

CITY OF NORWALK
ZONING COMMISSION – SPECIAL MEETING
September 16, 2020

PRESENT: Louis Schulman, Chair; Rod Johnson; Michael Witherspoon; Josh Goldstein; Galen Wells; Richard Roina; Frank Mancini; Nicholas Kantor

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Carlson; Atty David Waters; Bob Grzywacz; Jeff Hopper; Atty Bill Hennessy; Michael Weissbrod; Todd McClutchy; Atty Liz Suchy; Kate Throckmorton; Tom Quinn; Dennis Peters; Andy Soumelidis; Maria Genovese; Rob Moss

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:02 p.m. It should be noted that this meeting was held on Zoom.com with all participants calling in, separately.

II. ROLL CALL

Mr. Kleppin called the roll.

III. PUBLIC HEARINGS

a. None

IV. REVIEW AND ACTION ON PENDING APPLICATIONS

a. #10-97SPR/#16-02SP – Costco – 779 Connecticut Ave – Request to modify approved plan to relocate handicapped parking spaces – Report & recommended action

Ms. Carlson began the presentation by apologizing for not being at the last meeting. She then shared her screen and acknowledged that she had listened to the recording of the previous meeting. She oriented the commissioners as to the location of the property on an aerial map. She explained why they were requesting to move the parking spaces which was for safety reasons. Costco was also making all their stores ADA compliant.

There was a discussion about curb cuts to allow wheelchairs to access the sidewalk. It was noted that the parking spaces were in violation of the ADA regulations. It was also discussed about having additional signage for safety of the pedestrians. This new plan is ADA compliant.

**** MS. WELLS MOVED: BE IT RESOLVED** that application #10-97SPR/#16-02SP – Costco – 779 Connecticut Ave – request to modify approved plan to relocate handicapped parking spaces be **APPROVED**.

Mr. Goldstein seconded.

Louis Schulman; Rod Johnson; Michael Witherspoon; Josh Goldstein; Galen Wells; Richard Roina; Frank Mancini; Nicholas Kantor approved.

No one opposed.

No one abstained.

#3-96SPR/#8-976SPR – 45 Glover Borrower LLC (formerly Hewitt Associates LLC) – 45 Glover Ave – Office building – Request to temporarily modify conditions of approval to suspend the evening police officer requirement – Report & recommendation

David Waters began the presentation by explaining the traffic patterns for his client's buildings in this area and the initial need for 2 evening police officers to control the traffic. The applicant was now requesting to suspend this requirement due to the lessening of traffic during the quarantine. This could be on a temporary basis. He explained that this would be suspended until January 15, 2021 since there were no tenants in the current buildings. He noted that FactSet is not coming back until January 2021. If the tenants came back earlier they would bring back the police officers then. Mr. Kleppin said it seemed like a reasonable request.

**** MR. GOLDSTEIN MOVED: BE IT RESOLVED** that application #3-96SPR/#8-976SPR – 45 Glover Borrower LLC (formerly Hewitt Associates LLC) – 45 Glover Ave – Office building – Request to temporarily modify conditions of approval to suspend the evening police officer requirement be **APPROVED** with the caveat that if tenants return to the office building before January 2021, the evening police officers would return.

Mr. Mancini seconded.

Louis Schulman; Rod Johnson; Michael Witherspoon; Josh Goldstein; Galen Wells; Richard Roina; Frank Mancini; Nicholas Kantor approved.

No one opposed.

No one 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 – Further review and 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 - Further review and c. #2-20SPR - Merritt Station Norwalk, LLC et all - 67, 69, 79, 87, 111, 117, 129, 135, 155, 156 & 201 Glover Ave and 2

Oakwood Ave – Special Permit (Site plan review) of proposed Master Plan for Executive Office Development Park - Further review

Mr. Schulman noted that these 3 applications would be heard together during this presentation.

Atty Waters began the presentation by explaining that the site plan review application had been withdrawn and replaced with a special permit application. He also noted that the applicant had submitted an updated economic analysis.

