

**CITY OF NORWALK
ZONING COMMISSION
December 15, 2020**

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

STAFF: Steve Kleppin; Bryan Baker; Michelle Andrzejewski

OTHERS: Craig Flaherty; Bill Warwick; Eric Raines; Atty Eric Bernheim; Paul Garavel; Andy Soumelidis; Mike Kozlowski; Steve Cipolla; Diane Lauricella; Atty Adam Blank; Steven McNamee; Dave Roger; Matt Popp; Mike Galante; Jim Kousidis

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. Baker called the roll. Mr. Schulman apologized for the technical difficulties at the prior Zoning Commission meeting. He then explained the rules of the public hearing as well as discussing the status of the public hearings on the agenda.

III. PUBLIC HEARINGS

a. #9-20SP – TB Norwalk Apartments LLC – 467 West Ave, 17 Butler St & 3 Quincy St (The Pinnacle) – New mixed-use development with 393 dwellings units and 25,495sf of commercial space in a six-story building – Report & recommended action

Mr. Schulman opened the public hearing. Craig Flaherty began the presentation with an introduction of the project team and noted that this public hearing has been continued from the Zoning Commission meeting on December 9. They have also received all of the necessary approvals.

Bill Warwick, the architect on the project, continued the presentation by showing the renderings of the proposed buildings and oriented the commissioners to the location of the property. He then discussed the southern portion of the project and noted that they added some units which had direct entry into the building. He said it was a late request. He showed them renderings of different sides of the proposed project. He then described the materials that would be used in different areas. There was a discussion about some of the materials used on Waypointe which were now not holding up well. He then said they were trying to make the design complementary to each of the buildings.

Eric Raines, the landscape architect, continued the presentation with a discussion of the pedestrian connection from Butler Street which would connect the Stepping Stones Museum to the Pinnacle project. He then described the enhancements they were proposing including benches and planters. He then discussed the lighting system which could be programmed to have lights for different holidays, as an example of the features that it has.

The commissioners did not have any questions. Mr. Schulman noted that these were interesting ways to activate the space. He also noted that the applicant did not think that retail would do well in this space.

Mr. Schulman opened the hearing to public comment. He also noted that the applicant was still waiting for comments from the Redevelopment Agency. If there were major changes from the public would still have an opportunity to comment on those changes.

There were no comments from the public either in support or against the application. There was a discussion on the further process for this application. Mr. Schulman noted that they closed this portion of the hearing but that the application would remain open. It was decided that the application would be on the Zoning Commission agenda for January 7, 2021.

b. #10-20SP – Zion Properties, LLC – 512-528 Main Avenue – Proposed car dealership for Garavel Subaru – Report & recommended action

Mr. Schulman opened the public hearing. Atty Eric Bernheim began the presentation with an introduction of the project team and gave a brief overview of the application. The applicant had received a variance from the Zoning Board of Appeals.

Paul Garavel, the owner of the Garavel Subaru, continued the presentation with an explanation of why the project would be a good fit for Norwalk. They would like to expand so that they could also grow the size of their business and hire more employees. This site would bring all of their locations to one place. They were happy with doing business in NORwalk and would like to continue to grow in the city.

Andy Soumelidis, the engineer on the project, continued the presentation by showing the site plan to the commissioners. He then discussed the buildings that are currently on the 3 sites. He showed them the proposed drainage and explained the grading of the site. He also explained the erosion and sedimentary controls during construction. He described the landscaping plan which included some screening of vehicles on the property. He also discussed the lighting plan and turning into the site plan. He showed them a cross section of the car rack system which is 20 ft. high. It was noted that abutting neighbors had not raised any concerns. Mr. Soumelidis said that residential homes were higher than the site.

Mike Kozlowski, the architect on the project, continued the presentation with a quick overview of the proposed project and showed them the site plan of the building. The building would include a first floor and second floor. He discussed the materials that would be used on the building. He showed them several renderings of the proposed project including a bird's eye view as well as from the Department of Motor Vehicles.

There was a discussion about the current location of the Garavel Subaru. Atty Bernheim said that the Garavels leased it.

