CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
October 19, 2022

PRESENT: Louis Schulman, Chair; Richard Roina; Galen Wells; Nick Kantor; Mike Mushak; Jacquen Jordan-Byron; Tammy Langalis; Hector Pachas; Steve Ferguson; Darius Williams

STAFF: Steve Kleppin; Bryan Baker; Michelle Andrzejewski

OTHERS: Paul Madden; Matt Seebeck; Craig Flaherty; Shannon Zwick; Eric Rains; Neil Olinski; Atty Liz Suchy; Wayne D'Avanzo; Atty Chris Russo

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:01 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. REVIEW & ACTION ON APPLICATIONS

a. #3-19SP/#3-19SPR/#6-19CAM – Marco Perry – 3 & 5 Raymond Street – Request to release bond for the renovation of +/- 3,648 square foot building for reuse as two residential dwelling units and one artist live/workspace – Report & recommended action

Mr. Baker began the presentation by noting that under their permit, they had to have a bond for erosion control. The certificate of occupancy has been issued so the applicant is asking for the release of the erosion bond. Mr. Pachas was asked to vote on this item.

**** MS. LANGALIS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #3-19SP/#3-19SPR/#6-19CAM – Marco Perry – 3 & 5 Raymond Street – Request to release bond for the renovation of +/- 3,648 square foot building for reuse as two residential dwelling units and one artist live/workspace be **APPROVED**.

Mr. Pachas seconded.
Louis Schulman; Richard Roina; Galen Wells; Nick Kantor; Mike Mushak; Jacquen Jordan-Byron; Tammy Langalis; Hector Pachas; Steve Ferguson approved.
No one opposed.
No one abstained.

b. #21-15SP/#26-15CAM & #22-15SP/#27-15CAM – Norwalk Land Development LLC/Brookfield Properties (The SoNo Collection) – 100-101 North Water St (aka 1 Putnam Avenue and 63 West Ave/Pine St Ext) – Request to modify approved signage manual for the SoNo Collection – Report & recommended action

Mr. Kleppin reminded the commissioners that the SoNo Collection has a separate sign manual which they are requesting to be modified.

Paul Madden began the presentation with two new requests for the sign manual. The first request is from Bloomingdales that would like a presence on the exterior of the mall. One was to have an anchor identity sign. He gave the dimensions and showed them a rendering of what they were proposing and where it would be placed. Nordstrom's would also like a presence at West Avenue so that drivers would know where it was located in the parking lot. Another sign they were proposing was for an art mural. The last request was for an increase of retail identity signs.

There was a request for the removal of two signs on the north side. Mr. Madden said that one sign has been leased to someone so that they could not do that at this time. Bloomingdales would like to have exposure on the I-95 side. There was a discussion about whether the new signs would be LED. Mr. Madden said that they would be halo lit. There would not be any exposed LED. There was also a discussion about how long the signs would be left on.

**** MR. MUSHAK MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that #21-15SP/#26-15CAM & #22-15SP/#27-15CAM – Norwalk Land Development LLC/Brookfield Properties (The SoNo Collection) – 100-101 North Water St (aka 1 Putnam Avenue and 63 West Ave/Pine St Ext) – the request to modify the approved signage manual for the SoNo Collection be **APPROVED.**

Mr. Roina seconded.

Mr. Mushak said that he was in favor of anything that could help business at the SoNo Collection, especially in light of the number of billboards on I-95. If it could increase chances of customers stopping at the mall, it was to be encouraged. Mr. Ferguson noted that he had had concerns about the signage when it had been brought to the Planning Commission but now agreed with Mr. Mushak's comments.

Louis Schulman; Richard Roina; Galen Wells; Nick Kantor; Mike Mushak; Jacquen Jordan-Byron; Tammy Langalis; Darius Williams; Steve Ferguson approved.
No one opposed.
No one abstained.

Matt Seebeck explained the financial condition of the mall. He said they welcome all types of businesses into it. Mr. Seeback was asked about the percentage of occupancy which he said was over 90%.

