

**CITY OF NORWALK
ZONING COMMISSION
February 6, 2020**

PRESENT: Louis Schulman, Chair; Michael Witherspoon; Stephanie Thomas; Roderick Johnson; Nicholas Kantor; Nathan Sumpter; Joshua Goldstein; Frank Mancini

STAFF: Steve Kleppin

OTHERS: Atty. Robert Maslan; Atty. John Mallin; Mr. Elkins; Atty Adam Blank; Derek Daunais; Ray Sullivan; Jason Enters; Mike Galante

I. CALL TO ORDER

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

II. ROLL CALL

Mr. Kleppin called the roll. Mr. Schulman then proceeded to discuss the rules for the public hearings. Mr. Kantor and Mr. Goldstein, 2 alternates, would vote on the public hearing since 2 voting Commissioners were absent. He asked that all cell phones be turned off and put on vibrate.

III. PUBLIC HEARINGS

a. #9-19R – Tavern Island Holdings, LLC – Proposed amendments to increase maximum building height from 25 feet to 30 feet in the Island Conservation zone - Continue hearing from January 15, 2020

Atty Maslan began his presentation with an introduction of his team. He gave a brief history of the Island Conservation zone and he said that it was also in the application. He explained the maps and other documentation were attached to the application. He noted that the Planning Commission had asked what other towns were doing. He said that Norwalk was modest compared to others. He does not know how the amendment would change other islands but he thinks it would work. The Harbor Management Commission thought it would work and they would work with them on some of their comments. WestCog did not have any comments.

There was a discussion about lot coverage. It was suggested to lower the coverage from 25% to 15% which Atty Maslan said would be fine. There was a clarification on building height. There was also a discussion about the sea levels rising as well as V Zone standards. Atty Maslan said there might be a variance in some cases.

No one spoke for or against the application. Atty Maslan explained why he thought this was a good application. The comments of the Planning Commission and Harbor Commission were read into the record. Mr. Schulman closed the public hearing.

b. #7-19SP/#11-19CAM – Tavern Island Holdings, LLC – Tavern Island - Demolish and reconstruct a single family residence (two existing) - Continue hearing from January 15, 2020

Atty Maslan began his presentation with an introduction of his team. He then showed the commissioners a map of Tavern Island. He also gave a history of the house with a description of what is currently on the island including a dock, the house and a tea house. He showed them an aerial view of all the islands nearby as well. He also showed them a picture from the shoreline looking directly at Tavern Island, as well as a picture of the current house. There is a pilot house where the caretaker lives. The houses are about 100 years old. There is also a boat house which no one lives in. He discussed the storm water drainage plan. He explained that there would also be one set of infrastructure (plumbing) for the main house and the pilot house would have its own as well. They have all of the approvals for these changes. He then showed them computer generated plans of the house they would like to build.

No one spoke for or against the application. Atty Maslan explained that the commissioners would have to approve the height amendment before approving this application. Mr. Schulman closed the public hearing.

IV. REVIEW AND ACTION ON PENDING APPLICATIONS

a. Action on Items IV. a. and b.

i. #9-19R – Tavern Island Holdings, LLC – Proposed amendments to increase maximum building height from 25 feet to 30 feet in the Island Conservation zone - Continue hearing from January 15, 2020

**** MR. SUMPTER MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled “#9-19R – Tavern Island Holdings, LLC – Proposed amendments to increase maximum building height from 25 feet to 30 feet in the Island Conservation zone” and dated DRAFT December 11, 2019 be **modified and APPROVED**; **BE IT FURTHER RESOLVED** that the amendment be modified to use the staff version and that the text be revised to limit the amendment to the **principal structure on the property**; and **BE IT FURTHER RESOLVED** that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development 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 to "Review all anomalies and spot zones to conform to regulations, and to encourage reasonable uses (F.2.1.3, p. 42); and
- 3) To implement the intent of CGS Section 8-2 Zoning, including that "Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality."; and

BE IT FURTHER RESOLVED that the effective date of this action be February 14, 2020.

Mr. Johnson seconded.

Louis Schulman; Michael Witherspoon; Stephanie Thomas; Roderick Johnson; Nicholas Kantor; Nathan Sumpter; Joshua Goldstein approved.

No one opposed.

