

**CITY OF NORWALK
ZONING COMMISSION
October 7, 2021**

- PRESENT:** Louis Schulman, Chair; Michael Witherspoon; Richard Roina; Josh Goldstein; Galen Wells; Nick Kantor
- STAFF:** Steve Kleppin (left the meeting at 6:58 pm and returned at 8 pm); Bryan Baker; Michelle Andrzejewski
- OTHERS:** Atty Adam Blank; Greg del Rio; Derek Daunais; Jane Rubenstein; Charlene Kennerly; G. Randall Avery; Dottie Brown; Atty Liz Suchy; Chris DeAngelis; Marcos Reinheimer

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:05 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.

III. PUBLIC HEARINGS

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

Mr. Schulman noted that this was a continuation of the public hearing and said that he had seen the tapes from the previous meeting. He was confident he could vote on this matter. He then explained the rules of the public hearing. He also explained how members of the public would be allowed to speak.

Atty Blank noted that he would update everyone on what had happened since the last meeting. He gave a brief overview of the application for 40 units of the elderly housing. He showed them the proposed site plan as well as proposed design. He also oriented them to the location of the property on an aerial map. He noted that the applicant is still waiting for 2 sign-offs from DPW and WPCA; however, they had not expressed concerns about it. They had obtained a Wetlands Commission. They are also looking into solar panels and which units it would be feasible to place them on. He also discussed screening on the site. He said that Matt Popp had looked at the site but there was no definitive plan yet. Some units had been moved and changed the landscaping plan to preserve some trees, as well as plant more trees.

There was a discussion about the feasibility of the solar panels on the units. Jeffrey Effren said that the roofs of the south facing units would be feasible. However, on the units that do not face south, the pitches of the roofs are not feasible because it could diminish the height of the second floor. There was also a discussion about the Richards Avenue housing units which were similar to this project but also adding solar panels to some of the roofs.

Derek Daunais, the project engineer, continued the presentation by discussing comments that the applicant had received from DPW and WPCA. He also noted that the conservation area increased from earlier plans.

Matt Popp, the landscape architect, continued the presentation by noting that additional plantings had been added to the landscaping plan. Screening is difficult on parts of the site because of sight line issues. There are a few trees being removed but there are no other off site plantings.

There was a discussion about the property line to the trees behind the units. Mr. Popp described the trees that were providing screening on their side of the property line.

Greg del Rio, the traffic engineer, discussed the sight lines on the traffic plan since this had been a concern at the previous public hearing. Mr. Daunais said that the sight lines were in the right of way.

Atty Blank concluded that the application complied with Zoning regulations as well as the Plan of Conservation and Development.

There was a discussion about a left turn only out of the property that was discussed at the previous meeting. Atty Blank did not remember that however, he did say that the sight lines were fine. Mr. Roina noted that the neighbors did park on the street. Atty Blank did not think it would hinder the sight lines. There would be no parking signs in a couple of spots.

Jane Rubenstein, 597 Westport Avenue, southern border of the property. She said that she had a concern about the density on the property, being so close to the property line. She asked that the duplexes become single family homes. She had concerns about patios being up close to the property line. She also asked for screening for the apartments at the southern border.

Charlene Kennerly, 41 Fullin Road, noted that at the last meeting there was a discussion about a left turn only. She thought that it would be better to have both turns. She also did not want to see a crosswalk or no parking signs on the street.

Dottie Brown, 43 Fullin Road, noted that she and the owners of 45 Fullin Road, had not been contacted about screening or parking issues.

Atty Blank showed an aerial map of the property which included 597 Westport Avenue and noted that this application was not as dense as that property. He also addressed the need for the crosswalk which would be safety reasons for the elderly housing. He also noted that there would be ample parking on their property for their residents. It was not anticipated that these residents would park on Fullin Road.

Mr. Schulman closed the public hearing.

IV. REVIEW AND ACTION ON PENDING APPLICATIONS

a. Action on items III. a.

