

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
September 6, 2023

PRESENT: Louis Schulman, Chair; Nick Kantor; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Hector Pachas; Richard Roina; Ana Tabachneck; Tammy Langalis (arrived at 7 pm)

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Tyisha Toms; Tom Livingston; Atty Darrin Callahan; Atty Liz Suchy; Andy Soumelidis; Luz Rosado; Tom Carman; Greg DelRio; Richard Bonenfant; Paul Shenard; Atty Adam Blank; Vincent Hynes; Colin Grotheer; Eric Rains; Henry Conroy; Bob Grzwacz

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 said since Ms. Langalis was not at the meeting, all three alternates would be seated for all items that require to be voted upon.

IV. REVIEW & ACTION ON APPLICATIONS

a. #2023-49 8-24 Referral – City of Norwalk – Request to acquire six properties that abut the South Norwalk School property to provide for enhanced vehicular and student access, additional parking, recreational and open space, and right-of-way improvements including removing existing sightline obstructions by the modification to travel lanes and reconfiguration of the intersection at the South Main Street/Meadow Street/Wilson Avenue/Meadow Street Extension – Report & recommended action

Assistant Corporation Counsel, Tyisha Toms, began the presentation since Alan Lo was unavailable. She noted that the project was set to begin in August 2025. She

discussed the number of students as well as the number of sq. ft. of the building. She also discussed the reimbursement rate set by the state and noted that the project was going out to bid at the end of the year.

Atty Toms then discussed the land that the city would like to acquire for this project. Mr. Schulman noted that this project had been discussed recently in length at a previous Planning & Zoning meeting including a discussion about the pieces of land that they are attempting to purchase.

There was a discussion about whether this purchase would be reimbursed at the higher rate. Funds from the Jefferson School project would be used for this purchase. There was a discussion about the use of the property in the back which had been deemed inaccessible. Tom Livingston said that the acquisition would not affect the back of the property.

Since there are people living on the properties being purchased, the city would work them to find alternative housing. Mr. Livingston was not sure how long the residents would have to move. Atty Darrin Callahan explained which lot the city was acquiring from CSX Railroad Properties and that it was to realign the roadway. The commissioners reviewed Google Maps to see the exact area of the acquisitions.

There was a discussion about wording in the resolution before it was voted on.

**** MR. BRYCE MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-49 8-24 Referral – City of Norwalk – Request to acquire six properties that abut the South Norwalk School property to provide for enhanced vehicular and student access, additional parking, recreational and open space, and right-of-way improvements including removing existing sightline obstructions by the modification to travel lanes and reconfiguration of the intersection at the South Main Street/Meadow Street/Wilson Avenue/Meadow Street Extension be **APPROVED.**

BE IT FURTHER RESOLVED that the properties to be acquired for the purpose of providing enhanced vehicular and student access, additional parking, and/or recreational and open space area for the South Norwalk School are the following:

1. 28 Oxford Street, Norwalk, CT
2. 32 Oxford Street, Norwalk, CT
3. 36 Oxford Street, Norwalk, CT
4. 38 Oxford Street, Norwalk, CT

5. 16 Meadow Street Ext., Norwalk, CT

BE IT FURTHER RESOLVED that the property(s) to be acquired for the purpose of right-of-way improvements including removing existing sightline obstructions by the modification of travel lanes and reconfiguration of the intersection at the South Main Street/Meadow Street/Wilson Avenue/Meadow Street Extension and other right-of-way improvements for the South Norwalk School are the following:

1. A portion of real property identified as Portion of Parcel A to be Deeded to the City of Norwalk, Area = 44,338 s.f.± (1.01786 Acres), and Portion of Lots 8 & 9 to be Deeded to the City of Norwalk, Area = 4,426 s.f. ± (.010161 Acres) on and as shown in a certain map entitled "Boundary Survey (Parcel A and Lots 8 & 9)" Scale 1' = 30' dated July 27, 2023 prepared by Langan CT, Inc., on file in Building Management Department of the City of Norwalk

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 "The Norwalk Public School system is the most successful city school system in Connecticut..." (Chapter 5: A Community Committed to Life-Long Education); and
2. To achieve the goal that "The Modern Schools for a Growing City plan provides new and renovated schools to alleviate overcrowding and better serve students." (Chapter 5: A Community Committed to Life-Long Education); and
 - a. That phase I of the plan specifically lists "A new school including magnet programs with new and renovated buildings in South Norwalk, where the need is greatest."
3. To achieve the goal that "Neighborhood streets maintain a residential character and support a range of transportation options, as feasible," through the strategy to "Balance neighborhood traffic circulation needs with the goal of creating walkable and bike-friendly neighborhoods," and the action to "Implement traffic-calming measures to slow traffic when supported by affected residents." (Chapter 10: Transportation & Mobility Networks); and
 - a. That said goal specifically states that the city should "Focus on school areas to create safer-feeling environments for students and parents, including Safe Routes to School programs..."