Steve Cipolla, the traffic engineer on the project, continued the presentation by orienting the commissioners as to the location of the property on an aerial map. He then explained which intersections they used for the study. Some counts had been done pre-COVID and explained what peak hours were used in the study. He then discussed the projections based on their analysis. He also discussed the access points. He explained the trip rates and site generation. The proposed site will meet state requirements. There was a discussion about the accident analysis in light of the fact that there would be left turns out of the site. There were currently no restrictions at the current site. There was also a discussion of angled accidents.

Atty Bernheim then summarized the presentation and noted that the proposed building is smaller than the current buildings. He noted that it would be compliant with the Plan of Conservation and Development (POCD). The applicant would be hiring more employees at this site. There was a discussion about the delivery times for trucks so that there are no lines on Main Avenue. Mr. Garavel explained the times for parts and vehicles being delivered would be at 3 am. There would be gates on the property so that the vehicles would be safe.

Diane Lauricella noted that the Garavels were welcome around the city. She then asked that the project should be greened up. She also noted that the Conservation Commission had given this application their approval. She also wanted to see more pervious surfaces than impervious. She also asked about having solar panels on the roof.

No other members of the public spoke in support or against the application.

Atty Bernheim summarized his presentation again and asked the commissioners for their approval.

Mr. Schulman closed the public hearing.

c. #7-20SP – G&T Norwalk LLC – 93 Winfield Street – Special permit for new 2 ½ story multifamily development with 14 dwelling units (to replace former Bank of America building) – Report & recommended action

Mr. Schulman opened the public hearing. Atty Adam Blank began the presentation with an introduction of the project team and noted that the public hearing had been opened in

November. He addressed a new Zoning Dept. staff memo which he would discuss. He then gave a brief overview of the previous public hearing. Mr. Schulman said that the public would be allowed to speak since that had not been completed previously.

Steven McNamee, 22 Winfield Court, had concerns about the number of residential units and wasn't in keeping with the neighborhood. He also didn't believe there were enough parking spots and that it would spill over to other areas of the neighborhood.

Dave Roger, Haze Avenue, said that he agreed with Mr. McNamee. He was concerned about the units having guests over.

Diane Lauricella spoke against the application. She did not think that it complied with the POCD. She asked if the applicant had reviewed having solar panels on the roof. She was concerned about the density on this project.

There was then a discussion about allowing members of the public from speaking again. Mr. Schulman did not think it appropriate for a couple to speak again as it went against the city's regulations.

Atty Blank noted several concerns from the last meeting, which included fire department access and parking concerns. He addressed the comments from members of the public that had spoken this evening. He made some suggestions at where additional parking could be added on the site. He also noted that the applicant is looking into solar panels for the roof. He also noted that the density proposed is allowed as of right. He also addressed comments about the project not complying with the POCD.

Atty Blank then addressed comments from the Zoning Dept. staff which included one that the applicant could re-apply with structured parking.

Matt Popp, the landscape architect, addressed comments from an abutting neighbor about saving some trees on the property. There were white pines that would lose branches on the lower trunk and would provide less screening. The applicant would provide arbor vides which would provide better screening. They may keep a few of the white pines. There was a discussion about using other options for screening since they were used all around the city. Mr. Popp suggested some holly which grew a little slower. Mr. Popp said that it would be difficult to keep the trees because they could damage utility lines and the buildings. Atty Blank said that the applicant would be amenable to planting white pines on the neighbor's property.

Mike Galante, the traffic engineer, discussed sight lines that were an issue for an abutting neighbor. He made a suggestion on how to provide the appropriate sight line area. Jim Kousidis also explained how the neighbor could have a full sight line.

There was a discussion about the density. Several of the commissioners thought that 11 units would be preferable to the 14 units that the applicant was requesting. These would be rental units.

