

**CITY OF NORWALK  
ZONING COMMISSION  
November 5, 2020**

**PRESENT:** Louis Schulman, Chair; Rod Johnson; Josh Goldstein; Richard Roina; Nicholas Kantor; Galen Wells; Michael Witherspoon; Stephanie Thomas (after the roll call at 6:30 pm)

**STAFF:** Steve Kleppin; Bryan Baker

**OTHERS:** Harry Rocheville; Atty Cavolo; Eric Lindquist; Grant Wright; David Greenberg; Craig Yannes; Adam Altman; Eric Bernheim; Mike Kozlowski; Steve Cipolla; Atty Bill Hennessey; Michael Weissbrod; Bob Grzywacz; Todd McClutchy; Atty Emily Wilson; David Rubin; Jason Milligan

**I. CALL TO ORDER**

Mr. Schulman called the meeting to order at 6:05 p.m. It should be noted that this meeting was held on Zoom.com with all participants calling in, separately. He proposed slight changes to the agenda since the public hearing would be a long one. The commissioners agreed to the changes.

**II. ROLL CALL**

Mr. Kleppin called the roll.

**III. REVIEW AND ACTION ON PENDING APPLICATIONS**

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

**b. #8-20SP – Norwalk Housing Authority (Colonial Village) – 0 Suncrest Rd & 164 W. Cedar St - New multifamily development with 69 dwelling units in 18 new buildings (200 units in 19 existing buildings to remain; 269 units total) – Report & recommended action**

Mr. Schulman asked Mr. Witherspoon to read the Inland Wetland Agency application into the record. Mr. Johnson said that he explained that the Housing Authority was persuasive about having more housing and was prepared to approve the application. Mr. Goldstein agreed with Mr. Johnson and noted that there were large waiting lists for affordable housing. Mr. Schulman noted that the public space had not been used by the city so this would be a good use for it. He said he was supportive of the application. Ms. Wells thought it was good that they were doing upgrades to the current Colonial Village and was supportive of the mixed income housing. Although Mr. Roina agreed with Mr. Johnson's comments he did not think the project was the right fit and would not be supporting it. Mr. Goldstein asked whether the Inland Wetland Agency was the only outstanding agency left to approve the application before the Zoning

Commission. Mr. Kleppin said it was and that it could not be a condition of approval so the commissioners could not have approved it earlier.

**\*\* MR. JOHNSON MOVED: BE IT RESOLVED** that special permit application #8-20SP – Norwalk Housing Authority (Colonial Village) – Suncrest Rd & 164 W. Cedar St - New multifamily development with 69 dwelling units in 18 new buildings (200 units in 19 existing buildings to remain; 269 units total as shown on a set of plans entitled "The Colonial Village Residential Mixed use development: Norwalk Housing Authority Norwalk, Connecticut" by Stull & Lee, Inc. Architects, Tighe & Bond Civil Engineering, Environmental Land Solutions LLC Landscape Architects and other related plans dated Zoning Review Set July 22, 2020 as revised to \_\_\_\_\_ be **APPROVED**, subject to the following conditions:

- a) That the applicant should consider rooftop solar panels on all new structures. If rooftop solar cannot be installed the applicant shall provide the Commission with a feasibility report, indicating why solar could not be installed, prior to obtaining any zoning permits; and
- b) That a new concrete sidewalk (minimum of 5 ft in width) and new concrete curb along West Cedar Street from the proposed site driveway to the intersection with Scriber Avenue and to remove on street parking within 40 feet on either side of the proposed driveway and that the revised plans be submitted for review by the staff prior to the issuance of a zoning permit; and
- c) That the draft deed restriction as shown on a certain document entitled "The Housing Authority of the City of Norwalk DRAFT AFFORDABILITY PLAN: July 2020", the Colonial Village Affordable Housing Plan Exhibit with unit locations 7-22-2020 and related documents be revised to show the following unit mix: two (2) one-bedroom, three (3) two-bedroom units and two (2) three-bedroom units, for a total of six (6) workforce housing units, and that this restriction shall run with the land in perpetuity; the revised Plan 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
- d) That a certificate of special permit and the 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
- e) That all CEAC signoffs shall be submitted to staff prior to the issuance of a zoning permit; and
- f) That a reciprocal rights access easement to allow shared access and utilities between the two parcels that shall run with the land in perpetuity and that the draft easement shall be submitted to Corporation Counsel for review and then filed on the Norwalk Land Records, and
- g) That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required erosion and sediment controls prior to the filing of the special permit on the Land Records; and
- h) That all soil and erosion controls 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

