

**CITY OF NORWALK  
ZONING COMMISSION  
February 19, 2020**

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

**STAFF:** Steve Kleppin

**OTHERS:** Brian Bidolli; Atty Liz Suchy; Mark DiTullio; Heather Brown; Andy Soumelidis; Ken Hughes

**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 noted that Mr. Mancini would be the alternate, voting on the public hearings.

**a. Norwalk Redevelopment Agency - Discussion with Brian Bidolli, Executive Director**

Mr. Bidolli gave the commissioners a brief background of his previous employment, which included both here in Connecticut as well as in California. He said he was happy to work collaboratively with the Zoning Department. It was a good time to be a part of the city since there was a new Plan of Conservation and Development as well as at the Redevelopment Agency. He was asked how he saw his role which was to work collaboratively with the different departments. He wanted to finish projects that had been started. There was a discussion about the CBDG programs that the city could use. There was also a discussion about how they could work with the Planning and Zoning Department. He also wanted to help with the city's housing issues. There was a discussion about the difference between affordable housing and low-income housing. There was also a discussion about minority participation in contracts with the city. Mr. Bidolli explained how payments would be made as well as how the Redevelopment Agency was funded, including for staffing. He spoke about the projects that the Agency would work on including the façade program. He would present a strategic plan to the commissioners in a few months.

Mr. Schulman asked the public to turn off or place their cell phones on vibrate.

**III. PUBLIC HEARINGS**

**a. #10-19R – St. George Greek Orthodox Church – Proposed amendments to allow child day-care centers by Special Permit in existing place of worship accessory buildings in AAA Residence zones and c. #6-19SP – St. George Greek Orthodox Church – 238 West Rocks Rd - Special permit for new child day-care center in an existing accessory building**

Mr. Roina recused himself before the public hearing was opened. Atty Suchy said that since there was not enough time to review certain documents, she asked that the public hearing be continued to the next hearing date on March 5, 2020. She then handed in the certified, return receipt cards, evidencing notice of the public hearing to the abutting neighbors.

**a. #8-19SPR/#13-19CAM – Leonard St Associates – 9-13 Leonard St – Mixed use development with 873 sf. Retail and 26 multifamily dwelling units - Continue hearing from January 15, 2020**

Mr. Schulman opened the public hearing. Atty Suchy began the presentation, noting that this hearing had been held open for the Redevelopment Agency's review of the application. All other sign-offs were in the file. She said that they had addressed all of the issues on January 15, 2020.

Mr. Schulman closed the public hearing.

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

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

Mr. Sumpter said that this would be a good project but he did have a concern about the building only having 1 elevator. Mr. Roina said that he liked the collaboration on the project and that it turned out better than when they had first seen it.

##### **i. #10-19R – St. George Greek Orthodox Church – Proposed amendments to allow child day-care centers by Special Permit in existing place of worship accessory buildings in AAA Residence zones**

**\*\* MR. WITHERSPOON MOVED: BE IT RESOLVED** that application #10-19R – St. George Greek Orthodox Church – Proposed amendments to allow child day-care centers by Special Permit in existing place of worship accessory buildings in AAA Residence zones be continued to the next Zoning Commission meeting on March 5, 2020.

**Mr. Sumpter seconded.**

**Louis Schulman; Michael Witherspoon; Stephanie Thomas; Roderick Johnson; Nathan Sumpter; Frank Mancini approved.**

**No one opposed.**

**No one abstained.**

##### **ii. #6-19SP – St. George Greek Orthodox Church – 238 West Rocks Rd - Special permit for new child day-care center in an existing accessory building**

**\*\* MR. MANCINI MOVED: BE IT RESOLVED** that application #6-19SP – St. George Greek Orthodox Church – 238 West Rocks Rd - Special permit for new child day-care center in an existing accessory building be continued to the next Zoning Commission meeting on March 5, 2020.

**Mr. Sumpter seconded.**

**Louis Schulman; Michael Witherspoon; Stephanie Thomas; Roderick Johnson; Nathan Sumpter; Frank Mancini approved.**

**No one opposed.**

**No one abstained.**

##### **iii. #8-19SPR/#13-19CAM – Leonard St Associates – 9-13 Leonard St – Mixed use development with 873 sf. Retail and 26 multifamily dwelling units - Continue hearing from January 15, 2020**

**\*\* MR. MANCINI MOVED: BE IT RESOLVED** that application #8-19SPR/#13-19CAM by Leonard Street Associates, LLC for the properties located at 9, 11 and 13 Leonard Street to permit a new 5 story/58.57 ft. mixed use development with 873 square feet retail and 26 multifamily dwelling units as shown on a set of plans entitled "9 LEONARD STREET