IV. PUBLIC HEARINGS

a. #2022-28 CAM/SPR – 32 Knight Street Property LLC – 32 Knight Street (District 1, Block 68, Lot 8) – Exterior and interior renovation of existing building with medical office tenants including the demolition of the rear half of the building and other associated site improvements

Mr. Schulman noted that they do not have the traffic information which the Commission is required to have. They would have the applicant make their presentation and then open the hearing up to public comments. The public hearing would be held open until the next meeting so that the traffic study could be presented. Members of the public could speak at that meeting as well but only on the traffic study. Mr. Schulman then went over the rules of the public hearing.

Craig Flaherty began the presentation with an introduction of the project team. He then discussed the proposed project. He then oriented the commissioners as to the location of the property on an aerial map. He noted that it was the site of the Lillian August building which has been vacant for a year. It would be a medical office. The building would be retrofitted for this use. He then showed them a rendering of the proposed use, including parking spaces. He discussed the curb cuts, including one that would remain on North Avenue. They are working with TMP on a final review. He then discussed a timeline of the application's signoffs which they have already received. There are bike racks at two locations on the property. Signage was not part of the application and would be completed after this application had been approved. There would be significant stormwater improvements. He showed them the floor plans of the building.

Shannon Zwick, the architect on the project, continued the presentation, explaining the high walls which would help the massing of the building. They would help hide the mechanicals on the roof of the building. She also discussed the materials to be used. She then discussed the rotunda of the building. She also discussed the rain gardens in the rear of the building.

Eric Rains, the landscape architect on the project, continued the presentation with a discussion of the types of plantings on the property. There would be canopy trees planted on the property.

Neil Olinski, the traffic engineer, gave a brief overview of the traffic study since TMP has not completed their full review. He explained that they had been requested to do traffic counts when school was in session. They had to wait until September when school started again.

There was a discussion about the Planning and Zoning staff report which included a request for solar panels. Mr. Flaherty said that the tenant was interested in it but that it was not something they could commit at this time. He also said that there were workarounds. Another item was a suggestion to improve the bus stop on the property. A bench would be added to the northeast corner of the site.

Mr. Flaherty said that a not-for-profit company, Hartford Healthcare, would be the tenant in the building. The building would only be used for outpatient services. There was a discussion about a brick wall facade on Knight Street which would be preserved on the edge of the property. It had been approved by the Norwalk Historical Commission. There would be signage about the history of the facade placed near it. There was a discussion about adding some trees to frame the rotunda.

At this time, members of the public were asked to speak on this application but there were none.

Mr. Schulman explained that this public hearing would be held over until November 3 at 7 pm at a Special Meeting of the Planning and Zoning Commission.

i. Action on IV.a. #2022-28 CAM/SPR

No action was taken on this matter at this meeting.

b. #2022-41 MV/SP – Andrea Restoration LLC – 8 Van Tassell Court – Proposed motor vehicle repair use in a portion of an existing building

Mr. Schulman explained the rules of the public hearing for members of the public that would like to speak on this application.

Atty Liz Suchy began the presentation with an introduction of the project team. She also noted that the Planning and Zoning Department had received the certified, return receipt cards evidencing notice of the public hearing to the abutting neighbors. She then oriented the commissioners as to the location of the property. At this point, she then showed them photos of the current property. She then explained the proposed application.

Wayne D'Avanzo continued the presentation with a description of the proposed landscaping plan. The traffic flow would be changed to one way in and one way out. He noted that there would be a wall that would no longer be in the right of way.

Atty Suchy noted that the application had to go before the Zoning Board of Appeals, first in the approval process.

There was a discussion about whether the state revoked their lease of the 17 of the 21 parking spaces. Mr. D'Avanzo said that the spaces would have to be reconfigured. There was also a discussion about residences in this area on Van Tassell.

At this time, members of the public were asked to speak on this application but there were none.

Atty Suchy noted that she had not received any comments from the neighbors after the notices had been sent out.

