

**CITY OF NORWALK
ZONING COMMISSION
February 4, 2021**

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

STAFF: Steve Kleppin; Bryan Baker; Michelle Andrzejewski

OTHERS: Atty Adam Blank; David Herbst; Jerry Effren; Matt Pop; Len D’Andrea; Atty Bill Hennessey; Colin Grotheer; Wes Stout; Lynne Ward; Jesper Ryberg; Craig Flaherty; Tod Bryant; Kenneth Boroson; Anthony Gaglio Sr.; Lyle Fishell; Mike Oz

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.

II. ROLL CALL

Mr. Kleppin called the roll. Mr. Schulman explained the rules of the public hearing.

III. PUBLIC HEARINGS

a. #2021-01 R/SP – RAP II, LLC - 125 Richards Avenue - Text amendment to the definition of “Elderly Housing Unit” and to allow the use in the B Residence Zone by special permit and accompanying a special permit application for a proposed 10-unit elderly housing development

Mr. Schulman opened the public hearing. Atty Blank began the presentation by orienting the commissioned as to the location of the property on an aerial map. He described what the project would include and showed renderings of what the units would look like, including the front and rear. He noted that it would allow seniors to age in place with first floor master bedrooms, with care only a phone call or email away. He explained the property management’s role. He then introduced the project team. He explained which city departments had issued approvals and permits. The Planning Commission had approved the plan and said there should be more of these types of units. They are waiting for sign-offs from the Department of Public Works (DPW) and WPCA. He then explained the two applications, one which would be a text change amendment and the other for the construction of the project.

There was a discussion about whether the neighbors had been notified of the public hearing. Atty Blank said that they had and that the certified, return receipt cards had been sent

to the Zoning Department. There was a discussion about adding more units. Atty Blank said that the applicant had recently acquired a lot near Whole Foods. They would see how this project goes and then may do a similar project at this newly purchased lot. However, there could be issues about some of the language for Elderly Housing Unit that may prohibit it.

David Herbst, an appraiser, continued the presentation with an update on the senior housing market. He noted several drivers including regional demographic trends, the supply of these types of units and consumer preferences and long-term care. He also discussed the different types of senior housing which included active adult communities, which were similar to condos. The next type was independent living facilities which have private units, and provide services to the residents. These are sometimes combined with assisted living facilities and provide a higher level of medical services. There are also skilled nursing facilities which have all types of medical services. He then showed the commissioners a visual of these different facility types. He showed them a graph of the cost of care for these different facilities. There is a shift in demand of these facilities. He explained the goals of the state. He explained how the text amendment was consistent with these goals.

There was a discussion about how many people would be living in these units. Jerry Effren explained the market for these units. Atty Blank noted that the Plan of Conservation and Development (POCD) set forth a recommendation for more senior housing in Norwalk.

Atty Blank discussed the text amendment in detail as it related to this project. There was a discussion about the conservation easement recommended in the resolution. Atty Blank noted that they had received permission for a conservation area. If it were to be an easement, then they asked if they could change the timing of it. The applicant also has a contract with "This Old House" to film this project so there are some time constraints. Atty Blank then discussed what could be built on the site which would be more dense than what the applicant was requesting.

Matt Pop, the landscape architect, continued the presentation with a description of the treescape for the property.

Len D'Andrea, the engineer on the property, continued the presentation with a description of the wetlands on the property as well as the grade. He noted where they had proposed to construct the units on it. He noted that they minimized steps. He then described the proposed drainage on the site as well as retaining walls to help level the property. He also noted how fire trucks could enter and leave the property.

There was a discussion about the conservation area which Mr. D'Andrea said they were exceeding the requirements. There was a further discussion about the river and the floodplain. There was a discussion about the conservation easement. Atty Blank noted that once there is an easement it is harder to change. He said they would list it as a conservation area. There was a discussion as to the difference between the two. There would not be any walking trails. There

was also a discussion about who is responsible for cleanup in the easement. There was also a discussion about having similar language to the Willard Road project.

There was also a discussion about site amenities for the residents. Jerry Effren said that no specific areas had been discussed. There would be natural areas to sit down to enjoy nature. There would not be any playgrounds.

