

**CITY OF NORWALK  
ZONING COMMISSION  
August 18, 2021**

**PRESENT:** Mike Witherspoon, acting as Chair; Richard Roina; Nick Kantor; Galen Wells; Marcela Sapone (arrived at 6:07 pm); Josh Goldstein (arrived at 6:37 pm)

**STAFF:** Steve Kleppin; Michelle Andrzejewski

**OTHERS:** Atty Adam Blank; Matt Popp; Derek Daunais; Gregory Del Rio; Carol Hamilton; Charlene Kennerly; Dawn Kerr; Suzanne Green; Bill Achilles; Megan Miller

**I. CALL TO ORDER**

Mr. Witherspoon 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. Witherspoon discussed the rules for the public hearings.

**III. PUBLIC HEARINGS**

**a. #2021-17 SP – FRAP, LLC – 40 Fullin Road – Proposed 40-unit elderly housing development**

Mr. Witherspoon opened the public hearing. Atty Adam Blank began the presentation by orienting the commissioners as to the location of the property on an aerial map. There is a large building in the front of the site and then empty land behind it. The only access to the site is from Fullin Road. He then showed them the renderings of the type of homes that would be constructed as well as a site plan of the property. There would be an open space area, larger than required. He then noted which approvals that the applicant had received. There was also an application with the Inland Wetlands Commission but had not received their approval at this time. They were awaiting results from a third party consultant that the city had hired. There would be an improvement to existing drainage conditions. There were concerns about trees being removed from the property but Atty Blank assured them that some trees would be preserved.

Matt Popp, the landscape engineer on the project, continued the presentation with a brief description of his background. He then showed the existing conditions of the habitat areas of the site. He showed them pictures of the current site. He then showed them the landscape plan.

Derek Daunais, the engineer on the project, continued the presentation by describing the engineering aspects of the site. He showed them the existing site plan. There is an abandoned parking lot on the site as well as wetlands on one side of the parking lot. He then showed them the renderings which included a new driveway system. There would be access for emergency vehicles. He noted that each unit would have long driveways which would help with parking. He also discussed the parking spots available. There would be very little rock removal which means each unit would not have a basement. He then described the drainage system which included retention systems and exit from the site. He also described recent comments that the applicant had received in connection with preserving some of the trees. There was a discussion about which areas would remain natural areas on the property.

Matthew Popp continued the presentation by describing the plantings on the site. He also noted what would happen to parts of the wetland area. He also described the shrubbery on the property. He also told them the number of trees that would be used on the site, which was an increase from what was currently on the property. There were no concerns about the wildlife on the site.

There was a discussion about the current entry to the property. Mr. Popp said that it was currently landlocked and described how it had to be accessed. Mr. Popp said that it was difficult to access. Mr. Daunais then described how it had been accessed in the past. There was a discussion about the applicant replacing plantings if they should die, as a condition of approval.

Gregory Del Rio, the traffic engineer, continued the presentation by describing the traffic study. He also described the existing conditions as well as the traffic summary. There would be a level of service of B or better so no mitigation would be needed.

Atty Blank indicated that there would be no issues with the crosswalks as proposed. He also discussed the parking spots which would be one spot, which would be the garage. The driveways could accommodate another vehicle, plus there are additional spots on the property. He then described a similar project in New Canaan, especially in connection with the tree cover. He also noted that there would be an abundance of trees on the property. He also believed that the application supported the Plan of Conservation and Development (POCD). He noted that the public hearing would be held open since they had not received the Inland Wetlands report.

There was a discussion about putting up a wall during construction since there were concerns about noise. Mr. Daunais said that mitigation efforts would be made but that there is no sound barrier wall. Since there would not be any rock removal, the noise level should be lower than usual. There was also a discussion about having solar panels on the roof of the units. There was a discussion about the traffic study because of concern about the sight lines and the observed speeds of the vehicles.

Carol Hamilton, 32 Fullin Road, noted that there is a blind curve on this road. She asked that there should be a mandatory left turn out of the site. She did say she supported the application.

Charlene Kennerly, 41 Fullin Road, had concerns about the driveway being placed in front of her house. She explained how the road looked to the commissioners. She also thought that the street was too narrow. She said that she had been surprised that there would be a development on this property because of the wetlands. She also noted that many families have their adult children living with them. She thought this development would be similar to the one on Akins Road.