i) That a Connecticut licensed engineer certify that all of the required improvements, including any required off-site improvements, were installed to City standards and that the development as constructed complies with all relevant Federal flood regulations and that such certification be submitted prior to the issuance of a Certificate of Zoning Compliance; and

j) That all signage, existing and proposed, comply with the zoning regulations and that any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and

k) That within six months of the issuance of the Certificate of Zoning Compliance a follow-up traffic study be submitted to the Commission; and

l) That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and

m) That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-360 D Residence Zone, Section 118-1450 Special Permits, and with the applicable sections of the Building Zone Regulations for the City of Norwalk.

**BE IT FURTHER RESOLVED** that the effective date of this action be [November 13, 2020](#).

**Mr. Goldstein seconded.**

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

**Richard Roina opposed.**

**No one abstained.**

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

##### **a. #06-20CAM – High St, LLC – 41 High Street – Five-unit addition to existing sixfamily residence – Report & recommended action**

Harry Rocheville, the applicant's representative, began the presentation by showing the commissioners the proposed addition to a multi-unit residence. The addition would go in an area that was currently parking space. He explained the storm water management plan for the runoff from the parking area. There would be an electrical vehicle station. None of the units were handicap accessible, although a handicap space is available. There are no coastal resources near the property. There was a discussion about the area that is currently a contractor's yard. The commissioners requested more plantings but Mr. Rocheville noted that parts of that may be torn up for later projects. There was a discussion of an abandoned project.

**\*\* MR. WITHERSPOON MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that application #06-20CAM - High St, LLC - 41 High Street - Construct five-unit addition to existing six-family residence for a total of eleven (11) units as shown on the engineered site plan entitled "Site Development Plan, 41 High Street, Norwalk, Connecticut," by McChord Engineering Associates, dated 8/25/20 and on the survey entitled "Zoning Location Survey Prepared for Nick Vona," by Brautigam Land Surveyors, dated 9/16/20 and revised to 9/29/20 be **APPROVED** with the following conditions:

1. That the existing contractor's storage yard for construction equipment and materials is removed from the property prior to the issuance of a Certificate of Zoning Compliance; and
2. That all CEAC sign-offs be submitted prior to issuance of a zoning permit; and
3. That landscaping be planted in the front of the proposed parking to the satisfaction of Staff; and
4. That any and all HVAC units be properly screened and located in conformance with the applicable zoning setbacks; and
5. That a surety (in an amount to be determined by Staff) be submitted to guarantee the installation of the required soil erosion and sedimentation controls; and
6. That all soil erosion and sedimentation controls are in place prior to the start of any construction; and
7. That any additional soil erosion and sedimentation controls be installed at the discretion of Staff;
8. That a Connecticut licensed engineer must submit an engineering certificate verifying that all stormwater and drainage utilities were properly installed prior to the issuance of a Certificate of Zoning Compliance.

**BE IT FURTHER RESOLVED** that this proposal complies with all applicable coastal resource and use policies.

**BE IT FURTHER RESOLVED** that the effective date of this approval is November 13, 2020.

**Ms. Wells seconded.**

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

**No one opposed.**

**No one abstained.**

**c. #6-20SP – Norden Place KB LLC – 10 Norden Place – Special permit for proposed new 330,000 sq ft warehouse and wholesale distribution use located in an existing building (to replace former Norden Systems aka Unit A) and related site improvements – Further review**

Mr. Schulman noted that the contractor had additional information. Atty Cavolo, atty for the applicant, began the presentation. She introduced the project team. There was a discussion about a neighborhood meeting with East Norwalk Neighborhood Association (ENNA). She also

noted that new materials had been submitted to the commissioners and noted what approvals the applicant had received. There have been ongoing meetings with city agencies.

Eric Lindquist, the project engineer, continued the presentation with a discussion of the applications' revisions which included parking plans, the driveway and the storm water management. There was also a discussion about environmental concerns on the site.

Grant Wright, the architect on the project, continued the presentation by showing the commissioners the floor plans for expected office space.

