

**CITY OF NORWALK  
ZONING COMMISSION  
June 6, 2019**

**PRESENT:** Nathan Sumpter, Chair; Louis Schulman; Richard Roina; Michael Witherspoon; Rod Johnson; Nicholas Kantor; Frank Mancini; Stephanie Thomas

**STAFF:** Steve Kleppin; Mike Wrinn

**OTHERS:** Atty. Adam Blank; Mike Cannata; Atty. Liz Suchy; Amy Souchuns; Atty. Bob Maslan; David LaPierre; Katie Gagnon; Ron Miller;

**I. CALL TO ORDER**

Mr. Sumpter called the meeting to order at 7:05 p.m.

**II. ROLL CALL**

Mr. Kleppin called the roll.

**III. PUBLIC HEARINGS:** None

**IV. DISCUSSION/ACTION ON NEW APPLICATIONS**

**a. #5-19R - FDSPIN Willard LLC (EDG Properties) – Proposed amendments to Section 118-522 Business #2 zone to permit storage facilities by special permit on parcels a minimum of 7 acres in size and located within 200 feet of the centerline of Westport Avenue, Connecticut Avenue, Main Avenue or Main Street – Review of proposed amendments – Report & recommended action**

Atty. Blank began the presentation, explaining that he was representing the applicant and introduced the other members of the project team. He then described the proposed text amendment to allow self storage as a use in this zone as well as the process of referring the application to the Planning Commission and then to a public hearing.

He oriented the commissioners as to the location of the property on an aerial map. He noted that it was screened to Westport Avenue and showed them a picture from it. He showed them a basic site plan which included the proposed buildings including the self storage portion of the project. There was a discussion about changing the footage from Westport Avenue. There was also a discussion about a minimum line in the rear. Mr. Kleppin noted that there was an area in the back which could be considered buffer. Atty. Blank said that it could be a condition of approval. He also noted that the applicant had done a brief drainage report. He also said that the application complies with the Plan of Conservation and Development (POCD) and cited from it. There was also a discussion about the need for self-storage in Norwalk. According to the applicant, the existing storage facilities are full. Mr. Cannata showed the commissioners a zone map with no restrictions of self storage in the Business 1 zone. He also noted that warehouses were similar to self storage and allowed in the Business 2 zone. There was a discussion about whether future applicants had to apply for a special permit. There was also a discussion about whether sites could solely be used as self storage.

Mr. Galante, the traffic engineer, continued the presentation with a brief report about how many trips would be generated. He said that self storage facilities are low traffic generators. He also

noted that there would not be tractor trailers. He said that there would be no change in traffic and that access was only on Willard Avenue.

At this point the commissioners voted to refer the application to the Planning Commission.

**\*\*\* MR. SCHULMAN MOVED: to refer the application to the Planning Commission.**

**Mr. Roina seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Rod Johnson; Nicholas Kantor; Frank Mancini; Stephanie Thomas voted in favor.**

**No one opposed.**

**No one abstained.**

**b. #3-19 CAM/#2-19 SPR – Leonard Street Associates, LLC – 9, 11 & 13 Leonard Street – Proposed multifamily development with 28 residential units – Review and determination on Architectural review requirement – Report & recommended action**

Atty Suchy began the presentation by showing the commissioners a current photo of the property and then described the project. It was to be a mixed use with retail, parking underneath and residential units including workforce housing. She also noted that the application would be before the commissioners again. Neighbors had been notified and the applicant had received several approvals from various City departments.

