

**CITY OF NORWALK**  
**ZONING COMMISSION – SPECIAL MEETING**  
**August 12, 2020**

**PRESENT:** Louis Schulman, Chair; Galen Wells; Rod Johnson; Michael Witherspoon; Stephanie Thomas; Nicholas Kantor; Josh Goldstein

**STAFF:** Steve Kleppin; Bryan Baker

**OTHERS:** Atty Liz Suchy; Dean Martin; Matt Popp; Bill Diamond; Atty David Waters; Don Poland;

**I. CALL TO ORDER**

Mr. Schulman called the meeting to order at 6:03 p.m. It should be noted that this meeting was held on Zoom.com with all participants calling in, separately. He also said that due to city regulations, Mr. Sumpter would no longer be a Zoning Commission member. He had served for 9 years and the regulations did not allow longer than that. Because of this, Mr. Goldstein would now be a full member of the Zoning Commission.

**II. ROLL CALL**

Mr. Baker called the roll.

**III. PUBLIC HEARINGS**

**a. #3-20SP/1-20CAM - 310 Wilson Avenue - WEB Construction, LLC. - New contractor's storage yard with outdoor material storage - Continue public hearing from July 15, 2020**

There was a discrepancy on the survey which Atty Suchy disagreed with. Mr. Kleppin noted that there were some other comments which the staff did not agree with.

Atty Suchy reviewed the past public hearing on July 15, 2020. She noted that there had been a site visit at the end of July with the Zoning Department staff. She discussed the survey and the flood lines on it. She also briefly discussed the comments that there were still some questions on. One of those comments was about the elevations which affected the amount of storage. There was a discussion about fill issues and violations. She said that it had been reviewed by the Department of Public Works which issues those permits. There was also a discussion about the road that is currently on the property. She noted that it could be left in its natural vegetative state. She said that they had responded in writing to the Zoning Department staff and commissioners.

Dean Martin, the engineer on the project, continued the presentation. He discussed the reduction in the storage area due to the revision to the flood lines. He then showed the commissioners the revised site plan. There was then a discussion about a conversation with the Department of Energy and Environmental Protection ("D.E.E.P.") There was also a discussion

about the wetlands as well as the removal of the roadway. There was a discussion as to whether it was a permeable or impermeable surface. There was also a discussion about trucks entering the site.

Matt Popp, the landscape architect on the project, continued the presentation by noting that it was a disturbed site. There was no impact to the tidal wetlands. They would be restoring it to a woodland and described what they would be planting. The wildlife habitat would be increased. There was a discussion about whether some information had been shared with the Conservation Commission. Atty Suchy noted that some of these issues were not under the purview of the Conservation Commission.

There was a discussion about the removal of the roadway and what “natural state” meant. There was also a discussion about the jurisdiction of the Zoning Dept. comments and whether they were reasonable. There was then a discussion as to what would be entailed in removing the roadway as well as the cost of such.

Mr. Schulman then discussed the pending resolutions that were before the Zoning Commission. Ms. Suchy said there could be additional permits that would be necessary to remove the road. She did not think D.E.E.P. would be amenable to this. She then suggested that if the resolution was approved the applicant would then have to deal with this removal. It was also suggested to keep the public hearing open to gather further information about the salinity and migration areas.

There were no members of the public that spoke on this application. There was then a discussion about how to study the salinity. Atty Suchy said that the applicant may need a month to do that. Mr. Kleppin suggested that they hold the public hearing open and possibly hold a special meeting for it.

**\*\* MS. WELLS MOVED** to hold the public hearing over until the Zoning Commission’s meeting in September.

**Mr. Goldstein seconded.**

**Louis Schulman; Galen Wells; Rod Johnson; Michael Witherspoon; Stephanie Thomas; Josh Goldstein approved.**

**No one opposed.**

**Nicholas Kantor abstained.**

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

##### **a. Action on Item III a.**

**b. #9-18SPR/#18-18CAM – Play CT. LLC – 85-89 Water Street - 29,000 sf multi activity entertainment complex - Request to modify approved plan – Further review - Report & recommended action.**

Mr. Schulman began the presentation by explaining that he had done research into similar ax throwing venues around Connecticut. Ms. Wells said that she had received phone calls from some Norwalk citizens who said they had been to these facilities and they were safe. Atty Suchy then said that the operator, Bill Diamond, was on the phone to answer any questions that the commissioners had.

Mr. Diamond said that he and his company operated many of these venues around the country. He explained that there could be over 1,000 venues that have ax throwing. He also noted that this is not like darts and is safer than bowling. He noted that it was similar to batting cages and that no one is throwing an axe unsupervised. He also said that most of these ax throwing places around the country have a liquor license.

**\*\* MR. JOHNSON MOVED** that the request to modify the approved plan was a minor change.

**Mr. Kantor seconded.**

**Louis Schulman; Galen Wells; Rod Johnson; Michael Witherspoon; Stephanie Thomas; Josh Goldstein; Nicholas Kantor approved.**

**No one opposed.**

**No one abstained.**

**c. #13-16SP – Main Norwalk, LLC– 272-280 Main Avenue - “The Village” – 103,000 sq. ft. retail with garage and on-grade parking – Request for one year extension of approval time – Report & recommended action**

Mr. Schulman noted that there had previously been a 1 year extension. Atty Suchy explained the first extension. She noted that the second extension was because of the COVID-19 quarantine.

