

**CITY OF NORWALK
ZONING COMMISSION
April 5, 2018**

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

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Atty. Liz Suchy; David LaPierre; Andy Soumelidis; Mike Fabrezze; James Brenia; Atty Charles Willinger; Tara Vincenta; Atty Al Vasco; Keith Simpson; Leonard Raymond; Duncan Vesta; Mr. Gupta;

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7:02 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

III. RECEIPT/REVIEW AND ACTION ON NEW APPLICATIONS

a. #1-18CAM – Anthony Tomas – 18 Tonetta Circle – New single family residence – Rpt and recommended action

Atty. Suchy began the presentation with an introduction of the project team and then showed them a site plan and renderings of the structure. She explained the application and then noted that the neighbors were notified of the filing of the application. She noted that she had not heard from any of them. She discussed the approvals that had been received. There were still a few approvals that were pending. Minor comments from the Zoning Department staff would be incorporated into the application. The commissioners had no questions.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that application #1-18CAM, construct additions to an existing single-family residence for the property 18 Tonetta Circle and as shown on the zoning location survey dated 2/26/2018 by Land Surveyor – Douglas R. Faulds, CT Lic. No. 13292 (for Redness & Mead, Stamford, CT) and on the engineering plans dated 11/16/2017 and revised to 2/15/2018 by Peak Engineers, LLC, Redding, CT, on the planting plan dated 2/26/2018 by Environmental Land Solutions, LLC, Norwalk, CT, and on the architectural drawings received 2/26/2018 by Michael Lobuglio, CT Lic. Architect No, 4724 be **APPROVED** subject to the following conditions:

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

6. 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 April 13, 2018.

Mr. Passero 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. #3-18CAM – Landtech Engineering – 69 Bluff Ave - New single family residence – Rpt and recommended action

David LaPierre said he was representing the applicants. He explained the application by noting that they would demolish two existing, non-compliant structures to construct a new legally compliant structure. He then showed them a site plan. Originally they had wanted to renovate but then realized they should make the structure compliant.

Andy Soumelidis, the project engineer, explained the current drainage system as well as the proposed drainage system. They are not doing work beyond the flood zone. There will be no impact to coastal resources.

***** MR. PASSERO MOVED: BE IT RESOLVED** that application #3-18CAM, construct additions to an existing single-family residence for the property 69 Bluff Avenue and as shown on the zoning location survey dated 12/12/2017 by Land Surveyor – Wayne Arcamone, CT Lic. No. 15773, Norwalk, CT and on the engineering plans dated 2/23/2018 by Landtech Engineering, LLC, Westport, CT, and on the architectural drawings dated 3/5/2018 by Robert A. Cardello Architecture and Design 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 April 13, 2018.

Mr. Witherspoon seconded.

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

No one opposed.

Rod Johnson abstained.

IV. DISCUSSION/ACTION ON PENDING APPLICATIONS

a. #2-17SP/#12-17CAM – Web Construction – 34 Meadow Street - Contractor's storage yard – Modify plan regarding HVAC system – Determine if minor change – Report and recommended action

Mr. Wrinn explained what the applicant was seeking with this the application. Atty Suchy continued the presentation by explaining that they had no engineer on the project at the time of the original application. They now have engineers who would speak to the filtration system that they designed.

Mike Fabrezze continued the presentation to discuss the ventilation for the rock crushing system. He began by discussing the rock crushing process. He also discussed the worker's safety system to keep them safe. The dust is dampened. The rock crushing will not work without the dust being dampened. OSHA requires that workers use a mask as well as other safety features. The ventilation system was a supplemental system to the one supplied with the rock crushing system and it will filter the air evenly. The air going out of the building will be the same as that coming into it. He noted that there are not many rock crushing systems that are indoors. They had to review regulations for other types of indoor businesses in order to determine what could apply to this rock crushing system. There was a discussion about the air quality which would be affecting the surrounding neighbors. There was also a discussion about why a HEPA system was not chosen. Mr. Fabrezze believed that the applicant had gone above the regulations and complied with the minimum OSHA regulations.

Mr. Fabrezze believed that the applicant was diluted the air so much that it would not be necessary for HEPA filters. There was also a discussion about decibel levels. Mr. Fabrezze believed that they would be within Norwalk's regulations. James Brenia continued the discussion about the noise levels and how the calculations were arrived at. He said that he thought the noise level of the fans was lower because they were now inside the building. He showed them the fans in the building, on a diagram. The fans would be serviced when they were clogged up. A siren would go off that they were clogged. Mr. Brenia also explained the dust mitigation system that was outside as well. He also explained why a HEPA system would not be the proper system for this building. Mr. Fabrezze said that the system they had was one level below a HEPA System.