Harrison Gill, the architect on the project, continued the presentation by showing them an aerial view of the property. He noted how the property was L shaped on three lots. This explained the L shape of the building. He described the proposed project and how it was similar to other projects around Norwalk. He noted that this project was smaller than those. He also noted that they would not seek bonuses that they were allowed to take under the regulations. He said that there had previously been other designs, but noted that this one was lower in height than those. Under the existing standards, they would provide 2 parking spaces per unit. He then discussed the site plan for the outside of the building which he explained included solar panels on the roof. He also explained the 3 current curb cuts which would remain. He then discussed the site plan for the inside of the building. He noted that it was difficult for vehicles to speed on Leonard St. because of the L shape. It made it a pedestrian friendly shape. There was then a discussion about building having 1 elevator. Mr. Gill noted that this was not a luxury building nor was it competing with luxury buildings in Norwalk. The Building Department had not had any issues with the fact that there was 1 elevator. He also said that he did not think there was enough room for another elevator but if it was required, then they would have to construct it. There was a discussion about the architecture of the building. Mr. Sumpter requested that there been an architectural review of the building, especially given the scale of the building. There was also concern about the 3 curb cuts. Mr. Schulman believed the application was ready for architectural review. There was a discussion about the traffic study which the Department of Public Works (DPW) would review. Mr. Gill noted that two of the curb cuts are minor and explained the traffic flow. He said their traffic consultant would review them. There was another discussion about having one elevator in the building. There was a concern that the elevator would break when someone was moving in or out and the effect that would have on the other residents. There was also a discussion about the outdoor patio and whether it would be open to the public. Mr. Gill said there was no direct access from any residential units but that it was only for the use of the residents in the building. There was a discussion about the number of workforce housing units. Atty Suchy explained that there would be two, although 3 are required under the regulations. Since one of the units would be a 3 bedroom unit, it would count as 2 workforce housing units. Mr. Gill encouraged the commissioners to walk the site. He also noted that this project would not be a showcase building. He compared it to 701 West Avenue which is taller and more prominent. He noted that this was a more affordable building for residents in Norwalk especially with the inclusion of several 3 bedroom units which families need.

**\*\*\* MR. SCHULMAN MOVED: to refer the application to architectural review and then forward to a public hearing.**

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Rod Johnson; Nicholas Kantor; Frank Mancini; Stephanie Thomas voted in favor.**

**No one opposed.**

**No one abstained.**

**c. #1-19CAM/#1-19SPR – GWL 4 Meadow LLC – 4 Meadow Street – Proposed change of use from warehouse to indoor contractor parking facility – Review of new application – Report & recommended action**

Ms. Souchuns, representing the applicant, began the presentation by describing the property to orient the commissioners. She then showed them the current survey. She explained that the property was originally used as a warehouse and FedEx property. She then noted that Frontier is moving from the Willard Avenue facility which was the first application of the evening. Employees would park at this site and then take trucks which are parked inside. There would be no changes to the building. Because there were no changes to the building, there were no adverse impacts. They had received all necessary sign offs and referrals. There had been no inquiries from the neighbors after receiving notice of the application. There was then a discussion of the landscaping around the property. Mr. Sumpter said that since it was fronting on Meadow Street that some beautification of the property should be in order. Ms. Souchuns noted that only employee cars would be parked outside. Mr. Sumpter said that Frontier could afford to make it look nicer since it was in a neighborhood and Ms. Souchuns agreed the applicant could do that. There was also a discussion about the facade which Ms. Souchuns said that she would speak with her client about. They would work with staff about the beautification of the property. It was noted that this application would require a public hearing which could be held in July.

**\*\*\* MR. SCHULMAN MOVED: to require a public hearing which would be on the Zoning Commission agenda in July 2019.**

**Mr. Roina seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Rod Johnson; Nicholas Kantor; Frank Mancini; Stephanie Thomas voted in favor.**

**No one opposed.**

**No one abstained.**

**d. #4-19CAM – Ryan & Sarah Smith – 21 South Beach Drive – Proposed single family residence – Review of new application – Report & recommended action**

Atty Bob Maslan, 30 Old Kings Highway, Darien, CT opened the presentation by introducing the project team. He then oriented the commissioners as to the location of the property on an aerial map and describing the proposed project. He noted that there was a variance on the current property. They had also received a new variance from the Zoning Board of Appeals. The neighbors had been notified about the application and the applicants had spoken with them as well. No one had issues with the application. He showed them a survey of the site and noted that the site plan is currently non-conforming because of flood regulations. Under the proposed project, there would be a new drainage system for storm water quality. He showed them the new system which is much better than the current one. The house would be lifted. It is in a Flood Zone A. He then described the proposed house as well as behind the house. Engineers are working with the Department of Energy and Environmental Protection (“DEEP”) for permits. He then showed them a rendering of the house which would include a 2 car garage. There is no other onsite parking. There were also porches, on the front

and rear. The applicant had received signoffs from some city departments. They had also received minor comments from DPW and the Water Pollution Control Authority (WPCA) which they were addressing.