Mr. Roina recused himself from voting on this application. Mr. Schulman closed the public hearing.

i. Action on IV.b. #2022-41 MV/SP

**** MR. FERGUSON MOVED: THEREFORE, BE IT RESOLVED** that the application #2022-41 MV/SP – Andrea's Restoration, LLC – 8 Van Tassell Court – Proposed motor vehicle repair use in a portion of existing building be **APPROVED** subject to the following conditions:

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

a. Per Zoning Location Survey entitled "Andrea Restoration" dated 9/2/2021 prepared by Arcamone Land Surveyors, LLC

b. Per engineering plans entitled "Andreas Restoration Site Plan" dated 5/29/2021 prepared by Fairfield County Engineering, LLC

c. Per floor plan design entitled "8 Van Tassell Court" dated 6/14/2022

2. That all City storm-water management requirements are met; and

3. That all repairs shall be conducted within the building; and

4. That the applicant shall maintain the landscaping and parking striping in accordance with this approval; and

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

6. That there shall be no outdoor storage of parts or auto carcasses; and

7. That there shall be no on-street parking of repaired vehicles or vehicles pending repair; and

8. That there shall be parking only in the designated parking spaces; and

9. That the drainage system be maintained yearly, in accordance with DPW standards; and

10. That all signage, existing, and proposed, be in compliance with the Zoning regulations; and

11. That a Special Permit Certificate and mylar map of the approved site plan shall be filed with the Town Clerk prior to the issuance of a zoning permit; and

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

13. That all conditions from DPW are applied to this approval; dated 9/2/2022; and

14. That all conditions from TMP are applied to this approval; dated 9/19/2022; and

15. That this approval is subject to Section 118-1460 of the Zoning Regulations; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be October 28th, 2022.

Mr. Mushak seconded.

There was a discussion as to whether this was for only passenger vehicles or for trucks. Mr. Kleppin clarified that there would not be any repairs outside the building so that there would only be repairs on vehicles that fit inside the building.

Louis Schulman; Darius Williams; Galen Wells; Nick Kantor; Mike Mushak; Jacquen Jordan-Byron; Tammy Langalis; Hector Pachas; Steve Ferguson approved.
No one opposed.
No one abstained.

c. #2022-35 Subd/CAM – 22 Lowndes Avenue LLC – 22 Lowndes Avenue – Twolot subdivision with proposed private road

Mr. Schulman opened the public hearing.

Atty Chris Russo began the presentation by asking for a continuance of this application. They have asked the City's corporation counsel for a legal opinion. There was a discussion about extending this application. Atty Russo said they would waive the statutory requirements. He said that he had spoken with Atty Coppola directly which Mr. Kleppin said it did not seem to be an appropriate protocol. He also said he was submitting materials to Atty Coppola to see whether he could render an opinion. There was then a discussion as to when this application would be on their next agenda.

i. Action on item IV.c. #2022-35 SUBD/CAM

This item would be held over to another Planning and Zoning Commission agenda.

d. #2022-09 R/M – Planning & Zoning Commission – Zoning regulations text amendment to Article 10, Definitions; Article 50, Use Regulations Controlling Business Zones; Article 70, Use Regulations Controlling Industrial Zones; Article 120, Off Street Parking and Loading Regulations; and the Schedule Limiting Height and Bulk of Buildings, Commercial and Industrial to amend the allowed uses in the Industrial #1 Zone and create the Industrial #2 Zone in conjunction with a zoning map amendment to re-zone properties as shown on the map entitled "Map of Norwalk Industrial Zone Changes," in accordance with the recommendations provided in the Norwalk Industrial Zones Study dated September 2021 – Continued for the purposes of rebuttal only, no additional public comments to be heard

Mr. Schulman reminded everyone that there would be no further public comments. He asked that Mr. Pachas be the voting member on this item since Mr. Williams had not reviewed the video from the previous meeting. Mr. Roina had watched the video.

Mr. Kleppin gave a brief overview of the proposed amendments, including additional uses to consider. There was a discussion about the boat storage usage from Mr. Roina which Ms. Langalis supported. The other commissioners agreed with their comments as well. There was further discussion about the exact wording of the language. Other items they were asked to consider was office use, and vocational/trade school use. There was also a discussion about the commercial vehicle storage yard as well as the clarification of the vehicle weight of 26,000 lbs. There was a discussion about map changes including Neighborhood Business, Industrial 1, etc. There was also a discussion about the nonconformities clause. Ms. Jordan-Byron asked for a map that showed a better visualization of the area. Mr. Kleppin used an aerial map to show this visualization. There was a discussion about some parcels that are in 2 different zones. There was also a discussion about whether some of the proposed changes would actually not change the zones. There was also a discussion about how the school zone change in that area had affected these proposed changes.