Mr. Schulman asked the commissioners for a motion to approve or deny the project

**Whereas the Norwalk Zoning Commission held a preliminary review on this application June 3rd, 2021; and*

**Whereas the Norwalk Zoning Commission opened a public hearing on August 18th, 2021; and*

**Whereas the Conservation Commission held a Public Hearing September 14th, 2021 voting in favor of the development with conditions; and*

**Whereas the Norwalk Zoning Commission continued and closed a Public Hearing October 7th, 2021; and*

*** MR. ROINA MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that the application #2021-17 SP – FRAP, LLC – 40 Fullin Road – Proposed 40-unit elderly housing development 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 D’Andrea Surveying & Engineering P.C. dated 5/3/2021-09/30/2021.

b. Per Site Plan Layout Plan dated 5/3/2020 - 9/30/2021(Sheet No. 1 of 6); Sedimentation and Erosion Control Plan dated 9/30/2021 (Sheet No. 3 of 6); prepared by D’Andrea Surveying & Engineering P.C.

c. Per Architectural Plan entitled “Cottages at Pepperidge Farm” sheets Z-D1- Z-S2 prepared by j.a. jamieson architects, dated 9/20/2021.

d. Per Landscaping Plan prepared by Environmental Land Solutions dated 5/25/2021-10/7/2021.

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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 a surety be submitted, in an amount to be determined by Staff, to guarantee the completion and maintenance of the site plan and any and all modifications to the plan and all work required as a condition of approval under this special permit prior to the issuance of a Certificate of Zoning Compliance; and
6. That solar panels be installed on each building unless determined to be not feasible as determined by a feasibility report; and
7. Stormwater shall be mitigated using Low Impact Development (LID) techniques; and
8. A certified letter by a CT licensed landscape architect is required prior to COZC to confirm that all plantings have been installed based on the approved landscape plan; and
9. Any dead plantings must be replaced in accordance with this landscape plan; and
10. Any changes to the approved plans must be reviewed by staff before implementation; and
11. That any and all conditions listed from Norwalk WPCA are applicable to this approval; and
12. That any and all conditions listed in a memo dated June 4, 2021 from Norwalk DPW are applicable to this approval including any revisions; and
13. That a CT 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
14. That a brief follow-up report from CT licensed traffic engineer be provided describing the new intersections volumes six (6) months after issuance of Certificate of Zoning Compliance; and
15. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and

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16. That this approval is subject to 118-1460 C. of the Norwalk Building Zone Regulations

17. That all CEAC signoffs shall be submitted to staff prior to the issuance of a zoning permit and any and all conditions required by each respective department be applicable to this approval; and

18. Applicant will work with the neighbors at 39, 41, 43 and 45 Fullin Road to agree upon reasonable additional landscaping for the purpose of screening to be located at 39, 41, 43 and 45 Fullin Road at the Applicant's expense and with consent of the neighbor. As determined reasonable by staff.

BE IT FURTHER RESOLVED that this application complies with Section 118-340 B Residence, Section 118-1450 Special Permits and with all applicable sections of the Building Zone Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the effective date of this action is October 15th, 2021.

There was a discussion about the crosswalk. Mr. Roina noted that it would be traffic calming. Several commissioners had no objections to it.

Ms. Andrzejewski noted that the Conservation Commission had conditions to their resolution which she showed them. She then showed them the Zoning Commission resolution. There was some discussion about the conditions of the approval. There was a discussion about the language for the applicant's landscaping on the property of others. Once the language was revised, they were able to vote on the resolution.

Mr. Goldstein seconded.

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

No one opposed.

No one abstained.

V. REVIEW AND ACTION ON NEW APPLICATIONS

a. #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 – Preliminary review

G. Randall Avery began the presentation by noting that the city had erected the restaurant in the early 2000s. He explained that only a service bar had been allowed on the property. Later the Authority was then allowed to serve but the bar would have to be small. They were seeking a full size bar, all season restaurant by removing a few words from the text to allow this.