No members of the public spoke for or against these applications.

There was a discussion about what types of units that the senior population is purchasing. Mr. Herbst said there would be a range of types, either duplex or four-plex. Purchasers seem to like a private entrance.

Mr. Schulman closed the public hearing.

IV. REVIEW AND ACTION ON PENDING APPLICATIONS

a. Action on Item III a.

Mr. Schulman discussed the roles for the alternate commissioners. For this item, Mr. Mancini would be allowed to discuss and vote on it. Mr. Mancini was in favor of the project and would like to see more projects in Norwalk.

Mr. Kleppin then had the comments of the Planning Commission read into the record. He also reminded the commissioners that there were 2 resolutions. There was also a discussion about standardizing conditions for these resolutions. There was then a discussion about the language in the text amendment and what could be kept or removed. There was also a discussion about the conservation easement language in the text amendment. The Planning Commission resolution was reviewed by the commissioners.

**** MR. GOLDSTEIN MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations #2021-01 SP/R – RAP II, LLC – 125 Richards Avenue – Text amendment to the definition of “Elderly Housing Unit” and to allow the use in the B Residence Zone by special permit, as amended, be **APPROVED**.

BE IT FURTHER RESOLVED that the reasons for this action are to implement the Plan of Conservation and Development:

1. Chapter 4, Goal 1 - Norwalk has a neighborhood and housing strategy that maintains a variety of neighborhood types and housing choices through a variety of mechanisms.
2. Chapter 4, Housing Choice & Healthy Lifestyle, Goal 1C.iv - Identify potential markets for downsizing by empty-nesters and aging seniors who want to stay in Norwalk and encourage housing for that market. Downtown and SoNo have attracted some empty-nesters. Others may want to downsize but would prefer other options; and

3. Chapter 4, Housing Choice & Healthy Lifestyle, Goal 1C.v - As part of a zoning re-write, explore innovative housing types such as cottage communities, and create zoning and design standards. Cottage communities provide modest-sized housing as infill on vacant or underused lots designed to give a single-family experience; and

BE IT FURTHER RESOLVED that the effective date of this action be February 19, 2021.

Mr. Mancini seconded.

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

No one opposed.

No one abstained.

There was a discussion about whether commissioners favored a conservation easement or conservation area. The applicant could seek an easement if they later wanted to do that. Most of them agreed that it should be a conservation area.

**** MR. ROINA MOVED: BE IT RESOLVED** that special permit application #2021-01 SP/R – RAP II, LLC – 125 Richards Avenue, be **APPROVED**, subject to the following conditions:

a) That a new concrete sidewalk (minimum of 5 ft in width) be constructed as indicated on the approved Site Plan, as referenced below; and

b) That the Conservation area be managed in a natural state, allowing passive recreation and enjoyment by residents of the property; and

c) Any amenities or improvements or maintenance of the area be approved by Planning and Zoning Staff prior to commencement; and

d) That a certificate of special permit and the mylar of the approved site plan, including the delineated conservation area (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 surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required erosion and sediment controls prior to issuance of a zoning permit; and

g) 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

- h) 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
- i) That all signage, existing and proposed, comply with the zoning regulations; and
- j) That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
- k) That any and all HVAC units shall be located in conformance with the applicable zoning setbacks nor within the Conservation area; and
- l) That the project be consistent with the following plans:
- i. Preliminary Site Plan Review Set, Senior Housing, Location 125 Richards Avenue, Norwalk CT, dated 1/28/21, prepared by D'Andrea Surveying & Engineering, P.C.,
 - ii. Zoning Location Survey, 125 Richards avenue, dated 1/28/21, prepared by D'Andrea Surveying & Engineering, P.C.,; and
 - iii. Architectural floor plans and elevations revised through 11/16/20, prepared by J.A. Jamieson Architects; and
- m) That any deviation from the plans be approved by Staff and referred to the Commission if necessary; and **THEREFORE**

BE IT FURTHER RESOLVED that the effective date of this action be February 19, 2021.