Mr. Passero was satisfied with the fact that the applicant was following OSHA regulations. Mr. Roina was not convinced it was the best system to use. Many of the commissioners felt that it did not have much information to base a decision on because this inside rock crushing business was new.

The commissioners voted as to whether this was a minor change.

***** MR. JOHNSON MOVED: BE IT RESOLVED** that the minor change request for application #2-17SP/#12-17CAM – Web Construction – 34 Meadow Street - Contractor's storage yard – Modify plan regarding HVAC system – Determine if minor change be approved subject to the following conditions:

1. That all overhead doors, doors, and windows be closed when the rock crusher is in use; and

2. That the proposed HVAC system inside of the building be maintained and kept in good working order; and
3. That the proposed rock crushers sprinkler system be maintained and kept in good working order; and

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

Mr. Passero seconded.

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

No one opposed.

Louis Schulman and Richard Roina abstained.

- c. **#6-17CAM – Matthew Hessian - 12 Jacob Street – New single family residence – Request for one year extension of approval time – Report and recommended action**

Mr. Wrinn noted that the Zoning Department had no issues with this extension of time.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the approval time on #6-17CAM, construction of a new single-family residence for the property 12 Jacob Street – Request for 1 year extension of approval time be approved for an extension of a period of 365 days with the following condition:

1. That property taxes be kept current for the duration of the extension period;

BE IT FURTHER RESOLVED that the effective date of this approval shall 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.

- c. **#4-12SP – Windover Farm – 329-335 Chestnut Hill Road – 9 units conservation development – Request to modify approved plan regarding new fence along state ROW – Determine if minor change – Report and recommended action**

Atty Charles Willinger said that his firm represented Windover Farm. He explained the issue before the commissioners. He gave a brief history of the property and the approvals that had been received. He explained that construction had started in 2016. He then explained that there had been a miscommunication between the construction crew and management. He said that the fence has been built but that there were no guidelines on the site plan about it. He then explained how Mr. Strauch, of the Planning and Zoning Dept., had notified him that the neighbors had complained about the fence. He noted that he revised the plan but that the neighbors were not happy with it. He then showed the commissioners what had been proposed to them. He passed out copies of the revised plan. He then showed them the next revised plan which included more landscaping. He hoped that the commissioners thought of this as a minor change. He explained why this fence was better than the 4 ft. fence that was recommended. There was a discussion as to what a 4 ft. fence could have looked like but Atty Willinger did not know. There was also a discussion about whether

Tara Vincenta, the landscape architect, explained why they choose the trees and plantings that they had. She explained that it was set back from the road and should not be a problem with snow plows. There was a discussion as to receiving comments from the neighbors. There was a discussion as to how it went from a 4 ft. wall on the approved site plan to a 6 ft. fence. Atty Willinger did not realize they would have to come back to the Zoning Dept. staff for changing the size of the fence/wall. Atty Willinger explained that they needed to get the approval because there had to be a Certificate of Zoning Compliance so they could close on the first house in the conservation development. He suggested that they submit a bond for the cost of the trees since it was not currently there. Mr. Schulman suggested that the 6 ft. be removed and install the 4 ft. fence.

***** MR. SCHULMAN MOVED: to grant Atty Willinger's suggestion for the Zoning Department to receive a surety bond until an agreement could be made with the neighbors, in order to receive a Certificate of Zoning Compliance. This matter would be held over until the next Zoning Commission meeting.**

Ms. Wells seconded.

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

No one opposed.

No one abstained.

d. #1-90SPR – McDonald's Corporation – 531 Westport Avenue – Changes to façade – Determine if minor change – Report and recommended action

Mr. Wrinn explained that this was the last of the McDonald's that were changing their facades. No one represented McDonald's. Mr. Schulman noted that arches were being removed.

***** MR. WITHERSPOON MOVED: BE IT RESOLVED** that the minor change request for application #1-90SPR – McDonald's Corporation – 531 Westport Avenue – Changes to façade be **APPROVED**; and

1. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and

2. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

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

Mr. Passero seconded.

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

No one opposed.

No one abstained.

e. #10-17SP – Yew St Partners – Brierwood Rd – 5 unit conservation development – Determine public hearing date – Report and recommended action

Atty. Vasko began the presentation and noted that he was representing the applicant and introduced the project team. He explained the application and had received a Wetlands

Commission approval.

Andy Soumelidis continued the presentation by explaining the property and oriented the commissioners to the property on a site plan. Much of the property is in a conservation easement. He explained the wells and septic system. It had been previously been approved and land was cleared. The Fire Department had approved it. He also explained the proposed drainage system. There was a discussion about having 5 houses now, when the original plan had 4 houses on it.