There was a discussion about whether Mr. Ferguson should recuse himself because of financial consideration of his clients at the bank where he works. He said that he would not recuse himself from this application.

At 8:45 pm the commissioners decided to take a 10 minute break. They resumed at 8:55 pm.

There was a discussion about the necessity of language when businesses are not following the regulations. Mr. Schulman noted that there are regulations which do address what would happen if there is noncompliance. There was a request to cite the clause which would reference these regulations. There was a discussion about the relocation of a business in a residential or commercial property line. There was a discussion about items that could also be handled at a later date. There was some discussion about Chestnut Street remaining Industrial 2. Mr. Mushak said that he is not opposing these proposed regulations but to be careful what you wish for. Mr. Schulman noted that all businesses can remain in business. He thinks that there will be developers looking at these properties when they are no longer industrial.

Mr. KIeppin then showed them an aerial map of Lexington Avenue. This area was proposed to go to a D residential zone. There was a discussion about Bouton Avenue. Several commissioners believed it should remain in the Industrial 1 zone.

**** MR. MUSHAK made a motion to leave Bouton Street in the Industrial 1 Zone.**

Mr. Roina seconded.
Richard Roina; Mike Mushak; Jacquen Jordan-Byron; Hector Pachas; Steve Ferguson approved.
Tammy Langalis; Galen Wells; Louis Schulman; Nick Kantor opposed.
No one abstained.

Mr. Kleppin then showed them a zone map for Meadow Street. There was a lengthy discussion about whether this area should remain in an Industrial 1 zone. Before the motion, Mr. Kleppin said that since this was a change from the Common Council, the Planning and Zoning Commission would need a ⅔ vote to change it.

**** MR. MUSHAK made a motion to leave Meadow Street in the Industrial 1 Zone.**

Mr. Roina seconded.
Richard Roina; Mike Mushak; Hector Pachas; Steve Ferguson approved.
Galen Wells; Louis Schulman; Nick Kantor; Jacquen Jordan-Byron; opposed.
Tammy Langalis abstained.

Since there was a tie, this motion did not pass.

Mr. Kleppin then discussed the proposed changes that would affect the Norden property. The current zone is Restricted Industrial but the staff was recommending Industrial 1. There was a clarification as to the two owners of the property. There was then a discussion about whether they would be voting on these resolutions at this meeting. There was also a discussion about a possible moratorium but that would be completed at a future meeting. Mr. Kleppin suggested having a meeting with the property owners, rather than suggesting a moratorium on it. Many of the commissioners decided to accept the staff's recommended language of changing the zone to Industrial 2. Ms. Langalis asked for a list of proposed projects that have come to the Planning and Zoning Department staff.

WHEREAS, the 2019 Citywide Plan contained recommendations pertaining to the retention of industrial land, as well as analyzing and revising the City's industrial zones and the uses allowed therein;

WHEREAS, the City prepared the Norwalk Industrial Zones Study, "the Study" in response to that recommendation;

WHEREAS, a Committee to oversee the Study was comprised of members of the Zoning Commission, Planning Commission, Common Council and City Staff;

WHEREAS, the Study provided recommendations on land use, including classifications of industrial uses, the location and defining of uses deemed objectionable and incompatible with residential uses, such as contractor yards and uses that generate significant truck traffic as well as recommendations pertaining to parking, building design and building size;

WHEREAS, the Commission began the process of revising the Citywide Plan, The Building Zone Map and Building Zone Regulations on February 16, 2022;

WHEREAS, the Commission conducted subsequent discussions on these revisions on March 3, March 16 and April 7, 2022;

WHEREAS, the proposed amendments to the Citywide Plan, Building Zone Regulations, and Building Zone Map, were formally referred to WESTCOG, the Harbor Management Commission, CT DEEP and the Towns of Wilton, Darien and Westport on April 11, 2022:

WHEREAS, no comments received from these entities, raised objections regarding the proposed changes;

WHEREAS, the amendment to the Citywide Plan was referred to the Common Council on April 21, 2002;

WHEREAS, changes to the Building Zone Map were made in response to concerns raised by the Common Council related to the proposed location of the South Norwalk School;

WHEREAS, the Economic and Community Development Committee of Common Council unanimously approved the amendment to the Citywide Plan, with the changes discussed, on July 7, 2022;

WHEREAS, the Common Council unanimously approved the amendment to the Citywide Plan, with the changes discussed, on August 9, 2022;

WHEREAS, the Commission has determined that the proposed modifications are appropriate and are in keeping with the recommendations within the Citywide Plan;

WHEREAS, the Commission has determined that the proposed modifications are consistent with the recommendations within the Study: Now, therefore,

**** MS. WELLS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning and Zoning Commission, that application #2022-09 R/M, Planning & Zoning Commission, amendments to Building Zone Regulation and Building Zoning Map, regarding Industrial Zones and related revisions be **APPROVED**.

