

**CITY OF NORWALK
ZONING COMMISSION
April 8, 2021**

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

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Vanessa Valadares; Jeff Olszewski; Mike Mahoney; Ken Hughes; James Wehrle; Mrs. Wehrle; Daniel Deforte; Ben Boulton; Robert Du Bree; Morgan Lister; Matthew Rideout; John Cross; Jenny Plath; Atty Liz Suchy; Matthew Edvardsen; Colin Grotheer; Chris DeAngelis; Mark Hopper; Kevney Moses; Tom Quinn; Kate Throckmorton; Dennis Peters; Ethan Schukoske; Atty David Waters;

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:01 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 hearings.

III. PUBLIC HEARINGS

a. #2021-07 SP – Department of Public Works – 288 Highland Avenue - Install new lights and athletic field conversion at Brien McMahon High School

Mr. Schulman opened the public hearing. Ms. Valadares began the presentation with a description of the project. A field at Brien McMahon would be converted into a turf field similar to the boys' fields. They have received a variance from ZBA and have notified all the abutting neighbors.

Jeff Olszewski continued the presentation by orienting the commissioners as to the location of the field on an aerial map. He discussed the existing conditions and then some of the options they considered. He also discussed the preferred layout of the proposed field. He then described the light screening as it pertained to the neighbors. He showed them a photo rendering of the proposed field.

Mike Mahoney, Musco Lighting, continued the presentation about the lighting of the fields. He noted that there have been many advancements in the last 5-6 years which enabled

them to be able to light the fields with LED lights. Mr. Olszewski also added how the lighting cut off on other fields that they had worked on. He noted that there is vegetation that can help but they do not factor it into their calculations. Ms. Valadares noted that there is a 9 pm automatic shutoff of the lights so as not to disturb the neighbors. She also noted that softball is usually played in the spring and summer when natural light lasted longer so that the lights would not go on.

There was a discussion about the variance that was needed for this project. Mr. Hughes noted that the field would continue to be used as a softball field and that programming would not change on it. There was also a further discussion about the lighting levels. There was a discussion as to whether this was a Title 9 project. Ms. Valadares said it was not. Mr. OI___ said these lights were less intrusive than the street lights. There was a further discussion as to the reason for the variance.

James Wehrle, said he lived across the street, and that he had not been notified. He also said that there was only one person at the ZBA hearing who had been notified out of 20 neighbors that are nearby. Only 5 neighbors had actually been contacted. He was concerned that the rules about notification had not been followed. He had also contacted his councilman and would contact other city council members. He said that the parking lights already shone into his house. He believed the 60 ft. poles would shine directly into it. He also had questions about the cost of the field. Mrs. Wehrle reiterated that they had concerns about the project and that they had received little information about it. He also asked about whether the school was involved with this project.

Daniel Deforte, 285 Highland Avenue, had concerns that the lights would be on and shining into his children's bedroom at night. He also thought that the information being provided was not accurate. He asked the commissioners to vote against the project.

Ben Boulton, 297 Highland Avenue, said that he lived diagonally from the school. He had only found out about this project the day prior. He asked the commissioners to continue the public hearing since the neighbors had not been notified. He also asked whether they could have only day games. He also had concerns about the cost of the project.

Robert Du Bree, 284 Highland Avenue, said that he had not been notified of the public hearing. He showed the commissioners his house on one of the slides from the presentation. He noted that the lights were too high and would shine into neighbors' houses. He also noted that the city would not be adding vegetation to cut off the lighting and that any vegetation in the area is owned by neighbors. He was concerned about how many of these lights there were. He had concerns that the field is facing out towards the neighbors and not towards the school. He asked the commissioners to continue the presentation.

Morgan Lister, 285 Highland Avenue, asked if the field would be used for adult leagues. He also asked if plantings could be done near the Highland Avenue fence. He had concerns

about the balls coming off the fields. If there were to be adult leagues, he had concerns about the traffic.

Matthew Rideout, 291 Highland Avenue, noted that the field faced his child's bedroom window. He also noted that he was not notified about the public hearing and heard about the meeting from his neighbor.

John Cross spoke in support of the project since the girls do not have a similar field to the boys. He noted that a Title 9 complaint could be filed against the city since they did not have an equal field.

Jenny Plath, 297 Highland Avenue, asked if this is the correct place for this type of field. She also had concerns about the 9 pm shut off of the lights. She did not think there had been enough discussion about this project.