David Greenberg of Creative Acoustics, gave a brief description of his background and then discussed the noise study that he performed. There was a discussion about adding the backup noise from trucks. Mr. Greenberg said he could add it. He noted that there were 2 analyses, one for daytime and one for night and holidays. He then went over the Summary Table. There was also a discussion about the train going by. He noted that there would be no adverse noise to the community. There was a discussion about the nighttime analysis and the backup signals from trucks.

Craig Yannes, the traffic consultant, continued the presentation with responses to the Commission's comments from the previous meeting on the traffic study. He discussed the trip generation comparison. He discussed the truck access route, truck access volumes and roadway safety. He then showed them the traffic capacity analysis. There was a discussion about the I-95 direct access. There was further discussion on truck access volumes and peak hours for the traffic analysis. There was then a discussion of the definition of "truck." Atty Cavalo answered some questions about the types of trucks and what type of use the building would be in the building. Craig Benerofe also noted that the use would be business to business and not business to consumer.

Adam Altman, one of the founding partners of the applicant, explained that he and Mr. Benerofe own businesses in Norwalk as well as other areas of CT. He noted why the building was chosen for this business. He again explained that it would not be business to consumer. Since the place is dormant now, the neighborhood does have concerns about what will happen on this site. They believed their business would be less impactful to the neighborhood than other businesses would be.

There was a discussion about whether the applicant had reached out to the neighbors in Westport. It was also noted that there could not be a business to consumer business in the building since it would not be allowed under this permit.

Atty Cavolo gave a brief summary about the acoustics as well as the traffic study and truck routes.

There was then a discussion as to when this application would be on the Zoning Commission agenda. Mr. Kleppin suggested a special meeting during the week of November 30. They would talk further at the end of the Zoning Commission meeting.

**b. #10-20SP – Zion Properties, LLC – 512-528 Main Avenue – Proposed car dealership for Garavel Subaru – Preliminary review**

Eric Bernheim noted that the presentation would be less than 20 minutes since the commissioners had a long agenda. He then oriented the commissioners as to the location of the property on a GIS map. He explained that Garavel Subaru would like to move to this site. He apologized that the civil engineer could not make the presentation. He then gave a brief description of the curb cuts, areas for vehicle storage and parking deck. He showed them how the vehicle delivery trucks would move around the parking lot. Mike Kozlowski noted that the truck would deliver on site and not off site as some did at Garavel's other site.

Mr. Kozlowski then continued the presentation with a floor plan of the sales floor and then the elevations for the building. He showed them renderings of the building.

Steve Cipolla, the traffic analyst, continued the presentation with a discussion of the traffic study that his company performed. Left turns would be allowed out of the site.

There was a discussion about the rush hour traffic on Main Avenue near Tutor Time. Atty Bernheim said the traffic study would do a more thorough review. There was a discussion about when this item would be on the Zoning Commission agenda.

**V. PUBLIC HEARINGS**

**a. #4-20R – Wall Street Recap Associates, LLC; Municipal Holdings, LLC; Second Garden Development Limited Partnership – Proposed amendments to revise zoning regulations text for Central Business District and b. #5-20SPR/#07-20CAM – Wall Street Recap Associates, LLC; Municipal Holdings, LLC; Second Garden Development Limited Partnership – 61 Wall Street (aka Wall Street Place Phase I) – Complete construction of an existing 6 story frame structure as a mixed use building with 101 dwelling units, 10,233+/- square feet retail – Report & recommended action and c. #6-20SPR/#08-20CAM – Wall Street Recap Associates, LLC; Municipal Holdings, LLC; Second Garden Development Limited Partnership – 17 Isaacs Street (aka Wall Street Place Phase I) – Construction of new 4 story building with 2 upper residential stories to include 50 units above parking garage levels with 152+/- parking spaces to support both the residential uses for 61 Wall Street and 17 Isaacs Street, together with associated site improvements – Report & recommended action**

Mr. Schulman suggested that this public hearing for these applications would be held together and announced the rules for public hearings.

Atty Bill Hennessey began the presentation by noting all of the different applications which would all be heard together in the public hearing. He also noted that the certificates of mailing had been mailed and that they were delivered to the Zoning Department staff. He then introduced the project staff. He then explained that there was an owner of the property and that his client would purchase the property. He gave a brief history of the previous projects on the property. He then began describing the plans for the buildings as well as the regulations necessary for approval.

