

**CITY OF NORWALK
ZONING COMMISSION
March 17, 2021**

- PRESENT:** Louis Schulman, Chair; Richard Roina; Galen Wells; Nick Kantor; Rod Johnson
Josh Goldstein; Michael Witherspoon
- STAFF:** Steve Kleppin; Bryan Baker; Michelle Andrzejewski
- OTHERS:** Craig Flaherty; Tod Bryant; Anthony Gaglio, Sr.; Ken Boroson; Emily Foster;
John Lesko; Brad Craighead; Diane CeCe; Atty Adam Blank; Christopher Fedor;

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. Mr. Schulman wished everyone "Happy St. Patrick's Day" and congratulated Mr. Witherspoon who was recently elected to the Board of Norwalk Hospital. He then explained the rules of the public hearings.

III. PUBLIC HEARINGS

a. 2021-04 R/SP/CAM – 3 East Wall Street Associates – 3 East Wall Street - Text amendment to add a Historic Preservation Incentive Development use to the East Avenue Village District, add East Avenue Village District to the applicability of the Workforce Housing regulations and a Special Permit/CAM application for a 26 dwelling unit historic preservation incentive development at 3 East Wall Street

Mr. Schulman opened the public hearing. Mr. Flaherty began the presentation with an introduction of the project team. He explained that the certified, return receipts evidencing notice of the public hearing to the neighbors had been submitted to the Zoning Department office. He then showed them a picture of a recent project, 3 Elmcrest Terrace, which the applicant had completed since it was similar to this project. He then oriented the commissioners as to the location of the property on an aerial map.

Tod Bryant, the historical consultant on the project, continued the presentation with a historical overview of the house which included additions to it. Mr. Gaglio explained how the original paint colors would be discovered so that they could make the building look as close to the original as possible. Mr. Bryant showed them several historical photos of the building. He

then gave a history of the carriage house in the back of the house. He then discussed further the color scheme of the original house.

Mr. Flaherty showed the commissioners a picture of the current house. He explained that much of it had to be rehabilitated and replaced. He also showed them photos of what work had to be done.

Ken Boroson, the architect on the project, explained further the renovation that would have to be completed including new, energy efficient windows, slate roof, gutters, etc. He then showed them a rendering of the proposed building. He noted that the carriage house would be demolished. He also showed them additional renderings of the back portion of the building. Some of the features would compliment the manor house. The paint colors of the rear portion of the proposed building would be more muted than the original house. He showed them renderings of the interior of the building as well as the elevations. He also showed them the amenities as well as the various residential units.

There was a discussion about the size of the garage door bays. Mr. Boroson suggested adding plantings. There was a discussion of the tree that it is on the property which would be protected during the construction of the building.

Mr. Flaherty noted that there will be more units on the property than there currently is. He began discussing the site plan which included the driveway. He also discussed a fence around the property for privacy and screening. He then discussed the storm water management system. He also discussed the state agencies which had provided approvals for the project. He noted which trees would remain on the property which would be more than half of them.

Mr. Flaherty then reviewed the proposed text amendment which included workforce housing units. He noted how it was consistent with the Plan of Conservation and Development (POCD). He also discussed other properties that could fall under this text amendment.

Emily Foster, the traffic consultant, explained the two traffic studies, one of which was for the other 5 properties that could be developed to their maximum levels. All sites maintained their levels of service.

Mr. Flaherty then reviewed the approvals the applicant had received from various city agencies and departments. He also reviewed letters of support. He then reviewed comments from an abutting neighbor, the Raymond Funeral Home. One of his concerns was about the rain that drained onto his property. Mr. Flaherty said that the proposed drainage would stop the flooding from their property onto Mr. Lesko's. He also discussed the applicant's setbacks as well as the parking requirements. There is no waiver for those requirements. He then explained how the application was in compliance by the city's regulations.

There was a discussion about receipt of all sign offs from city agencies, one of which had been received earlier that day. There was a discussion about the planter boxes which would screen the garage doors. Mr. Flaherty said they are trellises.

Mr. Baker explained to the public how they could make comments on the application on the Zoom call.

