CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
November 6, 2024

PRESENT: Nick Kantor, Chair; Louis Schulman; Tammy Langalis; Diana Lenkowsky; Chapin Bryce; Richard Roina (after roll call); Hector Pachas and Darius Williams (arrived at 6:17 pm); Ana Tabachneck (arrived at 7:08 pm) Jacquen Jordan-Byron (left the meeting at 7:27 pm)

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Theodore Garbera; Atty Adam Blank; Vincent Hynes; Ray Sullivan; Earl Goven; Angela Valenton;

I. CALL TO ORDER

Mr. Kantor called the meeting to order at 6:04 p.m. It should be noted that this meeting was held on Zoom.com with participants calling in, separately.

II. ROLL CALL & SEATING OF MEMBERS

Mr. Kleppin called the roll.

III. REVIEW & ACTION ON APPLICATIONS

a. #2024-53 SPR – Jona Godoi – 3 Raymond Terrace (District 3, Block 13, Lot 48) – Site plan review for detached accessory dwelling unit within existing garage – Report & recommended action

Mr. Kantor decided to move to the next application as this applicant was not present at the meeting, nor did the applicant ever appear.

b. #2024-61 – On Point Archery – 170 Main Street (District 1, Block 91, Lot 1) – Proposed Commercial Recreation use within existing building – Report & recommended action

Theodore Garbera, the applicant, explained the archery range business that he would like to start in Norwalk. He said that there is nowhere in Fairfield County to practice archery. He has a completed parking and traffic management plan. The range would be in the basement. He explained the size of the business including the first floor and the basement.

Mr. Baker said that the parking plan had been approved by Transportation, Mobility and Parking (TMP).

Mr. Garbera described the safety features and what he would do in an emergency. There would also be video surveillance on premises. Guests would have to pass archery safety courses before they could use the range. There was also a discussion about the ages of the guests. Mr. Garbera said that they would allow kids who would have to be supervised by an adult. He said that his children learned archery when they were younger. There was also a discussion about the other businesses in the plaza.

**** MS. LANGALIS MOVED: THEREFORE, BE IT RESOLVED** that the application for On Point Archery – 170 Main Street (District 1, Block 91, Lot 1) – Proposed Commercial Recreation use within existing building be **APPROVED**.

Mr. Chapin seconded.
Nick Kantor; Louis Schulman; Tammy Langalis; Chapin Bryce; Richard Roina; Hector Pachas and Darius Williams approved.
No one opposed.
No one abstained.

Diana Lenkowsky was not seated for this application. Mr. Kantor seated her for the rest of the meeting.

Mr. Garbera said that there is also a Main Street Stroll in December and he hoped that his business would be open for this.

c. #2024-48 SPR/CAM – 153 East Avenue LLC – 153 East Avenue (District 1, Block 52, Lot 34) – Coastal site plan review to convert the second and third floor use of an existing office building to 18 dwelling units – Report & recommended action

Atty Adam Blank, the attorney for the applicant, introduced the project team. He then oriented the commissioners as to the location of the property on an aerial map. He then explained the project and noted that this is also a coastal area management application. He then noted which sign-offs they had received from the city's departments. He showed them pictures of the current building and noted that there are almost no pervious surfaces. For the project, they would create more of them. He described what they would be planting. They are quite a distance from the water and there would be no adverse impacts.

Vincent Hynes, the engineer on the project, continued the presentation by showing them the site plans. He described the impervious surfaces and noted that there are no formal catch basins.

Ray Sullivan, the architect on the project, showed them pictures of the exterior of the building. He did note that the renovation is on the interior of the building. He then showed them renderings of the exterior of the building which would also be renovated. He described the three floors and showed them the plans. He began with the first floor which would be offices. He discussed the redesign of the entryways.

Earl Goven, the landscape architect, continued the presentation by showing them the landscape plan which included more trees, lighting fixtures, lawn, etc. There will also be seating areas and an outdoor recreation lawn. There was a discussion about the sidewalk.

There was a discussion about placing solar panels on the roof. Mr. Kleppin said that since this is not a new build, it would be harder to enforce. Atty Blank said that solar panels would not be feasible and they would not qualify for the Eversource program. He said that the commission did not have authority to require it.

There was a discussion about the office hours of the building. There were concerns about those on the first floor in the offices and how they could access the second and third floors.

There was a discussion about the sidewalks regrading or whether it would remain the same. Mr. Hynes said that sections of the sidewalk would be replaced, including where the curb cuts are. There was also a discussion about the screening of the new mechanicals on the roof. Atty Blank said that this was a condition of approval which the applicant did not have a problem with.