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

Mr. Pachas seconded.

Louis Schulman; Nick Kantor; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Hector Pachas; Richard Roina; Ana Tabachneck approved.

No one opposed.

No one abstained.

b. #2023-50 Special Appropriation – City of Norwalk – Request to acquire six properties that abut the South Norwalk School property in the amount of \$2,900,000 – Report & recommended action

Mr. Schulman explained that the funds for this project would be moved from excess funds in the Jefferson School project. Mr. Roina asked if the sales had been set for closing but Atty Toms said they had not. She explained that the price had been set by the appraisals.

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-50 Special Appropriation – City of Norwalk – Request to acquire six properties that abut the South Norwalk School property in the amount of \$2,900,000 be **APPROVED**.

BE IT FURTHER RESOLVED that the properties to be acquired for the purpose of providing enhanced vehicular and student access, additional parking, and/or recreational and open space area for the South Norwalk School are the following:

1. 28 Oxford Street, Norwalk, CT
2. 32 Oxford Street, Norwalk, CT
3. 36 Oxford Street, Norwalk, CT
4. 38 Oxford Street, Norwalk, CT
5. 16 Meadow Street Ext., Norwalk, CT

BE IT FURTHER RESOLVED that the property(s) to be acquired for the purpose of right-of-way improvements including removing existing sightline obstructions by the modification of travel lanes and reconfiguration of the intersection at the South Main Street/Meadow Street/Wilson Avenue/Meadow Street Extension and other right-of-way improvements for the South Norwalk School are the following:

1. A portion of real property identified as Portion of Parcel A to be Deeded to the City of Norwalk, Area = 44,338 s.f.± (1.01786 Acres), and Portion of Lots 8 & 9 to be Deeded to the City of Norwalk, Area = 4,426 s.f. ± (.010161 Acres) on and as shown in a certain map entitled “Boundary Survey (Parcel A and Lots 8 & 9)” Scale 1’ = 30’ dated July 27, 2023 prepared by Langan CT, Inc., on file in Building Management Department of the City of Norwalk

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 “The Norwalk Public School system is the most successful city school system in Connecticut...” (Chapter 5: A Community Committed to Life-Long Education); and

2. To achieve the goal that “The Modern Schools for a Growing City plan provides new and renovated schools to alleviate overcrowding and better serve students.” (Chapter 5: A Community Committed to Life-Long Education); and

a. That phase I of the plan specifically lists “A new school including magnet programs with new and renovated buildings in South Norwalk, where the need is greatest.”

3. To achieve the goal that “Neighborhood streets maintain a residential character and support a range of transportation options, as feasible,” through the strategy to “Balance neighborhood traffic circulation needs with the goal of creating walkable and bike-friendly neighborhoods,” and the action to “Implement traffic-calming measures to slow traffic when supported by affected residents.” (Chapter 10: Transportation & Mobility Networks); and

a. That said goal specifically states that the city should “Focus on school areas to create safer-feeling environments for students and parents, including Safe Routes to School programs...”

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

Ms. Jordan-Byron seconded.

Louis Schulman; Nick Kantor; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Hector Pachas; Richard Roina; Ana Tabachneck approved.

No one opposed.

No one abstained.

c. #2023-51 8-24 Referral – City of Norwalk – Request to acquire a portion of 11 Belden Avenue for the expansion of Norwalk Library – Report & recommended action

Atty Toms began the presentation by explaining the project which was for additional parking for the library. Atty Callahan noted that the design plans had been sent out to bid. It hadn't been worked on yet. He said the parking may be adjusted since the design was not complete. Atty Callahan said it would be maintained by the parking authority. He also said that no decision had been made yet about whether there would be free parking after the library was closed. However, he noted that it is being reviewed.

Ms. Jordan-Byron asked that since the lot abuts a city municipal building the lot should be available to the public when there are snow emergencies, etc. and that they are not penalized or have to pay for such use. Atty Callahan said that he would discuss it with Mr. Travers. Ms. Jordan-Byron asked for language in the resolution regarding her question about the public use of the parking lot during snow emergencies, etc. Atty Callahan reminded the commissioners that the language in the resolution had been shown to the Building Management and Land Use Committee of the Common Council and could not be changed at this point since it was under 8-24 jurisdiction. It was to be the language adopted by the Common Council. He was concerned about potential litigation issues regarding eminent domain. Mr. Schulman asked Atty Toms if a suggestion, not a requirement, could be written into the resolution and whether it would compromise eminent domain. She answered that she would defer to Atty Callahan who had raised the issue. He said that the question would be noted in the minutes as well as the fact that he would discuss the matter with Mr. Travers. Ms. Jordan-Byron was asked if she agreed with this solution. She said that it was acceptable but wanted it noted because it is eminent domain that the public should benefit in some way from that will relieve some of the overflow and lack of parking in this area during off hours. Atty Callahan said he would send an email to Mr. Travers after the vote, copying Ms. Jordan-Byron so that Mr. Travers could speak with her directly.