John Lesko thanked the commissioners and noted that he served on the Planning Commission. He had recused himself during the review of this application by the Planning Commission. He explained that he had sent a letter regarding his concerns and had met earlier in the week with Mr. Gaglio. He then discussed an agreement about the egress from his property, a funeral home, which had been in place for many years. He noted that he had made some paving changes to his driveway which would now be eliminated with this project. He would now have to make more improvements which he had not anticipated. He does support part of the project, although he questioned the number of units. He also explained that his office overlooked the manor house. He thought that the project was overwhelming for the area. He also explained that his funeral home was the oldest in Norwalk. He had concerns about the construction which could be loud during funerals. He had concerns about the asbestos in the carriage house. He also noted that there is a daycare center nearby as well as a senior center. He was also concerned about the traffic in the area as well as the parking requirements. He thought that parking was an issue.

Brad Craighead, 2 Park Street, is an abutting neighbor to the property. He owned several other properties in the area and noted those addresses. He explained that he had sent a letter to the Zoning Department and explained his business to the commissioners. He had questions about the other properties that would be affected by the proposed text amendments. He suggested a proxy list which included other historical buildings. He also said that he had concerns about the expansion of the density. He discussed a traffic safety plan.

Diane CeCe, a member of the East Norwalk Neighborhood Association, said that she concurred with Mr. Craighead's comments. She believed that she had a concern for this being spot zoning. She said that she sympathized with Mr. Lesko. She asked about a left turn out of the property since there would be more units in the building. She had questions about the construction equipment. She also had questions about the tree in front of the manor house.

At this point, Mr. Flaherty responded to the issues that were raised by the comments from the public. He showed the commissioners where Mr. Lesko's funeral home was located. He noted that the private agreement for the access to the property would be revoked and Mr. Lesko had a solution for this. He discussed the egress and ingress. There is no left turn restriction from the site. He discussed the concerns about the asbestos as well as the parking concerns. He also discussed fencing. He then addressed the sites that would be eligible under the proposed text amendment. He also addressed the mass of the building and the restoration

of the building. He also discussed the open space and the trees on the property. He noted that this is not spot zoning.

Mr. Gaglio said he respected Mr. Lesko and Mr. Craighead for their businesses. They would like to be good neighbors. He spoke of his conversation with Mr. Lesko, earlier in the week. He discussed the parking.

The Planning Commission and CAM referrals were read into the record. Mr. Schulman then closed the public hearing.

IV. REVIEW AND ACTION ON PENDING APPLICATIONS

a. Action on items III. a.

Mr. Schulman asked the commissioners if they had any comments.

**Whereas the Norwalk Zoning Commission held a public hearing on this application on March 17, 2021;*

**Whereas the Norwalk Zoning Commission has received a recommendation in favor of the proposed text amendment from the Norwalk Planning Commission for consistency with the 2019-2029 Norwalk Plan of Conservation and Development;*

**Whereas the Norwalk Zoning Commission has received a finding of consistency with the Harbor Management Plan from the Norwalk Harbor Management Commission;*

**Whereas the Norwalk Zoning Commission has received a finding of consistency with the Coastal Area Management Act from the Connecticut DEEP*

**** MR. WITHERSPOON MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that application #2021-04 R - 3 East Wall Street Associates - 3 East Wall Street - Proposed building zone regulations text amendment to allow historic preservation developments in the East Avenue Village District by special permit and add the East Avenue Village District to the applicability of the Workforce Housing Regulations, dated January 13, 2021, be **APPROVED**.

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

1. To achieve the Plan of Conservation and Development goal for Norwalk to “Expand workforce housing options, including conducting a citywide housing study and reviewing the existing workforce housing regulations, to allow more employees to live in Norwalk and avoid costly commutes from distant locations.” (Chapter 3: Prosperity & Opportunity); and

2. To achieve the Plan of Conservation and Development goal that “Norwalk has a neighborhood and housing strategy that maintains a variety of neighborhood types and housing choices through a variety of mechanisms.” (Chapter 3: Prosperity & Opportunity); and

3. To achieve the Plan of Conservation and Development for Norwalk to “Promote diverse housing types, such as townhouses, condos, live-work units, and rental apartments in Norwalk’s urban core, at transit-oriented locations and in mixed-use clusters on major corridors, in village districts when appropriate, and through redevelopment,” (Chapter 4: Housing Choice & Healthy Lifestyles); and

4. To achieve the Plan of Conservation and Development goal that “Norwalk protects its most important historic resources and encourages adaptive reuse of historic sites to maintain and enrich the city’s character.” (Chapter 6: Preserving & Promoting Our Historic Heritage, Arts & Culture); and

BE IT FURTHER RESOLVED that the effective date of this action is March 26, 2021.

