

**CITY OF NORWALK
ZONING COMMISSION
August 5, 2021**

PRESENT: Louis Schulman, Chair; Mike Witherspoon, Richard Roina; Marcela Sapone; Nick Kantor; Josh Goldstein; Frank Mancini (left at 7:40 pm); Galen Wells (after roll call)

STAFF: Steve Kleppin; Bryan Baker; Michelle Andrzejewski

OTHERS: Atty Adam Blank; Mark Hopper; Ricardo Cebellas; Teresa Schwartz; Kevney Moses; Diane Lauricella; Diane Cece; Atty John Ryan; Alan Webber; Lyle Fishell; Atty Liz Suchy; Ray Sullivan; Neil Olinks; Jim Rotondo

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:04 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 discussed the rules for the public hearings.

III. PUBLIC HEARINGS

a. #2021-16 R/SP – 132 Flax Hill, LLC – 132 Flax Hill Road – Proposed Building Zone Regulation text amendment to reduce the minimum lot size requirement for historic incentive developments in conjunction with a five (5) unit historic incentive development

Mr. Schulman opened the public hearing. Atty Blank began the presentation by orienting the commissioners as to the location of the property on an aerial map. He described the current building which is in need of renovation. Two units would be added by reconfiguring the interior which is allowed in the D Zone. He also noted that the Planning Commission and Historical Commission approved the application. He then introduced the project team.

Atty Blank began describing the text change amendment. He also noted what the regulations currently allowed. He showed them pictures of some structures that were on the historical inventory list in this zone. He noted that the amendment would allow residents to preserve their homes, etc. He quoted from the Plan of Conservation and Development (POCD) and noted that this application conformed to it. He also said that Tod Bryant could answer questions but would not make a presentation.

Atty Blank then briefly described Workforce Partners and explained their business. He noted that they are not in the luxury market, but rather, in the workforce housing market. They have concentrated their business in Norwalk. Atty Blank showed them other projects that they had completed in the recent past. The applicant would not be requesting a density bonus.

Mark Hopper, the architect on the project, continued the presentation by noting that his firm was preservation architects and that Norwalk's regulations were helpful to their projects. He then gave them a brief history of the project. The need for code compliance for fire and handicap accessibility have affected the design of the building. This then affected the amount of recreational space. He then noted that the project was put on hold for a bit during the quarantine for COVID. It was at that time they realized they should use the preservation incentives. He then gave a brief description of the renovations to the 1st, 2nd and 3rd floors. There was a discussion about the ramp in the front. Mr. Hopper also discussed the exterior elevations. He showed them the colors and materials for both the house and the porch which are consistent with the historic nature of the building. He briefly discussed the landscaping.

Ricardo Cebellas, the engineer on the project, continued the presentation by discussing the improvements which included those to the driveway and parking areas. He also discussed the storm water drainage plan.

Teresa Schwartz, the traffic engineer on the project, explained the traffic report. She noted that due to the historic nature of the site one was required. She also noted that the required egress and parking would be improved on the site. There are no spaces on Flax Hill Road. She explained the number of spaces on both sites for a total of 14 parking spaces, which is a gain, to address the needs at the site.

There was a discussion about the number of parking spaces and the on street parking. Atty Blank said there is some in front of the properties. There are only 6 spaces, currently. The applicant is adding 8 spaces. There was also a discussion about the occupancy of the units. Kevney Moses described the workforce housing but he does not know the rental rates at the moment. They would be 60% of the AMI (area median income), which is based off the state median income.

Kevney Moses described the landscape plan for the property. He noted the different plantings which would be on site. There would be a turf area on the property.