**** MS. TABACHNECK MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-51 8-24 Referral – City of Norwalk – Request to acquire a portion of 11 Belden Avenue for the expansion of Norwalk Library 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 *“Continue to update, modernize, and maintain Norwalk’s infrastructure and city facilities,”* through the action to *“Support facilities improvements and innovative programs in the Library system that contribute to*

community cohesion.” (Chapter 11: Public Facilities, Infrastructure & Services); and

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

Mr. Williams seconded.

Louis Schulman; Nick Kantor; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Hector Pachas; Richard Roina; Ana Tabachneck approved.

No one opposed.

No one abstained.

V. PUBLIC HEARINGS

a. #2023-34 SPR – RMS 394 West Avenue, LLC – 370 & 394 West Avenue and 2 Maple Street (District 1, Block 8, Lots 10, 13 and 40B) – Proposed six-story, +/- 91,853sf mixed-use development with 204 dwelling units

Mr. Schulman opened the public hearing by explaining the process for the public.

Atty Liz Suchy, the attorney for the developer, began the presentation by introducing the project team. She then gave a background of the application as well as noting that the certified, return receipt cards evidencing notification of the public hearing had been sent to the Planning and Zoning Department. She then gave a description of the property as well as a general overview of the project. Most CEAC approvals and comments have been received. Redevelopment and TMP have not submitted their approvals. There was a discussion about the location of the workforce housing throughout the building.

Andy Soumelidis, the engineer on the project, oriented the commissioners as to the location of property on an aerial map. He then showed them the site plan and explained that lots would be combined into one. He explained the public utilities and noted that there are currently no stormwater improvements. He then explained the proposed stormwater improvements. He explained on-street parking elements and addressed TMP's comments. He then discussed the bike lanes which included extending the bike lanes that were further down West Avenue. He also discussed the bike amenities. He noted that there had been a meeting to discuss burying the power lines. However, he explained that the communications lines were on the poles as well. They would not have an answer yet as to whether it was feasible. He also discussed traffic calming in this area which included bike lanes. He also discussed the crosswalks. He also noted that a city owned parking lot encroaches onto their property. He showed

them what could happen on it especially with respect to drainage. He also discussed a state owned lot that abuts their property. They would have to coordinate with them with the help of TMP. They would like to remove the asphalt currently there and replace it with landscaping.

Mr. Schulman said that Tammy Langalis had arrived so Mr. Bryce would be unseated for this public hearing. Ms. Tabachneck would remain seated but during the next public hearing Mr. Bryce would be seated to vote on that application.

Atty Suchy asked for a modification to a condition in the draft resolution regarding the burying of the power lines. She noted that it may not be economically feasible or it would take too long for the approvals.

Luz Rosado, the architect on the project, continued the presentation by showing the floor plans for the project. She then discussed the location of the workforce housing units to show how they were dispersed throughout the building. Another comment was related to handicap spaces. She also discussed the EV parking stations. She then discussed the exterior architecture and setbacks.

Tom Carman, the landscape architect on the project, continued the presentation with an overview of the streetscape and lighting. He described curb alignments. He also noted that there were some similarities in curb treatments to the nearby Waypointe and the under construction Pinnacle. He described the benches, planters and sidewalks around the building.

There was a discussion about the street trees on West Avenue. Mr. Carman explained why there were no trees where the parking spaces were on West Avenue. He then discussed the lighting plan, both on West Avenue and the amenity deck space. He noted that the fixtures would match the ones along West Avenue. They made a few changes as requested by the commissioners.

The commissioners then had comments and questions for the presenters. There was a comment about solar on the site which were solar charging stations on the amenity level and the rooftop level. There would not be solar panels for the building. There was also a discussion about the planting of a tree near the parking spaces but Mr. Carman said that there is a street light in that spot. There was also a discussion about the public amenity space at the corner of Maple Street and West Avenue, as well as where dogs would be walked. Mr. Carman suggested that it would be done along the trail. Ms. Jordan-Byron also mentioned that Waypointe may have a small, green space for dogs. Atty Suchy also said that the dog park at Waypointe became a nuisance and that Lockwood-Mathews Park was nearby.

Greg DelRio, the traffic engineer on the project, continued the presentation by orienting the commissioners as to the traffic study area on an aerial map. He explained when and how the traffic counts were conducted. He also explained how they had accounted for nearby offices and developments. He discussed other traffic assessments and the levels of service as well.

Atty Suchy reserved the right to rebut comments made by members of the public after they spoke. At this point, Mr. Baker explained how they could make comments at the meeting.