Bob Grzywacz, the city's consultant on these applications, continued the presentation by going over their report. He discussed options for alignment of Glover Avenue and also discussed the traffic report. This report included roundabouts. There was also a discussion about the size of the public square. They recommended that there should be something that marks that there is an end of the public square. He showed pictures for suggestions to the applicant. He also noted that they were tasked to discuss green infrastructure but that it was not necessary at this time. There was also a discussion about having a plaza platform for those crossing the railroad tracks. It would welcome visitors to frequent the businesses in this area. He addressed several other topics as well.

Atty Waters said that they had just received the report so they had not much time to prepare for discussion. He first addressed the realignment of Glover Avenue which would no longer include the S curves which the applicant considered traffic calming. Atty Waters had no thoughts yet about the roundabouts. He also addressed the plaza platform that the consultants had suggested.

There was a concern about the size and scale of the proposed buildings. There was a discussion about the streetscape and podium areas. There was also a discussion about the process of moving these applications forward.

Jeff Hopper, the traffic expert, also one of the city's consultants, continued the presentation with their findings about the Tighe and Bond traffic report. He then discussed how their report had been prepared. He also discussed the volumes of traffic and traffic generation which had been submitted by Tighe and Bond. He discussed the levels of service and reviewed the model that they had used. He noted that their report had included ongoing projects but they were not sure how it would impact the area.

There were concerns about approving these applications without a traffic study especially when some intersections are at a level of F service. They would like an analysis of what might reasonably be expected from some of the traffic improvements. The Tighe and Bond report explained that there are some projects in the area but does not fully disclose them. There was a further discussion of several projects. Atty Waters did explain why some intersections had not been included. He also noted that the conditions in the area that they presented were a baseline and that had been discussed with representatives of the Planning and Zoning Commission. He also said that once the Master Plan application would be approved they would submit an application for the 1st building. He noted that this Master Plan was similar to the

Merritt 7 Office Park. There was a concern that the baseline for traffic was already low as well as the completion of the projects not being done until 2028.

There was then a discussion about the first application that would be filed and whether the F level service would be improved. There was concern that traffic levels would not improve. Mr. Kleppin suggested that there are models with DOT analysis to include the new developments. There was also a discussion that if the state did not do the improvements in 2025 how would they get completed.

Mr. Hopper noted that not every intersection was at a Level F for service and explained each intersection. He showed them the projections for 2025. He also noted that if some of the DOT projects did not happen then the levels of service would not improve. Mr. Kleppin suggested that if the applicant obtained the analysis from the DOT, they could continue the process. Atty Waters explained that they believed the state would prioritize these projects if there were 1300 units in this location. It was asked whether the DOT could provide this confirmation, however, Mr. Kleppin said that he did not think this would be forthcoming.

At this point, there was a discussion about how to continue the process this evening. Atty Waters did not know how long it would take to receive the analysis from the DOT. The commissioners decided to wait for additional information from the applicant.

d. #4-20R – Wall Street Recap Associates LLC - Wall Street Place - Proposed amendments to revise schedule for Central Business District - Preliminary review and e. #5-20SPR - Wall Street Recap Associates LLC – 61 Wall St/17 Isaacs St (Wall Street Place) - Complete construction on 6 story, 101 unit building at 61 Wall St and construction of new 4 story building with 50 units at 17 Isaacs St – Preliminary review - Report & recommended action

Mr. Schulman noted that these 2 applications would be heard together.

Atty Hennessy began the presentation with an introduction of the application which included a zone change and site plan applications. He gave them a brief history of the applications and how it differed from the original Wall Street Place approvals. He then showed them an aerial view of the site to orient them to the property. He discussed what had been proposed for parking. After studying the project, it was decided to move parking off site but then the site was no longer available. He discussed the buildings that would be developed, one of which would be mostly affordable housing. There was a further discussion about the parking and whether any would be public parking. There would be some commercial space as well as space for the Norwalk Arts Commission.