Atty Blank noted the waivers that the applicant was requesting. There was also a discussion about the amenity spaces at the two buildings. They were not removing any buffers. He noted that on similar projects elsewhere in the city, the applicants had received historic preservation waivers which were then allowed more density. It was then noted what the existing zoning regulations would allow, including big box stores, which would adversely affect the neighborhood. There was a discussion about combining the buildings at 132 and 138 and how that would affect the parking. There would be a total of 14 parking spaces between the

two buildings, with a deficit of 2 parking spaces but one of the buildings is not before the Zoning Commission at this time. There was then a discussion about the amenity spaces, including the use of the one at 138 Flax Hill.

There was a discussion about a permanent easement between the two properties. However, there is nothing proposed at this time. The applicant does plan to keep the properties.

No member of the public spoke in support or against the applications.

Atty Blank noted that the applicant would be amenable to a condition that the amenity spaces be shared. He also noted that although the number of units increased, the number of bedrooms decreased. Mr. Moses spoke about updating the site to code requirements as well as other improvements over what is currently in the structure now.

There was a discussion about the lot requirements. The Planning Commission referral was on the screen so that it was made a part of the public record. There was a further discussion about the history of lot requirements for these types of properties.

Mr. Schulman closed the public hearing.

b. #2021-28 R – Zoning Commission – Proposed Building Zone Regulation text amendment to Article 70 to establish a 10-month moratorium on new storage (self-storage) and wholesale distribution facilities, including package distribution facilities in the Industrial #1 Zone and on new wholesale distribution facilities in the Restricted Industrial Zone

Mr. Schulman opened the public hearing. Mr. Kleppin explained the moratorium on storage facilities. He said that there had been an increase in these types of facilities. He noted that the Industrial Zone study was looking at these issues.

Diane Lauricella, 21 Blue Mountain Ridge Road, spoke in support of the moratorium. She noted that storage facilities were not the best use of land in Norwalk. She asked that there should be recruitment of clean energy businesses which are considered industrial.

Diane Cece, as a representative of East Norwalk Neighborhood Association (ENNA) , said that ENNA supported the moratorium. She also wanted to clarify that in the future they could support an application for storage facilities. She noted what types of uses could be in these zones. She also noted that there were several studies about the Industrial 1 zone. There was a discussion about the proposed resolution.

Mr. Schulman closed the public hearing.

IV. REVIEW AND ACTION ON PENDING APPLICATIONS

a. Action on items III. a. and b.

#2021-16 R/SP – 132 Flax Hill, LLC – 132 Flax Hill Road – Proposed Building Zone Regulation text amendment to reduce the minimum lot size requirement for historic incentive developments in conjunction with a five (5) unit historic incentive development

**Whereas the Norwalk Zoning Commission held a Public Hearing on this application August 5th, 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;*

*** MR. GOLDSTEIN MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that the application #2021-16 R/SP – Workforce Partner, LLC – 132 Flax Hill Road – Proposed text amendment to eliminate required lot area for historic preservation eligibility in the D residential zone and a special permit application to rehabilitate existing three family and convert to five units within existing structure be **APPROVED**.

BE IT RESOLVED that the reasons for this action are:

1. To achieve the Plan of Conservation and Development goal for Norwalk to “Preserve the integrity and character of historic structures, historic landscapes, and cultural resources sites within the City of Norwalk.” (Chapter 6: Preserving & Promoting Our Historic Heritage, Arts & Culture); and
2. To achieve the Plan of Conservation and Development goal that “Develop a historic Preservation Plan to establish policies, practice, and criteria for preservation of buildings and site important to the history of Norwalk.” (Chapter 6: Preserving & Promoting Our Historic Heritage, Arts & Culture); and
3. To achieve the Plan of Conservation and Development for Norwalk to “Revise zoning and development regulations to promote preservation and adaptive reuse of historic structures.” (Chapter 6: Preserving & Promoting Our Historic Heritage, Arts & Culture); and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 13th, 2021.

Mr. Witherspoon seconded.

There was a discussion about the parking spaces. Mr. Schulman noted that they could not comment about the number of parking spaces at 138 Flax Hill since it was not part of the

application. It was also noted that the commissioners were voting just on the text amendment at this time. Ms. Sapone and Mr. Goldstein said they were in favor of the application.

