Mancini voted in favor.

No one opposed.

No one abstained.

d. #15-13SP/#21-13CAM – Trinity Washington Village Limited Partnership / The Housing Authority of the City of Norwalk, Housing Authority – Washington Village – Raymond, Water & Day Sts - Proposed 193 unit multifamily development in a Transit Oriented Development (TOD) area - Request to modify approved site plan by establishing new lease line and phasing plan – Determine if minor change – Report and recommended action

Joe Fanan, who represented the developer, began the presentation by orienting the commissioners as to the location of the property and introduced the project team. He explained the development which was approved. He said the first phase was almost complete and the next phase was about to begin. He then noted which would be the additional phases which were due to financing. He said that many of the buildings in Phase 3 would be kept so that tenants would not have to be relocated. He showed them the buildings on an aerial map.

Michael Lozano, Trinity Financial, explained that Phase 1 was almost complete. Washington Village residents were moving into the buildings in the following week. He also noted that there would be an open house and ribbon cutting for the buildings. There was a discussion of the logistics of moving the residents, which was done with the help of the Norwalk Housing Authority. It included helping with moving the residents, packing boxes, etc. There was a discussion about the funding for this project. There was also a discussion about helping the residents, financially so that there is no undue burden on their moving into this new housing. Some residents have moved out into temporary housing. There was a further explanation of the financing.

Mr. Lasano also said that it was a mixed income project. The units were evenly distributed in the buildings. There would be the same amenities as provided in other market rate buildings throughout the city. There was a discussion about the time schedule of completion of the different phases of the project. Tim Sheehan answered questions about the bonding of public improvements. He noted that the state and federal government were behind the project and they structured the tax credits for it.

Kendra Halliwell, the architect on the project, continued the presentation by explaining further the different phases and which buildings would be demolished and where the new ones would be constructed. There would be space for the Norwalk Housing Authority. Sidewalks, street trees and lighting would be around the buildings. The buildings would be LEED certified green buildings. She showed the lease lines on an aerial map. She noted that there had been some changes since the last time that the commissioners had seen the plans. There was a discussion of

Ryan Park which is in the remediation phase. Those improvements will help the whole neighborhood. Mr. Sheehan said it should be completed in Fall 2018. There was a discussion of raising the street to help the flooding in this area. There was a discussion of the design which fits well in the neighborhood. Mr. Schulman asked for reassurances that this would be built.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that special permit application #15-13SP and coastal site plan application #21-13CAM – Trinity Washington Village Limited Partnership and the Norwalk Housing Authority – Raymond Street – New 193 unit multifamily development in Flood Zone AE and in a Transit Oriented Development (TOD) area as shown on a set of plans entitled "Washington Village Buildings C, D, E Norwalk, CT. Trinity Washington Village Limited Partnership & the Norwalk Housing Authority" by Icon Architecture; Tighe & Bond Engineers & Surveyors; Eric Rains Landscape Architecture and related plans dated November 22, 2013 as revised to August 10, 2017 **and as further revised by a new lease line as shown on a set of plans titled Parcel III Washington Village Norwalk CT, dated May 10, 2018** be **APPROVED**, subject to following conditions:

1. That the original conditions of approval remain in effect; and
2. That a mylar of the revised site plan and a revised certificate of Special Permit be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. That final sign-offs from Redevelopment and Public Works be submitted prior to the issuance of a zoning permit; 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 118-506 SoNo Station Design District, as amended, and with applicable sections of the Building Zone Regulations for the City of Norwalk.

BE IT FURTHER RESOLVED that the effective date of this action be May 25, 2018.

Ms. Wells seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Richard Roina; Michael Witherspoon; Frank Mancini voted in favor.

No one opposed.

No one abstained.

e. #1-17SPR/#1-17CAM – Meadow Street Partners, LLC – 6 & 30 Meadow St – Site plan review/CAM for new contractor's storage yard to store empty containers and refuse collection receptacles within 100 ft of an existing solid waste transfer station – Request for one year extension of approval time - Report and recommended action

Atty. Jay Klein began the presentation with an introduction of the project team and explained the original approval from the previous summer. He noted that some of the conditions from the resolution had been completed. He explained that the weather has not helped them to complete other conditions. He noted why they were requesting an extension of approval time. He outlined what had not been completed which were mostly plantings. There was also a discussion about the stacking of containers. Atty. Klein said that his client was making himself available to the neighbors so as not to cause any problems and be good neighbors.