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

b. #2021-02 CAM - Hillcrest Partners LLC - 143 Rowayton Avenue - Four (4) unit residential building - Report & recommended action

Mr. Schulman asked the applicant's team to begin the presentation. Atty Bill Hennessey began the presentation by noting that he would give a brief overview and discuss what had happened to the application since their previous presentation on January 7, 2021. He then introduced the project team. He oriented the commissioners as to the location of the property on an aerial map. He discussed the current commercial buildings on the site. He then showed them the proposed building which would convert the property from commercial to residential. It would conform with the Rowayton Village District regulations. This application required site plan

approval. There is no drainage so the applicant would improve this under this application. There would be a walkway for public access from Rowayton Avenue. He also discussed the landscaping plan and the eastern facade.

Colin Grotheer, the architect on the project, then continued the presentation with a discussion of the peer review process and their comments. The design had to be consistent with the surrounding area. They removed some of the dormer overhangs. They added flood vents. There were changes to the trash room. He then discussed the roof plan with the mechanical units. He also showed them renderings of all the floor levels. There was a discussion about having parking spots for electric vehicles.

Wes Stout, the landscape architect, discussed the offsite improvements which included public access. They had met with the 6th Taxing District. Their design would be similar to the Rowayton Arts Center. They would also complete an existing wall on their site. It would be an inviting way to the waterfront.

Atty Hennessey noted that there would not be any change to the number of boat slips. Water quality would be improved and the pervious surfaces would be increased. The building would be FEMA compliant as well. There was a clarification of the amount of pervious surfaces. The site included pervious pavers.

The commissioners had no further questions for the applicant's project team. Atty Hennessey said that they had a very pleasant experience with the Zoning Department staff.

**Whereas, the Zoning Commission has reviewed the peer review report prepared by BFJ Planning dated January 15, 2021;*

**Whereas, the Zoning Commission has received an approval decision by the Five Mile River Commission dated January 20, 2021;*

**** MR. JOHNSON MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that application #2021-02 CAM/SPR - Hillcrest Partners, LLC - 143 Rowayton Avenue - Proposed four-unit multifamily residence be **APPROVED** subject to the following conditions:

1. That the building and site will be developed in accordance with the following plans:
 - a. Per Site Layout Plan (Sheet No. 1 of 3); Grading, Drainage & Utilities Plan Sheet No. 2 of 3); Sediment & Erosion Controls Plan (Sheet No. 3 of 3) prepared by Kousidis Engineering, dated 12/11/2020 and revised to 1/26/2021; and
 - b. Per architectural drawings entitled "143 Rowayton Avenue" pages A0.00-A3.00, prepared by Beinfield Architecture, dated 12/11/2020 and revised to 1/26/2021; and

c. Per Landscape Layout & Lighting Plan (L-1.0); Site Details (L-3.0); Site + Landscape Details (L-3.1) prepared by Wesley Stout Associates dated 12/11/2020 and revised to 1/26/2021

2. 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

3. That any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and

4. 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

5. That an easement be filed on the Norwalk Land Records to permanently protect the fifteen (15) foot public accessway along the waterfront and to permanently protect the twenty-five (25) foot view corridor located on the south side of the property and that such easement be made a part of this approval prior to the issuance of the Certificate of Zoning Compliance; and

6. That this approval is subject to Section 118-1451 B.(10) of the Building Zone Regulations; and

7. 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

8. That a Connecticut licensed engineer or architect shall certify that the development as constructed complies with all relevant Federal flood regulations as well as Section 118-1100 of the Norwalk Building Zone Regulations; and

9. That all CEAC sign-offs are submitted prior to the issuance of a zoning permit and any and all conditions required by each respective department be applicable to this approval; and

10. That should the Connecticut Department of Transportation require a No Parking Zone be established in front of the property, that the applicant shall obtain Norwalk Traffic Authority approval; and

11. That the stormwater maintenance plan be implemented to ensure the maintenance of the onsite drainage system; and

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

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

14. That any revisions to the approved plans be submitted to the Zoning Commission for their review and approval; and

15. 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 Connecticut General Statute 8-2j Village Districts and with applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that this application complies with Section 118-530 Rowayton Avenue Village District, Section 118-1451 Site Plan Review 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 February 12, 2021.

