

**CITY OF NORWALK  
ZONING COMMISSION  
November 7, 2019**

**PRESENT:** Nathan Sumpter, Chair; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson

**STAFF:** Steve Kleppin; Mike Wrinn

**OTHERS:** Bill Achilles; Richard Sileo; Atty David Waters;

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Mr. Kleppin called the roll. Mr. Sumpter then proceeded to discuss the rules for the public hearings.

**III. PUBLIC HEARINGS**

**a. #2-19SP – SLI Norwalk, LLC (Shawn’s Lawns) – 2 Muller Avenue – Proposed contractor’s storage yard with motor vehicle repair – Continued hearing from Oct 3 for APA comments only**

Mr. Wrinn began by noting that this was held open because they were waiting for the Aquifer Protection Commission comments. That meeting had been held prior to the Zoning Commission meeting that evening. He then read those comments into the record. There was no further discussion amongst the commissioners. Mr. Sumpter closed the public hearing.

**b. #4-19SP – 19 Willard Rd, LLC – 19 Willard Road – Proposed 7,000 sf millwork shop and warehouse use**

Mr. Sumpter opened the public hearing. Bill Achilles, the architect on the project, said he was represented the owners of the property. He oriented the commissioners as to the location of the property on an aerial map. He explained why they were seeking a special permit, in order to construct a millwork shop. He also discussed the history of the uses of the building. It had recently been an antique store. There would be no work done on the exterior or in the parking lot. He also showed them pictures of the current building as well as site plans of the proposed construction in the interior. There was a loading dock on the building where deliveries would be made. He then discussed the standards for the special permit review.

Mr. Achilles noted that a traffic study had been submitted. There would not be any change in the level of service since there would only be employees coming in the morning and leaving in the evening. There would be no changes to the utilities or lighting at the site. Interior changes would include insulation which would keep noises within the building. A mechanical engineer had been retained for this application. They would advise how to vent the building. He also noted that there would be a lot of activity near the loading dock. They were not aware of zoning violations and had added handicapped parking spaces. They had done some work on the exterior.

At this point, Mr. Achilles was not sure whether the mechanical engineer would be able to attend the meeting. There was a discussion about his report. Mr. Wrinn explained that there were some items not addressed in the report. There was concern about the spray booths that would be

used in the building. Mr. Achilles suggested that there be a condition of approval, at the time of the Building Permit, the applicant must submit proof in the form of mechanical drawings that there would be no adverse effects due to noxious smells from the spray booths or noise. At this point, the mechanical engineer arrived to the meeting.

Richard Sileo, a member of the engineering team, continued the presentation. He explained the drawings about the mechanicals on the roof, etc. which would affect the surrounding neighbors. There was concern about noise, noxious odors, etc. There was a discussion about the spray booths which he noted captured odors and flammable items. He did not anticipate neighbors smelling the fumes.

There were no members of the public who spoke for or against the application. Mr. Achilles noted that he had worked for the owner of the building for many years. He did not anticipate any problems.

Mr. Sumpter closed the public hearing.

**c. #8-19R - Zoning Commission – Proposed amendments to Articles 10 and 50 to revise the definition of brew pub and remove definition of healthcare facilities and related technical amendments – Continued hearing from Oct 16 for Planning Commission comments only**

Mr. Kleppin noted that the public hearing had been held open for comments of the Planning Commission which Mr. Witherspoon read into the record.

There were no other comments from the commissioners. Mr. Sumpter closed the public hearing.

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

Mr. Kleppin noted that the application for 25 Van Zant was not on this agenda and may be on the November 20, 2019 agenda.

**a. Action on Items III. a., b., and c.**

**i. #2-19SP – SLI Norwalk, LLC (Shawn’s Lawns) – 2 Muller Avenue – Proposed contractor’s storage yard with motor vehicle repair – Continued hearing from Oct 3 for APA comments only**

**\*\*\* MR. JOHNSON MOVED: WHEREAS** the Norwalk Zoning Commission recommends approval of #2-19SP for a new contractors storage yard at 2 Muller Avenue; with the understanding that the Commission reserves the right to revoke this special permit if the applicant fails to comply with the approved plans or conditions of approval; in accordance with Section 118-1460. Violations and penalties C. as noted below:

“C. Failure to strictly adhere to any permit issued by this department or the documents, plans, terms, conditions, safeguards, approvals and/or permits approved by the Commission as part of any application, shall be a violation of these Regulations and the Commission shall have the authority to revoke the permit associated with that violation, at any time the operation is found to be in noncompliance with the original permit..”