BE IT RESOLVED that the reasons for these actions are to implement the Citywide Plan:

1) Chapter 3, Goal 1AVi. Improve and maintain Norwalk's attractiveness as a business location and as a place to live for employees: the public realm, parks, infrastructure, schools, and enhanced amenities.

2) Chapter 3, Goal 2Aiii. 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.

3) Chapter 6, Goal 2Bii. As part of the zoning rewrite, amend zoning to allow for incubator and fabrication space, as well as live/ work space. Current zoning restricts what is called "boutique industrial" operations to 3,000 sf. This is too small and inflexible.

4) Chapter 12, Goal 3Ai. Rewrite the Zoning Ordinance to reflect contemporary best practices in administration and user-friendliness and to be consistent with the POCD:

· Eliminate referential language in which uses in one zone refer to uses in another zone, e.g., in the exiting code uses and structures permitted in the Industrial 1 Zone include "All uses, including special permit uses, permitted in the C Residence Zone" (70.118-700.B.1(l)).

5) Chapter 12, Goal 3Aii. Review existing zoning districts to eliminate or replace zoning districts that do not contribute to achieve the plan vision. Potential revisions include:

· 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.). Consider eliminating the LI-2 district.

BE IT FURTHER RESOLVED that these changes be effective upon adoption of the amendment to the Citywide Plan and that amendment becoming effective.

Mr. Kantor seconded.
Louis Schulman; Richard Roina; Jacquen Jordan-Byron; Hector Pachas; Steve Ferguson; Tammy Langalis; Galen Wells; Nick Kantor approved.
Mike Mushak opposed.
No one abstained.

i. Action on item IV. d. #2022-09 R/M

At this point, Mr. Kleppin shared the proposed resolution for the map change. For the record, he explained the changes that they had made at this meeting and what would be voted on.

V. DISCUSSION ITEMS

a. Accessory dwelling units letter from Economic & Community Development Committee

This item was tabled due to the fact that the meeting had run late.

VI. APPROVAL OF MINUTES:

October 6, 2022, Regular Meeting

**** MR. PACHAS MOVED to approve the October 6, 2022, Regular Meeting minutes.**
Ms. Langalis seconded.
Louis Schulman; Hector Pachas; Steve Ferguson; Tammy Langalis; Galen Wells; Nick Kantor; Mike Mushak approved.
No one opposed.
Jacquen Jordan-Byron; Darius Williams; Richard Roina abstained.

October 6, 2022, Special Meeting

**** MR. PACHAS MOVED to approve the October 6, 2022, Special Meeting minutes.**
Ms. Langalis seconded.
Louis Schulman; Hector Pachas; Steve Ferguson; Tammy Langalis; Galen Wells; Nick Kantor; Mike Mushak approved.
No one opposed.
Jacquen Jordan-Byron; Darius Williams; Richard Roina abstained.

VII. COMMENTS OF DIRECTOR

There were no comments from the director.

VIII. COMMENTS OF COMMISSIONERS

Mr. Schulman apologized that the meeting had run so late, especially since he had promised not to run long meetings. Ms. Wells proposed having only one item on the agenda when they had to discuss the re-write of the zoning regulations.

IX. ADJOURNMENT

Ms. Jordan-Byron made a Motion to Adjourn.
Ms. Wells seconded.
Louis Schulman; Richard Roina; Jacquen Jordan-Byron; Hector Pachas; Steve Ferguson; Tammy Langalis; Galen Wells; Mike Mushak Nick Kantor approved.
No one opposed.
No one abstained.

The meeting was adjourned at 10:38 p.m.

Respectfully submitted,

Diana Palmentiero