

**CITY OF NORWALK**  
**SPECIAL MEETING OF THE ZONING COMMISSION**  
**December 15, 2021**

**PRESENT:** Louis Schulman, Chair; Michael Witherspoon; Galen Wells; Nick Kantor; Frank Mancini; Richard Roina (arrived at 6:07 pm)

**STAFF:** Steve Kleppin; Bryan Baker

**OTHERS:** Atty Adam Blank; Atty Liz Suchy; Craig Flaherty; Flavia Callari; Louis Garcia; Sarah Hunter; Diane Cece; Joe Licek; Roberta DiBisceglie; Judy Harris; Gene Tiernan; Ellen Garcia; Yvonne Marchese; Maribeth Payne; Mark Wilson

**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 explained the rules of the public hearing.

**III. EXTENSION OF TIME REQUESTS ON APPROVED APPLICATIONS**

a. **#9-20SP/#10-20CAM – TB Norwalk Apartments LLC – 467 West Ave, 17 Butler St & 3 Quincy St (The Pinnacle) – Extension of time request for a mixed-use development with 393 dwelling units 25,528sf of commercial space in a six-story building – Report & recommended action**

Mr. Kleppin said that the attorney for the application had a conflict so he made the presentation. He noted that the applicant would be applying for building permits after the first of the year.

**\*Whereas the Zoning Commission approved the Special Permit and Coastal Site Plan Review effective January 15, 2021;**

**\* MR. WITHERSPOON MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that the one-year extension of time request for application #9-20SP/#10-20CAM – TB Norwalk Apartments LLC – 467 West Ave, 17 Butler St & 3 Quincy St (The Pinnacle) – Request for one-year extension of time for a new mixed-use development with 393 dwelling units and 25,528sf of commercial space in a six-story building 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 January 15, 2023; and

**BE IT FURTHER RESOLVED** that the effective date of this action is December 23, 2021.

**Mr. Mancini seconded.**

**Louis Schulman; Michael Witherspoon; Galen Wells; Nick Kantor; Frank Mancini approved.**

**No one opposed.**

**No one abstained.**

**IV. REVIEW AND ACTION ON NEW APPLICATIONS a. #2021 – 36 CAM – Tristram Perkins – 19 South Beach Drive – Raise and renovate existing single-family residence**

Atty Adam Blank began the presentation by orienting the commissioners as to the location of the property on an aerial map. He said that the applicant had received all of the necessary CEAC approvals. They had received an approval from the Harbor Commission. He showed them a picture of the existing house which is not FEMA compliant. It would be demolished so that it would be compliant. He showed them the renderings of the proposed house. He also noted that they had obtained some variances due to height compliance. He explained a few changes from the current house, such as a decrease in impervious surface. Mr. Schulman noted that Atty Blank had shown them a picture of a house next to the current house which the commissioners had approved last year.

**\* MR. WITHERSPOON MOVED: BE IT RESOLVED that application #2022 -31 CAM, raise and reconstruct a single-family residence for the property 19 South Beach and as shown on zoning location survey dated 9/14/2021 prepared by D'Andrea Surveying & Engineering, PC Riverside CT, and architectural plans dated 10/21/2021 prepared by Dodaro Architects LLC Norwalk, CT, and as shown on the engineering Development Plan dated 9/14/2021 prepared by D'Andrea Surveying & Engineering, PC Riverside 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
4. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and

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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
7. That no changes to the seawall are permitted without City review and DEEP approval; and
8. That flood certifications be submitted prior to issuance of a zoning permit by a CT licensed engineer or architect for the main dwelling structure and any accessory structures; 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 December 24th, 2021.

You must obtain a zoning approval and a building permit prior to any work on the site. A building permit must be obtained within one year of the effective date or this CAM approval automatically becomes null and void.

**Ms. Wells seconded.**

**Louis Schulman; Michael Witherspoon; Galen Wells; Nick Kantor; Frank Mancini approved.**

**No one opposed.**

**Richard Roina abstained.**

**b. #2021 – 39 CAM –Maarten Eenkema van Dijk – 34 Harborview Avenue – Demolish existing single family and reconstruct new single-family residence**

Atty Liz Suchy began the presentation with an introduction of the project team. She also noted that they had notified the neighbors and the certificate of mailing had been filed with the staff. She then oriented the commissioners as to the location of the property. She explained the current non-conformities and noted that the house had been constructed in the 1930s. She said that it would be demolished and a smaller house would be built. She then noted the sign offs that the applicant had received.