**BE IT RESOLVED** that special permit #2-19SP – SLI Norwalk, LLC (Shawn's Lawns) – 2 Muller Avenue – Proposed contractors storage yard, as shown on the plan entitled, "Proposed Site Improvements for a Contractors Storage Yard Site Plan", Scale 1"=20', Dated June 25, 2019 and revised August 8, 2019, by Landtech Civil & Structural Engineers, Westport, CT be **APPROVED** subject to the following conditions:

1. That the site plan be revised to provide additional screening on the west side of the property to include fencing and landscaping of sufficient height to screen equipment stored along the Norwalk River, and visible from U.S. Route 7, from public view; and
2. That the applicant's statement that NO soils or materials (rock, gravel, or other earthen materials, etc.) will be stored or processed on the site; and that only the storage of construction materials such as conduit, piping, etc. is proposed, be made part of this approval; and
3. That a certificate of special permit and mylar (as modified to address any conditions of approval) be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
4. That the submitted Environmental Impact Statement, including the designated hours of operation Monday – Friday between 7:00 am – 4:00 pm and Saturday hours between 8:00 am – 2:00 pm, be made part of this approval; and
5. That all soil and erosion controls shall 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
6. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; and
7. That all CEAC sign-offs including a sign-off from the Department of Public Works and First Taxing District Water be provided prior to the issuance of a zoning permit; and
8. That a licensed Connecticut engineer certify that all of the required improvements were installed in accordance with City standards, prior to the issuance of a certificate of zoning compliance; and
9. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
10. Once the final landscaping and fencing is installed, staff shall make a visual inspection when no deciduous canopy is present, to ensure the plantings installed are sufficient to screen the property and shall report the findings to the Commission for consideration; and
11. That cutoff shields be installed on all lighting to prevent any stray light from being emitted off the property; and
12. That any horn blowing, idling of trucks, and exhaust discharge be in compliance with Chapter 68 [§68-6 Prohibited Activities] - Noise Ordinance of the City Code of Norwalk; and
13. That any modification by any other agency which requires a substantial change to these plans be submitted to the Zoning Commission for review and approval; and
14. That all proposed signage comply with the zoning regulations and that any graffiti on the site, now or in the future, be immediately removed; and
15. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and

**BE IT FURTHER RESOLVED** that this proposal complies with Section 118-1450 Special Permits and Section 118-522 Business Zone #2 and with applicable sections of the Building Zone Regulations for the City of Norwalk.

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be November 15, 2019.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson approved.**

**No one opposed.**

**No one abstained.**

**ii. #4-19SP – 19 Willard Rd, LLC – 19 Willard Road – Proposed 7,000 sf millwork shop and warehouse use**

Before Mr. Schulman moved the resolution, he noted that the condition regarding noise and noxious odors and dust that had been discussed during the public hearing be added to the resolution. Mr. Roina also requested that a further condition should be if these additional conditions are not met, that the applicant remedy the situation or the permit be revoked.

**\*\*\* MR. SCHULMAN MOVED: BE IT RESOLVED BY THE NORWALK ZONING COMMISSION** that Special Permit application #04-19, 19 Willard Road LLC, for the use of an approximately 7,000 square foot millwork shop and warehouse use within an existing building, as shown on a site plan by Richard Bennett & Associates, LLC. entitled "Site Plan for Commercial Building Renovation and Existing Parking," dated 2-18-19 and revised to 7-37-19, as well as on architectural drawings by Achilles Architects, entitled "Proposed First Floor Plan Tenant Layout," revised to 9-9-19, be **APPROVED** with the following conditions:

1. That all CEAC sign-offs be submitted; and
2. That any and all HVAC units shall be properly screened and located in conformance with the applicable zoning setbacks; and
3. That all exhaust equipment be installed with filters complying with all federal, state, and/or local regulations; and
4. That no outdoor storage is allowed; and
5. That an enclosed dumpster location be approved by Staff; and
6. That all paints and solvents be properly disposed of; and
7. That any signage meet the building zone regulations; and

**BE IT FURTHER RESOLVED** that the effective date of this action is November 15th, 2019.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson approved.**

**No one opposed.**

**No one abstained.**

**iii. #8-19R - Zoning Commission – Proposed amendments to Articles 10 and 50 to revise the definition of brew pub and remove definition of healthcare facilities and related technical amendments – Continued hearing. from Oct 16 for Planning Commission comments only**

