

**CITY OF NORWALK
PLANNING & ZONING COMMISSION
September 8, 2022**

PRESENT: Louis Schulman, Chair; Tammy Langalis; Darius Williams; Galen Wells; Nick Kantor; Hector Pachas; Richard Roina

STAFF: Steve Kleppin; Bryan Baker; Michelle Andrzejewski

OTHERS: Atty Liz Suchy; Wayne D'Avanzo; Carl Giordano; Frank Diumo; Brad Craighead; Tod Bryant; Atty David Waters; Steve Ansel; Ray Sullivan; Doug Hempstead; Joe Grasso;

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

Mr. Kleppin called the roll.

Mr. Schulman then announced he would be making a change to the order of the public hearings on the agenda. The second public hearing would be moved to the first item. It would be opened and continued until the next meeting since the commissioners would not have sufficient information.

III. PUBLIC HEARINGS

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

Mr. Schulman opened the public hearing but noted that this item would be continued until such time as the commissioners received sufficient information from the applicant.

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

There was no action on this item since it had been continued.

b. #2022-31 R/SP/CAM – BPC Capital Management I, LLC – 3 Park Street – Building zone regulation text amendment to Article 50 to reduce the minimum lot size for historic preservation developments in conjunction with a proposed 10- dwelling unit

historic preservation development and two (2) new buildings with office space and other associated site improvements (District 1, Block 60, Lot 7)

Mr. Schulman opened the public hearing and then explained the rule to the members of the public, especially those that would like to speak.

Atty Liz Suchy began the presentation by introducing the project team. She then noted that the certified, return receipt cards had been given to the Planning and Zoning Department as evidence of notice of the public hearing to the abutting neighbors. She also noted that three letters of support from abutting neighbors had been submitted with the application. She then oriented the commissioners as to the location of the property. She explained that the application had been previously presented to the Planning and Zoning Commission in July, and then later to the Harbor Commission and the Historical Commission. She gave a brief background of the history of the house as well as showed them pictures of the current structure. It is on the Register of Historical Places. She explained the proposal to the commissioners which included office space and two apartments. There would be additions in the rear which would have apartments. She discussed the sign offs that the applicant had received at the time of the meeting. She noted that final signoffs could be made a condition of approval.

Wayne D'Avanzo, the engineer on the project, continued the presentation by discussing the site plan. He discussed the number of units and parking spaces, and the proposed drainage system. He also discussed comments that the applicant had received from the Department of Public Works (DPW) and Water Pollution Control Authority (WPCA). He discussed the sidewalks and the trees on the property. A maintenance plan for the storm water retention and drainage had been submitted.

Atty Suchy noted that they had received comments on the application from the design consultant for the East Avenue Village District.

Carl Giordano, the traffic engineer on the project, continued the presentation. He explained that they had reviewed the existing traffic conditions, estimated the site traffic and interpreted its impact which they said would be low. They also responded to comments from the City which included additional crash information.

Frank Diumo, the architect on the project, continued the presentation by showing the commissioners the current structure. He then explained the proposed structures which would include 10 residential units. Although they called them two buildings, they are connected. There was a space through which could be seen the Norwalk Green. One unit would be in the current structure and the remainder would be in the addition. He discussed the plan for the first floor. He then showed them the elevations of the original structure which will remain intact. He discussed the design of the building. There is a plaza courtyard as open space for the residents. He then discussed the second floor as well as the spaces in between the buildings.

There was a discussion about solar panels on the roof. Mr. Diumo said that there are some older trees that are facing south so that it would not be possible.

Atty Suchy explained why the two buildings were connected and how they were different from similar projects in other parts of the city. There would be one workforce unit in the project which Mr. Diumo showed them. He also discussed the location of the windows.

Brad Craighead, the applicant, continued the presentation by thanking the commissioners for reviewing the application. He said that they had received support from the city and appreciated it. He discussed his property management business in Norwalk. He noted that he encouraged his renters to buy homes in Norwalk and the surrounding areas. He noted that he was working on several other similar properties around the city. They would not remove any of the trees around the property. He noted that the building was classic New England architecture and that it fit in with the surrounding buildings.