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

V. REVIEW AND ACTION ON NEW APPLICATIONS

a. #2021-03 SPR - 761 Main Avenue - iPARK - Proposed four (4) story, 132 unit multifamily dwelling on existing mixed-use development site - Preliminary Review

Mr. Schulman began the presentation by asking iPark's representatives to begin. Lynne Ward began with an introduction of the project team. She noted that many of the other iPark sites were becoming mixed use with residential units on site. The residential buildings were rebranded to UNO which included studios and 1 bedroom units. They would like to include at this iPark site an UNO building as well. She oriented the commissioners as to the location of the property and where the units would be located on the site.

Jesper Ryberg, the architect on the project, then showed them a video of the project on the property. There was a discussion as to the proposed building being near the Danbury line of Metro-North railroad tracks. It would be a 4 floor building which included 3 floors of residential units. There would be parking under and surrounding the building. It would face the LA Fitness. There would be electric car stations in the parking lot. There was also a courtyard as an amenity space. He then explained the size of the units. There was also a discussion about the rents which included utilities. The building would have approximately 10 affordable units. There would also be a business office and lounge for residents. All rooftop equipment would be screened. There was a discussion about having solar panels on the roof. The one bedrooms have large balconies with natural light. Mr. Ryberg then also discussed the materials to be used on the building.

There was a discussion about whether there could be a peer review for the design on this project. Mr. Kleppin noted that there were no design guidelines for this property or area. There was also the possibility of a hotel on the southern area of the property which would be on the Wilton border. Staff had sent a referral to Wilton's Zoning Department. They are still waiting for approval from the Conservation Commission. Mr. Baker then discussed points in his memo to the Zoning commissioners.

There was a discussion as to whether there should be a public hearing. Mr. Schulman asked for input from the commissioners. Most said that with the size of the project there should be a public hearing. There would also be a peer review of the traffic study. Mr. Kleppin said they were looking for a new consultant but also extending the contract of the current consultant.

Ms. Ward noted that the applicant would be fine with a public hearing. She also explained that their other UNOs were fully occupied and usually their residents work in the nearby iPark.

Mr. Schulman noted that the public hearing would be set up after the approval from the Conservation Commission had been received.

b. #2021-04 R/SP - 3 East Wall Street - Proposed building zone regulations text amendment to allow historic preservation developments in the East Avenue Village District by special permit in association with a historic preservation development that includes 26 dwelling units - Preliminary Review

Craig Flaherty began the presentation by noting that this is the first time this application has been before the Zoning Commission. He then introduced the project team and the applicant. He explained how they were working with staff to draft the text amendment. He then explained the proposed project and noted that there would be workforce housing units. They have met with the Historical Commission which voted to approve the application. He showed them a picture of the current building and then a rendering of the project. He also showed them a recently completed project by the applicant. He also showed them the property on an aerial map. There is a smaller accessory building in the back of the property.

Tod Bryant continued the presentation with a history of the house. He showed them a photo of the house from around 1870. He then showed them a photo of the house which had been expanded in 1900. One room had been built for the owner's son, who was in a wheelchair, which had large windows that gave him views of the river and the city. He noted the elements on the building. The accessory building in the back of the property had been a stable/carriage house but that was not evident from the current structure. He showed them some books that they would use to restore the paint colors of the house.

Mr. Flaherty noted that much of the building would have to be replaced since the materials were original to the building. The applicant wanted to restore it to the original.

Kenneth Boroson, the architect, continued the presentation by showing them renderings. He also discussed what they could add back. He then showed them the current building which had been the stable and explained that it would be demolished for the new building. He showed them photos of how it would be in the streetscape.

There was a discussion about the height of the building and whether they could have more units. There was also a discussion about whether the new building in the back would be the same height as the original building. There was a discussion about the number of parking spaces.

Mr. Flaherty then continued the discussion about the text amendment. He discussed properties around the city that it could apply to. He mentioned density, building height and building area.

Mr. Schulman noted that they would wait to set a date for the public hearing. Mr. Baker said that the application would have to be reviewed under the East Avenue Village District guidelines. There was a discussion about the funeral home next door. There was also a discussion about increasing the density.