IV. REVIEW AND ACTION ON PENDING APPLICATIONS

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

I. #9-20SP – TB Norwalk Apartments LLC – 467 West Ave, 17 Butler St & 3 Quincy St (The Pinnacle) – New mixed-use development with 393 dwellings units and 25,495sf of commercial space in a six-story building – Report & recommended action

The commissioners did not take action on this item since it would be on the Zoning Commission agenda on January 7, 2021.

ii. b. #10-20SP – Zion Properties, LLC – 512-528 Main Avenue – Proposed car dealership for Garavel Subaru – Report & recommended action

The commissioners did have concerns about the left turn out of the property. Mr. Roina had a concern about deliveries at 3 am. He said that he knew that the Garavels would remediate any problems if the neighbors had issues with it. Mr. Kleppin said that they could add language to the resolution to alleviate their concerns about the left hand turns.

**** MR. ROINA MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that application #10-20SP – Zion Properties, LLC – 512-528 Main Avenue – Proposed car dealership use with 45,506sf structure for Garavel Subaru as shown on architectural drawings entitled “Garavel Subaru 512, 516, 520 Main Avenue Norwalk, CT” by Claris Construction Inc., dated 8/20/2020; and on the site plan entitled “Proposed Site Improvements for a Proposed Car Dealership, Layout & Utility Plan” by LandTech dated 1/30/2020 and revised to 10/9/2020 be **APPROVED** subject to the following conditions:

1. That all CEAC sign-offs are submitted prior to the issuance of a zoning permit; and
2. That a certificate of special permit and the mylar of the approved site plan be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. That a surety be submitted, in an amount to be determined by Staff, to guarantee the installation of the required erosion and sediment controls prior to the issuance of a zoning permit; and
4. That all erosion and sediment controls be installed and maintained prior to the start of any construction or site work and that additional controls be installed at the direction of the Commission’s Staff, as needed; and

5. That a surety be submitted, in an amount to be determined by Staff, to guarantee the completion and maintenance of the site plan and any and all modifications to the plan and all work required as a condition of approval under this special permit prior to the issuance of a certificate of zoning compliance; and
6. That all vehicle deliveries are unloaded onsite and not in the public right-of-way; and
7. No vehicles are to be on display within the front setback; and
8. That the stormwater maintenance plan be implemented to ensure the maintenance of the onsite drainage system; and
9. That a Connecticut licensed engineer shall certify that all of the required improvements, including any required off-site improvements, were installed to City standards prior to the issuance of a Certificate of Zoning Compliance; and
10. That all signage comply with the zoning regulations other than signage permitted by variance #20-0618-01; and
11. That any and all conditions listed in the approval letter from Norwalk DPW, dated November 9, 2020 are applicable to this approval; and
12. That any and all conditions listed in the minor activity permit #D20-529 from the Norwalk Inland Wetland Agency, dated November 17, 2020, are applicable to this approval; and
13. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
14. That this approval is subject to Section 118-1460 C. of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that this application complies with Section 118-522 Business No. 2 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 December 28, 2020.

Ms. Thomas seconded.

Before the commissioners voted on the resolution, there was a lengthy discussion about amending the resolution, as follows:

***WHEREAS** the Zoning Commission requests that the Connecticut Department of Transportation address left hand turns out of the site due to the potential for traffic accidents

Mr. Roina made a motion to amend the resolution, as stated above.

Mr. Mancini seconded.

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

No one opposed.

No one abstained.

lii. #7-20SP – G&T Norwalk LLC – 93 Winfield Street – Special permit for new 2 ½ story multifamily development with 14 dwelling units (to replace former Bank of America building) – Report & recommended action

There was a discussion about the resolution and whether they could approve it for 11 units. Mr. Kleppin said that the commissioners had not seen a site plan for that many units. He also explained the difference between denying the application with prejudice rather than just denying the resolution. The applicant would have to return to the commission with a revised plan. Ms. Thomas agreed with this. Mr. Goldstein and Mr. Schulman had concerns about the project.