**\*\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled "#8-19R - Zoning Commission – Proposed amendments to Articles 10 and 50 to revise the definition of brew pub and remove definition of healthcare facilities and related technical amendments" and dated September 19, 2019, be **APPROVED**;

**BE IT FURTHER RESOLVED** that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development goal to ““Examine and modify existing zoning where necessary to achieve the goals of this plan” (F.2.1, p. 42); and
- 2) To implement the Plan of Conservation and Development goal to “Preserve the character of neighborhood businesses and neighborhood businesses districts” (A.4.1.4, p.13); and
- 3)

**BE IT FURTHER RESOLVED** that the effective date of this action be November 15, 2019.

**Mr. Roina seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; approved.**

**No one opposed.**

**Rod Johnson abstained.**

**b. #8-18SP – Norwalk Public Schools – 11 Ingalls Ave – New Columbus Magnet School – Request for one year extension of approval time - Report and recommended action**

Mr. Wrinn explained that the applicant had been working with the Department of Energy and Environmental Protection (“DEEP”) about open space issues which were taking longer than expected. Consequently, the applicant was requesting an extension of time.

**\*\*\* MR. SCHULMAN MOVED: BE IT BE IT RESOLVED** by the Norwalk Zoning Commission that the request for a one year extension of the approval time on application # 8-18 SP – City of Norwalk Public Schools for a new Columbus Magnet School at 11 Ingalls Avenue be **APPROVED**;

**BE IT FURTHER RESOLVED** that the new deadline for obtaining a building permit is October 26, 2020.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson approved.**

**No one opposed.**

**No one abstained.**

**c. #5-18SPR - SoNo TOD LLC – 1 Chestnut St/SoNo Metro - New 5-6 story, ±122,000 sf Transit oriented development w/5,800 GSF ground floor retail, 11,000 sf office and 122 multifamily dwelling units (16 units in existing historic bldg.) – Request for one year extension of approval time - Report and recommended action**

Mr. Kleppin explained that although the applicant was finalizing permits, they were requesting the extension as to not miss the deadline.

**\*\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application **#5-18SPR** - SoNo TOD, LLC – 20 & 24 Monroe Street and 5 & 11 Chestnut Street - New 5-6 story, ±122,000 square foot Transit oriented development (TOD) w/5,800 GSF ground floor retail, 11,000 sf office and 122 multifamily dwelling units with 16 units in an existing historic building and 106 units in a new building as shown on a set of plans entitled “#1 Chestnut St.” by Beinfield Architecture, Godfrey Hoffman Associates Engineers and various related plans by Eric Rains Landscape Architects, LLC dated September 18, 2019 as revised to October 16, 2018, be **APPROVED**, subject to the following conditions:

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 9, 2020**; and
4. That the subject properties are clear of all violations; and

**BE IT FURTHER RESOLVED** that the effective date of this action be **November 15, 2019**.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Rod Johnson approved.**

**No one opposed.**

**Richard Roina abstained.**

**d. #14-15SP/#15-15SP/#16-15SP – 150, 200 & 300 Glover Ave, LLC (Grist Mill Village) – 150-300 Glover Ave - 761 unit Commercial PRD with 78 workforce units – Request to modify approved plan to replace “tabled intersections” with flat intersections at two driveways and to revise design of NRVT easement – Report & recommended action**

Atty David Waters, the attorney for the applicants, began the presentation with an explanation of three issues that the Zoning Department thought should be brought before the commissioners. One was the driveway. He showed them the original landscape plan as well as explaining that of the three buildings, one of them is almost fully leased. The next building is waiting for certificates of occupancy and the other is starting its foundation. The applicants were requesting that the raised tables on the driveways would be removed from the plans. They would be flat. The Department of Public Works (“DPW”) did not have an issue with that because of snow plows and the bicycle lanes. There was a discussion about the fact that the raised tables were traffic calming. Atty Waters explained what was being done for traffic calming. It would not affect the width of the road. Mr. Wrinn explained how the trees made it look like a boulevard which helped to calm traffic. There was a discussion about the applicant working with the state about improvements on Grist Mill and Route 7. He said that they were also working with the Federal Government on this as well.

Atty Waters then discussed the Norwalk River Valley Trail which runs through this area. He said the applicant would assist with the segment on their property as well as the state property. He explained the various pieces of it and how one would be enhanced. He showed them the original drawing and then the revised piece of the trail since it would be 10 ft. wide.

Atty Waters then explained about an easement on the property at B Building. He noted that where the proposed easement would be is still an active construction site. He then explained the timing of the recorded easement which would be once the buildings were completed.

