

CITY OF NORWALK
ZONING COMMISSION – SPECIAL MEETING
June 17, 2020

PRESENT: Louis Schulman, Chair; Galen Wells; Nicholas Kantor; Nate Sumpter; Rod Johnson; Michael Witherspoon; Josh Goldstein; Frank Mancini

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Liz Suchy; Harry Rocheville; Brad Benke; Dean Martin; Alan Lo; Mike Losasso; Philip Katz; Lisa Yates;

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:0 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. I. PUBLIC HEARINGS

a. None

II. REVIEW AND ACTION ON PENDING APPLICATIONS

- a. #3-20SPR – Stone Realty Associates – 27 Seir Hill Rd – New 20 space off site parking lot for 15 Oakwood Ave - Preliminary review - Report & recommended action**
- b. #1-18SPR – Stone Realty Associates - 15 Oakwood Av – 4 story 21,280 sf Innovation Center with 15,587 sf office, 3,768 sf R&D and 3 dwelling units (existing buildings to remain) & related site improvements – Request to modify approved plans to remove parking deck – Further review - Report & recommended action**

Mr. Schulman suggested that these 2 applications be heard together.

Atty Suchy began the presentation by giving a brief overview of the current property. She then discussed another property that her client had acquired in 2019 where they would create a parking lot. Construction will start on the Innovation Center soon. She also noted that Seir Hill would be lengthened. She noted that this was the last step so that they could begin construction.

Mr. Schulman mentioned to the commissioners that this application could go to either a public hearing for a special permit or for a site plan review. Atty Suchy noted that further applications had been approved by other city commissions.

Mr. Rocheville showed the commissioners the site plan for the proposed parking lot. Atty Suchy oriented the commissioners as to the location of the property on this site plan. Mr. Rocheville explained the storm drainage system and how it would work with the offsite parking lot. There was a discussion about whether the parking lot was the same grade as the building. There was a discussion about an easement which the applicant is working on with the Department of Public Works (DPW). Atty Suchy noted that the neighbors had been notified of these applications. There was a discussion about a sidewalk on the western side of the new roadway. The applicant was eager to start working on the building.

Mr. Benke, the architect on the project, continued the presentation. He discussed the minor changes to the buildings which included a new entrance, some footpaths, and landscape changes. He showed them the plans of the building and noted that the exterior materials had changed. Lighting plans had also been revised.

There was a discussion as to the changes and whether the neighbors should have input through a public hearing. Ms. Wells said that since the changes improve the plan, so that a public hearing was not necessary. Mr. Kantor agreed. There was a discussion about the notifications to the neighbors. Atty Suchy noted that the application met all the zoning requirements and did not believe a public hearing was necessary. Mr. Witherspoon agreed that since the neighbors had been notified twice and had not responded, it would not be necessary to hold a public hearing. There was a discussion about the substance of the notifications. Mr. Johnson and Mr. Sumpter thought it would be best to have the construction started and did not think the public hearing was necessary.

**** MR. SUMPTER MOVED: BE IT RESOLVED** that site plan application #3-20SPR – Stone Realty Associates LLC – 27 Seir Hill Rd - Proposed new 20 space off-site parking lot with a new entrance drive, site lighting, new landscaping, civil utilities and related site improvements as shown on a set of plans by McLennan Design, LLC and McChord Engineering dated March 7, 2018 **as revised to June 5, 2020** be **APPROVED**, subject to the following conditions:

1. That final CEAC sign offs shall be submitted prior to the start of construction including a final review by the Zoning Inspector to confirm that the proposed plans comply with zoning; and
2. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required erosion and sediment controls; and
3. That all soil and erosion controls be installed and maintained prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and
4. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; 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 and that the development as constructed complies with all relevant regulations and that an as-built plan and engineer's certification be submitted prior to the issuance of a Certificate of Zoning Compliance; and
6. That any changes to the plan or the use of the property be submitted to the Zoning Commission for review and approval; and

BE IT FURTHER RESOLVED that the application complies with the Norwalk Building Zone Regulations, including Section 118-522 Business #2 zone and Section 118-1451, Site Plan Review.

BE IT FURTHER RESOLVED that the effective date of this action be **June 26, 2020**.

Mr. Johnson seconded.

Louis Schulman; Galen Wells; Nicholas Kantor; Nate Sumpter; Rod Johnson; Michael Witherspoon; Josh Goldstein; Frank Mancini approved

No one opposed.

No one abstained.