Dawn Kerr, 39 Fullin Road, had concerns about the crosswalks and the "No Parking" signs. She asked if the driveway could be moved to the other side. She also said that she had moved to this area because it was a quiet street and was concerned that property values would decrease.

Suzanne Green spoke on behalf of her mother who lived at 38 Fullin Road. She said that there are numerous vehicles on the road. She was concerned about her mother being able to get out of the street if there were other vehicles on the road. She also had concerns about the trees being cut down.

Atty Blank noted that the applicant could work with the city's Public Works department to have the traffic only make a left turn as well as where to put the traffic signs. He also said that the units would be high end and would increase property values. There was a description of the types of units and the prime demographic would be at least one occupant who was over 60 years of age. Jeffrey Effren said that they did not anticipate larger families since the units are not large. They would live on one floor.

Mr. Daunais described the driveway in further detail, including the crosswalks. He showed them a picture of where the proposed crosswalk would be. He also noted that the only way to access the site is on Fullin Road. He said that they decided to place the crosswalk in this area because it was the smallest wetland area which they did not want to disturb. He explained how to some driveways it was a blind curve but it should not be the same for this property's egress. Atty Blank noted that every couple of minutes there would be a car leaving the site. There was a discussion about possible screening on the neighbors side, which Atty Blank agreed that they could work with the neighbors, if necessary.

It was noted that the public hearing would remain open. The Zoning Commissioners decided that they would allow members of the public to speak at the next meeting of the Zoning Commission. Ms. Andrzejewski said that the Conservation Commission would be meeting at a special meeting on August 24 as well as in September. Atty Blank thought that the application would be on the August 24 agenda. The members of the public could comment on the Conservation Commission's report.

**b. #2021-21 SP – SIR-East Avenue LLC – 124 East Avenue – Change of use to add ten (10) residential dwelling units to existing office building**

Mr. Witherspoon opened the public hearing. Bill Achilles, the architect on the project, began the presentation by introducing the applicant’s team. He described the building which is mixed use, with offices on the 1st floor and apartments on the other floor. They would change the office space to residential units. He then showed them the renderings of the building. There would be a large rooftop deck. He also noted the ingress/egress and parking spaces on the property. The applicant met all parking requirements. He then showed them the floor plans for the units. Mr. Achilles noted that they had a CEAC meeting with all city agencies. The city had asked for traffic signal upgrades but they would work that out with them.

There was a discussion about the affordable housing unit and the criteria that had to be met which was addressed in the proposed resolution.

There were no members of the public who spoke in support or opposition to the application.

Mr. Achilles noted that office space has not been in high demand in the past few years especially during the past year due to COVID. Ms. Andrzejewski noted that some office space would remain. She also noted what was in the proposed resolution which would be required for the applicant to do. Mr. Achilles noted that it would be worked on with city staff members.

Mr. Witherspoon asked the commissioners if they had any comments but they did not. He then closed the public hearing.

**IV. REVIEW AND ACTION ON PENDING APPLICATIONS**

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

**I. #2021-17 SP – FRAP, LLC – 40 Fullin Road – Proposed 40-unit elderly housing development**

Since the Inland Wetlands Commission report had not been received, this item would remain open until the next Zoning Commission meeting.

**ii. #2021-21 SP – SIR-East Avenue LLC – 124 East Avenue – Change of use to add ten (10) residential dwelling units to existing office building**

There was a discussion about the comments the applicant received from Transportation, Mobility and Parking. There was also a discussion about converting some office space to residential units.