Richard Bonenfant, 17 Park Hill Avenue, thanked Ms. Langalis for her remarks about dog walking and noted this was his concern as well. He did not think it was a good idea for dogs to be in Lockwood-Mathews Park especially since people did not pick up after them. He had concerns about the parking especially when there is an event at the Heritage Wall. He explained that people were allowed to use the parking on this site but did not know if that had transferred to the new owners. He had concerns about ambulances on Maple Street since Norwalk Hospital was nearby.

Paul Shenard, Windsor Place, spoke in support of the project especially for the design of the building, on street parking and additional bike lanes.

Atty Suchy responded to Mr. Bonenfant's comments about dog walking in nearby parks. She also noted that under site plan review there is currently no requirement to provide access to facilities for pets. She also addressed his comments about parking for the Heritage Wall. She noted that the applicant had implemented TMP's requests for a speed bump and on-street parking. She then asked that the commissioners consider 4 areas of concern when they were deciding on this application, one is the pocket park which they don't own, access to the city-owned lot, adding a cross-walk which they didn't think was necessary since there were a sufficient number within walking distance and the underground utilities which they had addressed earlier in the presentation.

Randy Salvatore, the owner of RMS Company, thanked the commissioners for the opportunity to develop at this site. He explained that his company had developed previous sites in Norwalk.

Atty Suchy reminded the commissioners of the seven standards of review under a site plan application. The commissioners did not have any further questions for Atty Suchy or the project team.

Mr. Schulman closed the public hearing.

i. Action on #2023-34 SPR

Mr. Kleppin said that condition #10 addressed the triangular piece of property which the city will attempt to speak with DOT to gain control of. There was also a discussion about the condition for underground utilities which Mr. Kleppin recommended keeping it as written.

Mr. Roina said that he thought Mr. Salvatore would do a good job on this project especially since he had done other projects in the city.

Ms. Jordan-Byron had comments about the language in #7 about deed restrictions and the number of workforce housing units.

**** MR. PACHAS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning and Zoning Commission that application #2023-34 SPR – RMS 394 West Avenue – 370 & 394 West Avenue, 2 Maple Street – Proposed mixed-use development with 204 residential units, site improvements, and amenities (6 Stories – 91853sf) be **APPROVED** subject to the following conditions:

1. That the building and site will be developed in accordance with the following plans and as amended by staff comments:
 - a. Per Site Development Plans for a Mixed-Use Development Zoning; prepared by LandTech, dated 8/31/2023; and
 - b. Per architectural plans entitled “370 West Avenue” pages A-01 – A-09, prepared by Lessard Design, dated 8/30/2023; and
 - c. Per 370 West Avenue, Norwalk Connecticut, Landscape Submission Plans; prepared by Melillo, Bauer, Carman Landscape Architecture dated 8/30/2023
2. That all department sign-offs are submitted prior to the issuance of a zoning permit; and
3. That a surety be submitted, in an amount to be determined by Staff, to guarantee the installation of the required erosion and sediment controls prior to the issuance of a zoning permit; and

4. 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 Commission's Staff, as needed; and
5. That, prior to submitting a zoning permit, the applicant shall pay the City, an inclusionary zoning fee of ten dollars (\$10.00) per one thousand dollars (\$1,000) of residential construction cost to be paid into a fund to be used to construct rehabilitate or repair affordable housing for individuals or families of lower levels, whose annual income does not exceed 60% of the state median income, this shall include the fractional remainder of .4 to be paid into said fund in lieu of providing and an additional unit to achieve compliance of the zoning regulations; and
6. That, prior to obtaining a Certificate of Zoning Compliance a final workforce housing affordability plan showing a total of twenty (20) workforce housing units, evenly disbursed throughout, shall be constructed, and include deed restricted documents filed on the Norwalk Land Records to achieve compliance of the zoning regulations; and
7. All such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
8. That a Connecticut licensed engineer shall certify that all of the required improvements, including any required off-site improvements, were installed to City standards prior to the issuance of a Certificate of Zoning Compliance; and
9. That a surety be submitted, in an amount to be determined by Staff, to guarantee the completion and maintenance of the site plan and any and all modifications to the plan and all work required as a condition of approval under this special permit prior to the issuance of a Certificate of Zoning Compliance; and
10. That should the City obtain rights to improve the triangular piece of property on the western boundary of the project site, prior to the receipt of the Certificate of Zoning Compliance, the applicant shall prepare and implement an improvement plan for the creation of a pocket-park for the use and enjoyment for the City; and
11. That any and all conditions listed in a memo dated June 26, 2023 from Norwalk DPW are applicable to this approval; and
12. That the stormwater maintenance plan be implemented to ensure the maintenance of the onsite drainage system; and
13. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and