**** MR. WITHERSPOON MOVED: BE IT RESOLVED** that the **request to modify site plan application #1-18SPR** – Stone Realty Associates LLC – 15 Oakwood Avenue – Proposed 4 story, ±21,260 sf Innovation Center with 15,517 sf office, 3,768 sf research & development space, three (3) residential dwelling units with 59 new parking spaces required (subject to associated parking waiver for 29 spaces) and related recreation area and site improvements as shown on a set of plans by McLennan Design, LLC and McChord Engineering dated March 7, 2018 **as revised to June 5, 2020** be **APPROVED**, subject to the following conditions:

1. That a lot consolidation survey showing the consolidation of the existing parcels into one lot be submitted for review by staff and then filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
2. That final CEAC sign offs shall be submitted prior to the start of construction including a final review by the Zoning Inspector to confirm that the proposed plans comply with zoning; and
3. That this approval includes a request for a fifty percent (50%) parking waiver for twenty-nine (29) parking spaces and that the applicant shall submit a surety in the amount of \$435,000 (29 spaces X \$15,000 per space) to cover the future cost of construction of a second level of parking deck to accommodate the waived parking spaces prior to the issuance of a final certificate of zoning compliance (CZC); and
4. That such parking waiver surety be held for a minimum period of two (2) years from the issuance of a final CZC; and
5. That at the conclusion of the two (2) year period, the owner submit a detailed parking analysis to the Commission to confirm that a fifty percent (50%) parking waiver is warranted; at which time the Commission will act either to request that the second level of parking be constructed or to permanently waive the parking; and
6. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required erosion and sediment controls; and
7. That all soil and erosion controls be installed and maintained prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and
8. That a Connecticut licensed engineer shall certify that all of the required improvements, including any required off-site improvements, were installed to City standards and that the

development as constructed complies with all relevant regulations and that an as-built plan and engineer's certification be submitted prior to the issuance of a Certificate of Zoning Compliance; and

9. That any changes to the plan or the use of the facility be submitted to the Zoning Commission for review and approval; and

10. That within six months of the issuance of the Certificate of Zoning Compliance a follow-up traffic study be submitted to the Commission; and

11. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and

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

13. That all signage, existing and proposed, conform to the zoning regulations and that any graffiti on the site, now or in the future, be immediately removed; and

14. That the hours of garbage pick-up be no earlier than 7:00 a.m. and no later than 7:00 p.m. and that any deliveries be no earlier than 8:00 a.m. and no later than 6:00 p.m.; and

15. That any sidewalks to be installed or replaced provide be a full 5' clearance from any obstruction; and

16. That cutoff shields be installed on all lighting to prevent any stray light from being emitted off the property and that all light fixtures on the upper level of the parking deck be properly shielded so as to reduce any impacts on residential units beyond the property line; and

17. That any graffiti on the site, now or in the future, be removed immediately; and

18. That the proposed entrance gate to permit access to the new building from Seir Hill Road remain open during daytime hours to allow for deliveries and visitor access; and

19. That all truck deliveries use the Oakwood Avenue entrance to the property as truck turning movements cannot be accomplished at the Seir Hill Road entrance without use of the public right of way; and

20.

BE IT FURTHER RESOLVED that the modifications to the approved plans complies with the Norwalk Building Zone Regulations, including Section 118-522 Business #2 zone and Section 118-1451, Site Plan Review.

BE IT FURTHER RESOLVED that the effective date of this action be **June 26, 2020**.

Ms. Wells seconded.

Louis Schulman; Galen Wells; Nicholas Kantor; Nate Sumpter; Rod Johnson;

Michael Witherspoon; Josh Goldstein; Frank Mancini approved

No one opposed.

No one abstained.

c. #10-18SPR/#19-18CAM – 64 South Main St/8-14 Elizabeth St – Clarke Capital LLC – Release of soil and erosion control surety bond – Report & recommended action

Mr. Kleppin opened the presentation by explaining that the application had been approved in 2019. Since there were now new owners of the site, the project was not

moving forward and they were requesting the release of the soil and erosion control surety bond.

**** MR. SUMPTER MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the request to release the surety bond for permit #10-18SPR/#19-18CAM - 64 South Main St/8-14 Elizabeth St - Clarke Capital LLC be **APPROVED** as the project is not going forward at this time; and

1. If the project were to begin that a new soil and erosion control bond be filed with the Planning and Zoning Office; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 26, 2020.

Mr. Witherspoon seconded.

Louis Schulman; Galen Wells; Nicholas Kantor; Nate Sumpter; Rod Johnson; Michael Witherspoon; Josh Goldstein; Frank Mancini approved

No one opposed.

No one abstained.

V. REVIEW AND ACTION ON NEW APPLICATIONS

a. #3-20SP/1-20CAM - 310 Wilson Avenue - WEB Construction, LLC. - New contractor's storage yard with outdoor material storage – Further review - Report & recommended action

Atty Suchy began the presentation on behalf of the applicant, by showing the commissioners the site plan. She oriented the commissioners as to the location of the property. She explained that the property is now empty. The applicant has a rock crushing facility at 34 Meadow Street which would then be brought to this parcel. She also noted that there are wetlands so other necessary applications had been filed. She explained the use of the property. She noted where Village Creek was located in relation to the property.