No one abstained.

ii. #7-19SP/#11-19CAM – Tavern Island Holdings, LLC – Tavern Island - Demolish and reconstruct a single family residence (two existing) - Continue hearing from January 15, 2020

**** MR. SUMPTER MOVED: THEREFORE BE IT RESOLVED** that the Special Permit/CAM application #7-19SP/11-19CAM as shown on the survey titled "Topographic & Zoning Location Survey at Tavern Island" dated September 26, 2017 and revised to January 30, 2020 by Mark S. Lebow of William W. Seymour & Associates, P.C. and as shown on the site plan titled "Tavern Island Holdings, LLC" dated October 17, 2019 and revised to January 29, 2020 by DiVesta Civil Engineering Associates, Inc. and as shown on architectural drawings by Warrington Homes, LLC 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 any required flood certifications be submitted; 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
- 6) That all comments and recommendations by the Norwalk Harbor Commission be implemented; and

BE IT FURTHER RESOLVED that this approval is subject to Section 118-1460 of the Zoning Regulations; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be February 14, 2020.

Mr. Goldstein seconded.

Louis Schulman; Michael Witherspoon; Stephanie Thomas; Roderick Johnson; Nicholas Kantor; Nathan Sumpter; Joshua Goldstein approved.

No one opposed.

No one abstained.

b. #14-18SP – Home Depot – 600 Connecticut Ave – Request to add Nov 15 – Dec 31 for holiday sales - Report & recommended action

Atty John Mallin, explained that they had one approval from March 15 – May 15 which had been made permanent. Now they were requesting that the approval for Nov. 15 – December 31 holiday sales be made permanent as well. He said that the holiday season had gone well. There was a discussion about the safety of customers and drivers. Atty Mallin said there were no accidents during the holiday season and there were no complaints. There was a discussion about previous complaints from a neighbor behind the store and that a fence had been built.

Mr. Elkins, the store manager, continued the presentation by noting that the neighbor had been in the store and had no complaints. He said if there had been concerns the staff would know about it. Mr. Kleppin said that the staff had inspected the fence and it could be a model for other sound barrier fences.

**** MS. THOMAS MOVED: THEREFORE BE IT RESOLVED** that the application be **APPROVED** to allow the applicant to permanently add holiday sales from November 15 – December 31.

Mr. Witherspoon seconded.

Louis Schulman; Michael Witherspoon; Stephanie Thomas; Roderick Johnson; Nicholas Kantor; Nathan Sumpter; Joshua Goldstein approved.

No one opposed.

No one abstained.

V. REVIEW AND ACTION ON NEW APPLICATIONS

a. #2-19M/#8-19SP – 10 Willard, LLC – 10 Willard Rd/Strawberry Hill Av – Proposed change to the Building zone Map from B Residence & Business #2 to entirely Business #2 and special permit for mixed use development with 116,864 sf storage facility and 219 multifamily dwelling units; retain existing tower structure & building – Preliminary review

Atty Blank began the presentation by orienting the commissioners as to the location of the property on an aerial map. He also showed them the proposed site plan for the property. He explained further why they were before the commissioners and that it was the first time they would be seeing this project. He then introduced the project team.

He continued with a brief overview of the application. He explained that Frontier was currently on the site. Much of the site was covered in asphalt with no landscaping. The application would improve those conditions with an apartment complex and self-storage. He then explained there would be a parking garage and less surface parking. The tree line buffer would remain. It would be on the current Frontier footprint. A workforce housing plan had been submitted. He also noted that it was hard to see the site from Westport Avenue.

Atty Blank then discussed the zone change which included a conservation easement to ensure there was a buffer in perpetuity. The applicant had worked with the Conservation Commission and would meet with them on the following Tuesday. It could change when they meet with the Conservation Commission. He then explained that the landscape architect could not be at the meeting so he discussed the landscape plan. He noted that there were wetlands and that there were some dead trees that would be removed. Native species would be planted. They showed the commissioners a plan of the landscaping. There would be 2 landscaped islands. He then showed them a picture of the proposed apartment. He also noted that the traffic would not change. It would funnel out to Route 1 and not the neighborhood streets.

There was a discussion about planting arborvites which could be eaten by the deer. Atty Blank noted that where it was to be planted, there would not be that many deer passing by.

Derek Daunais, the site engineer on the project, discussed the utilities on the property. He also discussed the access to the property as it currently looks. He noted that much of the impervious surface would be removed. He then showed a site plan for the proposed project. There would be a pool and patio area. The surface parking lot would be shared by the apartment building and the storage space. He explained where fire access would be. He also discussed the conservation area. He also discussed the reduction of water runoff because of the reduction in impervious surfaces. He explained the new storm water management which would be cleaner.