Atty Blank discussed a Planning and Zoning Department staff memo dated October 23. He noted that the use was as of right; however, if they kept it the same it would be legally non-conforming. He then explained that they had made changes to the site for coverage. He said that they had addressed the bullet points in the staff memo. He said that a third party design review was not necessary but if the commission thought it was, they would pull the design changes from the application. He discussed the amount of change of the impervious surface. He also discussed a snow shelf for the sidewalk which would cut into the landscaping that they had planned. He then discussed the definition in the regulations for non-conforming structure. He reminded them that they had added landscaping to comply with current regulations. He discussed two conditions of the resolution that he had concerns over. One was submitting a revised site plan and the other was compliance with private landscaping standards. He believed that their revised documents satisfied those conditions.

There was a discussion about workforce housing and Atty Blank said that there are 2 units. They had submitted a plan for it. There was a discussion about the impervious mitigation plan, as well as whether this application would apply to the other property. Atty Blank said that there were complications with the bank.

Ms. Langalis thought this was a good reuse of a building but wished it would have been condos.

**** MR. ROINA MOVED: THEREFORE,BE IT RESOLVED** that application #2024 – 48 SPR/CAM– 153 East Avenue, LLC – 153 East Avenue – Convert the second and third floor use of an existing office building to 18 dwelling units (2 WFH units) be **APPROVED** subject to the following conditions:

1. That the building and site will be occupied in accordance with the following plans:

a. Per site development plan dated 8/27/2024 and revised 10/10/2024 prepared by Redniss & Mead, Stamford, CT as revised by City Staff comments; and

b. Per site improvement plan dated 7/16/2024 and revised 10/9/2024 prepared by Blades & Goven, Fairfield as revised by City Staff comments, CT; and

c. Per landscape plan dated 8/23/2024 and revised 10/9/2024 prepared by Blades & Goven, Fairfield, CT as revised by City Staff comments; and

d. Per architectural plans dated 7/2/2024 prepared by The Sullivan Architectural Group, Milford, CT; and

2. That any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and

3. That all department sign-offs are obtained prior to issuance of any Zoning Permits; and

4. That any and all conditions from WPCA are applied to this approval; and

5. That any and all conditions from DPW are applied to this approval; and

6. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and

7. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

8. That the proposed oil-grit separator be installed and maintained; and

9. That the applicant submit a revised site plan depicting compliance with section 4.3.12.C.18 of the regulations as it relates to landscaped islands and shade trees; and

10. That the applicant maintains the landscaping and striping in accordance with the Staff approved plan; and

11. The applicant comply with section 4.3.16 (Private Landscaping Standards) and table 4.3.1-E (screened parking area); and

12. Any dead plantings must be replaced in accordance with the approved landscape plan consisting of native plants; and

13. Should any building façade material become damaged or deteriorated, the applicant and future owners shall repair the damage or deterioration within thirty (30) days' notice from the City; and

14. That any new rooftop mechanicals be entirely screened, not just from street view; and

15. That all signage, existing, and proposed, be in compliance with the zoning regulations; and

16. That the applicant's lighting be fully shielded from neighboring property; and

17. That prior to obtaining a Certificate of Zoning Compliance, a final workforce housing affordability plan, shall be approved by Staff, showing a total of two (2) workforce housing units, evenly disbursed throughout the building, including deed restricted documents shall be filed on the Norwalk Land Records; and

18. All such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 6.12 Workforce Housing regulations; and

19. Nothing in this permit shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the City of Norwalk, State of Connecticut, or the Government of the United States, including any approval required by the Connecticut Department of Environmental Protection and U.S. Army Corps of Engineers- obtaining such assents, permits or licenses is the sole responsibility of the applicant; and

BE IT FURTHER RESOLVED that this proposal complies with all applicable sections of the Zoning Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that this the preceding conditions and modifications of this application are integral to the Commission's approval because, if not for those conditions and modifications, the Commission would have denied this application.

BE IT FURTHER RESOLVED that the effective date of this approval shall be November 15th, 2024.

You must obtain a zoning approval and a building permit prior to any work on the site. A building permit must be obtained within five (5) years of the effective date of this approval, or it automatically becomes null and void.

Ms. Langalis seconded.

Mr. Kantor said he agreed with Ms. Langalis about the re-use of the building, the curb cuts and that it showed how the revised regulations were working. Mr. Kleppin asked that conditions #9 and #11 remains in the resolution. Mr. Roina agreed with Ms. Langalis and Mr. Kantor but had concerns that there were two contiguous properties and the resolution would only apply to one. Mr. Bryce said that he agreed with the other commissioners and supported this project. Mr. Roina and Ms. Langalis agreed with the changes.