Tod Bryant was asked whether he still served on the Historical Commission. He said he had not served on the commission but rather, was the President of the Norwalk Preservation Trust, a non-profit organization. For this application, he is acting as an independent consultant.

At this point, public members were allowed to speak. Mr. Baker explained how that worked as well as read the referrals from other agencies into the record including Harbor Commission, West COG and the CT Department of Energy and Environmental Protection (DEEP). There were no members of the public that spoke.

Mr. Baker then discussed the staff's comments on the applicant's proposed text amendment which included modifying the lot size to be consistent with other zones. Members of the public were once again asked if they would like to comment on this application, but there were none.

Atty Suchy provided last comments on the text amendment as well as summarizing the application for the commissioners.

Mr. Schulman closed the public hearing.

i. Action on item III.b. #2022-31 R/SP/CAM

**Whereas the proposed text amendment was referred to the Connecticut Department of Energy and Environmental Protection (DEEP).*

**Whereas the DEEP found the proposed text amendment generally consistent with the Coastal Management Act.*

**Whereas the proposed text amendment was referred to the Western Connecticut Council of Governments (WestCOG).*

**Whereas WestCOG found the proposed text amendment of local interest and made no further comment.*

**Whereas the proposed text amendment was referred to the Norwalk Harbor Management Commission.*

**Whereas the Harbor Management Commission found the text amendment consistent with the Harbor Management Plan.*

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-31 R – BPC Capital Management I, LLC – 3 Park Street – Building zone regulation text amendment to Article 50 to reduce the minimum lot size for historic preservation developments be **APPROVED** with modifications.

BE IT FURTHER RESOLVED that the approved language is the following:

§ 118-500.B.(2)(p)

(p) In order to encourage the preservation of structures contributing to positive aspects of community character, the Commission may allow minimum area or dimensional requirements (such as yard setback, buffer, width or recreation area) or parking requirements to be reduced, or a maximum requirement to be increased (such as height, residential density or maximum building area), provided that:

- i. The subject property contains a structure(s) listed in the state or national register of historic places or in a local historic resources inventory;
- ii. The extent of the requirement to be increased or reduced shall be clearly identified on the application presented to the Commission;
- iii. A narrative prepared by a Historic Architect shall be submitted with the application describing in detail the proposed work to be done to the exterior of the historic structure, and the Historic Architect shall be qualified for “Historic Architecture” as listed under 36 CFR Part 61 of the Secretary of the Interior’s Professional Qualification Standards and submit proof of same; and
- iv. The resulting requirements shall be as follows:
 - i. For maximum building area: forty percent (40%), provided that the area for buildings and parking is no greater than seventy percent (70%);
 - ii. Residential density shall be no greater than one dwelling unit per 1,250 square feet of lot area;
 - iii. Building Height shall be no greater than three (3) stories and thirty-five feet (35’); and

- iv. For all other requirements, the resulting standards shall not be reduced or increased by more than 25% from the originating standard;
- v. The Commission shall refer the application to the Historical Commission for review and recommendations. If the Historical Commission does not endorse the application, a 2/3 majority vote of the Planning & Zoning Commission is required for approval;
- vi. The Commission determines the structure(s) in question contributes to community character or possesses a degree of historic significance (to be evidenced by its age, architectural uniqueness or cultural value);
- vii. The Commission determines that even if building materials are proposed to be substituted and modernized, the method and degree of preservation maintains the character, aesthetic and architecture of the existing building; and
- viii. The Special Permit granted by the Commission shall only remain effective so long as the subject structure(s) is preserved and maintained as a principal structure on the property. [Added effective 3-26-2021, revised x-xx-2022]

BE IT FURTHER RESOLVED that the reasons for this action are:

1. To achieve the Plan of Conservation and Development goal for Norwalk to *“Expand workforce housing options, including conducting a citywide housing study and reviewing the existing workforce housing regulations, to allow more employees to live in Norwalk and avoid costly commutes from distant locations.”* (Chapter 3: Prosperity & Opportunity); and
2. To achieve the Plan of Conservation and Development goal that *“Norwalk has a neighborhood and housing strategy that maintains a variety of neighborhood types and housing choices through a variety of mechanisms.”* (Chapter 3: Prosperity & Opportunity); and
3. To achieve the Plan of Conservation and Development for Norwalk to *“Promote diverse housing types, such as townhouses, condos, live-work units, and rental apartments in Norwalk’s urban core, at transit-oriented locations and in mixed-use clusters on major corridors, in village districts when appropriate, and through redevelopment,”* (Chapter 4: Housing Choice & Healthy Lifestyles); and
4. To achieve the Plan of Conservation and Development goal that *“Norwalk protects its most important historic resources and encourages adaptive reuse of historic sites to maintain and enrich the city’s character.”* (Chapter 6: Preserving & Promoting Our Historic Heritage, Arts & Culture); and

BE IT FURTHER RESOLVED that the effective date of this action shall be September 16, 2022.

Ms. Langalis seconded.

Louis Schulman, Chair; Tammy Langalis; Darius Williams; Galen Wells; Nick Kantor; Hector Pachas; Richard Roina approved.

No one opposed.

No one abstained.

**Whereas the coastal site plan review application was referred to the Connecticut Department of Energy and Environmental Protection (DEEP).*

**Whereas the DEEP found the coastal site plan review generally consistent with the Coastal Management Act.*

**Whereas the application was subject to a Village District Review which was done by BFJ Planning.*

**Whereas the Planning & Zoning Commission (the Commission) opened the public hearing on this application on September 8, 2022.*

**Whereas the Commission closed the public hearing on this application on September 8, 2022.*

**** MS. LANGALIS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-31 SP/CAM – BPC Capital Management I, LLC – 3 Park Street – Building zone regulation text amendment to Article 50 to reduce the minimum lot size for historic preservation developments in conjunction with a proposed 10-dwelling unit historic preservation development and two (2) new buildings with office space and other associated site improvements (District 1, Block 60, Lot 7) be **APPROVED** subject to the following conditions:

1. That the buildings and site will be developed in accordance with the following plans:
 - a. Per the site plan entitled “Drainage Plan” for BPC Capital Management I, 3 Park Street, Norwalk, Connecticut, prepared by Fairfield County Engineering, LLC, dated 4/2/22; and
 - b. Per architectural drawings sheets A-1 – A-3 entitled “Special Permit” for 3 Park Street Multifamily, Norwalk Green Living Properties, prepared by Balance Architecture, dated 4/30/22; and
 - c. Per the landscaping plan entitled “Special Permit – Site Plan – Landscaping Plan” prepared by Balance Architecture, dated 6/15/22; and
2. That the overhead service wires and all other utilities shall be installed underground;
and

3. That parking space #18 as shown on the site plan and landscaping plan shall be removed and replaced with landscaping to the satisfaction of the Commission's Staff (Staff); and
4. That the trees located in the City right-of-way along Park Street shall remain and be preserved; and
5. That the asphalt walkway from the sidewalk to the front entrance of the existing historic building shall be replaced with a material such as brick, stone or stamped concrete; and
6. That a final Workforce Housing Plan showing a total of one (1) workforce housing unit shall be submitted to Staff for review and approval and shall include deed restriction documents, architectural floor plans and a breakdown of the number of bedrooms for each workforce housing unit provided. All such workforce housing units shall be deed restricted in perpetuity and meet all requirements of Section 118-1050, Workforce Housing Regulations; and
7. That based on the Preliminary Review Memorandum prepared by the Norwalk Transportation, Mobility & Parking Department (TMP) dated 7/22/22, the following conditions shall apply to this approval:
 - a. A minimum of five (5) foot wide concrete sidewalks with a landscaped amenity zone with a minimum width of three (3) feet, shall be installed along the entirety of the site frontage, consistent with Norwalk Department of Public Works (DPW) standards. The final layout of the sidewalk and landscape amenity zone shall be determined by the applicant, TMP and Planning & Zoning Staff so as to best accommodate the current and future root systems of existing trees.
 - b. That the existing driveway apron shall be replaced to comply with DPW standards and shall minimize the cross slope for pedestrians on the sidewalk.
8. That based on the Village District Peer Review Memorandum prepared by BFJ Planning dated 8/19/22, the following conditions shall apply to this approval which have been addressed by the applicant in their "Response to Memorandum by BFJ Planning" dated 9/1/22:
 - a. That the applicant shall replace the existing aluminum siding with a material that complements the Stiles Curtis House and surrounding buildings and that the new siding material shall be painted white to match the existing building.
 - b. That the pediments above the second-floor windows of the Stiles Curtis House shall remain or be replaced in-kind.

