

**CITY OF NORWALK
PLANNING & ZONING COMMISSION
September 21, 2022**

PRESENT: Louis Schulman, Chair; Darius Williams; Galen Wells; Nick Kantor; Richard Roina; Mike Mushak; Jacquen Jordan-Byron

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Assistant Fire Chief Mark Conte; Assistant Fire Chief Ed McCabe; Lou DeCanto (sp?); Atty Liz Suchy; Craig Flaherty; Atty Adam Blank; Doug Hempstead; Jim Murphy; Judy Harris; Peter Sosno(sp?); Melissa Murphy; Bart from Pine Partners (?); Joe Seaman; Shannon O'Toole Giandurco; Diane Cece; Diane Lauricella; Kevin Conroy; Dan Zavaris (sp?); Steve Santiago

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:05 p.m. It should be noted that this meeting was held on Zoom.com with all participants calling in, separately.

II. ROLL CALL

Before Mr. Kleppin called the roll, Mr. Schulman noted that two applications, #2022-42 SPR/CAM Modification – #7-04 SPR/#27-04 CAM – 77 North Water Street and #2022-35 Subd/CAM – 22 Lowndes Avenue LLC – 22 Lowndes Avenue were being removed from the agenda at the request of the applicants. He then explained that the agenda would still be a lengthy one and that the second public hearing would be long. He asked that the commissioners keep the discussion on the remaining items short so that they could get through the agenda. Mr. Kleppin then called the roll. It was noted that Mr. Williams would not be an alternate at this meeting since there were several commissioners not in attendance.

III. REVIEW & ACTION ON APPLICATIONS

a. #2022-44 Special Appropriation – Norwalk Fire Department – Special appropriation request for roof replacement and purchase of new vehicles – Report & recommended action

Assistant Fire Chief Mark Conte began the presentation by explaining that they were requesting funds for their Meadow Street station to replace the roof. It was original to the building which was built in 1970. As the work had been progressing, it was noticed that there were other repairs, especially to the skylights, that should be completed as they were working on the roof. It would be cost effective to do it at this time. He said that they were considering solar panels on the roof but could not do that until there was a full replacement of the roof.

**** MR. MUSHAK MOVED: BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-44 Special Appropriation – Norwalk Fire Department – Special appropriation request for roof replacement and purchase of new vehicles 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 Plan of Conservation and Development Goal #1 listed in Chapter 11: Public Facilities, Infrastructure & Services: “Norwalk’s infrastructure and public facilities are resource-efficient, well-maintained, cost-effective, sustainable and resilient” through Strategy B. “Continue to update, modernize and maintain Norwalk’s infrastructure and city facilities” by implementing action vi. “Ensure Norwalk’s emergency services departments are provided with appropriate funding for equipment and facilities to provide superior service and maintain a high level of public safety;” and

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

Mr. Williams seconded.

Louis Schulman; Darius Williams; Galen Wells; Nick Kantor; Richard Roina; Mike Mushak; Jacquen Jordan-Byron approved.

No one opposed.

No one abstained.

b. #2022-47 – Elizabeth Melo – 64 Wall Street – Live music request for Dehlias Restaurant – Report & recommended action

Mr. Baker began the presentation by noting that restaurants will request to have live music. The Planning and Zoning Departments ask them to submit a sound report that shows that they comply with the city’s sound ordinance. He said that Ms. Melo’s report did comply.

At this point, Mr. Kantor said that he had a comment on the previous application about purchasing a new vehicle for the Fire Department. He asked if that was no longer part of the application. Assistant Fire Chief Ed McCabe then said he could speak to that request; however, Mr. Schulman said that they had voted on the resolution. Mr. Kleppin noted that this item had been voted on but that a question could be asked. Mr. Kantor asked what type of vehicles would be purchased and Mr. McCabe explained that the Ford Mavericks that they were going to purchase were no longer being manufactured. They would now be purchasing Ford Explorers but these were more expensive. Hybrid Explorers were very limited so they could not purchase those.

Mr. Mushak asked Mr. Baker to remind any restaurants, especially on Washington Street, that windows and doors had to remain closed. Mr. Schulman asked whether this should

be something that the Planning and Zoning Commission is required to address. It could be an item to discuss as they begin to review the updated zoning regulations.

**** MR. ROINA MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-47 – 64 Wall Street – Request for live music for Dehlias Restaurant be **APPROVED** subject to the following conditions:

1. That all windows and doors shall remain closed while the entertainment is underway, except for the normal passage of people into and out of the premises; and
2. That the recommendations provided in the acoustic compliance report by SH Acoustics LLC, dated 9/16/22, are applicable to this application; and
3. That this approval is subject to compliance with Norwalk City Ordinance Chapter 68: Noise; and
4. That this approval is subject to Section 118-1460 of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action is September 30, 2022.

