



**SPECIAL MEETING AGENDA
ZONING COMMISSION
TUESDAY, MAY 26, 2020 – 6:00 P.M.
* VIRTUAL MEETING TO BE HELD ONLINE *
Public Participation instructions below!
CITY OF NORWALK, CT**

I. CALL TO ORDER

II. ROLL CALL

III. REVIEW AND ACTION ON NEW APPLICATIONS

- a. #1-20M - Merritt Station Norwalk, LLC et al - 67, 69, 79, 87, 111, 117, 129, 135, 155, 156 & 201 Glover Avenue and 2 Oakwood Ave - Proposed change to the zoning map from AAA Residence and Business #2 zone to entirely Executive Office zone – Preliminary review
- b. #2-20R - Merritt Station Norwalk, LLC et al - Proposed amendments to add a new definition for Executive Office Development Park and to permit the new use in the Executive Office zone and related technical amendments – Preliminary review
- c. #2-20SPR - Merritt Station Norwalk, LLC et al - 67, 69, 79, 87, 111, 117, 129, 135, 155, 156 & 201 Glover Avenue and 2 Oakwood Ave – Site plan review of proposed Master Plan for Executive Office Development Park – Preliminary review

IV. APPROVAL OF MINUTES: May 20, 2020 Special meeting

V. COMMENTS OF DIRECTOR

VI. COMMENTS OF COMMISSIONERS

VII. ADJOURNMENT

To allow Public Access, anyone may access this meeting by telephone, Zoom, and/or the City of Norwalk YouTube Channel. Specific instructions and links can be found at: <https://www.norwalkct.org/1913/Meeting-Notices>

Telephone access (Listening only)

- Dial: (470) 250 9358 or (646) 558 8656
- Enter webinar ID: 897 5681 1441

The Public may access this meeting at:

- <https://us02web.zoom.us/j/89756811441>

For those that wish to view, but are not participating, the Live Stream can be seen on the City of Norwalk YouTube channel: [norwalkct.org/youtube](https://www.norwalkct.org/youtube)

This meeting will also be recorded and a copy of the audio recording will be posted on the City’s website within seven (7) days after the meeting.

Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting to skleppin@norwalkct.org *For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time*

NOTE: Due to the large size of the files for the above Merritt 7 Station LLC et al applications, application materials can be found at the following link: <https://www.norwalkct.org/1746/Applications-Pending>

CITY OF NORWALK
ZONING COMMISSION – SPECIAL MEETING
May 20, 2020

PRESENT: Louis Schulman, Chair; Galen Wells; Richard Roina; Joshua Goldstein; Stephanie Thomas; Nicholas Kantor; Frank Mancini; (after the roll call) Rod Johnson and Michael Witherspoon

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Liz Suchy; Georgina Rucker; Dominique Johnson; Tyson Canevari; Willa Jefferson; Clarence Boden; Jacquen Jorden-Byron

I. CALL TO ORDER

Mr. Schulman 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. Schulman explained noted that the public hearing was a continuation from the last Zoning Commission hearing.

III. PUBLIC HEARINGS

a. #1-20R – Zoning Commission – Proposed amendments to establish a 12 month moratorium on certain uses in Industrial #1 zone including building material and storage yards, contractor’s storage yards and single and two family dwellings - Continue public hearing from May 11

Mr. Schulman explained how this was held open from the last Zoning Commission due to the COVID0-19 so that the commissioners could hear from the public further.

Mr. Kleppin gave a brief history about the contractor’s yards in Norwalk. He noted that although there are many legal ones, that are also many illegal ones. Since the city is about to embark on a study of their industrial zones that thought that it was important to place a moratorium on uses in those zones while the study is being done. He explained what that meant for pending applications. He also explained the differences between different types of contractor’s yards.

Mr. Schulman explained how to speak during the public hearing on Zoom and from a telephone. He also reminded people to not use foul language. He also noted that if anyone had spoken at the previous meeting they would not be allowed to speak again. If they wished to add additional comments, it would have to be in an email or letter to the Zoning Department.

Atty Suchy began her presentation by noting that she was reading comments from some of her clients who had contractor’s yards in Norwalk. She also noted that several of them had written comments which should be part of the file. She noted that this moratorium would hurt their businesses. She also referenced the Plan of Conservation and Development (POCD) throughout her comments. She asked that they reconsider the moratorium, especially since many of them were struggling during the pandemic. She noted that the problem was with the illegal contractor’s yards and that her clients should not be penalized. She made a suggestion that those who had been longstanding contractor’s yards in Norwalk should be allowed to expand and not be held under the moratorium.

Mr. Schulman noted that the moratorium was not being done to put any of them out of business. They would like to consult with these businesses during the study in order to see how they could make the process better.

Mr. Kleppin reviewed again how the process would work for applications that were currently in the Zoning Department. He said that he was only aware of one application that was pending. It was completed but not approved at this point.