- c. That should any shutters be included on any building, that they be functional shutters or constructed of a more substantial material.
 - d. That the proposed addition curved arches be replaced with straight architraves in keeping with the Second Empire style.
 - e. That a safety railing on the first floor all the way around the plaza courtyard be installed.
 - f. That the front porch railing on the Stiles Curtis House shall remain.
 - g. That all lighting on the site shall be dark sky compliant.
9. That a surety bond be submitted, in an amount to be determined by the Staff, to guarantee the installation of the required erosion and sediment controls prior to the issuance of a zoning permit; and
10. That all erosion and sediment controls be installed and maintained prior to the start of any construction or site work and that additional controls be installed at the direction of the Staff, as needed; and
11. That a Connecticut licensed engineer shall certify that all required improvements, including any required off-site improvements, were installed to City standards prior to the issuance of a Certificate of Zoning Compliance (COZC); and
12. That a surety bond be submitted to guarantee the completion and maintenance of the site plan and any modifications to the plan and all work required as a condition of approval under this special permit/coastal site plan review prior to the issuance of a COZC; and
13. That any and all conditions as required by the Norwalk Health Department shall apply to this approval; and
14. That any and all conditions as required by the Norwalk DPW shall apply to this approval; and
15. That any and all conditions as required by the Norwalk Water Pollution Control Authority shall apply to this approval; and
16. That all Code Enforcement Agency Committee (CEAC) signoffs shall be submitted prior to the issuance of a zoning permit; and
17. That this approval is subject to Section 118-1460 C. 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 the date of filing of the Special Permit Certificate and mylar map of the approved site plan with the Town Clerk.

Ms. Wells seconded.

Louis Schulman; Tammy Langalis; Darius Williams; Galen Wells; Nick Kantor; Hector Pachas; Richard Roina approved.

No one opposed.

No one abstained.

Ms. Langalis complimented the applicant for being respectful of the structure. She hoped she would see similar applications in the future to be more historically accurate. She wanted to encourage this type of application.

Although Mr. Schulman thought it was a good application, he was concerned about the connections on the 2nd floor.

IV. REVIEW & ACTION ON APPLICATIONS

a. #15-16 SP – 150/160/170 Glover LLC – 170 Glover Avenue - The Curb Building C bond release – Report & recommended action

Atty David Waters began the presentation by noting that there were two requests before the commissioners. The first was for the release of the bond for sedimentary and erosion control in the amount of \$30,000 since the Curb Building C had been completed. The Planning and Zoning Department had been to the site where all the work was done. The other bond request was regarding the Norwalk River Valley Trail which had been built on the property where Building C was. The bond was in the amount of \$5,000. Mr. Kleppin confirmed that all work had been completed.

**** MR. WILLIAMS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that the bond release request for application #15-16 SP – 150/160/170 Glover LLC – 170 Glover Avenue - The Curb Building C bond release be **APPROVED**.

BE IT FURTHER RESOLVED that the effective date of this action is September 16, 2022.

Mr. Pachas seconded.

Louis Schulman; Tammy Langalis; Darius Williams; Galen Wells; Nick Kantor; Hector Pachas; Richard Roina approved.

No one opposed.

No one abstained.