\* **MR. ROINA MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the application #2021- 21 SP – SIR-EAST AVENUE, LLC – 124 East Avenue – Existing mixed-use building to convert offices to 8 additional residential units (10 units total), building to remain mixed-use with one remaining office on the basement level 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 existing Zoning Location Survey prepared by Dennis Delius Land Surveyors, last updated 12/16/2010 and to remain same layout.
  - b. Per Site Plan Layout Plan dated 1/28/2021, revised 6/30/2021 (Sheet No. 1 of 4); prepared by Grumman Engineering.
  - c. Per Architectural Plan entitled “Residential development for 124 East Avenue” Sheet 1-8 prepared by Achilles Architects, dated 1/25/2021 revised through 7/2/2021.
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 any outstanding CEAC signoffs shall be submitted to staff prior to the issuance of a zoning permit; and
4. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
5. That any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and
6. That an Affordability Plan be submitted to the Corporation Counsel’s office for review and approval prior to obtaining a Zoning Permit. The Affordability Plan shall be filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance; and
7. That any and all conditions listed in a memo dated August 4th, 2021 from the Department of Public Works are applicable to this approval and any other forthcoming information; and
8. That any and all conditions listed in a memo dated August 4th, 2021 from Norwalk WPCA are applicable to this approval; and
9. Comments from Transportation, Mobility and Parking are implemented, this includes installing a crosswalk, ADA ramps, and pedestrian signals to the north end of the intersection of East Avenue and Sunset Hill Avenue.

10. 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 118–500 East Avenue Village District, 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 27th, 2021.

**Ms. Wells seconded.**

**Mike Witherspoon; Richard Roina; Nick Kantor; Galen Wells; Marcela Sapone;**

**Josh Goldstein approved.**

**No one opposed.**

**No one abstained.**

## **V. REVIEW AND ACTION ON NEW APPLICATIONS**

### **a. #2021-22 CAM – Fletcher Development LLC – 8 Sunwich Road – Construction of new single-family residence – Report & recommended action**

Mr. Witherspoon opened the presentation. Megan Miller, the engineer on the project, began the presentation with a description of the proposed construction. The building was the high point and the property sloped away from it. She described the proposed drainage system. She noted that the system would be built to handle a 100 year storm. She noted that the DPW had comments which had been addressed. She also discussed the erosion controls.

Ms. Andrzejewski said that the application met all zoning regulations and that the applicant was before the Zoning Commission because the house was in the coastal area zone. At this point, she showed them the proposed resolution. There was a discussion about flood compliance for single family residences.

**\* MR. GOLDSTEIN MOVED: BE IT RESOLVED** that application #2022 -22CAM, construct a new single-family residence for the property 8 Sunwich Road and as shown on zoning location survey dated 3/16/2021 prepared by Arcamone Land Surveyor, LLC Norwalk, CT and architectural plans dated 6/3/2021 prepared by Tannerwhite Architects, Westport, CT, and as shown on the engineering plans dated 5/14/2021 (sheet 1 and 2) prepared by B & B Engineering, Woodbridge, 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 regarding City storm-water management requirements; and

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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

6. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks and have flood certifications; 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 August 27th, 2021.

**Ms. Wells seconded.**

**Mike Witherspoon; Richard Roina; Nick Kantor; Galen Wells; Marcela Sapone; Josh Goldstein 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**

Mr. Kleppin said that the industrial zones report was sent out and that there is another meeting on August 25. There would be another round of edits and then it would be sent out to the public. The waterfront portion of the study had begun. Stakeholders were being questioned about their economic models. There would also be water quality issues to be incorporated into the study.

There were no comments about the zoning regulations rewrite or the South Norwalk TOD study.

### **b. Discussion of merging the Planning & Zoning Commissions**

Mr. Kleppin said that there was nothing new about the merger. He advised the commissioners that the joint Planning & Zoning Commission meeting, scheduled for August, had been cancelled and rescheduled to a date in September.

**VII. APPROVAL OF MINUTES: August 5, 2021**

**\*\* MR. GOLDSTEIN MOVED to approve the August 5, 2021 meeting minutes.**

**Mr. Roina seconded.**

**Mike Witherspoon; Richard Roina; Nick Kantor; Galen Wells; Marcela Sapone;**

**Josh Goldstein approved.**

**No one opposed.**

**No one abstained.**

**VIII. COMMENTS OF DIRECTOR**

Mr. Kleppin said he had no comments.

**IX. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners. Mr. Witherspoon and Mr. Kantor said they would not be in attendance at the September 2 meeting.

**X. ADJOURNMENT**

**Mr. Roina made a Motion to Adjourn.**

**Ms. Sapone seconded.**

**Mike Witherspoon; Richard Roina; Nick Kantor; Galen Wells; Marcela Sapone;**

**Josh Goldstein approved.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Diana Palmentiero