Nick Kantor; Louis Schulman; Tammy Langalis; Diana Lenkowsky; Chapin Bryce; Richard Roina; Ana Tabachneck approved.
No one opposed.
Hector Pachas abstained.

d. #2024-51 SP – MPAS Moving CT LLC – 215 Dr. Martin Luther King Jr. Boulevard (District 5, Block 82, Lot 249) – Special permit for a commercial vehicle storage yard use – Report & recommended action

This item was no longer on the agenda because it was withdrawn.

e. #2024-32 SP – Angela Valenton – 5 Blackberry Lane (District 5, Block 45, Lot 134) – Special permit for a rest home use – Preliminary review

Angela Valenton began the presentation by explaining why they were opening a rest home. She explained that they have bought a house for the elderly and disabled to take care of them. She has been a nurse for 19 years. She told a story of how one of her patients had a parent that she could not take care of. She has received an approval from the Department of Social Services. She also explained that there is a demand for this type of facility. She also said that they would be approved for three residents. She noted that it is expensive to hire a private aide. She explained the proposed services that they would provide.

There was a discussion about the number of beds and whether the facility would be financially viable, as well as what the state would allow. The letter of intent stated that it was the intention for a 6 bed facility.

Ms. Valenton said that she and her husband lived in the house who will take care of the residents. She said that they would receive money monthly from the state for each resident. She also discussed differences between group homes and assisted living.

Mr. Kleppin said that they had a similar project a few years ago. There had been one complaint, but none recently.

Ms. Valenton said that they would only be caring for the residents but they would consider hiring others, if necessary. She and her husband would have shifts, especially at night. There were concerns about these shifts for two people.

IV. DISCUSSION

a. Zoning Regulations Revisions per Staff Recommendations

Mr. Kleppin said that the referrals had gone out. They were planning on a December 4th public hearing. There would be three applications for the commissioners to vote on.

b. 2025 Meeting Calendar

At this point, they reviewed the 2025 Planning & Zoning meeting calendar. Mr. Kantor said that members of the public could send comments and questions to the staff. It would be voted on at the next meeting.

There was then a discussion about a public hearing scheduled for November 20. Mr. Baker said that the sign was not in the proper place therefore, it was not compliant. The public hearing would be delayed.

V. COMMENTS OF DIRECTOR

Mr. Kleppin said that the draft of the affordable housing plan should be out on Friday which would be sent to the commissioners on Friday, November 8. He said that they might have a joint meeting with the Common Council so that the consultant would only have to present once.

Mr. Kleppin explained the staffing in the enforcement area. They hoped to have an increase in staff at the beginning of December. They also hired a second hearing officer. He discussed how they prioritize complaints. There was a discussion about the Zoning Department's authority to inspect. Mr. Kleppin said that they have no authority when it is private property. There are other avenues, such as the courts, that they can use to allow an inspection.

There was a discussion about enforcement for the Aquifer Protection Agency. Mr. Kleppin said he would check since he did not know the status of it.

There was a discussion about a letter from the Mayor about the reduction in parking in the revised regulations. Mr. Kleppin said that they could do an analysis of the area in question and explained the approach they would take. He also said that none of the projects had been fully constructed under the new regulations.

VI. COMMENTS OF COMMISSIONERS

Mr. Schulman said that he had attended a press conference that the city had received a Federal grant of $14 million for MLK Drive and the streets around it. They would break ground by August 2025.

There was also a discussion about additional training for the commissioners. Mr. Kleppin said that he had sent an email to Mr. Coppola and hoped to have an answer by the next meeting.

Mr. Bryce discussed some of the changes that he suggested for the regulations, such as adding hyperlinks to the Table of Contents so that someone could go to that section. Mr. Kleppin explained how they were working on making tables for the various zones which would be published soon.

Ms. Langalis asked about the flood related 25%, 5 year look back rule and whether residents were happy or unhappy with it. Mr. Kleppin said that there have not been any complaints about it. He said that they had received complaints under the old regulations.

VII. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.
Mr. Bryce seconded.
Nick Kantor; Louis Schulman; Tammy Langalis; Diana Lenkowsky; Chapin Bryce; Richard Roina; Hector Pachas and Darius Williams; Ana Tabachneck approved.
No one opposed.
No one abstained.

The meeting was adjourned at 7:46 p.m.

Respectfully submitted,

Diana Palmentiero