Michael Ferro, owner of the property, continued the presentation. He said that he would make sure that the containers would be taken down. Mr. Schulman said he would consider a 6 month extension of approval time. For the record, he explained the differences between this owner and Mr. Grasso, whose request he had not wanted to consider. He noted that Mr. Ferro was willing to get the work done and would not be helpful to the Farm Creek neighbors.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan review application **#1-17SPR** and coastal site plan review application **#1-17CAM** – Meadow Street Partners, LLC – 6 Meadow St & 30 Meadow St – Proposed contractor's storage yard to store empty containers and empty refuse collection receptacles within 100 feet of an existing solid waste transfer station as shown on a set of plans

entitled, "Site Plan Review Application of Meadow Street Partners, LLC Norwalk CT." and dated October 7, 2016 as revised to June 5, 2017 by Landtech et al be **APPROVED AS MODIFIED TO A SIX-MONTH EXTENSION.**

BE IT FURTHER RESOLVED that the reason for this action is

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **November 25, 2018**; and

BE IT FURTHER RESOLVED that the effective date of this action be May 25, 2018.

Mr. Witherspoon seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Richard Roina; Michael Witherspoon; Frank Mancini voted in favor.

No one opposed.

No one abstained.

V. RECEIPT/REVIEW AND ACTION ON NEW APPLICATIONS

a. #3-18SPR/#6-18CAM – Petro Home Service – 55 Concord St – Proposed off street parking facility – Preliminary review

Jim Rotondo, the engineer on the project, representing the owner of Petro Home Service, who was proposing a new off street parking facility. He handed over 5 copies of drawings for the commissioners to review. He then oriented the commissioners as to the location of the property on an aerial map. He explained what was currently on the property including fencing, etc. He then discussed the proposal. A new parking lot would be built on the property for fuel trucks. They were currently parked across the street. He also discussed the elevations on the property as well as the landscaping. He noted that there would be street trees in front of the lot. There was also a discussion about sidewalks.

Mike Matteris, general manager, of Petro Fuel, explained that they did not fuel the tanks on the property. There was a discussion about the oil drainage and storm water management. There would also be catch basins on the property and providing treatment before it goes into the city's sewer system. There was a discussion about 72 Day Street which was actually also leased by the applicant. There was a discussion about the storm management plan in times of flooding. This does require a public hearing which may be scheduled for June 7.

b. #7-18CAM – Jonathan Farber – 44 Shorehaven Rd – New single family residence – Preliminary review

Atty. Suchy began the presentation by orienting the commissioners as to the location of the property on an aerial map. The Westport/Norwalk line runs through the property, most of which is in Westport. There is currently a structure on the property along with a garage and pool. Those will be demolished. She introduced the project team. She noted that the town of Westport is involved and their Planning and Zoning Commission would review it on June 21. There was a discussion about the appropriate height of the structure for the flood regulations.

Andy Soumelidis, Land Tech, explained the elevations and flood zone on the structure.

Mr. _____ the architect explained that some of the house was in Westport which included a theater and a large garage. There was an arch that you could look through to see the view. He noted that the existing house would be demolished and that the new house would be within the same footprint. The commissioners wanted to make sure that they would have all their approvals. No public hearing would be required.

c. #2-18SP – St. Matthew Roman Catholic Church – 216 Scribner Ave – Proposed recreation and activity center with 11,000 sf 1st floor gym, 7,000 sf 2nd floor track & exercise room – Preliminary review - POSTPONED

d. #1-18SP – 85 Martin Luther King Blvd, LLC - 85 Dr. Martin Luther King Jr. Drive – Vehicle parking for online motor vehicle sales – Preliminary review - POSTPONED

VI. APPROVAL OF MINUTES: April 18, 2018

**** MR. SCHULMAN MOVED** to approve the April 18, 2018 Zoning Commission minutes.

Ms. Wells seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Richard Roina; Michael

Witherspoon voted in favor.

No one opposed.

Frank Mancini abstained.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin said he would send them an email on Friday that would invite all of them to POCD meetings in the following week. These meetings could affect their regulations in the future, which could benefit them. Ms. Wells asked that they could be on the city's website. There was a discussion about how people were contacted.

VIII. COMMENTS OF COMMISSIONERS

Mr. Roina questioned whether emails sent to the staff were public record. There was a discussion about emails from Mr. Pascarella and Mr. Brown.

IX. ADJOURNMENT

Mr. Witherspoon made a motion to adjourn.

Mr. Schulman seconded.

Nathan Sumpter; Louis Schulman; Galen Wells; Richard Roina; Michael

Witherspoon; Frank Mancini voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 10:01 p.m.

Respectfully submitted,

Diana Palmentiero