

**CITY OF NORWALK
ZONING COMMISSION
November 4, 2021**

PRESENT: Louis Schulman, Chair; Michael Witherspoon; Richard Roina; Galen Wells; Nick Kantor; Josh Goldstein (left the meeting at 6:15 pm)

STAFF: Steve Kleppin; Bryan Baker; Michelle Andrzejewski

OTHERS: Donald Mastronardi; Atty Adam Blank; Kevney Moses

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 explained the rules of the public hearing.

III. PUBLIC HEARINGS a. #2021-37 R – Oak Hills Park Authority – 165 Fillow Street/1 Charles Marshall Drive – Text amendment to remove “full-service” from the restaurant use for Oak Hills Golf Course

Mr. Schulman opened the public hearing. Donald Mastronardi began the presentation for the applicant. He explained how they had to make changes under the current regulations. They now have a sit down bar for patrons at the golf club. There was a discussion for the current language in the regulations. Mr. Baker explained that this applied to Washington Street mostly, since the city, at the time, did not want only bars there. The modification would only apply to Oak Hills. Mr. Baker assured him that it would not apply to Washington Street.

No one spoke for or against the application. Mr. Mastronardi hoped that the public would support the new space.

Mr. Schulman closed the public hearing.

IV. REVIEW AND ACTION ON PENDING APPLICATIONS

a. Action on item III. a.

Ms. Wells read the Planning Commission and the referral from the Department of Energy and Environmental Protection (D.E.E.P.) into the record.

*** MR. ROINA MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that #2021-37 R - Oak Hills Park Authority – 165 Fallow Street/1 Charles Marshall Drive – Text amendment to remove “full-service” from the restaurant use for Oak Hills Golf Course be **APPROVED**.

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

1. To achieve the Plan of Conservation and Development goal that “Norwalk aims to have the best city park and recreation system in Connecticut,” Chapter 7: Enhancing Open Space, Park, Trail & Recreation Systems; and
2. To achieve the Plan of Conservation and Development goal for Norwalk to “focus on maintaining and improving the large parks that serve the city such as Calf Pasture Beach, Cranbury Park, and Oak Hills,” Chapter 7: Enhancing Open Space, Park, Trail & Recreation Systems.

BE IT FURTHER RESOLVED that the effective date of this approval is November 12, 2021.

Mr. Goldstein seconded.

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

No one opposed.

No one abstained.

b. #2021-16 R/SP – Workforce Partners, LLC – 132 Flax Hill Road – Request to modify condition of approval regarding shared amenity space – Report & recommended action

Before the presentation began, Mr. Goldstein left the meeting.

Atty Adam Blank began the presentation by introducing Mr. Kevney Moses. He noted that the application for 132 Flax Hill Road had just recently been approved. He explained the modifications that the applicant was requesting. He also noted that they had not been entirely clear during the presentation and showed them the revised language regarding the easement that they were requesting as a condition of approval.

Mr. Roina did not believe this was a minor change especially after the previous presentation when they believed that the properties were jointly owned. He also thought the easement should remain and did not think it would have an effect on a future sale. Atty Blank noted that there is a shared entranceway but that the parking is not shared.

There was a discussion about the recorded easement which might prevent the applicant from selling the lots/buildings separately. Mr. Roina said that they could be sold

separately and would not be a hardship. Mr. Moses explained his own issues with an encumbrance being placed on a separate property which had not been a part of the original application. He also noted that easements for recreation areas do not usually occur.

There was a discussion about the map which showed the parking plan and about whether the applicant was asking for a minor change to their approval. Mr. Moses apologized for statements he made at the original public hearing about the amenity space on the 2 different properties. He said they would try to create parity between the two properties. Atty Blank said there would not be a change to the parking. Mr. Schulman said that he had not favored the historic credit since it did not meet the criteria for it.

Mr. Moses asked about the easement for the property and how that might have changed if the properties had two different owners. He also asked about the difference between the Elmcrest project and this project.

**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. KANTOR 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** 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. The amenity space at the 132 Flax Hill Road and 138 Flax Hill Road shall be shared between residents of both properties so long as Workforce Partners retains ownership over both properties; 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 November 12th, 2021.

This motion failed due to a lack of a second on it.

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

Mr. Kleppin began the presentation with a review of the design guidelines which he showed them in red-line. There was a discussion of Operations and Maintenance Plans. They added some language for historical preservation. He discussed language that was removed as well as a review of the language for signage. He also discussed a 3 foot amenity zone. There was a discussion of the difference between the special permit and site plan process. There was a discussion about amenity points for LEED certification as well, as those developers could receive from the city. There was also a discussion about solar being sold back to the grid. There was a discussion about the language for multifamily dwellings and retail stores. The commissioners discussed changing some of the language. Mr. Kleppin reminded them that they may be able to change it again before voting on it in December.

There was a discussion about the size of signage. Mr. Kleppin showed them examples of different types of signage. There was also a discussion about smaller parcels and having different amenity points for them.

Mr. Kleppin then explained the process going forward and a possible date for the public hearing in December. There was also a discussion about holding a special meeting for a different application in December so that the public hearing for this application was the only item on the agenda.

V. REVIEW AND ACTION ON NEW APPLICATIONS a. #2021-38 R – Economic & Community Development – Text amendment to add outdoor dining as an allowed accessory use to all business zones – Report & recommended action

Mr. Baker said that the Common Council is revising the ordinance for outdoor dining but this is not allowed in the Zoning regulations. He explained how they were changing the regulations in business zones which would allow this. There was a discussion of any restaurants outside of the business zone. Mr. Baker said that he knew of only one but would do more research to confirm.

VI. APPROVAL OF MINUTES: October 20, 2021

**** MR. ROINA MOVED to approve the October 20, 2021 meeting minutes.**

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin said that the waterfront study committee would meet on November 16. This would be the first time. Mr. Schulman noted that he, Ms. Wells and Mr. Roina would be participating on the committee. Ms. Langalis from the Planning Commission and Harbor Management and Shellfish Committee members would also be on the committee.

VIII. COMMENTS OF COMMISSIONERS

Mr. Schulman discussed an article on rental properties and the increase in rents. Mr. Baker said that he had done some research on the article. It was noted that some of the increase in rents had to do with the fact that more newer apartments are coming on line. Mr. Baker also said that there was a study being done in the Planning and Zoning Department. Mr. Schulman noted that this is not a problem just for Norwalk, but rather for Fairfield County as well. Mr. Baker said that as soon as an affordable unit becomes available, it is rented. Mr. Schulman suggested that there should be a fund in which developers doing any substantial construction in the city, should put money towards affordable housing.

Mr. Roina said he had looked at the maps for zone changes and noted that there would be properties that would be non-conforming.

IX. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Ms. Wells seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Diana Palmentiero