Keith Simpson continued with a discussion of the planting plan which included what types of trees and shrubbery would be used.

The commissioners decided that there would be a public hearing on the next Zoning commission meeting. They asked to see the elevations at the public hearing.

f. #5-18CAM/#4-14SP – Shorehaven Golf Club – 14 Canfield Ave – Paddle tennis camp accessory building – Determine if minor change to special permit and action on coastal site plan – Report and recommended action

Leonard Raymond, who represented Shorehaven Golf Club, explained the history of the club. They were before the board to discuss a minor change to the site plan. He explained that they were decreasing the impervious surfaces. He also explained the drainage system and other ways that the change would positively impact the environment. There was a discussion about how there would be more pervious surfaces. Chris D’Angelis continued the presentation by showing the commissioners were the previous building was.

***** MR. WITHERSPOON MOVED: BE IT RESOLVED** that application # 5-18 CAM/13-14SP submitted by Shorehaven Golf Club, Inc, a one story, 1,300 sf paddle tennis / camp building at 14 Canfield as shown on various plans by KG&D Architects, Mount Kisco, NY dated 2/27/18, amended to 3/9/18 be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That all required soil and sedimentation controls be installed prior to the start of construction and maintained until the project is completed and stabilized; and
3. That any change to the plan will require Zoning Commission approval; and
4. 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 applicable Coastal Area Management resource and use policies; and

Be it further resolved that this is seen as a minor change to the existing Special Permit use; and

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

Ms. Wells seconded.

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

No one opposed.

No one abstained.

At this point, the commissioners decided to take a break. They returned at 8:44 p.m.

h. #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 – Review of public hearing – Report and recommended action and i. #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) - Review of public hearing – Report and recommended action

Mr. Sumpter noted that these 2 items would be heard together and would be heard before Item IV, g. since Atty Suchy was at the ZBA meeting. Mr. Kleppin handed out a packet of materials. He explained that he had sent the commissioners 2 proposed resolutions earlier that afternoon. There were 2 denials and 2 approvals.

Mr. Sumpter thought it would be good to have a discussion about these 2 applications. Mr. Roina said that he was sensitive to the public's comments about waiting for the POCD and TOD studies to be completed. He felt comfortable about stating that a project that was next to the train station would be suitable for this type of development. He thought it would be better to start the project sooner rather than later, especially before the Walk Bridge construction started.

Ms. Wells agreed with Mr. Roina and thought it would help bring vibrancy to the area. She believed that if they let this opportunity go then the city may not get this opportunity again. She would have liked for it to have more affordable housing.

Mr. Passero explained that he grew up in East Norwalk. He would like to see the area revitalized. Mr. Schulman explained why he was in support of the application but recommended a couple of changes. He said he was very familiar with TOD and has visited many of these types of sites in other parts of the country. He also noted that this type of development would have little impact on the public school system as well as the traffic. He believed it was appropriately sized for the area. He thought it would be in the city's best interests. He suggested to the developers to modify one of the buildings as recommended by Stantech.

Mr. Johnson agreed with the other commissioners but did understand the public's concerns about having the POCD and TOD studies not being completed. He also thought that the building on Rowan St. should be lowered. He also asked for a modification to the railroad side of the building. Mr. Witherspoon said that he believed that the TOD study would eventually confirm that this was a good project. He said that he would support the resolutions and would bring new business to the area. It would be a benefit to East Norwalk.

Mr. Sumpter believed this project would revitalize the area. He thought that it was good to have buildings in other areas of the city, not just South Norwalk. He thought that this was the right developer for the project.

Mr. Kleppin explained the modifications that had been made to the proposed regulations.

#11-17R - 230 East Avenue, LLC – Proposed amendments to Section 118-700 to permit transit oriented development (TOD) in the Industrial #1 zone at the East Norwalk Railroad Station

WHEREAS, the application was received by the Planning and Zoning Department on October 25, 2017 and received by the Commission on November 15, 2017;

WHEREAS, the applicant presented the application to the Commission on January 17, February 1, and February 21, 2018;

WHEREAS, the Commission opened the public hearing on March 1, 2018, and conducted a subsequent hearing on April 2, 2018 at which time the hearing was closed;

WHEREAS, the applicant submitted Certificates of Mailing in accordance with the zoning regulations and the applications were advertised in the Norwalk Hour on February 15, February 22 for the March 1 hearing, and on March 24 and 29 for the April 2 hearing;

WHEREAS, the Commission conducted and concluded deliberations on the closed application on April 5, 2018;

WHEREAS, the Commission made the following findings:

1) While the proposed amendment requests allowing 6 stories and 72 feet of height within the designated East Avenue Railroad Station Transit Oriented Development (TOD) bounds, the applicant's accompanying special permit proposal is a 5 story building on all sides, except for Osborne Avenue and does not exceed 62 feet from the calculated average grade.