APARTMENTS” prepared by Gill & Gill Architects, LLC, Norwalk, CT. and dated 10/16/19 and revised to 12/30/19 and related plans by Atlantic Consulting & Engineering/Land Surveying, Bridgeport, CT, dated 9/19/19 and revised to 01/09/20 be **APPROVED** subject to the following conditions:

1. That the draft deed restriction as shown on a certain document entitled “DRAFT Affordability Plan” dated October 2019, as revised to December 30, 2019 and related documents showing one (1) three-bedroom unit (counts as 2 workforce housing units) and one (1) two-bedroom unit, for a total of 2 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 Certificate of Zoning Compliance; and
2. That the applicant has elected to pay a one-percent (1%) fee which shall be paid prior to the issuance of a zoning permit; and
3. 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;
4. That a surety in the amount of \$30,000, to guarantee the installation and maintenance of the required erosion and sediment controls is submitted to this office, prior to the issuance of a Zoning Permit; and
5. That all final CEAC signoffs shall be submitted, prior to the issuance of a Zoning Permit; and
6. 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
7. Per the architectural plans dated 10/16/19 and revised to 12/30/19, prepared by Gill & Gill Architects, LLC on file with the Planning & Zoning Department; and
8. That prior to the issuance of a zoning permit, that a final sign-off from the Norwalk Redevelopment Agency be obtained, indicating that the proposed project is consistent with the design guidelines and sustainability requirements set forth in the Wall Street West Avenue Neighborhood Plan; and
9. That cutoff shields be installed on all lighting to prevent any stray light from being emitted off the property; and
10. That a 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
11. A zoning permit and a building permit shall be obtained within one year of the effective date of this approval and prior to any work commencing on the site; and
12. 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 such certification be submitted prior to the issuance of a Certificate of Zoning Compliance; and
13. 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
14. That within six months of the issuance of the Certificate of Zoning Compliance a follow-up traffic study be submitted to the Commission; and
15. That *any* changes to the plan be reviewed and approved prior to those changes being implemented; and
16. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
17. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
18. 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

19. That any sidewalks to be replaced provide a minimum 5' clearance from any obstruction; and

**BE IT FURTHER RESOLVED THAT** reason for this approval is that the proposed project complies with the Norwalk Building Zone Regulations, Section 118-504, Central Business District and Section 118-1451, Site Plan Review; 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 February 28, 2020.

**Mr. Witherspoon seconded.**

**Louis Schulman; Michael Witherspoon; Stephanie Thomas; Roderick Johnson; Richard Roina; Nathan Sumpter; Frank Mancini approved.**

**No one opposed.**

**No one abstained.**

**b. #3-82SPR – Sign Lite Inc. – 101 Merritt 7 - Request to modify Development Park sign plan to increase letter height on cornice sign for Datto - Report & recommended action**

Mark DiTullio explained that he was hired by Datto to replace their current signage. He explained that the proposed sign would change color and increase the size. An increase in size would help people see it. They would remove the current sign and then replace with the increased sized sign. There was a discussion about the color of the sign. It would not be a distraction to drivers. Based on the elevated height of the building,

**\*\* MR. SUMPTER MOVED: BE IT RESOLVED** that the approved Development Park signage plan for Merritt 7 Corporate Park be modified to allow larger letters on the two corporate logo signs for Datto to be mounted to the cornice of Building 101 Merritt 7 on the north and on the south elevations of the building as shown on the development park sign plan entitled “Datto – 101 Merritt 7 – Proposed Building Signage” by Acme Sign and dated February 24, 2015 as revised to 1/13/19, subject to the following conditions:

- 1) That the request for a 20% waiver of the permitted letter height be approved; and
- 2) That any future signs will comply with at least two characteristics, currently color and letter size, of the approved signage plan; and
- 3) That any modifications to the approved plan be submitted for review and approval by the Commission; and

**BE IT FURTHER RESOLVED** that the effective date of this action be February 28, 2020.

**Mr. Mancini seconded.**

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

**No one opposed.**

**No one abstained.**

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

**a. #xx-20 – Fusion Café Bar & Grille – 174 Main St – Request for live music at existing bar/restaurant**

Heather Brown began the presentation by explaining that the state of Connecticut was requesting a sign-off since the applicant had made an application to the state for a liquor license. She said they did a sound study as well which is appropriate for the application. She also handed Mr. Kleppin the proof of mailing for this application. There was a discussion about which sound ordinance was used for the study. Mr. Kleppin said that it was under the old ordinance since the new one had passed on the prior Monday. There was a discussion about the zone as well as when the study was done. Ms. Brown explained how the study was done and that it was properly done.