Ms. Valadares clarified that notices were sent out for the ZBA variance and the public hearing. She said it was done by a certain radius. There was a legal notice for both the variance and the public hearing. She explained that netting would be added to avoid balls going out to the street. There are no trees but they could be added. She also explained that the cost of the project was higher than the neighbors had thought. It was a project that had been discussed during the Capital Budget process for the last several years. She said that there had been a lot of support for the lighting on this field.

Mr. Hughes noted that this project had been discussed for about 2 years. He also noted that the orientation of this field is similar to the Nathan Hale field. There was higher fencing at that field and there had been no issues. There had been no complaints about the lights at this field. There would not be any lease of the fields to outside groups. He noted that school properties are considered under the Parks and Recreation Department. There would not be any adult leagues on this field.

Mike Mahoney also addressed comments from the public about the lighting. Mr. Hughes noted that the lighting at Nathan Hale was older than the lighting proposed on this project. They would also work with their team to provide screening.

Mr. Schulman did question whether the notification was adequate and would be addressed in the rewrite of Zoning regulations. He also noted that the city had met the requirements. He then said that they could continue the hearing to allow other members of the public a chance to speak. He also asked to speak with the principal of the school. Mr. Roina agreed with Mr. Schulman's statements and asked to continue the public hearing. Mr. Johnson said that he also thought the public hearing should be continued. He would like to see the technology that is being considered for these lights. Mr. Goldstein, Mr. Witherspoon and Mr. Mancini also said that they would like the public hearing to be continued.

IV. REVIEW AND ACTION ON PENDING APPLICATIONS

a. Action on item III. a.

**** MR. GOLDSTEIN MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that application #2021-07 SP - DPW/Rec & Parks - 288 Highland Avenue - be continued until the next Zoning Commission meeting on April 21, 2021.

Mr. Mancini seconded.

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

No one opposed.

No one abstained.

b. #5-15SP – Special Properties II, LLC/White Barn, LLC/Able Construction, Inc. – 440 Newtown Avenue/78 Cranbury Road – Request for one-year extension of time on previously approved special permit application – Report & recommended action

Mr. Schulman began the presentation with a brief history of the application. Atty Suchy continued the presentation with a description of the project as well as a further history of the application. There had been litigation prior which did not allow the applicants to begin filing for their permits. They had filed their applications on the prior Tuesday but they were still seeking the extension since the approvals for permits had not been completed.

**** MR. JOHNSON MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that the request for a one year extension of approval time for application #5-15SP – Special Properties II, LLC/White Barn, LLC/Able Construction, Inc. – 78 Cranbury Road/440 Newtown Avenue – 15 unit residential conservation development as shown on a set of plans entitled “Plan Prepared for Special Properties II, LLC” by McChord Engineering Associates, Wilton CT, Scale 1” = 20’, revised to 6/2/11 be **APPROVED** subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be April 6, 2022; and

BE IT FURTHER RESOLVED that the effective date of this action is April 16, 2021.

Mr. Mancini seconded.

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

No one opposed.

No one abstained.

c. #09-18SPR/#18-18CAM – District Sono, LLC (formerly Play CT, LLC) – 85-99 Water Street – Request for modification of previously approved site plan review/CAM application to alter the interior of the building – Report & recommended action

Mr. Schulman reminded the commissioners as to the application and that the applicant had to return to the Zoning Commission if there had been changes to it. Atty Suchy discussed the modifications that the applicant was requesting. Construction had been started for the parking lot. There would no longer be a food truck on the northern part of the property.

**** MR. ROINA MOVED: BE IT RESOLVED that #09-18SPR/#18-18CAM – District Sono, LLC (formerly Play CT, LLC) – 85-99 Water Street – Request for modification of previously approved site plan review/CAM application to alter the interior of the building be APPROVED with the following (existing) conditions:**

1. That all required CEAC and Harbor Management signoffs are submitted; and
2. The all required soil and sedimentation controls be installed prior to the start of construction and maintained until the project is completed and stabilized; and
3. That any change to the plan will require Zoning Commission approval; and
4. That the building is properly flood proofed as required and an activation plan with procedure and responsible personnel contact be submitted; and
5. That details of this flood proofing plan for the building shall meet the FEMA guidelines and be approved by staff; and
6. That the additional parking lot at #19 Day Street be utilized for this project, given the overlap of hours during the day with the other business in the building; and
7. That the parking lot at #19 Day Street meet the City Standards for a parking lot, including proper asphalt, stripping, and buffers; and
8. That the drainage in both parking lots be properly maintained and in compliance with city drainage standards and proof of that compliance be submitted prior to any occupancy of the space; and
9. That any signage meet the building zone regulations; and
10. That a building permit be obtained within a year of the effective date, otherwise this approval shall be null and void; and
11. The Redevelopment Agency reviews and approves any necessary exterior alterations since the previous submission.