2) The development proposal submitted in accompaniment with the regulation amendment is consistent with the heights of the existing building "A" as well as some other buildings in the vicinity.

3) The Commission understands public concern regarding approving an amendment to the regulations prior to the completion of the 2018 Plan of Conservation and Development (POCD), but concludes that a TOD development immediately adjacent to an existing rail station is appropriate and will help to revitalize the East Norwalk area.

4) The Commission also understands public concern regarding approving an amendment to the regulations prior to the completion of the East Avenue Rail Station TOD study, but concludes that a TOD development, immediately adjacent to an existing rail station, is appropriate and will help to revitalize the East Norwalk area. Furthermore, an approval of this amendment does not predetermine the planning and future direction the TOD study will take, nor will it result in conclusions about the rest of the study area

5) In response to public concerns about approving the regulation amendment before the POCD or TOD study are complete, the Commission authorized a third party peer review of the planning and design impacts of the project, which was conducted by Stantec's Urban Places Group. While suggesting some modifications, Stantec concluded that:

"The proposed project will bring new life to a large, mostly vacant, and underused site directly adjacent to the Metro-North train station. It adaptively reuses a vacant building, replaces surface parking with new housing, and introduces a small retail space on East Avenue near the station. New residents and office workers will support the neighborhood retail nearby, strengthening it as a neighborhood activity node.

The proposed project aligns with emerging goals and strategies in the POCD update process. While the proposed project is ahead of the East Avenue Rail Station TOD Study which will set a comprehensive vision for the neighborhood, it reflects many TOD principles appropriate for its station-adjacent location. The proposed project is just one element of what this broader study of new design and investment opportunities to enhance East Norwalk will be. The proposed project appears to present a good opportunity to catalyze other improvements around the East Norwalk train station that will benefit both the neighborhood and the city.”

6) The Commission acknowledges the public’s concerns about existing traffic on East Avenue as well as the concern related to the replacement of the East Avenue and Osborne Avenue bridges, as well as the replacement of the Walk Bridge and what impacts that will have on the area road network. In response to that, the Commission authorized a third party peer review of the traffic study which was conducted by WSP USA. While raising some concerns, WSP concluded that:

“In summary, WSP has found that the TAIS follows the standard steps of a Traffic Impact Study and uses industry standard methodologies to calculate the impact of the proposed redevelopment. The existing conditions data was reviewed and determined to be appropriate for use by Connecticut DOT and with only minimal exceptions was consistent with other data collected in the corridor. Future conditions included the reuse of the office building on the site and a growth rate of 0.7 percent per year as recommended by Connecticut DOT. WSP verified that this rate was similar to other growth rates used in this corridor. The horizon year of 2019 is not appropriate, however it is unlikely that traffic growth will modify the study findings significantly. The calculations used to determine the raw trip generation of the site were based on industry standards. Although the adjustment factors were based on what the applicant considers typical practice, a review of industry standards indicates that the overall total adjustment was reasonable. The trips were distributed based on typical patterns during the peak hours. A brief review of the intersection analysis indicates that it was completed appropriately and that the results presented are correct.”

7) The Commission has concluded that the result of this regulation is not “spot zoning”. While the geographic bounds of the proposal are confined to the subject area, this regulation amendment is not spot zoning since:

a. The regulation amendment is not confined to a single parcel; and

b. The proposed amendment is consistent with the city’s Comprehensive Plan and the POCD.

c. You are not rezoning the affected parcels, but simply allowing an additional use within the I1 Zone. Specific to this application, you must be in proximity to the rail station to seek this additional use.

8) The Commission shares the public’s concern about the loss of industrially zoned land for future business development. However, the desire to locate housing and mixed-use development in proximity to transit is a desired outcome of the existing POCD, as well as the State of Connecticut Conservation and Development Policies Plan Update 2018- 2023 and is consistent development trends seen nationally. In addition, the proposed project contains a larger amount of office space than we have seen in recent mixed-use projects and according to Stantec they typically see very little office space in similar developments.