Mr. Mushak seconded.

Louis Schulman; Darius Williams; Galen Wells; Nick Kantor; Richard Roina; Mike Mushak; Jacquen Jordan-Byron approved.

No one opposed.

No one abstained.

c. #2022-42 SPR/CAM Modification – #7-04 SPR/#27-04 CAM – 77 North Water Street – Modification to coastal site plan approval to revise the first floor of an existing mixed-use building to 75% residential/25% commercial for a total of 13 new dwelling units – Report & recommended action

The applicant asked to be removed from the agenda.

IV. PUBLIC HEARINGS

a. #2022-35 Subd/CAM – 22 Lowndes Avenue LLC – 22 Lowndes Avenue – Two lot subdivision with proposed private road

The applicant asked to be removed from the agenda.

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

There was no action taken since the applicant did not appear before the commission.

b. #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 create the Industrial #1 Zone and the Industrial #2 Zone in conjunction with a zoning map amendment to re-zone certain existing industrial and commercial areas as Industrial #1 or Industrial #2

Mr. Schulman explained the rules of the public hearing. He then introduced Mr. Kleppin who began the presentation. Although the study may be passed this evening, he said that the city would not see the effects for a decade or more. He showed them a timeline of actions that had to happen. He noted that they were about a month behind. He also explained what the commissioners would be voting on at this meeting.

Mr. Kleppin continued with the key findings and recommendations of the study. There were uses in the regulations that may not be appropriate in zones any longer. He said there would be discussions about boundaries of Norden, etc. There would be an increase in height for various factors. He also noted that there are problems in certain residential areas including parking. They would have to provide other areas where parking could be allowed for these vehicles. He also discussed rezoning the Norden area which would have to be evaluated further.

He then discussed the main focus areas, including Perry Avenue, East Norwalk, and South Norwalk. He showed them current zoning maps along with the proposed use classifications on Main Avenue, on East Avenue, and Wilson Avenue and Martin Luther King Blvd. He then discussed the existing zoning and then proposed zoning on Chestnut Street, Lexington Avenue. He reiterated that some uses can remain in perpetuity. He discussed the zoning in relation to the school in South Norwalk.

There was a discussion about the residential zones in the area of the proposed zone as well as the businesses that are in the area. There was also a discussion about the improvements on a business that is grandfathered into a zone. Mr. Kleppin gave some examples.

He then showed them a chart with a comparison between Industrial 1 zone currently as well as the proposed and Industrial 2. He noted there is a lot of land for residential but not a lot for heavy industrial. He explained some uses that were bad zoning. He then discussed the bulk and height changes from I1 to I2. He also explained the nonconformities for contractor yards and commercial vehicles. He discussed the industrial-commercial test-fits.

There was a discussion about the change on Main Avenue from B2 to I2 and the effect it would have on restaurants. Mr. Kleppin showed them that a part of the area would remain B2 so that restaurants would remain.

Mr. Kleppin then showed the commissioners the proposed language for permitting the use of contractor's yards, that would become legally nonconforming. He noted that the city was not trying to get rid of them, since Norwalk residents were employed with them.

Mr. Baker then explained how members of the public could speak at the meeting.

Lou DeCanto (sp?), 149 South Main Street, who has owned the property since 2013 which is split zoned. He was concerned that the zone change for his property was drastic. He also said that he had not received any notification of this change. He thought that it should all be changed to Industrial 1. He was concerned about the effects on property values and how it would all work.

Craig Flaherty and Atty Liz Suchy stated that they would be speaking on behalf of Brian Terzian, Joe Seaman and others, to object to the application. She thanked the commissioners and the Planning and Zoning Department staff for allowing them to share the concerns of their clients. She also said that the notice published was deficient and explained why that was so. She also showed everyone a picture of the Planning and Zoning notice as compared to a notice from the Tax Assessor's office, which was larger. She also asked them to postpone the public hearing. She then discussed a letter she had submitted in May of 2022. She explained her client, Terzian's business, to the commissioners and the numerous Norwalk projects he had completed. His businesses paid approximately \$100,00 to Norwalk's tax base. His properties would be rezoned from I1 to I2 which would prohibit his business from expanding. She quoted from the Plan of Conservation and Development (POCD) where it encouraged industrial uses. She discussed the need for better enforcement of regulations. She asked the commissioners to remove her client's property from the rezoning of Industrial 1 to Industrial 2.