WHEREAS, the applicant presented the application to the Commission for public hearing on November 18, 2020 and December 15, 2020;

WHEREAS, the Commission made the following findings:

WHEREAS, the proposed structures comply with the bulk and height requirements in the NB Zone;

WHEREAS, the traffic report prepared by the applicant indicates the proposed use will not result in an increase in traffic from the prior use as a bank;

WHEREAS, there is a mass-transit facility within acceptable walking distance to the subject site;

WHEREAS, there are adequate utilities to provide for the proposed development;

WHEREAS, there are no anticipated negative impacts from noise, fumes, dust or artificial lighting;

WHEREAS, no signage will be inconsistent with the neighborhood;

WHEREAS, the yards and recreation space proposed, comply with the requirements of the regulations;

WHEREAS, the prior use was a bank and the proposed development is residential in nature, it is more consistent with the surrounding residential uses;

WHEREAS, the subject site is suitably located to community facilities;

WHEREAS, the proposed development complies with the bulk and height standards within the Building Zone Regulations;

WHEREAS, the proposed development complies with the Plan of Conservation and Development in effect at the time of application;

THEREFORE, MR. JOHNSON MOVED: BE IT RESOLVED that special permit application #7-20SP – G & T Norwalk LLC – 93 Winfield Street – Special permit for new 2 ½ story multifamily development with 14 dwelling units be **APPROVED**, subject to the following conditions:

1. That all CEAC signoffs shall be submitted to staff prior to the issuance of a zoning permit; and
2. That a certificate of special permit and the mylar of the approved survey (as revised by any conditions of approval) be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. 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
4. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
5. Applicant should consider rooftop solar and explore LID techniques to handle site drainage.
6. The building and site will be built and developed in accordance with the following plans:
 - a. Per Zoning Location Survey prepared by Shevlin Land Surveying, LLC dated 7/14/2020 revised through 11/17/2020.
 - b. Per Site Plan Layout by Kousidis Engineering, LLC dated 7/08/2020 revised through 12/09/2020.
 - c. Per Grading, Drainage, and Utilities Plan by Kousidis Engineering, LLC dated 7/08/2020 revised through 11/05/2020.
 - d. Per Sediment and Erosion Controls Plan by Kousidis Engineering, LLC dated 7/08/2020 revised through 11/05/2020.
 - e. Per Notes and Details Plan by Kousidis Engineering, LLC dated 7/08/2020 revised through 10/16/2020.
 - f. Per Architectural Plans by Cugno Architecture dated 9/21/2020 revised through 10/29/2020.

g. Per Landscape Plan prepared by Environmental Land Solutions, LLC dated 07/21/2020 revised through 10/30/2020.

h. Per Photometric Calculation SL-1, prepared by Illuminate dated 10/20/2020.

BE IT FURTHER RESOLVED that the effective date of this action be December 24, 2020.

Mr. Witherspoon seconded.

Rod Johnson; Galen Wells; Michael Witherspoon approved.

Stephanie Thomas; Frank Mancini; Richard Roina; Josh Goldstein and Louis Schulman opposed.

No one abstained.

After the resolution failed to pass, there was a discussion about the other drafted resolutions to deny or a denial without prejudice. There was a discussion about underground parking. If the commissioners denied without prejudice, the applicant could return quicker with an application. There was a lengthy discussion about additional language to the resolution. In the end, they did not add language to the denial without prejudice resolution.

WHEREAS, the applicant presented the application to the Commission for public hearing on November 18, 2020 and December 15, 2020;

WHEREAS, the Commission made the following findings:

WHEREAS, the proposed structures may comply with the bulk and height requirements in the NB Zone, the proposed density is significantly higher than anything in proximity of the site and is not in keeping with the immediate neighborhood;

WHEREAS, Staff has proposed an alternative plan to have the parking garage entirely underground, allowing the grade to remain closer to the existing grade, which also lowers the overall heights of the structures, keeping them closer in height to the residential character of the surrounding structures;

WHEREAS, the applicant replied that there would be issues with groundwater, yet offered no proof that this was not feasible, while underground parking is subsurface structures are built in numerous locations;

WHEREAS, parking the entire site below grade could allow the structures to be arranged in a non-barracks like manner, improving the overall aesthetic of the site;

WHEREAS, the prior commercial uses are not consistent with majority single and two family nature of the immediate area, those uses have been part of the community fabric for many years, while the proposed use is a significant intensity over the prior use;

WHEREAS, the proposed development complies with the Plan of Conservation and Development in effect at the time of application, the recently amended to the plan, incorporating the recommendations of the Citywide Plan recommend rezoning this site to C Residential;

THEREFORE, MR. ROINA MOVED: BE IT RESOLVED that special permit application #7-20SP – G & T Norwalk LLC – 93 Winfield Street – Special permit for new 2 ½ story multifamily development with 14 dwelling units be **DENIED WITHOUT PREJUDICE**.