David LaPierre, the architect on the project, continued the presentation by describing these covered porches, also known as grottoes. He also explained that there would be breakaway walls into the garage. He noted that they had done more than was required under the FEMA regulations due to the intensity of recent storms. He also explained that the mechanicals would be on a portion of the roof that is flat and that there is also sound attenuation would be installed so as not to bother the nearby neighbors. He showed them the architect renderings. There was a discussion as to the height of the house. Although it was designed for year round use the applicants would only be living in it seasonally.

**\*\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** that application #04-19 CAM, construct a new single family residence for the property 21 South Beach Drive and as shown on the zoning location survey dated 01/15/19 and revised to 02/12/19 by Wayne J. Arcamone, Land Surveyor, Norwalk, CT; on the engineering plans dated 04/18/19 by Land Tech, Westport, CT and on the architectural drawing dated 04/24/19 by Robert A. Cardello Architecture & Design, South Norwalk, CT be approved subject to the following condition.

1. That all City storm-water management requirements are met; and
2. That a permit is obtained from the Department of Public Works in regards to City storm-water management requirements; and
3. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
4. 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 June 14, 2019.

**Mr. Johnson seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Rod Johnson; Michael Kantor; Frank Mancini; Stephanie Thomas voted in favor.**

**No one opposed.**

**No one abstained.**

**e. #X-19SP – Eversource – 2 Tindall Ave – Modification to existing contractors yard – Review of new application – Report & recommended action**

Katie Gagnon began the presentation by orienting the commissioners as to the location of the property on an aerial map. She said that the purpose of the addition was to accommodate more trucks. Although there would be less parking they would still be providing the required parking. The use would remain the same and they were working with DEEP to bring the site into compliance.

Ron Miller, the architect on the project, continued the presentation by further describing the addition. He said that one reason for it was that new vehicles were taller. They could now fix them on site without sending them out. There would be no other change in the use and the number of employees would remain the same. There was also a discussion about using alternative fuels. He said that these are regular gas vehicles. There was a discussion with the commissioners as well as staff as to whether this application was a minor change. Mr. Wrinn said that it was.

**\*\*\* MR. JOHNSON MOVED: BE IT RESOLVED** that application #X-19SP – Eversource – 2 Tindall Ave – Modification to existing contractors yard, be considered a minor modification and be approved, subject to the following conditions:

1. That any modifications to the approved plan be submitted for Zoning Commission review and approval; and
2. That cutoff shields be installed on all lighting to prevent any stray light from being emitted off the property.

**BE IT FURTHER RESOLVED** that this application complies with Section 118-522 Business Number 2 Zone and 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 June 14, 2019.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Rod Johnson; Michael Kantor; Frank Mancini; Stephanie Thomas voted in favor.**

**No one opposed.**

**No one abstained.**

## **V. REVIEW AND ACTION ON PENDING APPLICATIONS**

**a. #1-19R - Zoning Commission – Proposed amendments to Section 118-504 Central Business Design District (CBDD), Section 118-100 Definitions, Section 118-1050 Workforce Housing Regulation, Section 118-1220 Off Street Parking and Commercial and Industrial Schedule Part 1 and related technical amendments - Review of proposed amendments – Report & recommended action and b. #1-19M - Zoning Commission – West Avenue/Wall Street/North Av/Belden Av & vicinity - Proposed changes to the Building Zone Map from Central Business Design District (CBDD), Industrial #1 and Neighborhood Business (NB) to Central Business District (CBD) and Central Business District West (CBD-W) - Review of proposed amendments – Report & recommended action**