9) **BE IT FURTHER RESOLVED** that, consistent with the Planning Commission findings, 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, Balanced Economic Growth, p. 8: “A commitment to housing affordability means embracing compact neighborhood-conscious transit-based development.”;

c. §A.2.1.1, p. 11: to "Encourage quality housing for a variety of tenures, family sizes, incomes, the senior population, and persons with special needs”;

d. §A.2.1.5, p. 11: to “Require a minimum of ten percent (10%) affordable units in all developments over 20 units, as per Workforce Housing ordinance”;

e. §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

f. §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)”;

g. §E, Transportation, p. 34: “The dependence on the automobile can only be reduced by a combination of improved public transit and pedestrian friendly redevelopment based on transportation hubs.”;

h. §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.)”;

i. §F.4.2.1. p.42: to "Enhance pedestrian experience to support related economic revitalization and encourage transit use”;

j. §F.4.1 p. 43: to “Strengthen the character of neighborhoods and commercial areas and improve the quality of architectural design”;

k. §F.4.2, p. 44: to “Design streets for people as well as vehicles”;

l. §F.4.2.1, p.44: to “Enhance pedestrian experience to support related economic revitalization and encourage transit use”.

THEREFORE, BE IT RESOLVED THAT upon a motion made by Mr. Schulman and seconded by Mr. Passero, the Commission voted unanimously to approve the proposed amendment, #11- 17R, to Section 118-700 of the Building Zone Regulations to permit transit oriented development (TOD) in the Industrial #1 zone at the East Norwalk Railroad Station dated October 30, 2017 as follows:

(l) Multifamily dwellings, including mixed use developments, where 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.” 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]

(i) Maximum Height: 6 stories and 72 feet above base flood level 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.

(ii) Residential Density: 800 square feet of lot area per dwelling unit, provided that a minimum of ten percent (10%) the total number of units shall comply with Section 118-1050 Workforce Housing Regulation.

In addition, the map accompanying the amendment should be modified to not include properties in the NB Zoning district.

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

#11-17SP/#29-17CAM - 230 East Avenue, LLC – 230 East Avenue/3 Rowan Street/Osborne Avenue, for a new 5-6 story, 276,408 sf mixed use development with 189 multifamily dwelling units (215,025 square feet), 39,492 square feet office, 4,260 square feet gross (2,130 square feet active) restaurant, 5,550 square feet gross (4,163 square feet active) retail and 15,939 square foot Pooch Hotel (existing) in 4 separate buildings with 311 parking spaces (207 spaces in below grade garage).

WHEREAS, the application was received by the Planning and Zoning Department on December 14, 2017;

WHEREAS, the applicant provided initial notice to the neighbors of the submitted application on December 20, 2017;

WHEREAS, the applicant presented the application to the Commission on January 17, February 1, and February 21, 2018;

WHEREAS, the applicant submitted Certificates of Mailing in accordance with the zoning regulations and the applications were advertised in the Norwalk Hour on February 15, February 22 for the March 1 hearing, and on March 24 and 29 for the April 2 hearing;

WHEREAS, the Commission opened the public hearing on March 1, 2018, and conducted a subsequent hearing on April 2, 2018 at which time the hearing was closed;

WHEREAS, the Commission conducted and concluded deliberations on the closed applications on April 5, 2018 and made the following findings:

1) The height and massing of Building “B” is consistent with the height of site Building “A” as well as some other buildings in the vicinity; and

2) The Commission understands public concern regarding approving a project at this location prior to the completion of the 2018 Plan of Conservation and Development (POCD), but concludes that a Transit Oriented Development (TOD) immediately adjacent to an existing rail station is appropriate and will help to revitalize the East Norwalk area

3) The Commission also understands public concern regarding approving a project at this location prior to the completion of the East Avenue Rail Station TOD study, but concludes

that a TOD development, immediately adjacent to an existing rail station, is appropriate and will help to revitalize the East Norwalk area. Furthermore, this approval does not predetermine the planning and future direction the TOD study will take, nor will it result in conclusions about the rest of the study area.

4) In response to public concerns about approving the regulation amendment before the POCD or TOD study are complete, the Commission authorized a third party peer review of the planning and design impacts of the project, which was conducted by Stantec's Urban Places Group. While suggesting some modifications, Stantec concluded that:

"The proposed project will bring new life to a large, mostly vacant, and underused site directly adjacent to the Metro-North train station. It adaptively reuses a vacant building, replaces surface parking with new housing, and introduces a small retail space on East Avenue near the station. New residents and office workers will support the neighborhood retail nearby, strengthening it as a neighborhood activity node. The proposed project aligns with emerging goals and strategies in the POCD update process. While the proposed project is ahead of the East Avenue Rail Station TOD Study which will set a comprehensive vision for the neighborhood, it reflects many TOD principles appropriate for its station-adjacent location. The proposed project is just one element of what this broader study of new design and investment opportunities to enhance East Norwalk will be. The proposed project appears to present a good opportunity to catalyze other improvements around the East Norwalk train station that will benefit both the neighborhood and the city."