Ray Sullivan, the architect on the project, continued the presentation by showing them where one could enter the parking garage. He also noted that there were a number of amenity areas. There are no units on the parking garage. He discussed the number of units and noted that the building wrapped the garage. Jason Enters of 10 Willard LLC said that there were different sizes of both 1 bedroom units and 2 bedroom units.

Mr. Sullivan explained that the trend has been to keep the building connected to the amenity area, rather than separate buildings. There would also be a common work area, similar to We Work as well as a place to clean pets. He then described the materials that will be used on the building. There was a discussion about the look of the building since there was a concern about it looking monolithic. There was a discussion about the parking garage and surface parking. Also, there was a request to address where the workforce housing units would be located.

Mr. Enters explained that other buildings he has built in the city are diverse and that they do that through different lease prices on different size units. Mr. Sullivan showed them renderings of the storage building. It would be similar to the residential units to not draw attention to it. He then showed them a rendering to scale from Westport Avenue which one could see the buildings slightly as well as the cell tower. He then showed them a current photo from Westport Avenue.

There was a discussion about the other townhomes on Willard Road. Mr. Winteras explained more fully what the current location was used for. Mr. Galante began a brief presentation about when he had done a traffic study as well as what roads and intersections he had studied. He was not recommending any traffic mitigation and explained at what level of service the Department of Traffic ("DOT") would expect it.

There was a discussion about when to schedule a public hearing. Atty Blank noted that the Conservation Commission had to approve the application. It would most likely be scheduled for March 5.

At this point, the commissioners took a recess to 8:30 p.m.

VI. DISCUSSION OF ZONING REGULATIONS

a. Structure and RFQ Process

Mr. Kleppin said that he had prepared a memo for what is necessary to do before the consultant starts in July, when the money is available. Questions the commissioners should consider would be whether to hold special meetings, and how often to address questions with the consultant. There was then a discussion about how to structure the process. Mr. Schulman suggested that all the commissioners be involved and understood that if there were extra meetings, not everyone would be available. Mr. Kleppin made suggestions on how to structure the meeting times. There was a discussion about the funding for this project. There was also a discussion about whether this should be an RFQ or RFP. Mr. Schulman recommended a RFQ process so that the contract could be signed on July 1. Mr. Kleppin said that he would be comfortable either way. The commissioners decided to send out a RFQ. Mr. Kleppin would send it to them in March after the Capital Budget process was completed. There was a discussion about whether there should be a larger committee to review the regulations. Mr. Kleppin said that the process could be similar to the POCD. It was noted that many residents liked that process since they were given the opportunity to input. There was a discussion about having a more diversified pool of consultants to choose from.

b. Proposed Moratorium in I1 Zone on contractor's yards and single and two family dwellings

There was a discussion that 2 Councilmen had requested a moratorium on contractor's yards. Mr. Kleppin had spoken to them about their concerns. He discussed a memo that he had written which would be referred to the Planning Commission in March. The public hearing could be held the following evening at the Zoning Commission. The moratorium would be for 1 year and could be extended. Mr. Kleppin said that he would provide them with a map of the I1 zone for the next Zoning Commission meeting. There was a discussion about illegal contractor's yards and ones that are not in compliance.

VII. APPROVAL OF MINUTES: January 15, 2020

**** MR. SUMPTER MOVED to approve the January 15, 2020 Zoning Commission minutes. Mr. Witherspoon seconded.**

Louis Schulman; Michael Witherspoon; Stephanie Thomas; Roderick Johnson; Nicholas Kantor; Nathan Sumpter; Joshua Goldstein approved.

No one opposed.

Frank Mancini abstained.

VIII. COMMENTS OF DIRECTOR

There were no comments from Mr. Kleppin.

IX. COMMENTS OF COMMISSIONERS

Ms. Thomas reported on the East Norwalk TOD study. She said that there had been a discussion about amenities that could be offered to developers. There was a discussion about green infrastructure and adding affordable housing to these projects. There was a discussion about an East Norwalk group that is concerned about the increase in development. Ms. Thomas noted that they were part of the discussions and seemed to be going along with everything.

X. ADJOURNMENT

Mr. Goldstein made a Motion to Adjourn.

Mr. Sumpter seconded.

Louis Schulman; Michael Witherspoon; Stephanie Thomas; Roderick Johnson; Nicholas Kantor; Nathan Sumpter; Joshua Goldstein; Frank Mancini approved.

No one opposed.

No one abstained.

The meeting was adjourned at 8:57 p.m.

Respectfully submitted,

Diana Palmentiero