Louis Schulman; Mike Witherspoon, Richard Roina; Marcela Sapone; Nick Kantor; Josh Goldstein; Galen Wells approved.
No one opposed.
No one abstained.

Mr. Roina explained that he would vote to approve the following resolution with a provision that the applicant would place a permanent easement on the property to share the recreation space between the two structures, especially since they have a shared driveway. .

**Whereas the Norwalk Zoning Commission held a Public Hearing on this application August 5th, 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 an approval letter from the Norwalk Historical Commission;*

*** MR. ROINA MOVED:** **Whereas the Norwalk Zoning Commission held a Public Hearing on this application August 5th, 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 an approval letter from the Norwalk Historical Commission;*

THEREFORE BE IT RESOLVED by the Norwalk Zoning Commission that the application #2021-16 R/SP – Workforce Partner, LLC – 132 Flax Hill Road – Proposed text amendment to eliminate required lot area for historic preservation eligibility in the D residential zone and a special permit application to rehabilitate existing three family and convert to five units within existing structure be **APPROVED** subject to the following conditions:

1. That the building and site will be developed in accordance with the following plans:
 - a. Per the Zoning Location Survey prepared by Land Surveying Services, LLC dated 4/26/2021-05/19/2021.

b. Per Site Plan Layout Plan dated 9/22/2020-4/17/2021(Sheet No. 1 of 10); Erosion Control Plan dated 9/21/2020 (Sheet No. 2 of 10); prepared by Ricardo Ceballos, PE.

c. Per Architectural Plan entitled “132 Flax Hill Road” pages 1-3 prepared by Crosskey Architects, dated 5/4/2021.

d. Per Landscaping Plan prepared by Workforce Partners dated 4/15/2021- 4/29/2021.

2. That a certificate of special permit and mylar map of approved site plan (as revised by any condition of approval) 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 an driveway access easement to be filed on the Norwalk Land Records to allow 132 Flax Hill Road to access the parking on 138 Flax Hill Road; and

6. That an easement to be filed on the Norwalk Land Records to allow shared amenity space between 132 Flax Hill Road and 138 Flax Hill Road; and

7. That any and all conditions listed in a memo dated June 29th, 2021 and May 21st, 2021 from Norwalk DPW are applicable to this approval; and

8. That any and all conditions listed in a memo dated June 1st, 2021 from Norwalk WPCA are applicable to this approval; and

9. That all CEAC sign-offs are submitted prior to the issuance of a zoning permit; and

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

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

12. That this approval is subject to Section 118-1460 of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that this application complies with Section 118-360 D Residence Zone, Section 118-1450 Special Permits and with all applicable section of the Building Zone regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the effective date of this action is August 13th, 2021.

Mr. Witherspoon seconded.

Mr. Schulman said he would vote against the application since he did not see it as an historic restoration. There was a discussion about other buildings in the city which were not being kept, whereas this structure would remain.

Mike Witherspoon, Richard Roina; Marcela Sapone; Nick Kantor; Josh Goldstein; Galen Wells approved.

Louis Schulman opposed.

No one abstained.

At this time, Mr. Mancini left the meeting.

li. #2021-28 R – Zoning Commission – Proposed Building Zone Regulation text amendment to Article 70 to establish a 10-month moratorium on new storage (self-storage) and wholesale distribution facilities, including package distribution facilities in the Industrial #1 Zone and on new wholesale distribution facilities in the Restricted Industrial Zone

* **MS. WELLS MOVED: BE IT RESOLVED** that #2021-28 R- Zoning Commission – Proposed amendments to §118-700 and §118-711 of the Building Zone Regulations to place a temporary moratorium on self-storage facilities and distribution facilities in the I1 Zone as well as distribution facilities in the RI Zone, be **APPROVED**.