Ms. Wells seconded.

Mr. Roina had concerns about the scale of the project, the affordable housing units and the viability of the project. Mr. Baker explained how many affordable units had to be included. There was a discussion about changing the proposed text amendment. There was then a discussion about making changes to the special permit application as well. They decided to vote on this resolution and then would vote on an amendment, if necessary.

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

No one opposed.

No one abstained.

There was a discussion as to a pedestrian plan for the area. Mr. Kleppin explained the city had hired a new staff person who would be handling the walkability plans for this area. There was also a discussion about adding language to the resolution.

**Whereas the Norwalk Zoning Commission held a public hearing on this application on March 17, 2021;*

**Whereas the Norwalk Zoning Commission has received a village district peer review from BFJ Planning Inc;*

**Whereas the Norwalk Zoning Commission has received an approval letter from the Norwalk Historical Commission;*

**Whereas the Norwalk Zoning Commission has received a finding of consistency with the Connecticut Coastal Management Act from the Connecticut DEEP*

**** MS. WELLS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that application #2021-04 – SP/CAM – 3 East Wall St Associates – 3 East Wall Street – Special Permit/CAM application for a 26 dwelling unit historic preservation incentive development at 3 East Wall Street be **APPROVED** subject to the following conditions:

1. That the building and site will be developed in accordance with the following plans:
 - a. Per Zoning Site Plan (SE-1); Grading & Utility Plan (SE-2); Sediment & Erosion Control Plan (SE-3) depicting 3 East Wall Street, prepared by Redniss & Mead, dated 1/13/2021, revised to 3/17/2021; and
 - b. Per architectural plans entitled “3 East Wall St - Conceptual Design” pages A2.01 - A3.09, prepared by Kenneth Boroson Architects, dated 1/13/2021; and
 - c. Per landscaping plans entitled “Landscape Plan” page LP.1, prepared by Environmental Land Solutions, LLC, dated 1/13/2021
2. That a certificate of special permit and mylar map 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
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 temporary construction fence be installed prior to the commencement of construction and maintained throughout the duration of construction along the eastern property line; and
6. That a final Workforce Housing Plan showing a total of three (3) workforce housing units shall be submitted for Commission review and approval and shall include deed restriction documents, architectural floor plans and a breakdown of the number of studios, one-bedroom, two-bedroom and three-bedroom workforce housing units; the final Plan shall be submitted for Corporation Counsel review prior to filing on the Norwalk Land Records. All such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing 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 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
9. That a follow-up traffic study be submitted one (1) year after issuance of a Certificate of Zoning Compliance; and
10. That any and all conditions listed in a memo dated March 4, 2021 from Norwalk WPCA are applicable to this approval; and
11. That any and all conditions listed in a memo dated February 23, 2021 from Norwalk DPW are applicable to this approval; and
12. That all CEAC sign-offs are submitted prior to the issuance of a zoning permit; and
13. That the stormwater maintenance plan be implemented to ensure the maintenance of the onsite drainage system; and
14. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
15. That any revisions to the approved plans be submitted to the Zoning Commission for their review and approval; and
16. 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 applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that this application complies with Section 118-500 East Avenue Village District, Section 118-1450 Special Permits and with all applicable sections of the Building Zone Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the effective date of this action is March 29, 2021.

Ms. Wells seconded.

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

No one opposed.

No one abstained.

b. 2021-06 SPR – G&T Norwalk LLC – 93 Winfield Street – Site plan review for new 2 ½ story multifamily development with 11 dwelling units

Mr. Schulman asked Mr. Kleppin if the language was sufficient for the commissioners to vote on this matter. He said it was ready to be voted on.