14. That any revisions to the approved plans be submitted to Planning & Zoning Staff prior to implementation; and
15. That the approved Site Plan for which a building permit has not been issued within one (1) year from the effective date shall become null and void, unless an extension of time is applied for and granted by the Commission to achieve compliance of the zoning regulations; and
16. That all utilities be buried on-site; and
17. That utility poles #3248 and #30249, located on Maple Street, shall be buried underground in compliance with all applicable utility agency standards; and
18. That the applicant shall consider installing solar panels to the greatest extent possible; and
19. That the Site Plan comply with Section 118-504 (C)(3); That in the future any dead plantings (including the annual plantings proposed) must be replaced in accordance with the approved landscape plan consisting of native plants and comply with the landscape maintenance plan; and
20. Should any building façade material become damaged or deteriorated, the applicant and future owners shall repair the damage or deterioration within thirty (30) days' notice from the City; and
21. That the Site Plan comply with Section 118-504 (C)(4), that a sidewalk proposed on West Avenue and Maple Street is increased to a width of seven (7) feet minimum and includes a two (2) foot snow shelf and maintains a five (5) foot clearance at all times from any obstruction; and
22. That the applicant shall work with TMP regarding an additional crosswalk, curb ramps and necessary traffic signal appurtenances at the southerly leg of the West Avenue and Butler Street intersection; and
23. That the Site Plan comply with design review elements required by the Zoning Regulations including the pedestrian light poles proposed must be the same if not, similar in style as the ones within the West Avenue corridor and as approved by TMP and/or DPW; and
24. That the applicant coordinates with DPW and TMP to address and resolve the potential access issues with the southern City owned parking lot that will result from this proposal; and

BE IT FURTHER RESOLVED that this application complies with Section 118-504, Section 118-1451, Section 118-1460 and with all applicable sections of the Building Zone Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the effective date of this action is September 15th, 2023.

Ms. Jordan-Byron seconded.

Before the commissioners voted, Ms. Langalis said she was disappointed that this parcel was not developed by Norwalk Hospital as brought to the Planning Commission about 4 years ago which would have brought jobs to Norwalk, rather than more housing. However, she did think this project was nicely executed.

Given the fact that they are including more sustainability measures in the proposed zoning regulations, Mr. Kantor hoped that other developers would not be allowed to have this size development and not take sustainability seriously. He understood that the current site plan regulations did not make those requirements, but found the lack of sustainability in this project disappointing.

Louis Schulman; Nick Kantor; Darius Williams; Jacquen Jordan-Byron; Hector Pachas; Richard Roina; Tammy Langalis; Ana Tabachneck approved.

No one opposed.

Galen Wells abstained.

Ms. Wells said that she could not vote in favor of a project that thought the answer to solar was plug-in chargers for cell phones.

Mr. Schulman said that they would take a break before the next public hearing and resume the meeting at 8:05 pm. He also noted that Mr. Bryce and Mr. Pachas would be seated for the next application. At this point, it was noted that Mr. Mushak was on the call as well.

b. #2023-07 SP – SONO TOD II LLC – 1-11 & 15-17 Chestnut Street and 30 Monroe Street (District 2, Block 55, Lots 4, 22 and 28) – Construction of a 200-dwelling unit mixed-use development

For this public hearing, Mr. Schulman seated Mr. Bryce and Mr. Pachas. He then opened the public hearing and explained to the public how it worked. He also explained how the members of the public could make comments.

Atty Adam Blank, the attorney for the developer, began the presentation by orienting the commissioners as to the location of the property on an aerial map. He described the project. He also said that the notice of the public hearing had been turned over to the Planning & Zoning Department. He went through the signoffs that they had received as well as noting that the project had gone through a peer review. He said they would revise the plans in the peer review. There had also been a traffic peer review and the applicant had addressed all of the concerns. He said that there had been minor comments from TMP but had not received their signoff. He then introduced the project team. He gave a brief overview of nearby projects by the developer of this project. He also discussed the historic preservation regulations as they pertained to the nearby completed projects. He also noted that the applicant had requested a text amendment to the historic preservation regulations in May. He explained that they were requesting a 25% bonus so they can get to the 200 units at the site. He also discussed the 60 public commuter parking spaces. The height of the building then increased to 7 stories. He also explained the amount of workforce housing units. There would be a courtyard area with views of the nearby Shirt Factory building. He discussed the many regulation requirements that the application met. Atty Blank then discussed the traffic report which was based on the current traffic conditions as well as if Chestnut Street was one way and if the MLK parking lot was redeveloped.

Vincent Hynes, the engineer on the project, continued the presentation by discussing the grading plan. There are different levels of garage access. He noted the number of parking spaces in the garage, including accessible spots and also discussed the electric vehicle requirements. He said that they have updated the plans to show the driveway configuration of Station Place.