There was a discussion about the workforce housing units as well as the rents for these units. Anthony Gaglio Sr. explained that they wanted the rents to be affordable for fire personnel, etc. so that they could live in Norwalk. They have other affordable units similar to this around the state. He also said they wanted the renovation to last at least 20 years.

c. Site Plan modification – 50 Washington Street – Proposed change of use to existing rooftop terrace to include public events.

Mr. Withersoon recused himself from this application.

Lyle Fishell, the architect on the project, began the presentation by showing them an aerial photo of the roof of the building. He explained what the proposed modification would be for the roof.

Mike Oz continued the presentation by showing them photos of what the roof now looks like which included a stage. There had been a successful private event in September of 2020 which encouraged them to seek to open the space to the public. It would draw people into SoNo. They also have a co-working space in the building. Once they included the roof as an amenity, the co-working space became more popular. Many caterers and event planners have called about the rooftop space as well. They would like to have corporate events there.

There was a discussion about the size of the space and how many people could be accommodated in that space. There was a discussion about having music on the roof. Mr. Kleppin was asked about the regulations for this. It would have to comply with the noise ordinance. Mr. Schulman noted that at one time the roof had a helipad on it. Mr. Oz said there was a generator there now.

The commissioners then reviewed the staff's memo and proposed resolution. Language regarding music would be added to it.

There was a discussion about the types of tenants in the building. Mr. Oz said they were commercial. He also said that, in the future, those tenants could sit on the roof and do their work. The roof is not officially open and would be open on April 1. There was a discussion about what would happen in inclement weather. Mr. Oz noted that the ground level would become an event space as well as backup for that inclement weather situation.

Mr. Kleppin noted that this application should be reviewed by the Department of Health and the Police Department as well as becoming a condition of approval. These conditions, including a sound report, would be needed for the first time that the applicant did this. Mr. Oz noted that at the party in September, he could not hear the music from the roof at the street level.

**** MR. MANCINI MOVED: BE IT RESOLVED** Site Plan modification – 50 Washington Street – Proposed change of use to existing rooftop terrace include public events be **APPROVED.**

BE IT FURTHER RESOLVED subject to the following conditions:

1. That the applicant submit a sound study report prior to the use of the roof by non-tenants having live entertainment or music.
2. That the Health and Police Departments approve the use of the roof for outdoor music.

BE IT FURTHER RESOLVED that the effective date of this action be February 19, 2021.

Mr. Johnson seconded.

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

No one opposed.

No one abstained.

Mr. Witherspoon returned to the meeting at this time.

VI. DISCUSSION OF OTHER ITEMS

a. Industrial zones study status report

Mr. Kleppin said that he had no update for this meeting.

b. South Norwalk TOD study status report

Mr. Witherspoon explained that the study included many parts of Norwalk into South Norwalk that should not have been. It would have to be revised. Corrections would have to be made before moving the study forward.

c. Zoning regulations update status report

Mr. Kleppin said he would speak with the consultants on Monday. They would review the TOD draft report. They also have the contract which would be signed within the next few weeks. There was a discussion about adding a green infrastructure requirement into the revised regulations. Mr. Schulman said that the commissioners should also keep notes and give them to the consultants when the Zoning Commission meets with them.

VII. APPROVAL OF MINUTES: January 7, 2021

**** MR. ROINA MOVED to approve the January 7, 2021 meeting minutes.**

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

VIII. COMMENTS OF DIRECTOR

There were no comments from the Director.

IX. COMMENTS OF COMMISSIONERS

Mr. Schulman noted that there would be another Zoning Commission meeting on the Norden project on Monday, September 8. He also said that they would not be voting on the item that night. Mr. Kleppin explained the process of the meeting. It would be limited to new information. There was a discussion about allowing the alternates to vote on the Norden application. It was asked that the applicant only discuss any new material and give a brief synopsis of the application at the beginning of the meeting.

X. ADJOURNMENT

Ms. Wells made a Motion to Adjourn.

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 10:02 p.m.

Respectfully submitted,

Diana Palmentiero