There was a discussion about expanding contractor's yards and whether ones that are already in business should be exempt under the moratorium.

Georgina Rucker, 25 Chestnut Street, Unit 28 spoke in support of the moratorium. She said that the study should be done first.

Dominique Johnson, Common Council member, began but then had a problem with Zoom and could not continue. Mr. Kleppin then referenced letters of support or against the moratorium for the record which the Zoning Department had received. Ms. Johnson said that she supported the moratorium since she had heard from many constituents in South Norwalk that they would like to have the study completed first. There were many issues including health and economic ones.

Tyson Canevari, a landscaper in Norwalk, asked if the Zoning Department had plans for more enforcement officers. Many illegal contractors' yards were run at private homes. Mr. Kleppin explained how they prioritized the work in the city and how they had streamlined processes. He also explained the enforcement process as well. He noted that the problem had gotten worse over time. There was a discussion about what actions the city could take. Mr. Kleppin also explained that previous to the enforcement process, complaints were handled by Corporation Counsel.

There was another discussion about the Industrial Zone study which the community would be a part of. The contractor's yard owners would also be a part of the study as well. There was also a concern about whether the moratorium would leave contractors to open a yard illegally.

Willa Jefferson, 22 Cottontail Road, spoke in support of the moratorium. She also asked when the Industrial Zone study would start and whether there would be public hearings for it. Mr. Schulman explained the process.

Clarence Boden, Lexington Avenue, spoke about a contractor's yard that was around the corner from his house. It was suggested that this type of behavior be reported to the city.

Jacquen Jorden-Byron said that she was speaking on behalf of children who could not speak at this meeting. She noted that this would be affecting their quality of life but they could not vote. Environmental factors were affecting children of color during this pandemic. These environmental factors led to asthma and other medical conditions. In South Norwalk, there is a fair share of legal and illegal contractor's yards. She said she was in support of the moratorium. She thought that the laws should be tightened and enforced.

There was a discussion about who was being held responsible for violations at the contractor's yards. Mr. Kleppin noted that fines were levied on the owner of the property. Sometimes there were problems because of issues between the owner of the property and the owner of the contractor's yards.

Mr. Schulman closed the public hearing since there were no other speakers.

IV. REVIEW AND ACTION ON PENDING APPLICATIONS

a. Action on Item III. a.

#1-20R – Zoning Commission – Proposed amendments to establish a 12 month moratorium on certain uses in Industrial #1 zone including building material and storage yards, contractor's storage yards and single and two family dwellings - Continue public hearing from May 11

Mr. Schulman asked each of the commissioners about the moratorium. Mr. Roina said that the moratorium was appropriate for new applications. However, he did think that current businesses should be exempted if they had no violations. Mr. Kantor agreed with him. Ms. Thomas thought there should be more enforcement and the community should let the Zoning Department know about illegal ones. She also noted that the community had already born the pain of these illegal yards so that they could contact the study. Mr. Witherspoon spoke in support of the moratorium. Mr. Johnson agreed with the commissioners who had spoken before him. He wondered if the moratorium could be done in a shorter amount of time. Mr. Mancini spoke in support of the moratorium and noted that they were supporting both the business owners and the citizens. Mr. Goldstein agreed with Mr. Johnson about the amount of time for the moratorium but was in support of it. Ms. Wells was in support of the moratorium and knew it would be necessary for the study. Mr. Schulman asked how long the study would take. Mr. Kleppin said it would be around 12 months. He noted that it could be extended, if necessary. They could review it in the spring 2021.

**** MR. WITHERSPOON MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled "#1-20R – Zoning Commission – Proposed amendments to establish a 12 month moratorium on certain uses in Industrial #1 zone including building

material and storage yards, contractor's storage yards and single and two family dwellings", be **APPROVED**.

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

1) Chapter 3, Goal 2 Aiii. Study industrial zoning and update zoning and land use regulations to allow and encourage a wider set of uses in targeted industrial zones, focused on market opportunities in warehouse/logistics, brewing/distilling, artist/artisan uses and other light industrial uses that do not have detrimental externalities on nearby areas; and

2) Chapter 12, Goal 3 Aii. Prepare a study to evaluate the industrial zoning districts against modern industrial requirements, market demand, future trends, and economic development goals. Create refined performance standards and update the use table (e.g. allow by-right warehouse and wholesale distribution facilities, boutique manufacturing, clean industry, etc.); and

3) Chapter 12, p. 239. No heavy industry or residential uses. Contractor yards for processing erodible materials should be limited and held to strict performance standards, if permitted.

BE IT FURTHER RESOLVED that the effective date of this action be May 29, 2020

Ms. Thomas seconded.

Louis Schulman; Galen Wells; Richard Roina; Joshua Goldstein; Stephanie Thomas; Frank Mancini; Rod Johnson; Michael Witherspoon

No one opposed.

Mr. Kantor abstained.