5) The Commission also finds that Stantec's recommendations regarding improvements to the Rowan Street façade of Building "B" are consistent with concerns expressed by neighbors regarding building massing and will soften the appearance on Rowan Street.

6) The Commission acknowledges the public's concerns about existing traffic on East Avenue as well as the concern related to the replacement of the East Avenue and Osborne Avenue bridges, as well as the replacement of the Walk Bridge and what impacts that will have on the area road network. In response to that, the Commission authorized a third party peer review of the traffic study which was conducted by WSP USA. While raising some concerns, WSP concluded that:

"In summary, WSP has found that the TAIS follows the standard steps of a Traffic Impact Study and uses industry standard methodologies to calculate the impact of the proposed redevelopment. The existing conditions data was reviewed and determined to be appropriate for use by Connecticut DOT and with only minimal exceptions was consistent with other data collected in the corridor. Future conditions included the reuse of the office building on the site and a growth rate of 0.7 percent per year as recommended by Connecticut DOT. WSP verified that this rate was similar to other growth rates used in this corridor. The horizon year of 2019 is not appropriate, however it is unlikely that traffic growth will modify the study findings significantly. The calculations used to determine the raw trip generation of the site were based on industry standards. Although the adjustment factors were based on what the applicant considers typical practice, a review of industry standards indicates that the overall total adjustment was reasonable. The trips were distributed based on typical patterns during the peak hours.

A brief review of the intersection analysis indicates that it was completed appropriately and that the results presented are correct.”

7) The Commission shares the public’s concern about the loss of industrially zoned land for future business development. However, the desire to locate housing and mixed-use development in proximity to transit is a desired outcome of the existing POCD as well as the State of Connecticut Conservation and Development Policies Plan Update 2018- 2023 and is consistent development trends seen nationally. In addition, the proposed project contains a larger amount of office space than we have seen in recent mixed-use projects and according to Stantec they typically see very little office space in similar developments.

8) The Commission recommends that the City and the applicant continue to work with the CT DOT regarding access to the new rail platform. The concept of a larger Building “C” parallel with East Avenue, to be used in conjunction with the rail platform, will lead to better design and potential cost savings for the state.

9) The Commission also recommends the applicant consider additional greenspace and sustainable infrastructure throughout the project, such as additional greenspace, rooftop solar panels, pervious paving materials, etc.

10) The Commission further recommends that the applicant work with the City and State of Connecticut to find more off-site parking spaces near the station for commuters.

BE IT FURTHER RESOLVED that, consistent with the Planning Commission’s findings regarding the accompanying regulations amendment, the Commission finds that the proposal is consistent with the Plan of Conservation and Development. Specifically, the application is consistent with the following sections within the plan:

1. 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;

2. §A, Balanced Economic Growth, p. 8: “A commitment to housing affordability means embracing compact neighborhood-conscious transit-based development.”;

3. §A.2.1.1, p. 11: to "Encourage quality housing for a variety of tenures, family sizes, incomes, the senior population, and persons with special needs”;

4. §A.2.1.5, p. 11: to “Require a minimum of ten percent (10%) affordable units in all developments over 20 units, as per Workforce Housing ordinance”; §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”;

5. §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)”;

6. §E, Transportation, p. 34: “The dependence on the automobile can only be reduced by a combination of improved public transit and pedestrian friendly redevelopment based on transportation hubs.”;

7. §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.)”;

8. §F.4.2.1. p.42: to "Enhance pedestrian experience to support related economic revitalization and encourage transit use”;

9. §F.4.1 p. 43: to “Strengthen the character of neighborhoods and commercial areas and improve the quality of architectural design”;

10. §F.4.2, p. 44: to “Design streets for people as well as vehicles”; and

11. §F.4.2.1, p.44: to “Enhance pedestrian experience to support related economic revitalization and encourage transit use”.

BE IT FURTHER RESOLVED that the Commission also concurs with the Planning Commission that, the application is consistent with:

1. City of Norwalk, 2012 Norwalk Transportation Master Plan, Section 2, Chapter 5: “Transit-Oriented Development and Smart Growth to create neighborhoods that are compact, mixed-use, pedestrian-friendly and near transit stops”.

2. South Western Regional Planning Agency, 2015 Southwestern Regional Long Range Transportation Plan, 2015-2040, page 5: “Promote responsible land use by concentrating development in areas that are in close proximity to existing transportation infrastructure”.