Dean Martin, the engineer on the project, by explaining what would be constructed on the property. This included a block wall and fence with privacy screening. He explained the drainage system that would be installed on the side. He also discussed the comments from the DPW. There was a discussion about the notification of the project to the neighbors. Atty Suchy noted that the neighbors would also be notified about the public hearing since it was required. There was a discussion about flooding in the area which was above the flood levels. There would be processed materials from 34 Meadow. The applicant would follow zoning requirements. Atty Suchy mentioned the business hours. There was a discussion about the types of material stored there. There was also a concern for the neighbors in the area as well as why there was a need for the additional storage. Atty Suchy would also send notifications to the Village Creek Association.

There was a discussion about the public hearing being held in July, possibly July 15. There was also a discussion about the traffic and trucks moving in the area.

b. #4-20SP – City of Norwalk/Board of Education - Jefferson School – 75 Van Buren Avenue – Proposed modifications to existing elementary school – Preliminary review

Alan Lo began the presentation with a brief history of the Jefferson School building. He said that since the building had been constructed, there had been very few renovations done to it. He explained that it is overcrowded and has 10 portables. The Jefferson School population will decrease and will attend Ponus while the renovation is being done. He briefly described the changes to the building including the administration offices moving to the first floor. He also noted that the bus loop would be separate from parent drop off.

Mr. Losasso, the architect on the project, introduced the project team. He noted they were in the design and development phase. He then explained the process including construction which would conclude in the spring of 2022.

Philip Katz, the project manager and engineer, continued the presentation. He oriented the commissioners as to the location of the property on an aerial map. He explained the current areas of the school property. He also noted that it has been a challenging site because of the topography. He explained that some excavation materials would be used for raising the grade. He also spoke about improving the driveways and would create separate sidewalks. He also discussed the playgrounds which would be separate from the older children's playgrounds. He also noted the lighting plan which would not go into the neighbors homes. He then discussed the drainage plan. Mr. Losasso described the parent drop off in more detail.

Ms. Yates continued the presentation with a description of a new gym and it's new entrance. She explained the roof screening as well as the elevations of the building. She noted that solar panels were being considered for the school. She then discussed the plans for each floor. She also described the entrances for the gym. Mr. Lo noted that Jefferson School students would attend Ponus for 2 years.

There was a discussion about capacity in the school system. Mr. Lo said this renovation would not but that Ponus would gain capacity. Mr. Lo also explained that the city would lease the solar panels and it is separate from this school renovation. He said that there was a 90% chance that it would be included. It could be the 3rd school with solar panels. Mr. Lo explained that the zoning requirements may create shadows on the solar panels so this needed to be addressed in the future. There was a discussion about the mechanicals on the roof and how this affected the solar panels.

There were no other comments from commissioners and staff. Mr. Lo said that the traffic volumes would be lower because of the new design of the bus loop so he did not believe they needed a traffic study. The commissioners agreed with that. The public hearing would be on July 15, 2020.

VI. EAST NORWALK TOD: Status report

Mr. Kleppin noted that a draft of the East Norwalk TOD study was on the city's website. A public meeting would be on July 1 in the evening as well as the next day. He noted that some members of the public were not happy with the proposals in it. He hoped that the proposals would enliven the area and deal with the traffic.

VII. INDUSTRIAL ZONES: Status report

Mr. Kleppin said the consultant had been approved by the Common Council and the contract was close to being signed. He hoped to start by July 1.

VIII. ZONING REGULATION RFP: Review & discussion

Mr. Kleppin said that they could go over this item during the Zoning Commission's special meeting the following week. There was a discussion about the language in the preamble which discussed housing.

IX. APPROVAL OF MINUTES: June 1, 2020 Special meeting

**** MR. SUMPTER MOVED to approve the June 1, 2020 Zoning Commission - Special Meeting minutes.**

Mr. Witherspoon seconded.

Louis Schulman; Galen Wells; Nicholas Kantor; Nate Sumpter; Rod Johnson; Michael Witherspoon approved

No one opposed.

Josh Goldstein and Frank Mancini abstained.

X. COMMENTS OF DIRECTOR

There were no comments from the Director.

XI. COMMENTS OF COMMISSIONERS

Mr. Sumpter said he was happy they had received their Zoning Commission materials on paper. He thanked the staff for the delivery.

XII. ADJOURNMENT

Mr. Sumpter made a Motion to Adjourn.

Mr. Goldstein seconded.

Louis Schulman; Galen Wells; Nicholas Kantor; Nate Sumpter; Rod Johnson; Michael Witherspoon; Josh Goldstein; Frank Mancini approved

No one opposed.

No one abstained.

The meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Diana Palmentiero