Michael Weissbrod, the architect on the project, continued the presentation by explaining the changes made over the last few months. He also showed them the site plan for the buildings. He explained the various floors, the number of units, variety of uses which include retail and a space for the Norwalk Art Center. He also described the parking and number of spaces. He also noted that it was suggested to add more retail to the north side of the plan. He described the materials which would be primarily brick since the other historical buildings use it as well. There was a discussion about the size of the retail spaces. He also showed them a rendering of how to hide the facade while the construction is ongoing. He showed them a garage layout and amenities.

Bob Grzywacz, the city's peer review consultant, continued the presentation with a discussion of the retail spaces and how they could be subdivided. He discussed the walkability of the area as well as the parking space. He made points about street activation and what it looked like. He also described the materials that the applicant was suggesting they would use as well as the buildings themselves.

Todd McClutchy continued the discussion about the affordable housing units. He gave them a range of rents for these units.

Since the hour was getting late, there was a discussion as to how to move this forward. It was decided not to close the hearing, but rather, allow the public to comment during the next meeting.

Atty Hennessey began an overview of the current application process including what matters were still outstanding. They had a CEAC meeting and they had submitted a traffic study.

At this point, the public were able to make comments.

Emily Wilson, the attorney for IJ Group, an abutting property owner, said her clients had concerns with this project. She had sent the Zoning Commission a letter earlier that day. She also noted that she had been a former Zoning Commission. They were asking for discretion from the Zoning Commission and had concerns about the grandfathering of certain provisions of a previous Redevelopment plan. She also asked to hear about the parking provisions on this project.

David Rubin said that he had provided the commissioners with a letter and Dropbox as a record. He had concerns about the grandfathering of provisions from an approved Redevelopment plan. He went over several points and noted that he had also made these points in his submission to the Zoning Commission.

Jason Milligan noted that he had a long presentation and said that since he owned 8 properties he should be allowed to make 8 presentations. Mr. Schulman noted that he would have to ask legal counsel. Mario Coppola, the city's corporation counsel, said that every person should only have one chance to speak. Mr. Milligan would be allowed to speak at the next meeting if it was limited to changes that the applicant would make.

Mr. Milligan noted the addresses of his properties that abut this property. He said that he had seen many deeds from earlier eras and that people seemed to work together without a top down approach. He said he would support the project but that there were problems with the

area. He claimed this was a new application and not a modification of a site plan. He noted that there were several issues with the application. He also noted that the former owners had been sued for zoning violations and read testimony of Mr. Kleppin into the record. He discussed parking spaces. He noted that the proposed parking was on top of an easement that Mr. Milligan owned. He made several other points but the commissioners did not have any further questions for him when he was done.

Atty Hennessey said that he would review Mr. Rubin's Dropbox at a later time. He also addressed Atty Wilson's comments as well as Mr. Milligan's comments.

There was a discussion about the continuance of the public hearing to November 18.

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

There were no other updates since there had not been another meeting.

#### **VII. ZONING REGULATION UPDATE: Status report**

There had been interviews of the three consultants. They had hoped to make a decision this week but have not received all the references.

#### **VIII. APPROVAL OF MINUTES: October 21, 2020**

**\*\* MS. WELLS MOVED to approve the October 21, 2020 Special meeting minutes.**

**Mr. Kantor seconded.**

**Louis Schulman; Rod Johnson; Josh Goldstein; Richard Roina; Nicholas Kantor; Galen Wells approved.**

**No one opposed.**

**Michael Witherspoon and Stephanie Thomas abstained.**

#### **IX. COMMENTS OF DIRECTOR**

There were no comments from the Director.

#### **X. COMMENTS OF COMMISSIONERS**

Mr. Schulman congratulated Ms. Thomas who had won her election for CT State Representative. She would stay as a Zoning commissioner for the remainder of the year.

#### **XI. ADJOURNMENT**

**Ms. Wells made a Motion to Adjourn.**

**Mr. Witherspoon seconded.**

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

**No one opposed.**

**No one abstained.**



The meeting was adjourned at 11:11 p.m.

Respectfully submitted,

Diana Palmentiero