**b. #2022-39 R/SP – Norwalk Hospital – 34 Maple Street – Building Zone
Regulation text amendment to Article 44, Hospital Zone, and special permit application
to construct a nine (9) story addition to the existing hospital – Preliminary review**

Atty Suchy began the presentation for her client, Norwalk Hospital, by introducing the project team for this application. Notification of the application was sent to abutting neighbors and the certificate evidencing such notice was submitted to the Planning and Zoning Department staff. She then gave a brief description and background of the current property, which is part of the only hospital zone in the city. She then described the proposed project which included two applications to the Planning and Zoning Department, one of them a text amendment to change the height of the building from 6 stories to 9, among other changes. She discussed the staff comments that were received. She then discussed the special permit application which included the removal of outdated space and the addition of new, modern hospital spaces. They were moving towards single patient rooms as well.

There was then a discussion of the relocation of services to the Danbury headquarters which were not medical services.

Steve Ansel, the architect on the project, continued the presentation with a further discussion about the modernization and organization of the hospital including transformation of beds, building 4 new floors, ICU/PICU, and a mother/baby floor which would extend into the current patient tower. He then reviewed the current site plan with the commissioners. Some of the buildings would be demolished. He then showed them what would replace those two buildings. He noted that the hospital is built into a steep hillside. He explained the numbering of the floors. The front door would remain the same. He showed them the site plans for some of the floors. He also showed them some of the elevations.

There was a discussion about solar panels on the roof which Mr. Ansel said could be accommodated since there was a flat roof. There was a discussion as to the current use of the buildings that will be demolished. There was a discussion about how the city was adding many new residential units but that the hospital was not adding additional beds, especially after the pandemic when hospitals were running out of beds. Mr. Ansel did say that they were tracking population growth. There was a discussion about the amount of jobs lost because of some staff moving to Danbury. Mr. Ansel said it was not a lot. There was a discussion about the ambulatory care centers that are outside of the hospital. It is looking to expand its outpatient facilities around Norwalk.

There was then a discussion about the date for the public hearing which Mr. Kleppin said could be at the first October Planning and Zoning meeting. Atty Suchy said that would give them time to make revisions to the site plans after all comments have been received by various city agencies.

There was a discussion about the length of time for demolition and construction.

c. #2021-31 SPR – STLJ, LLC & 100 Westport Avenue LLC – 126 Westport Avenue AKA 80 & 100 Westport Avenue – Modification to approved site plan review for additions and renovations to existing retail building (Stew Leonard’s) – Report & recommended action

Atty Suchy began the presentation with the introduction of the project team, including Doug Hempstead, a former Planning & Zoning Commissioner. She noted that the applicant had received approved plans from the commission last year. However, this year the plans had changed so they were before the commission with revised plans. She then explained the modifications to the plans and showed them revised renderings.

There was a discussion about adding solar panels onto the new space and/or on the parking lot. Ray Sullivan explained that to add panels to this structure which has had multiple additions to it, would be difficult. He suggested that it would be easier on a new building. Doug Hempstead said that they had looked at it, but that solar companies had said it would not work. He also said that they had not looked into solar panels on canopies over the parking lot. There was also a discussion about electric charging stations in the parking lot. Mr. Hempstead said that they would look into it. Atty Suchy asked that the discussion of solar panels did not hold up the approval of the modification from a tent to an enclosed space.

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that the proposed modifications to permit #2021-31 – STLJ, LLC & 100 Westport Avenue LLC – 126 Westport Avenue AKA 80 & 100 Westport Avenue (Stew Leonard’s) – Modification to the existing special permit to construct a 10,500sf addition to replace the existing outdoor tent and seasonal sales and retail space be **APPROVED** subject to the following conditions:

1. That the building and site be developed in accordance with the following plans:
 - a. Per architectural drawings entitled “Proposed overall first floor plan” prepared by the Sullivan Architectural Group, dated 7/15/21 and revised to 8/8/21; and
2. That the applicant shall work with Staff regarding the ability to provide solar panels on the building and over the parking lot as well as electric vehicle charging stations

BE IT FURTHER RESOLVED that all other original conditions of approval shall remain in place.

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 16, 2022.

Ms. Langalis seconded.