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

1) Chapter 3, Goal 2Aiii. Study industrial zoning and update zoning and land use regulations to allow and encourage a wider set of uses in targeted industrial zones, focused on market opportunities in warehouse/logistics, brewing/distilling, artist/artisan uses and other light industrial uses that do not have detrimental externalities on nearby areas; and

2) Chapter 12, Goal 3Aii. Prepare a study to evaluate the industrial zoning districts against modern industrial requirements, market demand, future trends, and economic development goals. Create refined performance standards and update the use table (e.g. allow by-right warehouse and wholesale distribution facilities, boutique manufacturing, clean industry, etc.); and

BE IT FURTHER RESOLVED that the effective date of this action be August 20, 2021.

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Mr. Witherspoon seconded.

Mr. Schulman said that he supported this resolution and noted that the construction of storage facilities would not adversely affect a neighborhood. Mr. Kantor along with Mr. Goldstein, and Mr. Witherspoon agreed with Mr. Schulman's comments.

Louis Schulman; Mike Witherspoon, Richard Roina; Marcela Sapone; Nick Kantor; Josh Goldstein; Galen Wells approved.

No one opposed.

No one abstained.

b. #2021-23 SPR – M.F. DiScala & Co. - 295 Westport Avenue – Proposed Jimmy John's Restaurant within existing commercial building – Report & recommended action

Mr. Schulman opened the presentation. Atty John Ryan said that the applicant had met with the Transportation, Mobility and Parking (TMP) to prepare a resolution. There was a discussion of the resolution which would address the Zoning Commission's concerns about the possibility of long lines onto Westport Avenue. Mr. Kleppin also discussed the long term issues that could arise and how they would be addressed in the resolution. Mr. Webber explained what he had worked out with city representatives.

*** MR. ROINA MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission, that application #2021-23 SPR – M.F. DiScala & Co. - 295 Westport Avenue – Proposed Jimmy John's Restaurant within existing commercial building be **APPROVED**, subject to the following conditions:

1. The Applicant, at its sole cost and expense, shall ensure that there is additional and adequate traffic control available during its grand opening and for a period of up to 30 days thereafter between the hours of 11:00 AM to 2:00 PM, including, but not limited, traffic control performed by the Norwalk Police Department; and
2. Anytime during and up to 30 day grand opening period thereafter, the Director of Transportation, Mobility and Parking determines in his sole discretion that the demand or queuing for the drive-thru adversely impacts Westport Avenue outside of lunchtime hours (11:00 AM to 2:00 PM), the Applicant, at its sole cost and expense, shall ensure additional and adequate traffic control is provided for outside of lunch hours (and during regular business), including, but not limited to, traffic control performed by the Norwalk Police Department; and
3. If after the grand opening and prior to completion of the 30 day grand opening period, the Applicant determines that additional traffic control is not necessary, the Applicant may request approval to eliminate the additional traffic control Conditions from the Director of Transportation, Mobility and Parking, who may grant or deny said request in his sole discretion; and

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4. If after the 30th day of the grand opening period and for a period of 24 months thereafter, the Director of Transportation, Mobility and Parking determines in his sole discretion that the demand or queuing for the drive-thru adversely impacts Westport Avenue, the Applicant shall eliminate ingress from the easterly access drive on Westport Avenue within five (5) business days of written notice of Director of Transportation, Mobility and Parking's determination. In such event, the Applicant shall be required to provide additional temporary traffic control until the ingress from the easterly access drive on Westport Avenue is eliminated, including, but not limited to, traffic control performed by the Norwalk Police Department to enforce a temporary closure of the easterly access drive; and

5. After written notification from the Director of Transportation, Mobility and Parking to eliminate ingress from the easterly access drive on Westport Avenue and temporarily close its entrance, the Applicant shall permanently reconfigure the easterly access drive to one-lane, exit only and obtain all necessary local and State permits to perform the access drive reconfiguration work; and

6. The remediation of the easterly access drive shall include:

a. Temporarily rendering the ingress (entrance) inaccessible,

b. Filing for all local and State permits to reconfigure the easterly access drive to one lane exit only within 30 days of written notice from the Director of Transportation, Mobility and Parking,

c. Commencing work on permanently converting the easterly most entrance/exit drive into an "exit only" within 30 days of the receipt of all approved local and State permits,

d. Completing work on permanently converting the easterly most entrance/exit into an "exit only" within 30 days from commencement of work.