BE IT FURTHER RESOLVED that the effective date of this approval is April 16, 2021.

Atty Suchy noted which approvals that the applicant had received and which they were still awaiting. There were no other questions from the Zoning Commissioners.

Mr. Mancini seconded.

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

No one opposed.

No one abstained.

V. REVIEW AND ACTION ON NEW APPLICATIONS

a. #2021-09 SP – Spinnaker Real Estate Partners LLC/Coastal Lofts LLC – 8, 10 and 18 Monroe St; 2 and 4 Chestnut St; 75 and 77 South Main St – Proposed multi-building, mixed-use project to include commercial office, retail, restaurant, residential (150 units) and off-street parking uses – Preliminary review

Matthew Edvardsen began the presentation with an introduction of the project team and oriented the commissioners as to the location of the property on an aerial map. Mr. Roina recused himself from this application. The proposed project would preserve 2 buildings and there would be a mixed use building. These would include rentals, office space and retail space. He also noted that notices had been sent to the abutting neighbors about this project.

Colin Grotheer, the architect on the project, continued the presentation by showing them a rendering of the project. He noted that many of the businesses that were currently there would remain in the buildings. This project would fill the gap between the train station and South Norwalk. He gave descriptions of the materials for the buildings. He also described the courtyard in full detail and showed them the site plans for them. Mr. Edvardsen noted that there were some discussions about the location of an entrance. Mr. Grotheer then discussed the other levels of the buildings which included amenity spaces and residential units. Some units would have water views. He also discussed the awnings and future signage packages.

There was a discussion as to the date of the public hearing which could be held at one of the Zoning Commission's May meetings. Mr. Grotheer said that they did not have any more information to share and looked forward to meeting with the city's departments.

b. #2021-10 SP – Norwalk Housing Ventures II, LLC – 1 Elmcrest Terrace – Proposed historic preservation development to rehabilitate existing historic buildings and construct a six-unit residential addition – Preliminary review

Mr. Schulman noted that the applicant did not have to do a full presentation since this was the first one. Atty Suchy began the presentation with a description of the project as well as the history of the structures on the property. She then introduced the project team and noted that the abutting neighbors had been notified. The applicant had also received sign-offs from various city departments.

Chris DeAngelis, the engineer on the project, showed the commissioners the site plan which included the current buildings on the property.

Mark Hopper continued the presentation with a brief description of the 2 buildings on the property. He showed them a side by side comparison of the current buildings with what the applicant was proposing to do to them. He noted that the owners were carefully preserving these buildings. He described the levels of parking and showed them the different elevations. He also described the lighting on the properties. He showed them renderings with the colors of the buildings and would share the materials board at the public hearing.

There was a discussion about the repair of a wall on the property. Kevney Moses said that it is not included but they could do that on future plans that the Zoning Commission would see. Mr. Schulman thought that it detracted from the property. There was a further discussion about the repairs to the exterior of the buildings. Mr. Moses noted that the removal of the fire escapes would be helpful to the restoration of the buildings.

Mr. Baker noted that the Zoning Commissioners could require a peer review. The commissioners did not think it would be necessary. There was a further discussion as to when to schedule the public hearing.

c. #2021-11 CAM – Shorefront Park Properties, LLC – 72 Shorefront Park – Construction of new SFR – Report & recommended action

Atty Suchy noted that the property was vacant and a new single family residence would be constructed. It would be compliant with all regulations and abutting neighbors had been notified.

Tom Quinn, the engineer on the property, continued the presentation with a description of the elevation of the property. There is also a VE Zone on the property and no structure would be in that zone. He discussed the drainage systems and the 3 infiltration systems.

Atty Suchy noted that the signoffs had been received and filed with the Zoning Department.

Kate Throckmorton, the landscape architect on the project, continued with a description of the onsite and offsite resources. She discussed where work would be done on the property.

Dennis Peters, the architect on the project, continued the presentation by showing the commissioners the site plan of the house. He described the 3 different floors, including a rooftop terrace.

Atty Suchy asked the commissioners to waive the public hearing on this application. Mr. Schulman asked the commissioners their opinions and they agreed it was not necessary.