There was a discussion about the name of the street which would be Station Place which is at the train station itself. There was also a discussion about the grading of the public space between the proposed development and the Shirt Factory. There was also a discussion about the connection for residents and commuters in the parking garage. Mr. Hynes said that the only connection is by stairs and elevators and not driving. He noted that the upper floors would probably be used for commuters since they are closer to the train station. Henry Conroy that the lower level would be predominantly residential spaces. Mr. Hynes continued the presentation by noting they were implementing Department of Public Works (DPW) standards for the streetscape. He also discussed the courtyards and rooftop areas would be both public and private. There would be commercial spaces as well as trash areas. He also discussed the public utilities and storm water management.

Colin Grotheer, the architect on the project, continued the presentation by explaining the philosophy of Beinfeld Architecture. He gave a brief history of the area.

He then described the project to the commissioners. He described in detail the retail spaces. He showed them pictures of the current 11 Chestnut Street which also houses Beinfeld Architecture offices. He then explained the details of the units which included number of residences, including workforce units. He showed them the exterior design of the building. He also showed them the site plan of the building and another exterior which showed another exterior. He also discussed the various floors as well as showed them another exterior design.

There was a discussion as to the location of the workforce housing units. There was a discussion about the seniors in the neighborhood and their need for housing. Ms. Jordan-Byron asked for another 2% of units be set aside for seniors or are disabled. Atty Blank then explained that their application complied with the current regulations. He did not think the applicant would be able to do more than 10% workforce units. Mr. Schulman reminded them that Atty Blank was correct in his assessment about the regulations but that this should be discussed under the proposed zoning regulations. Mr. Kleppin noted that this could be discussed under the affordable housing study which was about to begin.

Mr. Grotheer noted that the exterior elevator was not a practical solution and recommended a ramp instead from the train station.

Eric Rains, the landscape architect, continued the presentation by describing the new Station Place. He also described the amenities including a sculptural element by Beinfeld Architects, in the area. He also mentioned the tree canopy and how the upper courtyard would be illuminated. There was also a discussion about using tinted concrete. Mr. Rains showed them where bicycle parking would be, and the elevated planters. He showed them a photo of a water feature with rocks surrounding it. They had also proposed fire pits. He noted that the planting lists and detailed lighting analysis are in the plans.

There was a discussion about the gated park which was public/private. Henry Conroy explained how it would work. He said they would consider closing it after commuting hours.

Bob Grzwacz, the peer review consultant for the city, continued the presentation with a detailed analysis of the project. He thought it was a good project. He discussed the massing of the buildings as well as the pedestrian link to the train station. He also described the lighting and confirmed what was adequately lit and which areas were not. He also discussed the courtyard including the fire pits in the public space. He described the entry of the building as well as the solar. Atty Blank said that they would make an

attempt to have solar on the roof. Henry Conroy described the solar system that would be used on the building. Mr. Conroy said it would power portions of the common areas.

There was a discussion about the mechanicals which did not seem to be hidden. There was also a discussion about the clapboard. Mr. Grzwacz thought a modern profile would be more appropriate and was his recommendation. There was a discussion about garage ventilation.

Greg Del Rio, the traffic engineer, continued the presentation by explaining the traffic study area as well how the study was conducted. He noted that transit buses would be rerouted which was accounted for in the study. He also spoke about the trips generated and then the different levels of the garage. He described the levels of service. He described the parking impacts for on-street parking. He suggested some signal timing changes to mitigate traffic. He said that the parking impacts for these streets were not bad.

Ms. Langalis about the two schools in the area and whether they would affect the traffic. She said she knew that there was a lot of traffic from parents dropping off and picking up their children. Atty Blank said that he heard that one of the schools would be gone which would help the situation.

Ms. Jordan-Byron shared Ms. Langalis's concerns about the traffic which was all day long in this area. She was concerned that there would be city buses in this area, causing a lot of noise pollution. She also had concerns about Chestnut Street becoming one way. Her last comment was about the route of city buses in this area. Mr. Del Rio said that her issues were not those of the developer, but the city. Atty Blank said that some changes were being made by TMP and Redevelopment.

Mr. Bryce noted that there were three driveways on Henry Street and wondered if there was any way to reduce that number. Mr. DelRio noted that it was not brought up as a concern during any reviews. Mr. Bryce asked if one of the driveways could be closed and Mr. DelRio said that there had been a conversation of that nature.

Mr. Grzwacz wondered why the circle had been removed at the train station so Mr. Kleppin said that it had been a TMP decision. He said that they could ask them to revisit it but did not their decision would change. There were concerns about the number of buses. Ms. Jordan-Byron said that 6-7 buses on a small street would cause air pollution.

At this point, Mr. Schulman noted that the public could make comments and Mr. Baker explained the process.

Paul Chenard, _____, said that he liked the architecture, but did have concerns about the curb cuts. He thought it would be difficult for pedestrians and bikers. He also thought Chestnut should remain 2 ways but suggested that Henry Street should be turned into two way. He also spoke about bike lanes in the area.

Mr. Baker said that there were no other speakers.