Craig Flaherty, Redniss and Mead; also spoke on behalf of Mr. Terzian. He shared some charts which discussed the principal and special permit uses, what is currently allowed and the proposed industrial use. There was also a column for existing I1 uses and proposed I2 uses which Mr. Flaherty noted in length. He also explained that Mr. Terzian had made great investments in his business over the past 30 years. There was a concern about the value of his property if this were to be paid. He then discussed his letter to the commissioners. He then asked, as had Atty Suchy, that Mr. Terzian not be included in the zone change.

Atty Adam Blank, who spoke on behalf of SONO Wharf, stated his changes on the proposed regulations. He thought that those properties should be in the SONO Design District and would also come submit an application. He then showed them a map of the proposed zoning for Chestnut St. He then oriented the commissioners as to the location of his client's property on an aerial map. He thought the whole section should be in the SSDD zone. He also said that residents would not have to move out of the area. He said that the Housing Authority was in support of it. Atty Blank also said that he had submitted a letter earlier in the day which requested some changes to proposed regulations, including the historical regulations. He

noted that Planning and Zoning had been supportive of these changes and hoped the commission would be as well.

Doug Hempstead said that he agreed with the concerns from business owners. He thought a 75% reduction was large. He thought the city should retain as much industrial property as they could since more construction vehicles would then come from cities outside of Norwalk.

Jim Murphy representing LaJoyce Auto Wrecking and several other business, 40 & 46 Meadow Street, said he had sent a letter to the commissioners and agreed with Atty Suchy and Mr. Flaherty. He thought the proposed regulations would inhibit his client's ability to make changes to his property which would make it more attractive in the neighborhood. He asked for these businesses to remain in Industrial 1.

Judy Harris, 7 Pequot Drive, asked whether a study had been done on the Norden property. She had concerns about the Industrial 2 zone change as it relates to the Norden property. She suggested repurposing Norden as had been done to some properties in Stamford. She also said she had sent an email to the commissioners. She also requested the charts that Mr. Flaherty had presented. She asked for an explanation of why the Norden study had not been done.

Peter Sosno(sp?), 70 Shorefront Park, read a letter from the Shorefront Park Association into the record.

Melissa Murphy, Jim Murphy's wife, said that she had concerns about the changes in the proposed regulations.

Bart from Pine Partners (?) said that he had numerous properties on Lexington Avenue and Ely Avenue and that he had concerns about the lack of notification. He also said that changes to a C zone would make many properties nonconforming. He supported Mr. Flaherty's remarks, as well as Atty Blank and Mr. Sosno.

Joe Seaman, Merritt Street and Chestnut Street, said he was disappointed with the map. He also only received one notification although he owned four properties. He had concerns about his zone becoming Neighborhood Business.

Atty Suchy, said she was representing Mr. Seaman, and added comments on his behalf. She noted that Mr. Seaman's business was essential and supported other businesses. She said that the zone changes proposed will thwart the goals in the POCD and make the city unfriendly to businesses. She asked that Mr. Seaman's businesses not be included in the rezoning.

Shannon O'Toole Giandurco, Chestnut Hill Road, was concerned that there was not a strong majority of commissioners available to vote on this matter.

Diane Cece, Olmsted Place, said she was speaking on behalf of the East Norwalk Neighborhood Association and agreed with Atty Suchy about the legal notice. She also said that the interactive map was not very helpful. She would be referring to the East Norwalk neighborhood but some of it would be referencing the South Norwalk neighborhood. She said that they were happy with the removal of some uses from Industrial 1. She thought that some of the larger industrial uses should be spread throughout Fairfield County and not just in Norwalk. She said there should be a moratorium on applications at Norden Park until the funding for the Norden Park study had been done and the study completed. She discussed uses that should be removed which included contractor yards, warehouses, indoor contractor parking facility, etc. She asked the commissioners to table this item. She said it was a good idea to have studies done but then have them sit on a shelf.

At 8:57 pm, the commissioners decided to take a short break until 9:10 pm. They resumed at 9:11 pm.

Diane Lauricella asked that the commissioners not vote on this and agreed that there was not proper notice to business owners. She was concerned about possible future lawsuits. She was concerned about the regulations for contractor's yards. She also said she agreed with Atty Suchy about better enforcement of the regulations. She also made recommendations to the regulations for contractor's yards.

Mr. Schulman explained that they would continue to listen to public comments. Mr. Kleppin would respond to those comments. The hearing would then be continued at their next meeting on October 6. He asked that the meeting be noticed again for October 6 with an explanation of what the application is about.