Larry Lepere, the engineer on the project, continued the presentation with a review of the site plans. He noted the non-conformities and that they had obtained variances. He explained that the proposed house would be smaller than the current one. There would also be less impervious surface than there is now. They are also working through comments from local and state agencies. They showed the commissioners a picture of the current house.

**\* MS. WELLS MOVED: BE IT RESOLVED that application #2022 -39 CAM,** construct a new single-family residence for the property 34 Harborview Avenue and as shown on zoning location survey dated 6/24/2021 prepared by Arcamone Land Surveyor, LLC Norwalk, CT, and architectural plans dated 5/17/2021- 10/25/2021 prepared by Benjamin B. Cherner, Norwalk, CT, and as shown on the engineering plans dated 7/30/2021 (sheet 2.10 and 2.31) prepared by Solli Engineering, Monroe, 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
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
7. That no changes to the seawall are permitted without City review and DEEP approval; and
8. That flood certifications be submitted prior to issuance of a zoning permit by a CT licensed engineer or architect for the main dwelling structure and any accessory structures; 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 December 24th, 2021.

You must obtain a zoning approval and a building permit prior to any work on the site. A building permit must be obtained within one year of the effective date or this CAM approval automatically becomes null and void.

**Mr. Witherspoon seconded.**

**Louis Schulman; Michael Witherspoon; Galen Wells; Nick Kantor; Frank Mancini;**

**Richard Roina**

**approved.**

**No one opposed.**

**No one abstained.**

## V. PUBLIC HEARINGS

### a. #2021-20 R/M – Zoning Commission – Building Zone Regulation text amendment and Building Zone Map amendments to create the East Norwalk Village TOD Zone (EVTZ)

Mr. Schulman opened the public hearing and noted that Mr. Kleppin would give a brief presentation since there had been several public forums that had been well attended by Norwalk residents. He then explained the rules of the public hearing and how the public would be allowed to speak. He said that Mr. Kleppin would have a chance to respond to any comments.

Mr. Kleppin said that they would have to read the referrals into the record at the end of the public hearing. He then began a slide presentation which gave a background of the East Norwalk Village TOD zone. He discussed the recommendations which were developed after meetings with the public. He showed them a map of the proposed village district and discussed what it is. He continued discussing the recommendations about height, density, parking and amenities. He said that the plan would work for larger sites and there would be consolidation of sites. He discussed the proposed zoning changes. He also described the new parts of the East Norwalk train station. He also described the uses which he noted were expanded. He then discussed the point system which included green and sustainable categories that are beneficial for the entire community. There was a discussion about solar panel use. He also explained the design styles and how they looked at many maritime areas around. He discussed the landscaping and materials to be used in the area. He then discussed the adoption process for this proposed zone. He noted that this process had been ongoing for almost 2 years. Mr. Kleppin then read the referrals into the public record.

Adam Blank, the attorney for the Masonic Lodge, oriented the commissioners as to the location of the property on an aerial map. He said that there was an application which would be forthcoming and they would be asking for a map change. He explained what the project would be. He showed them a proposed map. He noted that they would be working on this for over a year but thought they would be done before the Village District was voted on.

Craig Flaherty asked if his client could also be brought over as a panelist in order to speak. He noted that his client, Flavia Callari, would be filing an application and would be requesting that certain properties on Van Zant Street be left alone. He then oriented the (need the video at 7:05 pm) He discussed the uses that are currently on these properties. He also showed them pictures of the current uses. He stated that the downzoning seemed inconsistent and would make these properties non-conforming. He noted the negative impacts to his client's business.

Flavia Callari, the owner of the 3 properties on Van Zant Street, noted that she had 15 employees that lived in Norwalk with their families. Her concern was that plans had to be put

aside that would help them to expand and continue to exist. This would help the business to continue to support these employees that worked for the business.

Louis Garcia, 15 Bond Street, spoke in opposition to this project and said that he did not know anyone who was in support of it. He had concerns about density and parking. He did not think there would be green space since there would be no room for parking. He suggested having underground parking.

Sarah Hunter, Scoville Place, spoke in opposition of the application with regards to the point system for amenities. She said that residents wanted development that was in scale with the neighborhood. She thought these amenities only benefitted developers.