3. Western Connecticut Council of Governments, 2017 Western Connecticut Economic Development Plan: A Comprehensive Economic Development Strategy, pages 13-17, Objective 3-3, “Create a diversity of housing that all sectors of the workforce and the regional populations can afford”; Goal 4-1d: “Prioritize projects near transit nodes, especially public transit stops.”; and Goal 4-2a: “Prioritize development projects that reuse previously developed sites, especially brownfields , and have dense footprints”.

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

BE IT FURTHER RESOLVED that this application complies with §118-700 Industrial Zone No. 1 as amended and §118-1450 Special Permits as well as applicable section of the Building Zone Regulations of the City of Norwalk.

THEREFORE, BE IT RESOLVED THAT upon a motion made by Mr. Schulman and seconded by Mr. Passero the Commission voted unanimously to approve the proposed application, #11- 17SP/#29-17CAM - 230 East Avenue, LLC – 230 East Avenue/3 Rowan Street/Osborne Avenue, for a new 5-6 story, 276,408 sf mixed use development with 189 multifamily dwelling units (215,025 square feet), 39,492 square feet office, 4,260 square feet gross (2,130 square feet active) restaurant, 5,550 square feet gross (4,163 square feet active)

retail and 15,939 square foot Pooch Hotel (existing) in 4 separate buildings with 311 parking spaces (207 spaces in below grade garage), with the following conditions and modifications:

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 a certificate of special permit and mylar of the approved site plan (as revised by any conditions of approval) be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. That final CEAC signoffs shall be submitted prior to the start of construction; and
4. That the application comply with any additional conditions required by the Department of Public Works; and
5. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and
6. That prior to obtaining a zoning permit that a final Parking Management Plan be approved by the Planning and Zoning Director and the Norwalk Parking Authority which indicates how parking for residents and on-site tenants will be managed along with spaces reserved for train station commuter parking (including new parking to be shared with commuters). In addition, the plan must also indicate how internal wayfinding signage will be incorporated and utilized; and
7. That the plans be revised and presented to the Commission for final approval which reflect the following changes to the site plan and building design recommended in the Stantec 230 East Avenue Peer Review memo (page 7) dated March 16, 2018: a. Modifying the Rowan Street courtyard to make it more pedestrian friendly; and b. Pulling the 5th floor façade back from Rowan Street and possibly including balconies for the four (4) affected units; and
8. That the plans be revised and presented to the Commission for final approval which modify the northern façade facing the railroad tracks which provide modulation or other architectural treatment to break up the long façade; and
9. Any reduction in the amount of office space indicated on the plans or change in use to the space now occupied by the “Pooch Hotel” shall be approved by the Commission; and
10. Should Building “C” not be constructed until after improvements to the rail platform, that any modifications to the plan be submitted to the Commission for approval;
11. 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
12. 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

13. That any new sidewalks provide a minimum 5' clearance from any obstruction; and

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

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

16. 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

17. That emergency generator testing be conducted on weekdays only, 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

18. That cutoff shields be installed on all lighting to prevent any stray light from being emitted off the property; and

19. 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

20. Per the following architectural plans: A0.0 Title Sheet 2/14/2018, A0.70 Frontage diagram 2/14/2018, A0.71 Recreation area diagram 2/14/2018, A0.72 Workforce Housing diagram 01 2/14/2018, A0.73 Workforce Housing diagram 02 2/14/2018, A1.00 Basement 2/14/2018, A1.01 Level 1 2/14/2018, A1.02 Level 2 2/14/2018, A1.03 Level 3 2/14/2018, A1.04 Level 4 Existing & Level 4 & 5 New 2/14/2018, A1.05 Roof Plan 2/14/2018, A2.01 Building A Existing Building Revised Building Elevations 2/14/2018, A2.02 Building A Existing Building Revised Building Elevations 2/14/2018, A2.03 Building B Elevations 2/14/2018, A2.04 Building C Elevations 2/14/2018, A3.01 Site section 2/14/2018, A4.01 Typical units 2/14/2018, A9.01 View from Rowan Street 2/14/2018, A9.02 View from Railroad tracks 2/14/2018, A9.03 View from corner Osborne Ave & Rowan St Building C 2/14/2018 (see below), A9.04 View of Building C 2/14/2018, A9.05 View of Plaza 2/14/2018, A9.06 Aerial Rendering 2/14/2018, A9.03 View from corner Osborne Ave & Rowan St Building C, 2/14/2018 revised to 3/1/2018 and SK.01 Additional view of Plaza and Bldg C 2/14/2018.