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Mr. Schulman noted that this application would have to be referred to the Planning Commission and then there could be a public hearing.

There was a further discussion about the definition of “full service restaurant” and “restaurant” in the various zones. It was noted that this application could also go before the Zoning Board of Appeals, but that there would not be a hardship. There was a discussion about having this issue be addressed in the Zoning regulations re-write.

b. #13-16 SP – Main Norwalk, LLC - 272-280 Main Avenue “The Village” – Extension of time request for a 103,000sf retail use with garage and on-grade parking – Report & recommended action

Atty Liz Suchy noted that she had been before the Commission previously since 2017 on this application, requesting extensions of time. She explained that COVID had played a part in the request for an extension. She explained that construction costs were high and that they do not have a tenant for the property.

*Whereas a one-year extension of time request was granted by the Zoning Commission on 8/1/2019; and *Whereas a one-year extension of time request was granted by the Zoning Commission on 8/12/2020;

*** MR. WITHERSPOON MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that the one-year extension of time request for application #13-16 SP – Main Norwalk, LLC – 272-280 Main Avenue – “The Village” – 103,000sf retail with garage and on-grade parking as shown on various plans by Land Tech, Civil Engineers, Westport CT, dated 2/2/17 as revised by Bignell, Watkins Hasser Architects, Annapolis, MD, dated 2/1/17 as amended and by Beinfield Architects, Norwalk, CT 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 September 19, 2022;
- and

BE IT FURTHER RESOLVED that the effective date of this action is October 15, 2021.

Mr. Roina seconded.

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

No one opposed.

No one abstained.

c. #14-09 SP - Norwalk Hospital – 34 Maple Street - Bond release for the demolition of a 430-space parking garage and construction of a 628-space parking garage – Report & recommended action

Mr. Witherspoon recused himself from this application. Mr. Baker explained that the applicant had received its Certificate of Zoning Compliance so the bond is typically released.

*Whereas a Certificate of Zoning Compliance was issued for the project at 34 Maple Street on July 19, 2012;

*** MR. SCHULMAN MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that the bond release request for application #14-09 SP – Norwalk Hospital Association – Demolition of a 430-space parking garage and construction of a 628-space parking garage be **APPROVED**.

BE IT FURTHER RESOLVED that the effective date of this action is October 15, 2021.

Mr. Goldstein seconded.

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

No one opposed.

Michael Witherspoon abstained.

d. #2021-32 SP – The Guru Tegh Bahadur Ji Foundation, Inc. – 283 Richards Avenue – Construction of a two-story Sikh religious center – Preliminary review

After Mr. Witherspoon returned to the meeting, Mr. Schulman noted that this is not a public hearing, nor would public comment be accepted at this time.

Atty Suchy began the presentation with an introduction of the project team. She gave an overview of the project and then explained that the neighbors had been notified of the filing of the application. She also said that they had been before the CEAC committee and responded to their comments. She noted that the application complied with Zoning regulations. She then addressed the misinformation that was in the public. She noted that this congregation had been a part of the Norwalk community for 30 years. She also explained the components of the Sikh service which is more fluid. Congregants don't all arrive at the same time. There is also a communal lunch after services. She explained that their services had stopped due to COVID. The only service is on Sunday. There would be no child care center. Atty Suchy explained that there are 2 bedrooms for the priests living there.

Chris DeAngelis, the civil engineer on the project, showed them the recent plans for the religious center. He showed them key elements of the site. He discussed the circulation on the

site and showed the sight lines which had been checked and met city regulations.

There was a discussion about a proposed fence. Mr. DeAngelis said it could be extended if the commissioners requested. There was a discussion about the sidewalk. He also discussed the lighting and planting plans.