Mr. Mancini seconded.

Louis Schulman; Rod Johnson; Michael Witherspoon; Stephanie Thomas; Frank Mancini; Richard Roina; Josh Goldstein approved.

No one opposed.

Galen Wells abstained.

b. #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 – Report & recommended action

Mr. Schulman noted that the Zoning Commission had not voted on this item at the last meeting since the public had not been able to see it.

**** MR. ROINA MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#4-20R – Wall Street Recap Associates LLC - Wall Street Place - Proposed amendments to revise schedule for Central Business District" dated October 15, 2020, be **APPROVED**.

BE IT FURTHER RESOLVED that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development to "Continue to meet or exceed the state's 10% goal for affordable housing." (Ch. 4.F.1.D.ii, p. 77); and
- 2) To implement the Plan of Conservation and Development to "Adopt guidelines and standards, with required findings, as part of the zoning ordinance, to guide decision making that will help achieve the vision and goals of the plan." (Ch. 12.H.1.A.i, p. 242); and
- 3) To implement the Plan of Conservation & Development to "Include place-making and functional design standards in the requirements for non-residential and mixed-use development." (Ch. 12.H.3.A.iii, p. 250); and

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

Mr. Mancini seconded.

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

No one opposed.

No one abstained.

c. #3-14SP/#11-14CAM – Maritime Village I LLC – 17-19 Day St – Follow-up traffic study review for issuance of Certificate of Zoning Compliance per conditions of approval - Report & recommended action

Mr. Schulman opened the item. Mr. Kleppin began the presentation by noting that the staff had sent the commissioners an updated traffic plan. There were no impacts as per the applicant's consultant.

**** MR. ROINA MOVED: BE IT RESOLVED** that the Zoning Department staff can issue a Certificate of Zoning Compliance per conditions of approval for the application #3-14SP/#11-14CAM – Maritime Village I LLC – 17-19 Day St.

Ms. Wells seconded.

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

No one opposed.

No one abstained.

V. INDUSTRIAL ZONES: Status report

Mr. Kleppin said he had sent everyone the survey link. He noted that it was not a typical survey. This was meant to be an interactive survey which changes as people respond. They have had a high response rate. It would be up through the end of 2020. Meetings would be set up for the week of January 11. They would re-evaluate to confirm they are getting feedback from the correct stakeholders. It had been sent to some of the neighborhood associations and articles had been run in the local press as well as the city's Board of Education and the library system.

VI. SONO TOD STUDY: Status report

Mr. Kleppin said this is moving along. They are putting together a communication plan and getting to know the area.

VII. APPROVAL OF MINUTES: November 18, 2020; December 7, 2020; December 9, 2020

**** MS. THOMAS MOVED to approve the November 18, 2020 meeting minutes.**

Mr. Goldstein seconded.

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

No one opposed.

No one abstained.

**** MR. WITHERSPOON MOVED to approve the December 7, 2020 meeting minutes.**

Ms. Thomas seconded.

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

No one opposed.

No one abstained.

**** MS. THOMAS MOVED to approve the December 9, 2020 meeting minutes.**

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

VIII. COMMENTS OF DIRECTOR

Mr. Kleppin said that he is working on the contract for the Zoning regulations re-write. There would be another Zoning Commission meeting the following week and he noted which applications would be on the agenda.

IX. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

X. ADJOURNMENT

Ms. Thomas made a Motion to Adjourn.

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 9:21 p.m.

Respectfully submitted,

Diana Palmentiero