**\*\* MR. WITHERSPOON MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application #13-16SP - Main Norwalk, LLC– 272-280 Main Avenue - “The Village” – 103,000 sq. ft. retail with garage and on-grade parking as shown on various plans by Land Tech, Civil Engineers, Westport CT, dated 2/2/17 as revised, by Bignell, Watkins Hasser Architects, Annapolis, MD, dated 2/1/17 as amended and by Beinfield Architects, Norwalk, CT., 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 September 19, 2021; and

**BE IT FURTHER RESOLVED** that the effective date of this action be August 21, 2020.

**Mr. Goldstein seconded.**

**Louis Schulman; Galen Wells; Michael Witherspoon; Stephanie Thomas; Josh Goldstein; approved.**

**Rod Johnson opposed.**

**Nicholas Kantor abstained.**

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

**a. #1-20M - Merritt Station Norwalk, LLC et all - 67, 69, 79, 87, 111, 117, 129, 135, 155, 156 & 201 Glover Avenue and 2 Oakwood Ave - Proposed change to the zoning map from AAA Residence, Business #2 zone and Executive Office to entirely Executive Office zone – Applicant presentation and further review b. #2-20R - Merritt Station Norwalk, LLC et all - Proposed amendments to amend the definition for Development Park; to revise**

**the Executive Office zone to permit a new Master Plan approval process by Special Permit and to increase height and FAR, to revise parking requirements for multifamily developments and related technical amendments – Applicant presentation and further review c. #2-20SPR - Merritt Station Norwalk, LLC et al - 67, 69, 79, 87, 111, 117, 129, 135, 155, 156 & 201 Glover Avenue and 2 Oakwood Ave – Site plan review of proposed Master Plan for Executive Office Development Park – Applicant presentation and further review**

Atty Waters began the presentation by noting that they had provided plans and a 3D model to the Zoning Department which they would share with the commission. He showed them the massing plan. He noted that construction on the train station would begin in the next couple of months. He also discussed the elevations of the buildings, especially as compared to those at the Merritt 7 office park. He then showed them drawings of the models of the buildings which included those of the surrounding current buildings. He explained that the drawings of the buildings were to show the mass and had not been designed yet. He also showed them several pictures from Route 7 and Glover Avenue which included images of what the buildings could look like.

There was a discussion about other transportation projects and improvements in the area. Mr. Schulman that there were only 2 means of ingress and egress from the area. He was also concerned that these projects would get pushed back because of COVID. There was then a discussion about the difference between a Master Plan and approval of the buildings as they were designed. Atty Waters addressed these issues. Mr. Kleppin explained that some of the current buildings did have occupancy but that this could change. Atty Waters noted that these applications would have to go through the Office of the State Traffic Administration (“OSTA”) so that the Zoning Commission would not be the only body to review it. Mr. Schulman indicated that he would like to hear from the state since this was a large project.

There was then a discussion about continuing the process for these applications. Atty Waters understood that they would like to hold 1 public hearing for them. There was also a discussion about next meetings.

Don Poland continued the presentation by discussing pre-COVID trends and whether those projections could be revisited. Atty Waters noted that one new trend was that office buildings were constructing conference rooms in the lobby so that people would not come up to the offices.

Mr. Kleppin said that detailed design guidelines would be laid out which would include materials, landscaping, etc.

## **VI. EAST NORWALK TOD: Status report**

Mr. Kleppin noted that public hearings had been rescheduled for Tuesday, August 18 and August 24, due to power outages in the city after Tropical Storm Isaias.

## **VII. INDUSTRIAL ZONES: Status report**

Mr. Kleppin said that they were having an initial meeting with them but he would have to follow-up as to the date.

## **VIII. ZONING REGULATION RFP: Status report**

Mr. Kleppin said that the RFP had been sent out that afternoon with revisions. He showed the commissioners recommended changes. There had been questions about parking in the East Norwalk area. All of the commissioners had wanted to interview the consultant. Mr. Kleppin suggested that they may need to have a subcommittee in order to do that. There was also the possibility about having to start the interview process again.

There was a discussion about recommending a replacement for Mr. Sumpter. Ms. Thomas said that they should contact Donna King with suggestions.

**IX. APPROVAL OF MINUTES: July 15, 2020 Special meeting**

**\*\* MR. WITHERSPOON MOVED to approve the July 15, 2020 Special meeting minutes.**

**Ms. Wells seconded.**

**Louis Schulman; Galen Wells; Michael Witherspoon; Josh Goldstein; Rod Johnson approved.**

**No one opposed.**

**Stephanie Thomas and Nicholas Kantor abstained.**

**X. COMMENTS OF DIRECTOR**

Mr. Kleppin noted that the Zoning Commission may have to add an additional Special Meeting because of several large applications that have been coming in.

**XI. COMMENTS OF COMMISSIONERS**

There was a discussion about written vs. digital packets to the commissioners. Ms. Thomas also suggested using Dropbox with all meeting materials in it. Mr. Kleppin then discussed how the applications were online for residents to see.

Mr. Goldstein said that he had learned a lot from Mr. Sumpter and that he had also said that to him. There was a suggestion to do a virtual good-bye party for him.

**XII. ADJOURNMENT**

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

**Ms. Thomas seconded.**

**Louis Schulman; Galen Wells; Rod Johnson; Michael Witherspoon; Stephanie Thomas; Josh Goldstein; Nicholas Kantor approved.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Diana Palmentiero