Louis Schulman; Tammy Langalis; Darius Williams; Nick Kantor; Hector Pachas; Richard Roina approved.

No one opposed.
Galen Wells abstained.

d. #2021-29 CAM – 314 Wilson Avenue – Modification request of conditions to extend operating hours of previously approved coastal site plan review for retail and restaurant use (beer garden) – Report & recommended action

Atty Suchy began the presentation by orienting the commissioners as to the location of the property. She gave a brief history of the application and previous use of the property. She noted the current hours of operation and that there was live music on some nights. She explained that the hours would like to be expanded to allow for a lunch crowd as well until 11 pm on certain evenings. They have not received any complaints from Planning & Zoning or the Police Department, especially about noise. They have done decibel readings that were provided to the Planning & Zoning Department which indicate they were within the required levels for that zone.

There was a discussion about the decibel readings from the past weekend, and whether the applicant was aware that it was being done. Atty Suchy said that the applicant had requested that they be done. She was not aware of others being done. There was a concern that the readings were done by the applicant. Mr. Schulman said that he had read letters from neighbors of Village Creek and recommended that they obtain a sound meter to monitor the decibel levels. Atty Suchy noted that although there may be noise, it may not violate the noise ordinance. There was a discussion about the beer garden and how the owner should want to be a good neighbor. It was suggested that something could be constructed to keep the sound from reaching Village Creek. There was also a discussion about where the live music was played and that there was a barrier of some buildings. Atty Suchy noted that her client was playing the music within the levels required by the ordinance but that the neighbors had ways to address the noise levels, if they were being exceeded. There was also a discussion about calls being made to the beer garden to lower the sound. Atty Suchy said that they could appoint someone to address those calls from the public, but did not know if calls had been made. There was also a discussion about not allowing live music on Sunday. Atty Suchy said that the applicant could agree with that. There was a concern about neighbors complaining about the noise but that nothing had been done. There was discussion about ending the live music at 10 pm, rather than 11 pm which was part of their permit. Atty Suchy said that since they had not violated the noise ordinance, they should not be expected to change the hours. It would still be allowed to remain. There was also a discussion about working with a company that provides noise services to businesses on Washington Street.

Mr. Schulman asked if they could postpone the vote on this resolution until such time as the neighbors, the applicant and his attorney and the Planning and Zoning staff could discuss this further. Atty Suchy did not agree since the applicant had not violated any noise ordinances. Joe Grasso then said that there was a contact at the beer garden for neighbors to contact when there is a problem. The bands could also lower their volume. He also noted that they

monitor the decibels and he has gone over to Village Creek to hear the volume. He also said that there is a structure as well as buildings that were blocking the sound. Although he has seen emails that were sent to the Planning and Zoning Department, he has not received any. He also said that police officers have come down to the property but have not found a problem. Mr. Grasso said that he would be willing to meet with the Village Creek neighbors. Mr. Kleppin said that he could meet with everyone but also suggested that someone should go out to the neighbors when someone is complaining.

There was a discussion about whether they should vote on the resolution and add a condition about meeting with the neighbors.

**** MR. KANTOR MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that the proposed revisions to the conditions of permit #2021-29 SPR/CAM – Crystal, LLC – 314 Wilson Avenue – Proposed farmer’s market and beer garden use be **APPROVED** with the following modifications:

8. That beginning on May 1, 2022, that the hours of operation shall become and be limited to:

- 11:00am to 11:00pm on Monday through Friday, provided that live music shall not be provided between the hours of 11:00am to 12:00pm

- 12:00pm to 11:00pm on Saturdays

- 12:00pm to 8:00pm on Sundays, provided that live music shall not be provided between the hours of 6:00pm to 8:00pm

BE IT FURTHER RESOLVED that all other conditions under permit #2021-29 SPR/CAM shall remain in effect.

BE IT FURTHER RESOLVED that the effective date of this action shall be September 16, 2022.

Mr. Williams seconded.

Ms. Langalis thanked the applicant for being willing to work with the neighbors.

Tammy Langalis; Darius Williams; Nick Kantor; Richard Roina; Galen Wells approved.