Diane Cece, spoke on behalf of ENNA, shared her slide presentation with the public. She also noted that Mr. and Mrs. DiBesceglie agreed with the points of her presentation, although they had not been able to get onto the Zoom meeting. She said that some points may seem redundant. She said that she was in agreement with Ms. Flavia Callari about the downzoning and that there are property owners in the area who were not aware of what could happen to their properties. She also said that she would submit her slide presentation to the file. She gave a brief history of the ENNA organization. (Watch video) She addressed the reason for postponing the vote on this application, until at least February. She said that ENNA had been attacked by a member of the Planning Commission who would be a member of the combined Planning and Zoning Commission. She discussed the public forums and noted that ENNA spoke against it, at each one. She then presented the objections to this proposed zone. She then discussed the unanswered questions and what was the breakpoint. She also then went through her conclusions. She then showed them her notes from the November 4, 2021 Zoning Commission meeting. She asked the commissioners to postpone the vote until such time as the residents of this neighborhood could meet in person with Zoning Department staff, with a video component as well. She showed them a map of the proposed zoning. She then discussed the actual text of the amenity point system.

At this point, after Ms. Cece's lengthy presentation, Mr. Schulman said they would take a break and return to the meeting at 9 pm.

Joe Licek, 51 Raymond Terrace, said he was not against the improvements but was concerned about the size and how this would affect the neighborhoods. He had concerns about the parking as well.

Roberta DiBisceglie said that she was pleased with the work done by Diane Cece. She was also concerned about the density as well as the cemetery that was in the area. She asked for smart development, not this project.

Judy Harris, Pequot Drive, said that she had sent in an email with some points. She noted that she lived just outside the TOD zone. She had concerns about the traffic that is in the

area now. She didn't think they could recreate the New England look that was shown in the renderings.

Gene Tiernan, 5 Marvin Street, spoke in opposition by stating that it was too big. He asked why they were adding buildings when the public said they did not want more buildings. He had concerns about the traffic especially if widening the roads. If they were, tractor trailers would drive on the local roads. He asked about the maximum potential number of apartments there could be. He also asked them not to vote on this at this meeting and to fix the plan.

Ellen Garcia, 15 Bond Street, spoke in opposition to the application. She has concerns about the tractor trailer traffic that is currently in the area, which she believes will only get worse. She also noted that higher density would not create a village feeling, if that was what they were trying to encourage. She was concerned about property values.

Yvonne Marchese, Myrtle Street, spoke in opposition to the application. She had concerns about the traffic and felt that they were not being heard.

Maribeth Payne, 34 Pine Hill Avenue, thanked Diane Cece for her work on this. She spoke in opposition to the project and it was undermining the community. She asked them to postpone the vote on this matter. She asked who benefits and spoke about the negative impacts on the environment. She said she didn't see much green space.

Mr. Schulman closed the public comment portion of the public hearing.

Mr. Kleppin spoke about why the state gave a grant to the city to do the East Village TOD study. He addressed the point system and why density was necessary in the area. He explained why parking was not front and center if they wanted this to be a walkable part of the city. He addressed the issues about the public meeting in person with the staff. He also addressed the issues about why there were no small businesses on East Avenue which he noted was because there was not a large enough population to support them.

At this time, the commissioners asked Mr. Kleppin questions. There was a discussion about legal non-conformity and the number of properties that will become non-conforming. There was also a discussion about through truck traffic on East Avenue. Mr. Kleppin said that it is a state road so they could not, but they could on the local roads.

There was a discussion about some East Norwalk residents who were in support of the application. It was noted that many of them did not come out to speak.

There was a discussion about the impression of possible collusion between developers and the Zoning Commission. There was also a discussion about the fact that this will be staggered development over time. Some residents thought their land values would go up.

There was some discussion about voting on this matter at this meeting. There was also some discussion about some of the comments from the meeting. Many of the commissioners were confident about making these changes. There was also a discussion about the traffic in the area.

Mr. Kleppin read an email that was submitted during the public comment period.

There were discussions among the commissioners as to whether to approve the resolution or not. Mr. Kleppin did note that there were eleven speakers against the application. There was a discussion about the design guidelines. There was a discussion about allowing drive thru restaurants and excluding the properties on Van Zant.

GW said the map should be approved without the properties on Van Zant Street.

**WHEREAS**, the City prepared a TOD plan for East Norwalk, The East Norwalk Neighborhood TOD Plan “the Plan”;

**WHEREAS**, the Plan contained several appendices, including draft zoning regulations, a draft zoning map changes, as well as draft design guidelines;

**WHEREAS**, the 2019 Citywide Plan was amended 10/6/20 to incorporate the Plan, including the draft zoning regulations, changes to the zoning map and the draft design guidelines;

**WHEREAS**, the Commission began the process of finalizing the zoning map, zoning text changes and the design guidelines;

**WHEREAS**, the Commission conducted a joint hearing with the Planning Commission on the draft regulations, zoning map changes and design guidelines on September 27, 2021;

**WHEREAS**, the Commission incorporated changes based on feedback from the public and the commissions;

**WHEREAS**, the proposed amendments to the zoning text, zoning map and design guidelines, were formally referred to WESTCOG, the Harbor Management Commission, CT DEEP and the Planning Commission on November 5, 2021:

- **WHEREAS**, WESTCOG determined that the proposed changes were only of local interest; and

- **WHEREAS**, the Planning Commission made a unanimous determination that the proposed text amendment, map amendments and design guidelines, were consistent with the Citywide Plan on November 10, 2021; and

· **WHEREAS**, CT DEEP found that the proposed amendments are generally consistent with goals and policies of CT Coastal Management Act; and

· **WHEREAS**, the Harbor Management Commission found that “Development of properties located within a designated coastal boundary will be subject for referral by the Norwalk Harbor Management Commission for consistency with the Norwalk Harbor Management Plan and other CAM requirements which include the State’s Coastal Management Policies.”

\* **MS. WELLS MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission, that #2021-20 R/M- East Norwalk Village District TOD Regulations and Design Guidelines, as well as the accompanying zoning map changes, be approved.

**BE IT FURTHER RESOLVED** that the reasons for this action are to implement the Citywide Plan:

1) Chapter 12, Goal 1Ai. Adopt guidelines and standards, with required findings, as part of the zoning ordinance, to guide decision making that will help achieve the vision and goals of the plan:

- a. Direct future development to Norwalk’s urban core, village districts, and corridors through redevelopment and infill,
- b. Promote land use configurations that increase connectivity and walkability in the urban core, village districts, and corridors,
- c. Promote walkable mixed-use development in the established Wall St/West Ave, SoNo, and Merritt 7 areas, in the future East Norwalk TOD area, and in key activity centers along the Route 1 and Main Avenue/Main Street commercial corridors,
- d. Promote transit-oriented development (TOD) near rail stations and high-frequency bus stops, emphasizing walkability and transit-supportive densities and uses,
- e. Implement the goals and recommendations of the 2020 East Norwalk Neighborhood TOD Plan and as further amended,
- f. Establish appropriate transitions from higher density and higher-impact land uses to lower density and lower-impact land uses; and

2) Chapter 12, Goal 1Ai. Strengthen existing Village District design standards. Clearly identify the unique elements or design features of each Village District that establish the context for renovations and new construction. Revise zoning to include basic urban design standards to ensure distinct, walkable villages such as:

- a. Minimum sidewalk width of 6’ (8’-10’ preferred) in commercial areas,

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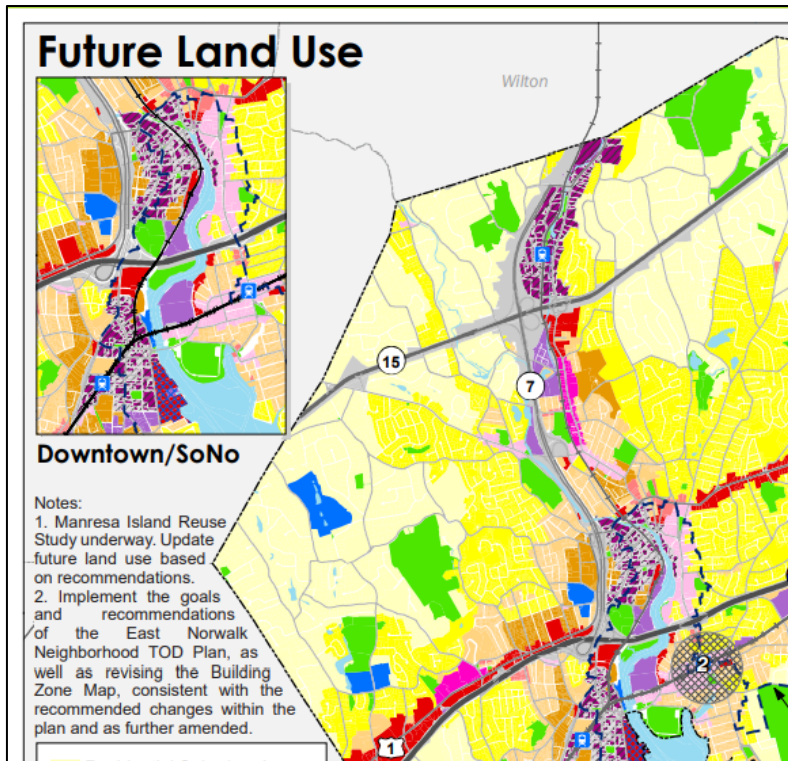
- b. Maximum front set-back between 0 and 5' (or matching existing buildings),
- c. Main entry oriented to the street and sidewalk,
- d. Ground floor standards for commercial space: minimum façade transparency, awning/signage façade zone, minimum interior ceiling height,
- e. Provision of convenient bicycle parking,
- f. Vehicular parking located to the rear of buildings where possible, with clear path to front door,
- g. Vehicular parking maximums, and/or the ability to request a waiver of some or all required parking on small lots.