**** MR. ROINA MOVED: BE IT RESOLVED** that Site Plan Review application #2021-06SPR – G & T Norwalk LLC – 93 Winfield Street – Site plan review for new 2 ½ story multifamily development with 11 dwelling units be **APPROVED** subject to the following conditions:

1. That the building and site be developed in accordance with the following plans
 - a. Per Zoning Location Survey prepared by Shevlin Land Surveying, LLC dated 7/14/2020 revised to 2/22/2021.
 - b. Per Site Plan Layout Plan (Sheet No. 1 of 3); Grading, Drainage, & Utilities Plan (Sheet No. 2 of 3); Sediment & Controls Plan (Sheet No. 3 of 3) prepared by Kousidis Engineering, dated 2/8/2021 revised to 2/19/2021.
 - c. Per Architectural Plans entitled “New residences at 93 Winfield Street” paged SP1-A13 prepared by Cugno Architecture, dated 9/21/2020 revised to 2/20/2021.
 - d. Per Landscape Plan prepared by Environmental Land Solutions, LLC dated 2/8/2021 revised to 2/22/2021.
2. That all CEAC signoffs shall be submitted to staff prior to the issuance of a zoning permit and any and all conditions required by each respective department be applicable to this approval; and
3. That all soil and erosion 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
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 any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and
6. That this approval is subject to Section 118-1460 C. of the Norwalk Building Zone Regulations; and
7. That this approval is subject to Section 118-1451 B.(10) of the Building Zone Regulations; and

8. 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 118-510 Neighborhood Business Zone 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 March 29th, 2021.

Mr. Witherspoon seconded.

There was a discussion about the applicant being required to install a fence for construction. Mr. Roina suggested adding language to add a screening fence during construction. Atty Blank said that the applicant would be able to do that, as well as adding larger arborvitae. They had also submitted a photometric plan which had not been available at the last meeting.

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

No one opposed.

Rod Johnson abstained.

The applicant thanked the commissioners for their approval on this resolution.

c. #10-18SP/#15-18CAM – BPC Capital Management V LLC – 87 East Avenue – Request for bond release for completed 6-unit multifamily dwelling – Report & recommended action

Mr. Baker explained that the applicant had completed the project and the bonds were no longer needed.

**Whereas a Certificate of Zoning Compliance has been issued for the project at 87 East Avenue*

**** MR. GOLDSTEIN MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that the bond release request for application #10-18SP/#15-18CAM – BPC Capital Management V LLC – 87 East Avenue – 6 Unit MFR be **APPROVED**.

BE IT FURTHER RESOLVED that the effective date of this approval is March 26, 2021.

Mr. Johnson seconded.

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

No one opposed.

No one abstained.

d. #4-12SP – Windover Farm Partners, LLC – 329 & 335 Chestnut Hill Road – Request for two bond releases for completed 9-unit conservation development – Report & recommended action

Mr. Schulman noted that many of the commissioners had not been on the commission when it was originally approved. Mr. Baker explained that the project had been completed.

**Whereas a Certificate of Zoning Compliance has been issued for the project at 329 and 335 Chestnut Hill Road*

**** MR. GOLDSTEIN MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that the bond release requests for application #4-12SP – Windover Farm Partners LLC – 329 & 335 Chestnut Hill Road – 9-unit conservation development be **APPROVED**.

BE IT FURTHER RESOLVED that the effective date of this approval is March 26, 2021.

Mr. Roina seconded.

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

No one opposed.

No one abstained.

V. REVIEW AND ACTION ON NEW APPLICATIONS

a. #2021 – 08 MV – Christopher Fedor – 32 Woodward Avenue – Replacement motor vehicle repair and sales license.

Mr. Schulman said that Mr. Fedor is buying the business from his grandfather. Ms. Andrzejewsk said it was a change of ownership.