Michael Weissbrod, the architect on the project, continued the presentation by showing the commissioners the site plans. He began by showing them the North phase. Since the basement would no longer be used as parking, it would be amenity space. There was a discussion about the unoccupied space in the basement. He described the commercial space including some for an art center. He then described the residential areas. He also discussed the materials and showed them the renderings of the buildings. He showed them pictures of how they could hide

the construction from the public until it was done. He then discussed the other building, the East building. He showed them the site plans which included parking and residential units as well as a rooftop amenity space. This building will complement the other across the street. Mr. Weissbrod discussed the streetscape. There was a discussion that part of the North building has been constructed. The sixth story has not been constructed yet.

There was a discussion about whether the amenity space in the North building basement could be used as a work space and also whether it could be expanded. Mr. Weissbrod noted that there are challenges to using this space. It was explained that there were no windows and had high ceilings.

Todd McClutchy discussed the affordable housing units and where they were located. He noted that there would be different income levels in each of the buildings and gave a breakdown of those levels as well as the number of units. Atty Hennessey noted that no one is being displaced to construct it.

There was a discussion about the public hearing date for these applications which would be worked out with the applicant.

f. #4-20CAM – 70 Shorefront Park – Construction of new single family residence – Report & recommended action

Atty Suchy began the presentation with an introduction of the project team as well as a brief description of the application. She noted that the certified, return receipt cards evidencing notification of the application had been submitted to the Zoning Department staff.

Kate Throckmorton, the landscape architect on the project, continued the presentation with the landscape plan. It included replacements of some trees, plantings on the shoreline and a rain garden. All are suitable to the coastal management regulations.

Atty Suchy explained which approvals that the applicant had received.

Tom Quinn, the engineer on the project, continued the presentation by showing the commissioners. He explained the drainage on the site and how drainage would be mitigated with rain gardens.

Atty Suchy noted that each of the previous consultants had many years of experience and qualified as experts in their fields.

Dennis Peters, the architect on the project, continued the presentation by showing the commissioners the renderings of the single family house that would be created. He showed them the floor plan as well.

Atty Suchy noted that all comments from Zoning Department staff had been addressed by the applicant. Mr. Kleppin and Mr. Baker said that they had not received comments from the neighbors.

**** MR. MANCINI MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that application #04-20CAM – Shorefront Properties LLC – 70 Shorefront Park - Construction of a new single-family residence as shown on engineering plans dated 7/30/2020 by Peak Engineers LLC as well as on architectural drawings dated 6/18/2020 by D. Peters Design LLC be **APPROVED** subject to the following conditions:

1. That all City stormwater management requirements are met; and
2. That all required CEAC approvals are submitted prior to the issuance of a zoning permit; and
3. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
4. 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 Friday, September 25, 2020.

Mr. Witherspoon seconded.

Louis Schulman; Rod Johnson; Michael Witherspoon; Josh Goldstein; Galen Wells; Richard Roina; Frank Mancini; Nicholas Kantor approved.

No one opposed.

No one abstained.

g. #5-20CAM – Peter & Diana Cotaling – 163 Gregory Blvd – Construction of new single family residence – Report & recommended action

Atty Suchy began the presentation with a brief description of the application. It has been vacant land for a few years. She noted that the certified, return receipt cards evidencing notification of the application had been submitted to the Zoning Department staff. She then introduced the project team. They had received approvals from the various city departments.

Andy Soumelidis, the engineer on the project, continued the presentation by orienting the commissioners as to the location of the property on an aerial map. He noted where the VE zone was as well as the elevation zone which is above the FEMA guidelines. He described the new drainage system. They would improve water quality as well as have much of the water flow into the city's system. There would be a new sidewalk installed.

Maria Genovese, the architect on the project, continued the presentation, by showing the commissioners the site plans for all floors of the house and described the materials, windows, etc.

**** MR. WITHERSPOON MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that application #05-20CAM - Peter & Diana Cotaling - 163 Gregory Blvd - Construction of a new single-family residence as shown on engineering plans dated 7/31/2020 by LandTech as well as on architectural drawings dated 8/12/2020 by Andriopoulos Design Associates, LLC be **APPROVED** subject to the following conditions:

1. That all City stormwater management requirements are met; and
2. That all required CEAC approvals are submitted prior to the issuance of a zoning permit; and
3. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
4. 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 Friday, September 25, 2020.