**\*\* MR. SUMPTER MOVED: BE IT RESOLVED** that application #xx-20 – Christopher C. Daroja – 174 Main Street – Request for live music for Fusion Café Bar & Grille as shown on the floor plan titled “Fusion Café Bar & Grille” dated 2-4-2020 and as documented in a sound report by Creative Acoustics, LLC dated 12-13-19 be **APPROVED** with the following conditions:

1. That sound levels inside the building comply with the Norwalk Noise Ordinance; and
2. That all windows and doors be closed during a live music event; and
3. That the recommendations from the sound report be executed if it is found that the noise ordinance is exceeded in the future; and
4. That the live music be confined to the stage area as shown on the approved plan; and
5. That all signage, existing and proposed, comply with the zoning regulations; and
6. That any graffiti on the site, now or in the future, be removed immediately; and
7. That all needed permits from the applicable City agencies be obtained; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be February 28, 2020.

**Ms. Thomas seconded.**

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

**No one opposed.**

**No one abstained.**

**b. #xx-20SP – West Rocks Middle School (DPW) - 81 West Rocks Rd. – New soccer fields with lighting**

Andy Soumelidis, LandTech, explained that his firm had been hired by the city and then began the presentation by orienting the commissioners as to the location of the property on an aerial map. He showed them the existing parcels. He said that the lower fields would not be changed but that the other fields would change. He then showed them where the soccer fields would be located on the proposed site plan. It was in the northeast corner as possible. He also discussed how the seating would work as well as the dry concession and restrooms. He also said that there would be additional parking spaces rather than having cars park on Aiken Street.

There was a discussion about which department would be leading the project. Mr. Soumelidis noted it was being done by Recreation and Parks, not the Board of Education. There currently is no ADA accessibility to the upper lot but there would be in the proposed project. The parking would be at the same elevation as the fields. There was a discussion about the entrance and exit as well as the sidewalks.

He then explained the size of the fields and that it could be used as a full size soccer field and smaller fields. There was a discussion about the type of field it was. There was also a discussion about the lighting and whether there would be any spill into the neighbors' houses. Mr. Soumelidis said they would have the lighting expert at the public hearing.

Mr. Soumelidis continued with the drainage design. He began with the current system and then explained what would be different in the new design. It would capture a 25 year storm but there was also back-ups for a 50 year and 100 year storm. There would be no run-off the site.

Ken Hughes continued the presentation and noted that the system was similar to ones that had been installed at other schools in the city. He explained the benefits of the lighting and the new field. He said they were excited about the extra parking because of problems on Aiken Street. There was a discussion about maximizing parking which Mr. Hughes said was the best they could do. There was also a discussion about the number of handicapped spots. Mr. Hughes said that bidding would begin in July and would be completed for spring 2021. There was a discussion about the maintenance responsibilities of the department.

There was then a discussion about the public hearing for this project which they would try to schedule for March 5, 2020.

**\*\* MR. MANCINI MOVED: BE IT RESOLVED** that application #xx-20SP – West Rocks Middle School (DPW) - 81 West Rocks Rd. – New soccer fields with lighting be placed on the agenda of the next Zoning Commission meeting on March 5, 2020.

**Mr. Witherspoon seconded.**

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

**No one opposed.**

**No one abstained.**

**c. #8-17CAM – Petrini Café and Grill – 64 Wall St. – Extension of time request**

Although the applicant was not present the commissioners decided to discuss this application. This was the 2<sup>nd</sup> request for an extension. They decided to grant the extension of time request.

**\*\* MR. SUMPTER MOVED: BE IT RESOLVED** that application a. #8-17CAM – Petrini Café and Grill – 64 Wall St. – that the extension of time request be GRANTED.

**Mr. Johnson seconded.**

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

**No one opposed.**

**No one abstained.**

**VI. APPROVAL OF MINUTES: February 6, 2020**

**\*\* MR. SUMPTER MOVED to approve the February 6, 2020 Zoning Commission minutes. Mr. Witherspoon seconded.**

**Louis Schulman; Michael Witherspoon; Stephanie Thomas; Roderick Johnson; Nicholas Kantor; Nathan Sumpter; Joshua Goldstein; Frank Mancini approved.**  
**No one opposed.**  
**Richard Roina abstained.**

## **VII. COMMENTS OF DIRECTOR**

Mr. Kleppin discussed the Industrial Zone RFPs and that the interviews would start soon. He also discussed the East Avenue study and noted that a draft should be out in March. He then discussed the moratorium for the Industrial Zone regulations.

## **VIII. COMMENTS OF COMMISSIONERS**

Mr. Kantor asked questions about why restaurants were closing on Wall Street. It seemed one of the restaurants was asked to leave.

There was a discussion about the Willard Road project and having solar panels on the flat roof.

There was a discussion about the Ethan Allen application which would be coming in shortly. Garavel Auto would like to take over the spot for their car sales business.

## **IX. ADJOURNMENT**

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

**Mr. Witherspoon seconded.**

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

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Diana Palmentiero