7. Prior to obtaining a Certificate of Occupancy, the applicant shall post a bond securing the performance of these Conditions of approval, for 24 months after the grand opening, for 1.5 times the construction cost to convert the easterly most entrance/exit on Westport Avenue into an exit only drive, as determined by the Director of Transportation, Parking and Mobility in his sole discretion; and

8. Failure to adhere to any of the requirements of Conditions #5 and/or #6, may result in the calling of the bond and completion of the work by the City; and

9. Prior to obtaining the certificate of occupancy the applicant shall enter into such agreement(s) prepared by, and in form and substance satisfactory to, the City's Corporation Counsel, as Corporation Counsel determines necessary and appropriate for City to perform the access drive reconfiguration work in the events the Applicant fails to comply with Conditions #5 and #6. The Applicant shall be responsible for all costs and expenses incurred by the City for performing the access drive reconfiguration work.

10. Shall the additional remedial measures fail to resolve the matter, the Commission shall consider additional measures as outlined in Sec. 118-1460 C of the Building Zone Regulations; and

11. That any and all conditions required by Norwalk DPW shall be applicable to this approval; and

12. That any and all conditions required by Norwalk TMP shall be applicable to this approval; and

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

BE IT FURTHER RESOLVED that the effective date of this action is August 20, 2021.

Ms. Wells seconded.

Mr. Roina said that he was pleased to see that the resolution did a good job addressing the Zoning Commission's concerns. Mr. Schulman noted this application did not require a public hearing.

Louis Schulman; Mike Witherspoon, Richard Roina; Marcela Sapone; Nick Kantor; Josh Goldstein; Galen Wells approved.

No one opposed.

No one abstained.

V. REVIEW AND ACTION ON NEW APPLICATIONS

a. #2021-19 SPR – High St LLC - 43-47 High Street – Construct two-unit addition to existing multifamily dwelling – Report & recommended action

Mr. Schulman opened the presentation. Mr. Baker explained that they were waiting for the Redevelopment Agency to review it as well. Lyle Fishell gave a brief presentation by showing the commissioners the architectural drawings of each floor. He then showed them the exteriors of the buildings. The commissioners decided that a public hearing was not necessary.

*** MR. GOLDSTEIN MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that application #2021-19 SPR – High St LLC – 43-47 High Street – Construct two-unit addition to existing multifamily dwelling be **APPROVED** subject to the following conditions:

1. That the site will be developed in accordance with the following plans:

- a. Site survey entitled "Site Plan" prepared by Brautigam Land Surveyors, PC dated 4/19/21 and revised to 8/4/21; and
 - b. Civil Site Plans (SE1) entitled "Site Development Plan 43, 45 and 47 High Street" prepared by McChord Engineering Associates, Inc. dated 7/19/21 and revised to 8/4/21; and
 - c. Architectural drawings (A.1 – A.3) entitled "Proposed 2 Unit Addition" prepared by Fishell Architecture, dated 4/7/21; and
2. That all CEAC sign-offs be submitted 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 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
 6. That a surety be submitted, in an amount to be determined by Staff, to guarantee the completion and maintenance of the site plan, any and all modifications to the plan and all work required as a condition of approval under this modification prior to the issuance of a Certificate of Zoning Compliance; and
 7. That any revisions to the approved plans be submitted to the Zoning Commission for approval; and
 8. That any and all conditions required by Norwalk DPW shall be applicable to this approval; and
 9. That any and all conditions required by Norwalk TMP shall be applicable to this approval; and
 10. That any and all conditions required by Norwalk WPCA shall be applicable to this approval; and
 11. That this approval is subject to Section 118-1460 C. of the Norwalk Building Zone Regulations; and

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12. That a building permit must be issued within one (1) year from the effective date or this modification approval shall become null and void, unless an extension of time is applied for and granted by the Commission; and

BE IT FURTHER RESOLVED that this application complies with Section 118-504 and all other applicable sections of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action is August 13, 2021.