**\*\*\* MR. SCHULMAN MOVED: BE IT RESOLVED** that the request to modify the approved plans for special permits **#14-15SP/#15-15SP/#16-15SP** - 150/166/170 Glover, LLC – 761 unit Commercial Planned Residential Development to modify the approved “tabled intersections” to be “at-grade” intersections at two site driveways and related site improvements **AND** to modify the design and alignment of the NRVT located to the north of Building C as shown on a certain set of plans entitled by EDI International, Svigals + Partners Architects, Environmental Land Solutions, LLC and Tighe and Bond Engineers dated revised to June 29, 2018 and related site plans and drawings **AND** to modify the resolution for Building B to modify the first part of condition #16 as noted below be **APPROVED**, subject to the following conditions:

1. **Modify** first line of condition #16 to read

“That **a draft of** a 10 foot wide access easement for the Norwalk River Valley Trail (NRVT) **to be granted to the City of Norwalk** from ~~the proposed internal sidewalk at the north side of Building C Glover Avenue~~ to the northeast corner of the property be **submitted for Corporation Counsel review granted to the City of Norwalk** prior to the issuance of a certificate of **occupancy for Building B, and**

***then filed on the Norwalk Land Records prior to the issuance of a certificate of occupancy for Building C (File #16-15SP)" and***

2. That a Zoning Location Survey of the adopted modifications to approved plan as revised by this action be submitted to the Commission; and
3. That a bond be submitted to the Department of Public Works (in an amount to be determined by DPW staff) prior to the issuance of a Zoning Foundation Permit for Building C (300 Glover Ave) to guarantee the construction of the road improvements and that all such road improvements shall be complete or actively under construction prior to the issuance of a final Certificate of Zoning Compliance (CZC) for Building C; and
4. That the content of the draft easement is not approved subject to review and approval by the Corporation Counsel's office; and
5. That all other conditions of the original approval remain in effect; and

**BE IT FURTHER RESOLVED** that the effective date of this action be November 15, 2019.

**Mr. Roina seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson approved.**

**No one opposed.**

**No one abstained.**

e. **#5-17SP/#21-17CAM – Dimitrious Dimitrogou – 198-200 East Ave – Request for release of erosion control surety bond – Report & recommended action**

Mr. Wrinn said all improvements had been completed and the staff recommended the release of the erosion control surety bond.

**\*\*\* MR. ROINA MOVED: BE IT RESOLVED BY THE NORWALK ZONING COMMISSION** that the surety be **APPROVED** to be released on application #5-17SP/#21-17CAM submitted by Dimitrious Dimitrogou for erosion and sedimentation controls for a 14-unit multifamily residence as all improvements have been completed and properly maintained; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be November 15, 2019.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson approved.**

**No one opposed.**

**No one abstained.**

f. **Carmelo Tomas – 30-32 Ferris Ave – Review of front porches for 11 unit development per Section 118-360 C. (7) 4. – Report & recommended action**

Mr. Wrinn noted that the applicant had not needed to appear before the commission but since they were allowed to request building a porch within the front setback,

Mr. Tomas, the owner of the property, began the presentation by showing the commissioners the site plan. He showed them what had been approved by the staff. There was a discussion about

staff approvals. He noted that he had a similar design on other buildings he had constructed in the last several years.

Mr. Wrinn said that there were pictures of the current property in the packet. There was a discussion about the plans and how it appeared. Mr. Tomas showed them pictures from another building where he added columns to the front portico. He would work with the Zoning Department staff on adding columns as the pictures had. He would submit new plans.

**\*\*\* MR. JOHNSON MOVED: BE IT RESOLVED BY THE NORWALK ZONING COMMISSION** that the applicant be allowed to construct porches with columns as accepted by the Zoning Department staff.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson approved.**

**No one opposed.**

**No one abstained.**

**g. #6-16SPR/#7-16SPR – Norwalk Land Development LLC – 100 North Water St - Request to modify approved Comprehensive Exterior Signage Manual dated Oct 4, 2016 and graphic examples dated October 7, 2016 for The SoNo Collection properties - Report & recommended action**

Atty Jackie Kaufmann began the presentation by giving a summary of the changes of the sign manual for a new tenant, Pinstripes. She noted that this was a bigger space than originally anticipated. There would be 1 less sign and a larger sign.