Mr. Mancini seconded.

Louis Schulman; Rod Johnson; Michael Witherspoon; Josh Goldstein; Galen Wells; Richard Roina; Frank Mancini; Nicholas Kantor approved.

No one opposed.

No one abstained.

h. #5-13CAM – 280 Wilson Ave – Request for extension of CAM approval – Report & recommended action

Mr. Baker noted that the application was for the extension of an approval from 2013. He showed them the site plan. He noted that the applicant had received 2 previous extensions, including an extension under the governor’s executive orders during the quarantine. They have reached their limit on extensions. Mr. Baker said that he did not know why this had not been constructed for 7 years. After 10 years they would have to refile the application. Mr. Schulman asked that Atty Blank come back to the Zoning Commission for a formal presentation since none of the commissioners had been on the Zoning Commission when this was approved.

VI. EAST NORWALK TOD: Status report

Mr. Kelppin said that the following evening would be the public hearing with the Planning Committee of the Common Council, the following week the Plan would be before the full Common Council and the last week of September, the Plan would be before the Planning Commission for a vote.

VII. INDUSTRIAL ZONES: Status report

There was nothing new to report.

VIII. ZONING REGULATION RFP: Status report

Mr. Kleppin said that the RFPs were due in two weeks.

Mr. Schulman noted that he had asked Mr. Witherspoon to be a part of the committee for hiring a consultant to do a study about the area around the South Norwalk train station.

IX. APPROVAL OF MINUTES: September 3, 2020

**** MR. MANCINI MOVED to approve the September 3, 2020 Special meeting minutes.**

Mr. Goldstein seconded.

Louis Schulman; Rod Johnson; Michael Witherspoon; Josh Goldstein; Galen Wells; Richard Roina; Frank Mancini approved.

No one opposed.

No one abstained.

Nick Kantor abstained.

Mr. Schulman said that he had appointed Michael Witherspoon, Galen Wells and Richard Roina to a committee to decide on nominating new officers for serving on the Zoning Commission as Chair, Vice Chair and Secretary. At the next meeting, there would be an election for those positions. Mr. Schulman indicated he was still interested in being the Chair of the Zoning Commission.

There was a question as to alternates taking full Commissioner spots. Mr. Goldstein said that he had been appointed to replace Nate Sumpter since he had retired. There was now an alternate spot open.

X. COMMENTS OF DIRECTOR

Mr. Kleppin began discussing outdoor dining. He said that they are now working with the state Department of Health to make more permanent structures for outdoor dining since tents were not appropriate in colder weather. He showed them renderings submitted by Washington Prime which included a permanent awning. The Department of Health had some issues due to air circulation. There were discussions about this having a permanent impact. These areas would be in addition to the indoor dining. There was a discussion about whether these awnings would remain permanent.

Rob Moss, the owner of Washington Prime, said that this would be permanent for his establishment. Mr. Kleppin said that it would be a modification to the site plans. Many of the commissioners supported this but they also wanted a more formal presentation. Mr. Moss also noted that he has spoken with the city's Department of Health. They would have to wait until the next meeting in October. Some commissioners thought they could approve it at this moment and have staff work out the details. It would be a permanent change. Mr. Kleppin said that they

would need a formal action but could bring similar applications to the commission on a case by case basis. He also noted that they have had to work with different state departments.

XI. COMMENTS OF COMMISSIONERS

Mr. Roina had questions about the election process for the new slate of officers of the Zoning Commission.

There was a further discussion about the outdoor dining process. They asked for an update at the next Zoning Commission meeting.

XII. ADJOURNMENT

Mr. Goldstein made a Motion to Adjourn.

Mr. Witherspoon seconded.

Louis Schulman; Rod Johnson; Michael Witherspoon; Josh Goldstein; Galen Wells; Richard Roina; Frank Mancini; Nicholas Kantor approved.

No one opposed.

No one abstained.

The meeting was adjourned at 9:41 p.m.

Respectfully submitted,

Diana Palmentiero