Kevin Conroy, 300 Wilson Avenue, said that he had not received notice until the day before. He said that he would speak on October 6 after he became fully informed about the concerns that he and his partners had about this application.

Dan Zavaris (sp?), owner of Odd Job Landscaping, 89 Day Street, said that he was currently in an Industrial 1 zone. He was concerned that the cost of operating would go up if they had to move out of Norwalk which then would be passed on to Norwalk residents.

Mr. Baker then said that the meeting would be continued until October 6 and that if members of the public would like to submit comments via email they could.

Steve Santiago, 147 South Main Street, said he had bought the property only 3 months ago in an Industrial 1 zone which was now going to be changed. He was concerned that he would not be able to grow his business.

Mr. Kleppin began by noting that the regulations had not been changed in over 30 years. He said that they were trying to achieve a balance between residents who did not want some of these businesses in their neighborhoods, and many of the businesses who did not want to have to find other locations to do business. He reminded them that the POCD had recommended the city do studies about its regulations. He then discussed the changes on Woodward which were done with consultation with other city agencies. He explained that a fully utilized contractor yard today would be the same tomorrow. He noted that there were comments about enforcement. He said that they checked contractor yards quarterly and that they all had to be treated equally. There was also a comment that all uses had to be job generators but Mr. Kleppin did not agree with, ie. warehouses. He also said that he did not think there could be a moratorium on one property. He said that this application would not go back to the drawing board and that residents had known about it for months.

There was a discussion about whether an owner who had recently purchased a property in an Industrial 1 zone could remain that way. Mr. Kleppin said that the owner would have to submit an application before the regulations were adopted.

Mr. Schulman said he expected that the commissioners would vote on this matter at the next meeting.

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

The meeting was continued until October 6, 2022.

V. APPOINTMENT OF NOMINATING COMMITTEE

Mr. Roina said the committee was nominating Mr. Schulman continue as Chair of the Planning and Zoning Commission, Mr. Mushak for Vice Chair and Mr. Kantor as Secretary.

Mr. Schulman asked if there were any commissioners who would like to be considered for the Chair of the Commission. Mr. Mushak accepted the nomination for the Vice Chair. Mr. Schulman asked if anyone would like to be considered for Secretary but no one did.

**** MS. WELLS MOVED to approve the slate of candidates as recommended by the nominating committee.**

Mr. Roina seconded.

Louis Schulman; Darius Williams; Galen Wells; Nick Kantor; Richard Roina; Mike Mushak; Jacquen Jordan-Byron approved.

No one opposed.

No one abstained.

VI. APPROVAL OF MINUTES: September 8, 2022

**** MR. WILLIAMS MOVED to approve the September 8, 2022 meeting minutes.**

Ms. Wells seconded.

Louis Schulman; Darius Williams; Galen Wells; Nick Kantor; Richard Roina; Mike Mushak; Jacquen Jordan-Byron approved.

No one opposed.

No one abstained.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin updated the commissioners about the zoning rewrite. There should be a presentation to them in mid-November. The consultants would show them how to use the regulations.

Mr. Kleppin said that the Common Council had not taken formal action on opting out of the ADU legislation. They also had a few concerns about the regulations that had recently been approved by the commission. Mr. Roina discussed the difference between site plan review and special permit as it pertained to the ADU regulations. Ms. Wells reminded them that they had made a decision on this matter and it was unnecessary. Mr. Schulman said that the Common Council did not seem to find what the commissioners had done acceptable. He asked them to review the language that the Common Council had sent. Ms. Jordan-Byron said it seemed they were asking for clarity. There was a discussion about what the Common Council could do. There was a discussion about considering a site plan review. There would have to be another public hearing to change the resolution.

VIII. COMMENTS OF COMMISSIONERS

Mr. Williams asked about an update on Lowndes and Shorefront Road. Mr. Kleppin said that on Lowndes they had asked the applicant to withdraw and resubmit but they had wanted to continue. Mr. Baker said that they are waiting for some additional drawings on Shorefront Road.

IX. ADJOURNMENT

Ms. Jordan-Byron made a Motion to Adjourn.

Ms. Wells seconded.

Louis Schulman; Darius Williams; Galen Wells; Nick Kantor; Richard Roina; Mike Mushak; Jacquen Jordan-Byron approved.

No one opposed.

No one abstained.

The meeting was adjourned at 10:07 p.m.

Respectfully submitted,

Diana Palmentiero

Planning & Zoning Commission

September 21, 2022

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