Mr. Roina seconded.

Louis Schulman; Mike Witherspoon, Richard Roina; Marcela Sapone; Nick Kantor; Josh Goldstein; Galen Wells approved.

No one opposed.

No one abstained.

b. #2021-31 – STLJ, LLC & 100 Westport Avenue LLC – 126 Westport Avenue AKA 80 & 100 Westport Avenue (Stew Leonard’s) – Modification to the existing special permit to construct a 10,500sf addition to replace the existing outdoor tent and seasonal sales and retail space – Report & recommended action

Mr. Schulman opened the presentation. Atty Liz Suchy began the presentation by introducing the project team. She described the properties and then noted that they would modify prior approvals. They would like to enclose part of the property which was currently outside. The square footage would increase. She noted which approvals they had received and which they were still awaiting. There were some comments from various agencies.

Raymond Sullivan, the architect on the project, continued the presentation. He showed them the site plan which included both the current and proposed areas of the buildings. He explained the difference between the current structures and the proposed permanent structure. He showed them the renderings of what the project would look like. There would be no changes to the parking. There was a discussion about what was going to be there 12 months a year. There was also a discussion about the construction schedule. Atty Suchy noted that construction would start as soon as approvals had been obtained. There would be as minimal disruption to customers as possible.

Neil Olinksi, the traffic engineer on the project, described the traffic study which they had discussed on both state and city levels. They did not think there would be much new traffic counts. He also noted that there was a state project in the area to upgrade the traffic signals. They would like to integrate some of their findings with the state project. They can work with the state once they receive approvals from the city. There would also be improvements to the driveways in the rear of the building.

There was a discussion about employee parking which is across the street from the building. Mr. Goldstein suggested that the crosswalks be improved for the safety of Stew Leonards' employees. There was a discussion about having a meeting with the city and state to see what improvements should be made. Mr. Hempstead gave the history of the previous improvements that had been completed 20 years ago. There was a discussion about conditional approval. There was a discussion about having a pathway over the road.

Jim Rotondo, the engineer on the project, continued the presentation with a description of the site plan. There would not be any new impervious area and there would not be any modifications to the storm drain system. Some grading would be completed. He explained erosion controls during construction.

There was a discussion of the resolution and the TMP's recommendations. One of those was collecting a bond from the applicant. It was noted that the recommendations had not been included in the resolution and would have to be worked out later.

*** MR. WITHERSPOON MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that application #2021-31 – STLJ, LLC & 100 Westport Avenue LLC – 126 Westport Avenue AKA 80 & 100 Westport Avenue (Stew Leonard's) – Modification to the existing special permit to construct a 10,500sf addition to replace the existing outdoor tent and seasonal sales and retail space be **APPROVED** subject to the following conditions:

1. That the site will be developed in accordance with the following plans:
 - a. Civil Site Plans (C-1.0 – C-6.0) for the project entitled "Stew Leonard's" prepared by Godfrey, Hoffman, Hodge, LLC dated 7/15/21; and
 - b. Architectural drawings (APV-1 – A-202) for the project entitled "Stew Leonard's" prepared by The Sullivan Architectural Group, dated 7/15/21 and revised to 7/27/21; and
2. That all CEAC sign-offs be submitted 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 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

