CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
October 18, 2023

PRESENT: Louis Schulman, Chair; Nick Kantor; Mike Mushak; Ana Tabachneck; Tammy Langalis; Galen Wells; Jacquen Jordan-Byron; Darius Williams; Chapin Bryce; Hector Pachas; Richard Roina (left the meeting at 7:49 pm)

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Alan Lo; Atty Darin Callahan; Atty Liz Suchy; Brenda ______;

I. CALL TO ORDER

Mr. Schulman 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

Mr. Kleppin called the roll.

III. SEATING OF MEMBERS

Mr. Schulman seated Mr. Pachas on the first application to be heard, on the second application he seated Ms. Tabachneck and for the third Mr. Bryce would be seated.

Mr. Schulman noted on the written agenda it indicated that the meeting would be hybrid but that was incorrect. He was concerned that members of the public would go to Common Council Chambers expecting to speak on the public hearing application, #2023-54 SP – Osman Hernandez – 44 Van Zant Street (District 3, Block 39, Lot 2). The public hearing would be later in the meeting to give anyone that had arrived at City Hall time to return home to be able to speak on that matter. He apologized to the applicant. Alan Lo said that the security guard was checking the Common Council chambers for anyone waiting to attend this meeting.

IV. REVIEW & ACTION ON APPLICATIONS

a. #2023-60 8-24 Referral – City of Norwalk – Calf Pasture Beach right-of-way and road reconstruction agreement, deed clarification agreement, and

declaration of restrictive covenant between the City of Norwalk and Gardella Brothers Limited Liability Company – Report & recommended action

Darin Callahan, City of Norwalk Law Department, began the presentation by noting that the application had been reviewed by a joint committee of the Department of Public Works (DPW) and Parks and Recreation Department. He began with a brief history of Calf Pasture Beach. He described the issues around the deed which had been brought to the city's attention by the Gardella family over the past several years. He then addressed the issues and proposed resolutions. He described the proposed right of way and showed it to them on an aerial map of the property. He discussed the additional easements and restrictive covenant.

There was a discussion about what would happen to the restrictive covenant if there was no site plan application within 6 years. There was a discussion about the three easements and why the Gardellas wanted them. There was also a discussion about if other departments like TMP, Parks and Recreation had any input on this. There was also a discussion about the unimproved parking lot and whether it was the Gardella property.

Atty Liz Suchy, the representative for the Gardellas, noted that Steve Kleppin, along with Atty Coppola and Atty Callahan, Atty Caffaro had worked on this resolution together for over a year and thanked everyone.

**** MS. WELLS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-60 8-24 Referral – City of Norwalk – Calf Pasture Beach right-of-way and road reconstruction agreement, deed clarification agreement, and declaration of restrictive covenant between the City of Norwalk and Gardella Brothers Limited Liability Company be **APPROVED**.

BE IT FURTHER RESOLVED that the reasons for this action are to implement the following Plan of Conservation and Development goals, policies and actions:

1. To achieve the goal that "Norwalk aims to have the best city park and recreation system in Connecticut," through the policy to, "Avoid development, encroachments or other activities that would affect opportunities for beneficial use and enjoyment of existing city parks and open space." (Chapter 7: Enhancing Open Space, Park, Trail & Recreation Systems); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Mr. Williams seconded.
Louis Schulman; Nick Kantor; Mike Mushak; Ana Tabachneck; Tammy Langalis; Galen Wells; Darius Williams; Chapin Bryce; Hector Pachas; Richard Roina approved.
No one opposed.
Jacquen Jordan-Byron abstained.

Mr. Lo explained that no one had been waiting in the lobby for this meeting. The security guard had gone to the Common Council room but no one was waiting for the meeting there either. He was asked to have the security guard put up a sign that the Planning & Zoning Commission meeting was virtual. Mr. Schulman said that the public hearing would still be later in the meeting. They moved to item b.

b. #2023-61 8-24 Referral – City of Norwalk – Sheffield Road (District 6, Block 28C, Lot 7) – Disposition of city property to Steven A. Adelman and Sally Arnold Adelman, owners of 8 Sheffield Road – Report & recommended action

Mr. Schulman noted that he had seated Ms. Tabachneck on this application.

Mr. Lo began the presentation with a description of the property which the city had received a few years prior after a tax sale. Much of it is in wetlands. He then explained that the neighbors would like to purchase the property. He explained that the property is not buildable because of the wetlands.

There was discussion about a subdivision on nearby Meeker Court and how this parcel is connected to the runoff to that area. Ms. Langalis said she would be supporting this application.

At this point, Mr. Roina said he would have to recuse himself from the vote on this application. Mr. Schulman appointed Mr. Bryce in his place.