Mr. DelRio noted that there was only 1 extra curb cut on Henry. Mr. Grotheer discussed the curb cuts as well as the signage. Mr. Bryce asked about adding a bike repair station. Mr. Grotheer said that a new one had been added to the train station parking garage. Atty Blank noted that it could be a condition. There was also a discussion about the lower area being gated and which areas were for the public.

Atty Blank said that the development increased conditions in the area where there was no workforce housing, and no public spaces.

Mr. Williams about what type of gate it would be but Mr. Conroy said it would be mechanical.

Mr. Schulman closed the public hearing.

i. Action on #2023-07 SP

Before the vote, the commissioners made changes to the resolution. There were concerns about the accessibility provided at the site which included the possibility of an elevator. There was also a discussion about wayfinding signage. There was also a discussion about the courtyard including leaving it open to the public. The applicant would work with the Planning and Zoning Department staff on this matter.

WHEREAS, the applicant presented the applications to the Commission for public hearings on September 6, 2023;

WHEREAS, the Commission closed the hearing on September 6, 2023;

WHEREAS, the Commission deliberated on the application on September 6, 2023;

WHEREAS, in consideration of the above, the Commission made the following findings:

WHEREAS, the proposed development is consistent with the goals of the September, 2016 South Norwalk TOD Redevelopment Plan and the 2019-2029 Citywide Plan;

WHEREAS, the applicant is seeking a special permit by preserving 11 Chestnut Street to gain additional density and F.A.R. for the new development;

WHEREAS, in addition to the proposed development being consistent with the goals of the September, 2016 South Norwalk TOD Redevelopment Plan and the 2019-2029 Citywide Plan, the additional density in proximity of the train station is sound planning practice and is consistent with the long term vision for the City;

WHEREAS, nineteen (19), permanently deed-restricted Workforce Housing units will be provided;

WHEREAS, a one (1) percent fee, based on residential construction cost, shall be paid to the City of Norwalk and placed into a fund to be used to construct affordable housing for individuals of lower income levels or families whose annual income does not exceed 60% of the state median income;

WHEREAS, the Commission conducted an outside peer review of the Traffic Impact Analysis;

WHEREAS, the Commission concurs with the findings of the Traffic Impact Analysis, the project traffic will not result in an increase in traffic or result in any deterioration in the level of service;

WHEREAS, the applicant has provided the requisite number of parking and loading spaces as required by the Building Zone Regulations;

WHEREAS, the proposed plan has been reviewed and approved by WPCA; the Fire Marshal; Transportation, Mobility and Parking; and the Department of Public Works;

WHEREAS, the Commission, in conjunction with the Norwalk Redevelopment Agency, hired a third-party, architectural peer review consultant, who thoroughly analyzed the project from a design perspective and recommended approval of the plan with some additional recommendations;

WHEREAS, DeCarlo and Doll provided a report to the Commission dated August 31, 2023;

WHEREAS, the proposed structure complies with the Schedule Limiting Height and Bulk of Buildings in the SSDD Zone; including, compliance with the maximum front yard setback;

**** MS. WELLS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission, that application #2023-7 R/SPU – 15-17 Chestnut St.– SONO TOD II LLC – Special Permit, be **APPROVED**, subject to the following conditions:

1. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required erosion and sediment controls prior to the filing of the Site Plan on the Land Records; and
2. That a special permit certificate and mylar of the approved Site Plan (as revised by any conditions of approval) be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. That a consolidation map be filed on the land records prior to obtaining a zoning permit; and
4. That any outstanding CEAC signoffs shall be submitted to staff prior to the issuance of a zoning permit; and
5. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by OSTA, be submitted for review by the Zoning Commission; and
6. That an Affordability Plan be submitted to the Corporation Counsel's office for review and approval prior to obtaining a Zoning Permit. The Affordability Plan shall be filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance; and
7. That prior to obtaining a Zoning Permit, a one (1) percent fee, based on residential construction cost, shall be paid to the City of Norwalk and placed into a fund to be used to construct affordable housing for individuals of lower income levels or families whose annual income does not exceed 60% of the state median income; and
8. That any sidewalks provide a minimum of 5' clearance from any obstruction; and
9. That any and all HVAC units shall be screened and located in conformance with the applicable zoning setbacks; and
10. That all soil and erosion controls be installed and maintained prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and