Marcos Reinheimer, the architect on the project, continued the presentation by showing the commissioners the site plans of the center including the various floors. On the first floor, there would be portable partitions to change the size of classrooms for religious education. He explained the private guru areas as well as the restrooms for men and women. The second floor would be for worship of up to 240 occupants. In the basement, there would be a dining hall with a full kitchen and walk-out to the parking lot. It would be ADA compliant. He showed them the elevations and included the domes. He showed them renderings of the outside of the building.

Atty Suchy noted that there are approximately 185 Sikh members living in Norwalk. There was a discussion about the timing of service on Sunday and traffic. There was also a discussion about religious education which is only on Sunday. There was then a discussion about special holidays that do not fall on Sundays. Atty Suchy noted that their main holiday is April 14. They would hold services on the weekend when April 14 did not fall on a weekend. The applicant had reached out to the Department of Recreation and Parks to rent the parking lot at Fox Run Elementary School as well as Norwalk Community College, if necessary for this holiday. Mr. Schulman suggested that he would like to have the city's traffic consultant review their traffic consultant's study. He also suggested that they hold a public hearing once all documentation had been reviewed. Atty Suchy noted that another peer review of traffic seemed unnecessary. There was a discussion about answers to Transportation, Mobility and Parking's (TMP) comments. Atty Suchy noted that they had not received further comments.

There was a discussion about what the building would be like in the neighborhood. Atty Suchy said they would submit a rendering that would show that. There was also a discussion about backup generators which may not be in compliance. Mr. DeAngelis showed them the site plan with the propane tank on it. He noted that they could be placed underground but it was easier to maintain when above ground. He also noted that the generator would be removed from the application and come back to the commission at a later date.

There was a discussion about pervious pavement to reduce water runoff.

There was a discussion about scheduling a public hearing.

The commissioners discussed the peer review for the traffic study that Mr. Schulman had suggested. Mr. Kleppin acknowledged some of what Atty Suchy said was true but believed that the peer review would protect both the applicant and the city. The commissioners requested to have a peer review done.

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 Study had been provided to all of the commissioners. He also said that he had presented it to the Planning Committee and would present it to the Zoning Commissioners at the next meeting.

Zoning regulations rewrite - Mr. Kleppin said that the consultant was still talking to the public. They would then work on the code and would also like to meet with the Zoning Commissioners. However, because of the merger of the Planning and Zoning Commissions they thought it best to wait.

South Norwalk TOD study - Mr. Kleppin said that the consultants are working with the neighbors and those discussions are going well.

b. Discussion of merging the Planning & Zoning Commissions

Mr. Schulman said that the Common Council had voted to merge the commission by January 1, 2022. All commissioners will be leaving the Zoning Commission. The Mayor will appoint members to the new commission. He advised those that were interested in remaining should send a letter to the mayor of that intention. There is not enough space, 9 members and 3 alternates. Mr. Schulman noted that he was interested in remaining on the merged commission.

c. Discussion of East Norwalk TOD regulations

Mr. Kleppin said that this would be on the next agenda for discussion. There was a discussion about the amenity structure. Mr. Schulman asked that it be discussed further at the next meeting.

VII. APPROVAL OF MINUTES: September 2, 2021

**** MR. GOLDSTEIN MOVED to approve the September 2, 2021 meeting minutes.**

Ms. Wells seconded.

Louis Schulman; Richard Roina; Josh Goldstein; Galen Wells approved.

No one opposed.

Michael Witherspoon and Nick Kantor abstained.

VIII. COMMENTS OF DIRECTOR

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Mr. Kleppin had no further comments.

IX. COMMENTS OF COMMISSIONERS

Mr. Schulman noted that the officers that are serving the Zoning Commission should continue to serve since the Zoning Commission would be merged with the Planning Commission at the beginning of 2022. He asked if that was acceptable to the commissioners which it was.

X. ADJOURNMENT

Ms. Wells made a Motion to Adjourn.

Mr. Kantor seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Diana Palmentiero