**** MR. GOLDSTEIN MOVED: BE IT RESOLVED that application #2021 -11 CAM,** construct a new single-family residence for the property at 72 Shorefront Park and as shown on zoning location survey dated 3/16/2021 by Ryan and Faulds Land Surveyors, Wilton, CT and architectural plans dated 2/07/2021 by D. Peters Design LLC, Wilton, CT and as shown on the engineering plans dated 3/10/2021 (sheet 1 and 2) by Peak Engineers, LLC, Redding, CT be **APPROVED** subject to the following conditions:

1. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
2. That all City storm-water management requirements are met; and
3. That a permit is obtained from the Department of Public Works in regards to City storm-water management requirements; and
4. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
5. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be April 19th, 2021.

Mr. Roina seconded.

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

No one opposed.

No one abstained.

d. #2021-12 R – Planning & Zoning – Proposed text amendment to Article 101 – Workforce Housing Regulations of the Building Zone Regulations – Preliminary review

Mr. Kleppin noted that this item would be on the Zoning Commission agenda in May. He also noted that some further changes could be made at the public hearing. It would be sent to the Planning Commission for the referral. There was a discussion about the notification of

this public hearing. Mr. Kleppin noted that it had been announced in the newspaper and that they were required to post a legal notice in the newspaper.

VI. DISCUSSION OF OTHER ITEMS

a. Update on traffic issues at 467 Connecticut Avenue – Chick-Fil-A

Atty Suchy began the presentation with an introduction of the team. She noted that she had been before the commission in February due to the queuing issues at the site on Connecticut Avenue. She then noted what had been done since then. She also noted that some changes had been made to operations as well as to the site.

Ethan Schukoske, the traffic engineer, continued the presentation by showing the commissioners an aerial map of the property. There was some onsite study of the property. He discussed what some of the issues were. He also noted that there were traffic issues at some of the other Chick-Fil-A sites. He then discussed the current traffic line through the drive-thru on the aerial map. He also noted that customers could order from an app and then pull into a parking space to wait for their order to be brought to them. He then discussed proposals to move vehicles through the site quicker. He noted these were interim solutions. Mr. Schulman asked when there could be more permanent solutions. Atty Suchy noted that it could take up to a couple of months. It was noted that some site improvements would have to be made. There was a discussion about a letter sent from the Valvoline nearby. There was also a discussion about the hours of the traffic study. The commissioners thought that the applicant should try this plan to see if it works for the area.

b. Update on the status of North 7

Mr. Kleppin noted that the applicant had been asked to update their traffic study. There is also a traffic peer review study being done and should be completed in the near future.

Atty Waters began the presentation with the traffic improvements which could solve existing problems and help future demand. He hoped when the peer review had been completed, they could discuss that. Atty Waters then noted that design guidelines had to be developed and asked if that could be done concurrently.

There was a discussion about the process of working with the city's design consultants. There was also a discussion about the approval process for this application with the city's Corporation Counsel. Mr. Schulman asked that Atty Waters and Mr. Kleppin work together on the design standards. They could report back to the Zoning Commission in one month.

c. Industrial zones study status report

Mr. Kleppin noted that there would be a presentation to the public on April 29 by the consultants for the public's input. He also noted that they were looking for funds for a further study of the waterfront areas. The industrial zones moratorium would have to be extended. A public hearing would have to be scheduled for May.

d. South Norwalk TOD study status report

Mr. Kleppin said that there was not much to report with this study. There were some preliminary talks about different areas of South Norwalk

e. Zoning Regulations rewrite status report

Contracts had been signed for this project. They are in the information gathering stage and would begin the communications plan to meet with the public which should begin in September.

VII. APPROVAL OF MINUTES: March 17, 2021

**** MR. WITHERSPOON MOVED to approve the March 17, 2021 meeting minutes.**

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

VIII. COMMENTS OF DIRECTOR

There were no other comments from the director from what he had previously stated.

IX. COMMENTS OF COMMISSIONERS

Mr. Schulman noted that there would be a meeting with state legislators about the housing legislation in Hartford. Mr. Kleppin was working on setting that up. Mr. Schulman said that he would also send an email to the Mayor to help expedite this meeting.

X. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Mr. Johnson seconded.

Louis Schulman; Richard Roina; Rod Johnson Josh Goldstein; Michael Witherspoon; Frank Mancini approved.
No one opposed.
No one abstained.

The meeting was adjourned at 9:47 p.m.

Respectfully submitted,

Diana Palmentiero