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 for 1 year extension of time – Report & recommended action

Mr. Schulman noted that the applicant was asking for a 1 year extension since they are working with the state to purchase land. The purchase could change the scope of the project so the extension was necessary.

**** MS. WELLS MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for 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 approval of 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 February 16, 2018 as revised to March 7, 2018 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 April 13, 2021; and

BE IT FURTHER RESOLVED that the effective date of this action be May 29, 2020.

Mr. Witherspoon seconded.

Louis Schulman; Galen Wells; Richard Roina; Joshua Goldstein; Stephanie Thomas; Nicholas Kantor; Frank Mancini; Rod Johnson; Michael Witherspoon approved.

No one opposed.

No one abstained.

b. #3-18SPR/#6-18CAM - Petro Home Services - 55 Concord Street – Request for release of surety – Report & recommended action

Mr. Schulman said that all required paperwork had been submitted so the surety should be released.
**** MR. SCHULMAN MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the request to release the surety bond for permit #3-18SPR/#6-18CAM - Petro Home Services - 55 Concord Street be **APPROVED** as all improvements have been completed and properly maintained; and **BE IT FURTHER RESOLVED** that the effective date of this approval shall be May 29, 2020.

Mr. Witherspoon seconded.

Louis Schulman; Galen Wells; Richard Roina; Joshua Goldstein; Stephanie Thomas; Nicholas Kantor; Frank Mancini; Rod Johnson; Michael Witherspoon approved.

No one opposed.

No one abstained.

V. REVIEW AND ACTION ON NEW APPLICATIONS

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

Mr. Baker noted that the applicant wanted to postpone until the next meeting so they could respond to the Zoning Department's comments.

b. #1-20M - Merritt Station Norwalk, LLC et all - 67, 69, 79, 87, 111, 117, 129, 135, 155, 156 & 201 Glover Avenue and 2 Oakwood Ave - Proposed change to the zoning map from AAA Residence and Business #2 zone to entirely Executive Office zone - For distribution only and c. #2-20R - Merritt Station Norwalk, LLC et all - Proposed amendments to add a new definition for Executive Office Development Park and to permit the new use in the Executive Office zone and related technical amendments - For distribution only and d. #2-20SPR - Merritt Station Norwalk, LLC et all - 67, 69, 79, 87, 111, 117, 129, 135, 155, 156 & 201 Glover Avenue and 2 Oakwood Ave – Site plan review of propose Master Plan for Executive Office Development Park - For distribution only

Mr. Kleppin noted that the materials had been sent to the commissioners previously. There would be a special meeting the following week for this large application. The applicant would be available. A staff memo would go the commissioners on Friday. Mr. Schulman said that it was a large building as well as a large project so that they would need time to review it.

VI. OUTDOOR DINING: Discussion of outdoor dining

Mr. Kleppin began the presentation by noting that the state had allowed outdoor dining only for restaurants, starting on May 20, 2020. The Zoning Department had begun an online permitting process. There had been many issues that they addressed. Tents would be allowed. They had already approved 32 businesses for outdoor dining.

VII. EAST NORWALK TOD: Status report

Ms. Thomas began the presentation with a report from the committee meeting. They were in the final stages of approving the plans which would be incorporate din the POCD. Issues had been raised from the East Norwalk Neighborhood Association and the Department of Public Works. Neighbors are reluctant to see added density from more apartment units which would cause traffic. Mr. Kleppin said that they had reviewed all of the comments and agreed that there was an issue on the density. The majority of the committee is in favor of what was proposed. He noted that there would probably be a public hearing on it at the end of June.

VIII. INDUSTRIAL ZONES: Status report

Mr. Kleppin did not have anything more to report, other than passing it through the Common Council.

IX. APPROVAL OF MINUTES: May 11, 2020 Special meeting

**** MR. JOHNSON MOVED to approve the May 11, 2020 Zoning Commission - Special Meeting minutes, as corrected.**

Mr. Mancini seconded.

Louis Schulman; Galen Wells; Richard Roina; Joshua Goldstein; Stephanie Thomas; Frank Mancini; Rod Johnson; Michael Witherspoon

No one opposed.

Mr. Kantor abstained.

X. COMMENTS OF DIRECTOR

There was a discussion about the Zoning Regulations re-write. Mr. Kleppin said that it was still in process. There was also a discussion about the enforcement process. Mr. Kleppin noted that there are a lot of steps involved. He said more of the staff are involved. He would provide them with a list of violations and complaints so that they could discuss it further.

There was a discussion about the next Zoning Commission meeting for June 17, 2020.

XI. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

XII. ADJOURNMENT

Ms. Wells made a Motion to Adjourn.

Mr. Mancini seconded.

Louis Schulman; Galen Wells; Richard Roina; Joshua Goldstein; Stephanie Thomas; Nicholas Kantor; Frank Mancini; Rod Johnson; Michael Witherspoon approved.

No one opposed.

No one abstained.

The meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Diana Palmentiero