11. The applicant shall install rooftop solar on the principal building to the greatest extent possible, but at a minimum, as depicted Roof Plan A108, dated 7.12.23; and
12. That a follow-up traffic report be submitted twelve (12) months after receipt of the certificate of occupancy; and
13. The applicant shall comply with the Land Disposition and Development Agreement between the City of Norwalk, the Norwalk Redevelopment Agency and SoNo TOD, LLC, dated 8.18.23; and
14. The applicant shall review the necessity of the proposed curb cuts on Henry Street, with the Transportation, Mobility and Parking Department; and
15. That the applicant shall review the internal circulation of Station Place, including the bus circulation and impacts on Henry Street, with the Transportation, Mobility and Parking Department; and
16. That any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and
17. That a Connecticut licensed engineer certify that all of the required improvements, including any required off-site improvements, were installed to City standards; and
18. That a surety be submitted, in an amount to be determined by Staff, to guarantee the completion and maintenance of the site plan and any and all modifications to the plan and all work required as a condition of approval under this special permit, prior to the issuance of a Certificate of Zoning Compliance; and
19. Should any building façade material become damaged or deteriorated, the applicant and future owners shall repair the damage or deterioration within thirty (30) days' notice from the City; and
20. That all signage comply with the applicable Zoning Regulations; and
21. That wayfinding signage be incorporated into the entire site, to assist in locating commercial spaces as well as public spaces; and
22. That the applicant shall install a pedestrian elevator or lift from the Station Place level to the lower, Chestnut Street courtyard, and
23. That the applicant shall maintain the courtyard open to the public to the greatest extent possible, and shall confer with Staff should there be a need to close the space to the public; and

24. That any murals installed on the building facades comply with any applicable City policies; and

25. The building and site will be developed in accordance with the following plans:

- a. Per Zoning Site Plan 1B prepared by Redniss & Mead, dated 1/18/23.
- b. Per Zoning Site Plan 1A, Zoning Site Plan 1B, Site Grading Plan SE-1, Site Utility Plan SE-2, Sedimentation & Erosion Control Plan SE-3, Sire Removals Plan SE-4, Details SE-5 SE-6, SE-7, SE-8 and SE-9, prepared by Redniss & Mead, dated 6/30/23.
- c. Per Landscape plans prepared by Eric Rains Landscape Architecture, dated 1/18/23, as revised to 7/12/2023.
- d. Per Architectural Floor Plans, Renderings and Elevations prepared by Beinfield Architecture dated 8/11/2023, revised to 9/6/2023.
- e. Except that, the following modifications to the architectural plans shall be made prior to obtaining a Zoning Permit:
 - i. The Chestnut Street façade shall be modified to incorporate the awning as indicated on the revised drawings;
 - ii. A prominent, sign, such as a blade sign, shall be added to Chestnut Street, near the northern end, identifying the building;
 - iii. The Henry Street townhouses shall be modified to incorporate larger planters, enhanced stoops, and prominent unit numbers;
 - iv. The brick colors for the Henry Street townhouses shall be softer brick-tones than depicted on the renderings;
 - v. The railing/cornice along the Chestnut St/Henry St facades shall be integrated into the façade.

BE IT FURTHER RESOLVED that the effective date of this action be September 25, 2023.

Mr. Williams seconded.

Louis Schulman; Nick Kantor; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Hector Pachas; Richard Roina; Tammy Langalis; Galen Wells approved.

No one opposed.

No one abstained.

VI. APPOINTMENT OF NOMINATING COMMITTEE

Mr. Schulman said he was not authorized to appoint a nominating committee. He needed the approval of Mr. Mushak and Mr. Kantor. He proposed Richard Roina, chair of the committee with Ms. Wells and Mr. Williams on the committee with him. He said that he could only serve one more year and he was interested in serving again. He would like the proposed zoning regulations to go into effect under his leadership. He asked that any one else interested in running should let the nominating committee know. Ms. Wells, Mr. Williams and Mr. Roina said they would serve on the nominating committee. They cannot be nominated as officers. The descriptions of the positions are in the by-laws and the terms are one year.

VII. APPROVAL OF MINUTES: August 16, 2023

**** MS. LANGALIS MOVED to approve the August 16, 2023 minutes, as amended.**

Mr. Pachas seconded.

Louis Schulman; Tammy Langalis; Nick Kantor; Chapin Bryce; Hector Pachas; Darius Williams; Galen Wells; Ana Tabachneck approved.

No one opposed.

Jacquen Jordan-Byron and Richard Roina abstained.

VIII. COMMENTS OF DIRECTOR

Mr. Kleppin said he had sent out the decision about the Richards Avenue appeal on the temple. It had been appealed two years ago and now the applicant could proceed with the project.

IX. COMMENTS OF COMMISSIONERS

Mr. Kantor asked if the next meeting was a regular meeting but Mr. Schulman said they would continue reviewing the proposed zoning regulations. Mr. Baker told them they would be discussing table uses as well as maps. He was not sure if they would be speaking about Airbnb uses. Mr. Schulman said they would hold the meeting from 6 pm - 8 pm.

X. ADJOURNMENT

Mr. Williams made a Motion to Adjourn.

Mr. Roina seconded.

Louis Schulman; Nick Kantor; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Hector Pachas; Richard Roina; Ana Tabachneck; Tammy Langalis approved.

No one opposed.

No one abstained.

The meeting was adjourned at 10:42 p.m.

Respectfully submitted,

Diana Palmentiero