Mr. Kleppin began the presentation by showing the commissioners the proposed CBD Rezoning map. He then gave a brief recap of the proposed amendments and asked that this presentation be on the record for both applications. The commissioners, though, would have to vote separately on each application. He explained the proposed changes to the map and discussed the timeline of the applications. They had not received any written comments. Mr. Kleppin said that he had spoken with the interested parties including the Harbor Commission. He said he had addressed their concerns, especially OEG's use of the property and reactivating the site. He noted that Paxton Kinol had requested a portion of land be placed into the CBD. There were concerns about setbacks and the need to be closer to the street. However, there could not be a discussion of it because it had not been noticed as part of the meeting. There was also a concern about spot zoning. There was a discussion about the difference between workforce housing and Section 8 housing which Mr. Kleppin defined. Mr. Kleppin and the commissioners then spent a fair amount of time discussing each of the changes in the regulations. There was a discussion about parking in lieu of fee, including what the funds were used for. There was also a discussion about water features as a bonus. There was also a discussion of micro units, the lack of control over the size of them and whether they should receive a bonus. There was a discussion about whether a fee in lieu of parking should be collected. There was also concern about one developer building 150 units and then no other could. Mr. Kleppin said there was no definition for micro unit and explained how they would work. Historic buildings would be exempt from parking regulations if they built micro units. At this point, a member of the public began to speak out and he was told that this was not a public hearing. Mr. Kleppin then recapped the changes

that the commissioners requested to be made to the proposed regulations, including those about the micro units and parking exemptions. The Zoning Commission had not received reports from the Harbor Commission or Historical Commission. Mr. Kleppin said that he had met with the Historical Commission but had not heard back with them about their comments. The Parking Authority had some comments. The Harbor Commission had concerns about the map. He had explained the pros and cons with them. They had concerns about the OEG property. If this property was used for residential, there would be a water dependent use on it. Although he had spoken with one of the Harbor Commissioners, he had not received any written comments from them. At this point in the meeting, the same member of the public once again spoke out of turn and was told not to do that again as this was not a public hearing. There was a discussion about the incentives for historic properties and micro units. Although the current regulations allow 6 stories, it is difficult to have enough parking. There was also a discussion about the difference between historical architects and regular architects. A historical architect will have expertise in preserving a historic building and will review the plans for accuracy.

**\*\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled #1-19R - Zoning Commission – Proposed amendments to Section 118-504 Central Business Design District (CBDD), Section 118-100 Definitions, Section 118-1050 Workforce Housing Regulation, Section 118-1220 Off Street Parking and Commercial and Industrial Schedule Part 1, amendments dated April 9, 2019, revised to May 30, 2019 be **APPROVED** with the following recommended modifications:

1. Removal of the address numbers for the historic buildings in the “Purpose and Intent for the CBD.
2. 504 B(2)b – Removed reference to “Certified Artist”, replaced with referral to Arts Commission and a 2/3 vote from Zoning Commission if Arts Commission provides a negative response.
3. 504 C.12 & 13 – Modified the formula for recreation space requirement for smaller developments and eliminating the requirement for historic buildings.
4. 504 C14 Modified language regarding previously approved redevelopment projects and design district development parks.
5. 504 D2.f – Added Planning Commission as referral agency regarding public art amenity.
6. 504 D3 – Added Day Care Center back in as an eligible public amenity.
7. 1220 E – Added clarification that medical office was also eligible for the mixed use credit.
8. 1220 E – Added additional potential reduction of 10% of required parking, intended for larger developments.
9. Bulk & Height Requirements: Added the ability to request a special permit to waive the 10’ upper story setback.

Clarified language regarding additional setbacks for certain abutters.

Modified maximum setback to include portions of properties which required public improvements

Consider eliminating the F.A.R. bonus for hotels.

Consider eliminating the bonus story on Wall Street.

**BE IT FURTHER RESOLVED** that the reasons for this action are to implement the Plan of Conservation and Development to:

- 1) “Dedicate a portion of funds raised 1) from the fee-in-lieu provision of the Workforce ordinance to efforts by other housing providers to create mixed-income communities” (A.2.1.7); and
- 2) “Allow a wide range of housing opportunities to ensure that the housing needs of all segments of the labor force are met” (A.1.2.3, p.10) and to “Encourage the expansion of the number of affordable housing units through

**BE IT FURTHER RESOLVED** that the effective date of this action be June 14, 2019.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Rod Johnson; Michael Kantor; Frank Mancini; Stephanie Thomas voted in favor.**

**No one opposed.**

**No one abstained.**

**\*\*\* MR. WITHERSPOON MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the proposed amendments to the Building Zone Map, #1-19M, West Avenue/Wall Street/North Av/Belden Av & vicinity - Proposed changes to the Building Zone Map from Central Business Design District (CBDD), Industrial #1 (I#1) and Neighborhood Business (NB) to Central Business District (CBD) and Central Business District West (CBD-W), in their entirety be **APPROVED**.