3) Chapter 12, Goal 2Aii. Study the potential for additional village districts or “neighborhood centers” with local commercial activity. Further study and public engagement is needed to determine whether existing neighborhood commercial areas possess defining characteristics to be designated as village districts on the zoning map. Potential locations include:

- a. Implement the East Norwalk TOD Village District recommendations, including the zoning regulations and design standards, as proposed within the East Norwalk TOD Village Plan, as further amended by the Zoning Commission.

4) Chapter 12, Goal 2Aii. Improve the public realm within village districts and activity centers with design standards for sidewalks, street trees, pedestrian lighting, bicycle racks, seating, signage and public art.

- a. Physical improvements will enhance the visual appeal and functional safety of these places. Investments in the public realm should be coordinated with private projects when possible to maximize impact.



**BE IT FURTHER RESOLVED** that the properties at 10, 12, 14 and 16 Van Zant shall be excluded from the proposed zoning map amendment and are to remain zoned as Neighborhood Business.

**BE IT FURTHER RESOLVED** that drive-thru restaurants be excluded as an allowed use in the East Norwalk Village TOD Zone

**BE IT FURTHER RESOLVED** that the effective date of this action shall be January 3, 2022.

**Mr. Witherspoon seconded.**

**Louis Schulman; Michael Witherspoon; Galen Wells; Nick Kantor; Frank Mancini; Richard Roina approved.**

**No one opposed.**

**No one abstained.**

It was noted that some properties could be removed from the map, but it would require a public hearing. There was a discussion about the effective date.

**b. #2021-38 R – Economic & Community Development – Building Zone Regulation text amendment to allow outdoor dining as an accessory use to restaurants in all business zones**

Mr. Schulman opened the public hearing. Mr. Baker gave a brief history of the and noted that at the moment, parking regulations had been waived. The applicant would have to apply for outdoor dining every year.

Mark Wilson, 137 Washington Street, noted his concerns about the parking being exempt. There was a loss of revenue which would have to be made up somewhere else. He felt that he was subsidizing the restaurants because he paid \$80 a month for parking.

Mr. Baker noted that the Zoning Department did not set parking fees. He also noted that the insurance was vetted by the city's legal department.

Mr. Schulman noted that he had not meant to sound like he was disparaging South Norwalk earlier in the meeting. He only meant that EAst Norwalk was a different area than South Norwalk and the Zoning Commission did not want the two to be similar.

Mr. Baker read the referrals into the record.

**\* MR. ROINA MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that application #2021-38 R – Economic & Community Development – Text amendment to allow outdoor dining as an accessory use to restaurants in all business zones be **APPROVED**.

**BE IT FURTHER RESOLVED** that the reasons for this action are to implement the following Plan of Conservation and Development goals, policies and/or actions:

1. To “Develop a cohesive tourism strategy by optimizing Norwalk’s historic, cultural and historic resources, coastal location, unique waterfront areas, Norwalk River and other natural assets...This should include exploring locations for waterfront restaurants...” (Chapter 3: Prosperity & Opportunity); and
2. That “The City of Norwalk has the right policies, infrastructure, and leadership for business growth and development.” (Chapter 3: Prosperity & Opportunity); and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be December 31, 2021.

**Ms. Wells seconded.**

**Louis Schulman; Michael Witherspoon; Galen Wells; Nick Kantor; Frank Mancini; Richard Roina approved.**

**No one opposed.**

**No one abstained.**

**VI. APPROVAL OF MINUTES: December 8, 2021**

**\*\* MR. ROINA MOVED to approve the December 8, 2021 meeting minutes.**

**Mr. Witherspoon seconded.**

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

**No one opposed.**

**Frank Mancini abstained.**

**VII. COMMENTS OF DIRECTOR**

Mr. Kleppin had no further comments except to thank the commissioners.

**VIII. COMMENTS OF COMMISSIONERS**

Mr. Schulman asked that all of the commissioners be in attendance at the next Zoning Commission meeting for the application on January 6.. It would be fair to the applicant as well as the neighborhood. He noted that it would be the last meeting of the Zoning Commission.

**IX. ADJOURNMENT**

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

**Mr. Kantor seconded.**

**Louis Schulman; Michael Witherspoon; Galen Wells; Nick Kantor; Richard Roina;**

**Frank Mancini approved.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 10:59 p.m.

Respectfully submitted,

Diana Palmentiero