**** MR. ROINA MOVED: THEREFORE IT BE RESOLVED** that the application #2021 – 08MV – Christopher Fedor – 32 Woodward Avenue – Replacement motor vehicle repair and sales as shown on zoning location survey of 32 Woodward Avenue prepared by Dennis A Delius, Land Surveyors dated 2/19/2021 be **APPROVED** with the following conditions:

1. CEAC approvals be submitted prior to issuance of a zoning permit; and
2. That a signoff be submitted prior to a zoning approval confirming that the onsite drainage meets DPW drainage standards; and
3. That all conditions from WPCA are applied to this approval, dated March 15th, 2021; and
4. That all repairs be conducted within the building; and

5. That the applicant maintain the landscaping and striping in accordance of original CAM #230 approval; and
6. That there be no outdoor storage of parts or auto carcasses; and
7. That there be no on-street parking of vehicles; and
8. That their shall be parking only in the designated parking spaces; and
9. That the drainage system be maintained yearly; and
10. That all signage, existing, and proposed, be in compliance with the Zoning regulations; and
11. That this approval is subject to Section 118-1460 of the Zoning Regulations; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 29th, 2021.

Mr. Goldstein seconded.

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

No one opposed.

No one abstained.

Mr. Fedor thanked the commissioners for the approval and thanked Ms. Andrzejewski for her help during the process.

b. Discussion and recommendation on revised Workforce Housing Regulations

Mr. Kleppin began the discussion on the revised regulations by sharing his screen with the commissioners. He then discussed the background of the revisions which had been started a while ago. He noted that the regulations are not equitable throughout the city. There were a couple of significant changes that he discussed. There was a discussion about incentivizing developers to increase workforce housing. He reviewed the current workforce housing regulations. There was a discussion about parts of the current regulations which had never been used by developers. Mr. Roina noted that historic rehabilitation is expensive. There was a discussion about building in oversight as to how funds could be used. The commissioners decided that the proposed regulations should be written and there would be a public hearing. Mr. Kleppin suggested it could happen in April.

c. Discussion on Historic Preservation Development

Mr. Kleppin began the discussion by sharing the proposed revised regulations. He explained how this could be used in various zones with different criteria. He also explained the

changes to the current regulations. He could show the commissioners how it would apply to different zones at the next meeting. The commissioners thought that it was better to start this process now before the rewrite of the Zoning regulations.

d. Discussion of Proposed Housing Bills

Mr. Schulman noted that there are many housing bills in Hartford which will take away the city's regulations. He thought some did not make sense. Many of the bills are coming from larger cities in Connecticut and from a group known as Desegregate CT. He felt that the Zoning Commission should be aware of what is happening as well as deciding whether they play a part in these bills. Mr. Schulman had asked the head of WestCog to make a presentation to the Zoning Commission. It was also suggested to have Norwalk's own legislators speak to them. Mr. Kleppin noted that the bills are still in committees.

e. Discussion of Outdoor Dining

Mr. Baker began the restriction discussing the expiration of the outdoor dining waiver. There was a review of the regulations to continue it especially since they would not know when restaurants would open 100% without social distancing. There was a discussion about holding a public hearing for this. It would be on the agenda for their next meeting.

VI. DISCUSSION OF OTHER ITEMS

a. Industrial zones study status report

Mr. Roina said he had attended a meeting and that the committee was now waiting for interviews with stakeholders. Mr. Kleppin said he would send a link of the meeting to the commissioners. They are finalizing dates for public hearings. There should be final recommendations in June. He also noted that the moratorium might have to be extended.

b. South Norwalk TOD study status report

Mr. Witherspoon said that there had not been a meeting since February 25. Mr. Schulman asked how many people had attended and responded to questionnaires.

c. Zoning Regulations rewrite status report

Mr. Kleppin said that the Mayor can sign the contract once he had received all of it.

VII. APPROVAL OF MINUTES: March 4, 2021

**** MR. GOLDSTEIN MOVED to approve the March 4, 2021 meeting minutes.**

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

VIII. COMMENTS OF DIRECTOR

There were no comments from the director.

IX. COMMENTS OF COMMISSIONERS

Mr. Goldstein thought the project at 3 East Wall street would be a good one and looked forward to its completion.

X. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Ms. Wells seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Diana Palmentiero