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6. That a surety be submitted, in an amount to be determined by Staff, to guarantee the completion and maintenance of the site plan, any and all modifications to the plan and all work required as a condition of approval under this modification prior to the issuance of a Certificate of Zoning Compliance; and
7. That any revisions to the approved plans be submitted to the Zoning Commission for approval; and
8. That any and all conditions required by the First District Water Department shall be applicable to this approval; and
9. That any and all conditions required by Norwalk DPW shall be applicable to this approval; and
10. That all conditions required by Norwalk TMP in their memo dated 8/4/21 shall be applicable to this approval;
 - a. Including that the applicant shall work with TMP and the Connecticut Department of Transportation on the traffic improvements listed in the memo; and
 - b. Including that, if determined necessary by the Director of Transportation, Mobility and Parking, the applicant shall post a bond for 1.5 times the construction cost of the traffic improvements listed in the memo prior to the issuance of a COZC; and
11. That failure to adhere to any of the requirements of Condition #10 may result in the calling of the bond and completion of the work by the City; and
12. That prior to obtaining the COZC the applicant shall enter into such agreement(s) prepared by, and in form and substance satisfactory to, the City's Corporation Counsel, as Corporation Counsel determines necessary and appropriate for the City to perform the traffic improvements listed in the memo dated 8/4/21 by Norwalk TMP in the event that the applicant fails to comply with Condition #10. The applicant shall be responsible for all costs and expenses incurred by the City for performing the construction work; and
13. That all conditions required by Norwalk WPCA in their memo dated 7/28/21 shall be applicable to this approval; and
14. That this approval is subject to Section 118-1460 C. of the Norwalk Building Zone Regulations; and
15. That a building permit must be issued within one (1) year from the effective date or this modification approval shall become null and void, unless an extension of time is applied for and granted by the Commission; and

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BE IT FURTHER RESOLVED that this application complies with Section 118-522 and all other applicable sections of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action is August 13, 2021.

Mr. Goldstein seconded.

Louis Schulman; Mike Witherspoon, Richard Roina; Marcela Sapone; Nick Kantor; Josh Goldstein; Galen Wells approved.

No one opposed.

No one abstained.

VI. DISCUSSION OF OTHER ITEMS

a. Status report on the Industrial zones study, zoning regulations rewrite and South Norwalk TOD study

Industrial Zones Study - The latest draft had only gone to the subcommittee. Mr. Kleppin said it would go out to the whole Commission in a few weeks.

Zoning regulations rewrite - Mr. Kleppin said that the in person meeting had been the previous week and that some residents were watching it on YouTube. It was noted that some residents thought there should be more communication about the rewrite, specifically that it should be upfront on the city's website. The commissioners thought the consultant's presentation was well done. There was also a discussion about sending it out to the press. There will be another meeting in September.

South Norwalk TOD study - They are working on obtaining more information from the public.

b. Discussion of merging the Planning & Zoning Commissions

Mr. Kleppin said there was nothing new to report at this time. The process would continue in the fall.

VII. APPROVAL OF MINUTES: July 21, 2021

**** MR. ROINA MOVED to approve the July 21, 2021 meeting minutes.**

Mr. Witherspoon seconded.

Louis Schulman; Mike Witherspoon, Richard Roina; Marcela Sapone; Galen Wells; Josh Goldstein approved.

No one opposed.

Nick Kantor abstained.

VIII. COMMENTS OF DIRECTOR

Mr. Kleppin announced that there would be a joint meeting with the Planning Commission on August 31.

IX. COMMENTS OF COMMISSIONERS

Mr. Schulman announced that Michael Witherspoon will be running the Zoning Commission on August 18 since he is on vacation.

X. ADJOURNMENT

Ms. Sapone made a Motion to Adjourn.

Mr. Roina seconded.

Louis Schulman, Chair; Mike Witherspoon, Richard Roina; Marcela Sapone; Nick Kantor; Josh Goldstein; Galen Wells approved.

No one opposed.

No one abstained.

The meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Diana Palmentiero