No one opposed.

Hector Pachas and Louis Schulman abstained.

e. #13-16 SP – Main Norwalk, LLC – 272-280 Main Avenue – Extension of time request for 103,000sf retail with garage and on-grade parking (“The Village”) – Report & recommended action

Atty Suchy began the presentation with a brief description of the location of the property. She then explained that the Zoning Commission had granted approval of the application but the neighbors filed an appeal which was denied by the trial court and appellate court. After those denials the applicant did try to obtain permits but has been unable to do so. This is the fourth extension of time request with the delays being caused by the pandemic. In the meantime the cost of the project has increased. She noted that they continue trying to be a good neighbor especially to the Laura Raymond Homes next to it. They have noticed that prices are coming down and are hopeful that it will continue within the next year.

Mr. Schulman noted that many of the commissioners were not on the Zoning Commission when this was originally approved. He asked if the current Planning and Zoning commissioners should be given the opportunity to hear information about this application. Atty Suchy did not think this matter should be reopened since it had been approved in 2016. Mr. Kantor said that he would vote for an extension.

There was a discussion about the remediation on the site since it was a brownfield and would have prevented it from being developed. For a site plan application, Mr. Baker noted, it must be constructed within 10 years of approval. Mr. Roina said he would vote for an extension. Atty Suchy agreed to come back to give an informal presentation to the commissioners for the benefit of those that were not on the Zoning Commission in 2016.

**** MR. PACHAS MOVED TO APPROVE #13-16 SP – Main Norwalk, LLC – 272-280 Main Avenue - the extension of time request for 103,000sf retail with garage and on-grade parking (“The Village”).**

Mr. Roina seconded.

Louis Schulman; Tammy Langalis; Galen Wells; Nick Kantor; Hector Pachas; Richard Roina approved.

No one opposed.

Darius Williams abstained.

V. APPOINTMENT OF NOMINATING COMMITTEE

Mr. Schulman said he could not appoint a nominating committee since he would need the approval of the other two officers, Galen Wells and Mike Mushak. Since Mr. Mushak was on vacation, he told the commissioners who he would be appointing, which were Ms. Jordan-Byron, Ms. Wells and Mr. Roina.

VI. APPROVAL OF MINUTES: August 24, 2022

**** MR. WILLIAMS MOVED to approve the August 24, 2022 meeting minutes.
Ms. Langalis seconded.**

Louis Schulman; Tammy Langalis; Darius Williams; Galen Wells; Nick Kantor; Hector Pachas; Richard Roina approved.

No one opposed.

No one abstained.

At this point, Mr. Schulman said that he should have pointed out that since three commissioners were not in attendance at this meeting, the alternates had been empowered to vote on all matters.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin began with a review of the public hearings that are scheduled for the Planning and Zoning meetings in September and October. He noted that the Waterfront Plan would be sent to the commissioners the next day so that they could begin review, in preparation of the public hearing on October 6.

He also discussed training for the commissioners including green infrastructure. There was also a discussion about voting for the nominating committee's recommendations at the October 6 meeting.

VIII. COMMENTS OF COMMISSIONERS

Ms. Wells said that she had spoken with Mr. Kantor about how to work with other departments to get to a carbon neutral Norwalk.

Mr. Roina requested a speaker who could give them more information on special permit applications. He said that they have heard from lawyers on certain applications filed but would like to hear from someone recommended by the city. Mr. Schulman asked about who they could speak with about conflicts of interest. Mr. Kleppin asked if the commissioners had any other ideas for trainings.

There was a discussion about the zoning regulations re-write. Mr. Kleppin said he was hoping for a draft in September. There was then a discussion of the process of having them approved. There would also be a meeting with the consultants. The staff would also encourage meetings with city departments as well as neighborhood groups and other interested stakeholders.

IX. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Mr. Pachas seconded.

Louis Schulman; Tammy Langalis; Darius Williams; Galen Wells; Nick Kantor; Hector Pachas; Richard Roina approved.

No one opposed.
No one abstained.

The meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Diana Palmentiero