21. Per engineering plans: East Ave MEA SE1 Site Layout Plan 230 East Ave 2/14/2018, East Ave MEA SE2 Site Utility Plan 230 East Ave 2/14/2018, East Ave MEA SE3 Site Grading and Erosion Control Plan 230 East Ave 2/14/2018, East Ave MEA DT1 Construction Notes & Details 230 East Ave 2/14/2018, East Ave MEA DT2 Construction Notes & Details 230 East Ave 2/14/2018, East Ave MEA DT3 Average Grad Plan 230 East Ave 2/14/2018, DB1 Existing drainage basin map 230 East Ave 11/2/2017, Site Location Map 10/30/2017 and PSTS Property Topographic Survey depicting 230 East Ave & 10 Rowan St Norwalk CT 9/15/2017.

22. Per landscaping plans: SPL-1.0 230 East Ave Overall Landscape Plan 2/14/2018, SPL-1.1 230 East Ave Overall Planting Plan 2/14/2018, SPL-2.2 230 East Ave Area enlargement East Ave entrance 2/14/2018, SPL-2.1 230 East Ave Area enlargement Bldg A amenity court entrance Bldg A&B 2/14/2018, SPL-2.2 230 East Ave Area enlargement roof amenity & terraces Bldg B 2/14/2018, SPL-3.0 230 East Ave Overall Landscape Lighting Plan 2/14/2018, SPL-4.0 230 East Ave Site details 2/14/2018, SPL-4.1 230 East Ave Site details 2/14/2018, SPL-4.2 230 East Ave Site details 2/14/2018, SPL-4.3 230 East Ave Site details 2/14/2018 and L-1 230 East Ave 2/14/2018, as well as presentation renderings dated March 21, 2018.

23. That all traffic improvements, including improvements required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC); and

24. That the draft deed restriction as shown on a certain document entitled "230 East Avenue, LLC Draft Affordability Plan" dated December 2017 (revised February 9, 2018) and related documents showing two (2) studio, 13 one-bedroom and five (5) two-bedroom workforce housing units, for a total of twenty (20) 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 CZC; and

25. That a surety (in an amount to be determined by staff) be submitted prior to the issuance of a final CZC to guarantee the installation of any street improvements along East Avenue which will be completed after the road project is complete; and

26. 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

27. That within six months of the issuance of the CZC a follow-up traffic and parking utilization study be submitted to the Commission and an update of the study be submitted 12 months after that study has been completed.

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

g. #2-18SPR – Bright Beginnings Early Childhood Program – 517 Westport Ave – 11,000 sf child day care center – Report and recommended action

Mr. Sumpter opened the public hearing. Atty. Suchy began the presentation thanking the commissioners for rescheduling this application on tonight's agenda. She handed in a copy of the lease which showed a sufficient number of parking spaces.

Duncan Vesta, the site engineer, showed the changes that they had made to the site plan with suggestions from the Zoning Department staff. This included changes to the traffic flow as well as several walkways for safety of the parents and children. The walkway was not concrete but painted. There was discussion about whether this would be safe. There was also a discussion about the trash and dumpsters. The commissioners then continued discussing the parking and how people would get in and out of their cars safely.

Mr. Gupta explained that he did not think that the people driving through the parking lot would not be driving fast. All would be careful because they would realize that there are little children in the parking lot. Part of the change was that the lot was now one way. They had a

meeting with the Conn DOT on Monday to review the traffic. There was a discussion as to whether there should be a public hearing. Atty. Suchy reminded them that they had not heard from any neighbors about this application.

Mr. Sumpter asked the commissioners whether they would like a public hearing. Several said that it was not necessary. They wanted to wait to hear from the state DOT and whether Conn DOT thought there would be backups onto Westport Avenue. Mr. Schulman suggested having a traffic engineer looking at it for the city. DPW would also go to the Conn DOT meeting as well. There was a discussion about changing the parking plan so that some spots were for staff and others for parents. Everyone decided that they should wait to see what the Conn DOT said. There would be no public hearing.

j. #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) - Review of public hearing – Report and recommended action and k. #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 - Review of public hearing – Report and recommended action

Mr. Kleppin began the presentation with comments/suggestions from the previous Zoning Commission on April 2, 2018. He went over the Spinnaker letter for the commissioners, to discuss the developer's concerns and suggestion. He would give them a clean copy of the regulations at the next meeting. He recommended that they could vote on this at the next meeting and would receive a draft of it in the following week.

V. COMMENTS OF DIRECTOR

There were no comments from the director.

VI. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

VII. ADJOURNMENT

Mr. Sumpter made a motion to adjourn.

Mr. Passero seconded.

Nathan Sumpter; Michael Witherspoon; Louis Schulman; Rod Johnson voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 10:14 p.m.

Respectfully submitted,

Diana Palmentiero