Mr. Kantor had concerns that this parcel of land was being sold for $1000 without requiring the potential owners to keep it as is. Ms. Langalis noted that if someone owned the property, landscapers would be less likely to dump on it.
Mr. Kleppin explained how the land is determined to be wetlands.

There was a discussion as to whether dumping was happening on the site. Mr. Lo said it was possible. He also thought that it was better for the site to be owned by the neighbors. Mr. Mushak said that he would support this sale. There was a discussion about adding a condition to ensure that the improvements on the land would happen.

Mr. Lo said he would prefer not to see more restrictions on the approval. There was a discussion about the merging of the lots.

**** MR. WILLIAMS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-61 8-24 Referral – City of Norwalk – Sheffield Road (District 6, Block 28C, Lot 7) – Disposition of city property to Steven A. Adelman and Sally Arnold Adelman, owners of 8 Sheffield Road be **APPROVED.**

BE IT FURTHER RESOLVED that the reasons for this action are to implement the following Plan of Conservation and Development goals, policies and actions:

1. To achieve the goal to "Protect and manage Norwalk's sensitive environmental resources and its inland and coastal waters to enhance water quality, wildlife habitat, biodiversity, public health, and enrichment of community character," through the strategy to, "Collaborate with nonprofits and others to further protect environmental resources." (Chapter 8: Sustainability & the Norwalk Environment); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Ms. Langalis seconded.
Louis Schulman; Mike Mushak; Ana Tabachneck; Tammy Langalis; Galen Wells; Darius Williams; Chapin Bryce; Hector Pachas; Jacquen Jordan-Byron; approved.
Nick Kantor opposed.
Richard Roina abstained.

c. #2022-39 SP – The Norwalk Hospital Association, Inc. – 34 Maple Street – Extension of time request for the construction of a seven (7) story addition to existing hospital – Report & recommended action

Atty Liz Suchy began the presentation by explaining what the applicant had done to move the project forward. She then explained why the applicant was requesting an extension of time for the construction of the addition.

**** MS. LANGALIS MOVED TO APPROVE** the request for an extension of time for the construction of a seven (7) story addition to existing hospital by the applicant, The Norwalk Hospital Association, Inc. for 34 Maple Street, #2022-39 SP.

Mr. Williams seconded.
Louis Schulman; Nick Kantor; Mike Mushak; Ana Tabachneck; Tammy Langalis; Galen Wells; Darius Williams; Chapin Bryce; Hector Pachas; Jacquen Jordan-Byron; Richard Roina approved.
No one opposed.
No one abstained.

V. PUBLIC HEARINGS a. #2023-54 SP – Osman Hernandez – 44 Van Zant Street (District 3, Block 39, Lot 2) – Proposed motor vehicle repair use within existing building

This item had been moved to later in the meeting due to a concern that on the written agenda there was an indication that the meeting would be hybrid, which was incorrect. When this public hearing began, Mr. Schulman said that Ms. Tabachneck would be seated for this item. He also explained the rules of the public hearing.

Brenda ______, Mr. Hernandez's assistant, began the presentation by explaining how the business would operate. Vintage cars were stored on the property The earliest use of this property was about 40 years ago. She explained what would be done on the property.

There were no members of the public that spoke either for or against the application.

Brenda described what they did to maintain the property. There was a discussion about vehicles being parked on the street. She explained that the only staff was herself and the owner who was also the mechanic.

It was noted that the applicant did not own the property. Mr. Baker noted that the landscaping would be the responsibility of the property owner, but that the condition about the landscaping should also be the responsibility of the applicant should remain in the resolution.

i. Action on #2023-54 SP

**** MR. MUSHAK MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-54 SP – Osman Hernandez – 44 Van Zant Street (District 3, Block 39, Lot 2) – Proposed motor vehicle repair use within existing building be **APPROVED** subject to the following conditions:

1. That all motor vehicles being repaired as part of the motor vehicle service station use at 44 Van Zant shall be kept on the premises and shall not utilize the on-street parking; and

2. That the sidewalks adjacent to the property shall be kept free of any and all obstructions related to the motor vehicle service station use; and

3. That the landscaping on the site shall be maintained by the applicant and that should any of the existing landscaping require replacement, that the applicant shall do so within 60 days of notification from the city; and

4. That all motor vehicle servicing work shall take place within the building; and

5. That all overhead bay doors shall remain closed while any vehicle is being serviced; and

6. That any and all conditions as required by Norwalk Department of Public Works (DPW) shall be applicable to this approval; and

7. That any and all conditions as required by Norwalk Transportation, Mobility & Parking (TMP) shall be applicable to this approval; and

8. That any and all conditions as required by the Norwalk Fire Marshal shall be applicable to this approval; and

9. That any and all conditions as required by the Norwalk Health Department shall be applicable to this approval; and

10. That this approval is subject to Section 118-1460C. of the Norwalk Building Zone Regulations, as amended; and

BE IT FURTHER RESOLVED that this application complies with all applicable sections of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action shall be October 27, 2023.