**BE IT FURTHER RESOLVED** that the reasons for this action are to implement the Plan of Conservation and Development to:

- 1) "Encourage diversity in commerce and industry" (A.1.1.2); and
- 2) "Protect water-dependent uses and encourage additional uses in appropriate locations along the waterfront that maximize public enjoyment of the harbor" (A.1.2.7); and
- 3) "Allow a wide range of housing opportunities to ensure that the housing needs of all segments of the labor force are met" (A.1.2.3, p.10); and
- 4) "Encourage the expansion of the number of affordable housing units through innovative methods such as incentive programs" (A.2.2.6, p.12); and
- 5) "Encourage new development around transit access and allow new development which does not exceed the capacity of infrastructure systems (roads, sewers, water, etc)" (B.1.1.2, p. 16); and
- 6) "Strengthen the revitalization of the West Avenue area by encouraging mixed-use development....." (A.3.1.2, p.12); and
- 7) "Allow for the future needs of Norwalk to be met as identified in this Plan (i.e. housing, economic growth, community facilities, etc.)" (F.1.1.6, p. 40).

**BE IT FURTHER RESOLVED** by the Norwalk Planning Commission that the draft Wall Street - West Avenue Redevelopment Plan is consistent with the Draft 2019 Citywide Plan (POCD).

**BE IT FURTHER RESOLVED** that the Redevelopment Plan is consistent with the following principles within the Draft Citywide Plan:

- 1) Chapter 3, Prosperity and Opportunity, Goal 3: Strengthen Norwalk's urban core with a mix of uses to attract residents, visitors and businesses; and
- 2) Chapter 4, Housing Choice and Healthy Lifestyles, Goal 1: Norwalk has a neighborhood and housing strategy that maintains a variety of neighborhood types and housing choices through a variety of mechanisms; and
- 3) Chapter 9, Coastal Resources and Resilience, Goal 1: Use of harbor and coastal resources is balanced with environmental resource protection; and
- 4) Chapter 9, Coastal Resources and Resilience, Goal 3: Water-dependent uses continue to operate and expand in Norwalk Harbor and on the coast; and
- 5) Chapter 12, Future Land Use, Zoning and Urban Design, Goal 2: Neighborhood and corridor activity centers have urban design standards that promote walkability.

**BE IT FURTHER RESOLVED** that the effective date of this action be June 14, 2019.

**Mr. Johnson seconded.**

**Nathan Sumpter; Louis Schulman; Richard Roina; Michael Witherspoon; Rod Johnson; Michael Kantor; Frank Mancini; Stephanie Thomas voted in favor.**

**No one opposed.**

**No one abstained.**

**VI. APPROVAL OF MINUTES: May 15, 2019**

**\*\* MR. ROINA MOVED to approve the May 15, 2019 Zoning Commission minutes.  
Mr. Witherspoon seconded.  
Louis Schulman; Richard Roina; Michael Witherspoon; Rod Johnson; Nicholas Kantor; Frank Mancini; Stephanie Thomas voted in favor.  
No one opposed.  
Nathan Sumpter abstained.**

**VII. COMMENTS OF DIRECTOR**

Mr. Kleppin updated the commissioners on the POCD and what the next steps for finalizing it were. There was a discussion about having the applicant for Leonard Street follow the new POCD, rather than the old one, which the Zoning Department staff would discuss with them. There was a further discussion about the elevator in that building as well.

Mr. Kleppin explained that there had been an error on the resolution for the Pinnacle project. The staff had contacted the applicant and were working to correct it.

**VIII. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

**IX. ADJOURNMENT**

**Mr. Witherspoon made a Motion to Adjourn.  
Mr. Roina seconded.  
Louis Schulman; Richard Roina; Michael Witherspoon; Rod Johnson; Nicholas Kantor; Frank Mancini; Stephanie Thomas voted in favor.  
No one opposed.  
No one abstained.**

The meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Diana Palmentiero