Paul Madden, a senior director at Brookfield Properties, continued the presentation by thanking the Zoning Commission and staff and the Norwalk community for its support. He then discussed a new tenant, "Pinstripes." He explained the business and what it was bringing to the mall. He gave a brief overview of this business as well as how the size of the business would affect the size of the signage. He explained the signage would change which he believed would be minor. He also explained that a sign would project off the building to help direct traffic. Some sign definitions would be changed. There was a discussion about whether this change was only for this tenant or could it be used by other, future tenants. Mr. Kleppin said that it could but it was hard to know at this time. He did anticipate that this would not be the last change. It was also one of the reasons that the sign manual was separate from the resolution.

There was a discussion about a Grand Opening which they were waiting for the 2<sup>nd</sup> anchor to open. There was also a discussion about feedback on the mall including on the lighting from the signage. Mr. Madden said they would continually look at that, especially from the feedback from neighbors. There was a discussion about exiting from the parking garage. Mr. Madden agreed since they had heard this feedback.

There was a discussion about the Pinstripes signage and that it was lighted. It would be turned off when the mall was closed. There was a discussion about the height of this sign.

There was a discussion about the open space areas which, Mr. Madden said he hoped would be activated by the mall or outside vendors. There was then a further discussion about the parking lot and the parking fees.

The commissioners agree

**\*\*\* MR. ROINA MOVED: BE IT RESOLVED BY THE NORWALK ZONING COMMISSION** that this was a minor change to this application.

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson approved.**

**No one opposed.**

**No one abstained.**

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

### **a. #X-19SPR/#X-19CAM – Leonard St Associates, LLC – 9-13 Leonard St – 26 residential dwelling units – Preliminary review**

Atty Suchy began the presentation by showing the commissioners a picture of the current property. She gave a brief description of the property. She also noted that there had been several applications on it in the past year. She then showed them plans of the proposed apartment building which would include workforce housing. She said that one of the issues about the driveway going into the building. The driveway was in a different place on this plan. She then asked the commissioners if they could authorize direct contact between the architect experts so that they did not have to go through her. She noted that they had notified neighbors but had not had any response from them.

There was a discussion about the architecture of the building. It was noted that it looked similar to past iterations. Atty Suchy asked for suggestions. There was then a discussion about whether the experts could speak with one another as well as the procedure.

## **VI. REPORT OF NOMINATING COMMITTEE: Election of officers**

Mr. Sumpter asked Mr. Witherspoon for a report from the nominating committee. Mr. Witherspoon said they nominated Mr. Schulman for the Chair, Mr. Witherspoon for the Vice Chair and Ms. Wells for the Secretary. Mr. Sumpter then asked for other nominations from the floor. Mr. Johnson asked if they could wait for all of the commissioners to be present and add it to the agenda for the next meeting. Mr. Wrinn noted that if they waited until the next meeting to vote, the new slate of officers would take over at the following meeting in December. They then decided to vote. Mr. Sumpter asked if there were any other nominations for Chair, Vice Chair and Secretary but there were not.

**\*\* MR. ROINA MOVED** to nominate Mr. Schulman as Chair, Mr. Witherspoon as Vice Chair and Ms. Wells as Secretary.

**Mr. Johnson seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson approved.**

**No one opposed.**

**No one abstained.**

Mr. Sumpter thanked everyone for their cooperation and looked forward to continuing to work with the commissioners for the remainder of his term. He also thanked the Zoning Department staff.

Mr. Schulman thanked everyone as well as thanking Mr. Sumpter for remaining on the commission.

**VI. APPROVAL OF MINUTES October 16, 2019**

**\*\* MR. SCHULMAN MOVED to approve the October 16, 2019 Zoning Commission minutes.**

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina approved.**

**No one opposed.**

**Rod Johnson abstained.**

**VIII. COMMENTS OF DIRECTOR**

Mr. Kleppin noted that there were some new items in their packets which should be reviewed.

He also noted that there is a public meeting on Tuesday night for a presentation for public feedback on the revisions to the Zoning regulations. He said the consultant would return on December 11 which would also be a joint meeting with the Planning Commission. There was a discussion about the Planning Commission role in the re-write of the regulations.

There was then a discussion about the final POCD. Mr. Kleppin said that it should be printed and signed by the Mayor by Thanksgiving.

Mr. Wrinn explained about the Tavern Island application and the process of the application.

**IX. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

**X. ADJOURNMENT**

**Mr. Roina made a Motion to Adjourn.**

**Mr. Witherspoon seconded.**

**Nathan Sumpter; Louis Schulman; Mike Witherspoon; Richard Roina; Rod Johnson approved.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Diana Palmentiero