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

VI. DISCUSSION

a. 2023-19 R/M – Planning & Zoning Commission – Zoning text amendment for complete re-write of the zoning regulations and map amendment for complete rezoning of the entire city. IF TIME PERMITS. Topics:

i. Mixed-Use Zone(s) Clarifications

Mr. Kleppin noted that they were making the most changes in the urban core area to clarify what was proposed as to what was actually there. Many of them are little clarifications. The first one was about the minimum lot width requirement of 100 feet. However, since this would be an issue in some areas, like South Norwalk, it would be 300 feet instead. He also discussed building standards as they pertain to facades, so as not to have blank facades.

The next issue Mr. Kleppin addressed was the requirement of 80% frontage buildout, specifically with reference to 9 Wilton Avenue. He then discussed the alternate language that staff was suggesting. Another example was 10 Willard Road which Mr. Kleppin reviewed. There was a discussion about whether the building was fully occupied which Mr. Kleppin said he could check.

Mr. Kleppin discussed ground floor activation and how much was too much. There was the concern that if there was too much it would not be filled. He also discussed where it would be required and where it would be optional. There was a discussion about the different building types including townhomes. There was a review of the arterial map to show where this would apply in CD-5 and Merritt 7. There was a discussion about what would happen if the retail is not filled. Mr. Kleppin said that they could address it when it does become a problem. There was a concern about empty storefronts. There was a discussion about a vacancy tax and a site in East Norwalk with several empty storefronts. There was a discussion as to why a property would remain vacant. Mr. Roina left the meeting at 7:49 pm.

ii. Country Club Considerations

Mr. Kleppin then discussed some accessory uses for country clubs such as live music and boat storage which were not in the proposed zoning regulations. His suggestion was to add them back in. There was also a discussion about adding the protected civil rights categories to the definition of waterfront club.

iii. Hospital Zone Considerations

Mr. Kleppin discussed the definition of Hospital. He also apologized that he had sent out this memo late in the afternoon. They could discuss it at a later meeting.

VII. APPROVAL OF MINUTES: September 27, 2023; October 4, 2023

**** MR. BRYCE MOVED to approve the September 27, 2023 minutes.**
Mr. Kantor seconded.
Louis Schulman; Nick Kantor; Mike Mushak; Ana Tabachneck; Galen Wells; Jacquen Jordan-Byron; Darius Williams; Chapin Bryce; Hector Pachas approved.
No one opposed.
Tammy Langalis abstained.

**** MR. WILLIAMS MOVED to approve the October 4, 2023 minutes, as amended.**
Ms. Langalis seconded.
Louis Schulman; Nick Kantor; Mike Mushak; Ana Tabachneck; Galen Wells; Jacquen Jordan-Byron; Hector Pachas; Tammy Langalis approved.
No one opposed.
Darius Williams and Chapin Bryce abstained.

Mr. Williams said that he knew the name of someone who's name was left blank in the minutes.

VIII. COMMENTS OF DIRECTOR

There were no comments from Mr. Kleppin.

IX. COMMENTS OF COMMISSIONERS

Mr. Schulman asked if they could hold a public hearing in early December. He thought this was reasonable but he thought they might have to extend some of their special meetings to later in the evening in order to complete the review of the proposed zoning regulations. He also suggested that there could be more than one public hearing.

Ms. Langalis said that there is a walk on Friday, October 20 at 4 pm which she would participate in. Mr. Schulman said that he would not be walking and explained his position. He thought that the group that was leading the walk should do so in other communities which had fought affordable housing. Mr. Schulman suggested that if there was any helpful information from it that the commissioners could share it at the next meeting.

Mr. Williams noted that he had noticed there was an increase of alcohol and vape shops around the city. Mr. Kleppin said the staff could research it for the next meeting.

X. ADJOURNMENT

Mr. Williams made a Motion to Adjourn.
Ms. Jordan-Byron seconded.
Louis Schulman; Nick Kantor; Mike Mushak; Ana Tabachneck; Tammy Langalis; Galen Wells; Jacquen Jordan-Byron; Darius Williams; Chapin Bryce; Hector Pachas approved.
No one opposed.
No one abstained.

The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Diana Palmentiero