

CITY OF NORWALK
PLANNING & ZONING COMMISSION
August 17, 2022

PRESENT: Louis Schulman, Chair; Mike Mushak; Tammy Langalis; Jacquen Jordan-Byron; Darius Williams; Galen Wells; Nick Kantor; Hector Pachas; Steve Ferguson; Richard Roina (arrived at 6:20 pm)

STAFF: Steve Kleppin; Michelle Andrzejewski

OTHERS: Nichelle Waddell; Chief Thomas Kulhawik; Michael Petrin; Dennis Rioux; Atty Bob Maslan; Christopher Russo

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:02 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 asked that anyone not speaking on behalf of the first two public hearings turn off their cameras.

III. PUBLIC HEARINGS

a. #2022-19 R/SP/SPR - Wegmans Food Markets, Inc. – 47 Richards Avenue and 677, 667 and 651 Connecticut Avenue – Zoning text amendment, special permit and site plan review applications for a Wegmans grocery store, parking structure and two additional retail buildings – NO ADDITIONAL PRESENTATION/PUBLIC COMMENT AT THIS MEETING, HEARING TO BE CONTINUED TO WEDNESDAY, AUGUST 24, 2022 AT 6:00PM VIA ZOOM

Mr. Schulman noted that this public hearing was closed to comment.

Atty Jason Klein said he understood that the application would be continued at the next meeting on August 24, 2022.

b. #2022-36 SP – Watch Me Grow Daycare – 60 East Avenue – Proposed nursery school/child daycare center within existing building at St. Paul’s on the Green i. Action on III. b. #2022-36 SP

Mr. Schulman opened the public hearing and explained the rules. Nichelle Waddell began the presentation by explaining that she would like to start a daycare at St. Paul's on the Green at 60 East Avenue. She would rent two small rooms from the church. The rooms would be for infants and young children. The curriculum is nature based and the children would learn about the flowers and trees. A playground would be installed as well. She said that she has families ready to begin. The majority of them are from Norwalk. There was a discussion about receiving approvals from the Fire Department and Health Department. She needed the approval from the Planning and Zoning Department and Building Department.

Mr. Mushak said he was a member of the church and wished Ms. Waddell the best of luck. There was a discussion about the number of employees. The ratio would be 1:3 staff to children while the allowable ratio was 1:4. There was also a discussion about the hours of operation, playground, security measures and CPR training.

No members of the public spoke for or against the application. Mr. Pachas appreciated the amount of staff that the daycare would have. Ms. Waddell thanked the commissioners. Mr. Schulman closed the public hearing.

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-36 SP – Watch Me Grow Daycare – 60 East Avenue – Proposed nursery school/child daycare center within existing building at St. Paul's on the Green be **APPROVED** subject to the following conditions:

1. That all CEAC sign-offs be submitted prior to the issuance of a zoning permit; and
2. That any changes to the approved plans be submitted to the Planning & Zoning Commission for their review and approval; and
3. That any and all conditions required by Norwalk DPW shall be applicable to this approval; and
4. That any and all conditions required by Norwalk WPCA shall be applicable to this approval; and
5. That this approval is subject to Section 118-1460 C. of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that this application complies with Section 118-500 and all other applicable sections of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action is August 26, 2022.

Mr. Pachas seconded.

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Louis Schulman; Mike Mushak; Tammy Langalis; Jacquen Jordan-Byron; Galen Wells; Nick Kantor; Hector Pachas; Steve Ferguson approved.

No one opposed.

No one abstained.

Motion was approved.

IV. REVIEW & ACTION ON APPLICATIONS

a. #2022-40 Special Appropriation – Norwalk Police Department – Purchase of vehicles – Report & recommended action

Chief Thomas Kulhawik began the presentation with a brief history of the replacement plan of the police vehicles. He noted that administrative vehicles had been cut from the capital budget a few years ago as well as the previous budget. He also explained that the radio project would be under budget since they would be using state infrastructure. The department was asking for a transfer of funding from the radio budget to the funding of the police vehicles. There was also a discussion about using the additional funds for another project. Chief Kulhawik said the fund would be returned to the city. There was a discussion about using electric vehicles. He said that they had attended some meetings about the type of infrastructure the city would need in order to purchase electric vehicles. He noted that the fleet does have some hybrid police vehicles. Mr. Schulman noted that the city should have a citywide plan for these types of vehicles. There was also discussion about why the city was only purchasing Ford vehicles. Chief Kulhawik noted that there were several reasons they used Fords.

**** MR. FERGUSON MOVED: BE IT RESOLVED by the Norwalk Planning & Zoning Commission that application #2022-40 Special Appropriation – Norwalk Police Department – Purchase of 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.

Ms. Langalis seconded.

Louis Schulman; Mike Mushak; Tammy Langalis; Darius Williams; Galen Wells; Hector Pachas; Steve Ferguson; Richard Roina approved.

No one opposed.
Nick Kantor abstained.
Motion was approved.

b. #2022 – 32 CAM – Norwalk Transit District – 275 Wilson Avenue – 11,700sf rear addition - Report & recommended action

Michael Petrin introduced Dennis Rioux. Mr. Rioux oriented the commissioners as to the location of the site on an aerial map. He explained how the bus traffic flows on the site. He explained what construction would be done at the site. There was a discussion about the new covered space and how it would be used. Mr. Petrin said there would be stormwater drainage improvements. There was a discussion about the look of the building. It was noted that the HVAC system had not worked well since it was built in 2000. There was a discussion about whether the addition had been considered in the original plans. Mr. Schulman said it had not, since he had built the original. There was a discussion about bonding for the project. It was noted that it would have to be a bond from the city to the city or a memorandum of understanding.

**** MS. WELLS MOVED: THEREFOR BE IT RESOLVED** that application #2022 – 32 CAM – Norwalk Transit District – 275 Wilson Avenue – 11,700sf rear addition - Report & recommended action be **APPROVED** subject to the following conditions:

1. That the building and site will be developed in accordance with the following plans:
 - a. Per engineer and architectural plans dated 5/17/2022 revised to 10/9/2021 prepared by Wendel, Williamsville, NY
2. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
3. That all City storm-water management requirements are met; and
4. That any and all conditions required by Norwalk DPW shall be applicable to this approval; and
5. That any and all conditions required by Norwalk WPCA shall be applicable to this approval; and
6. That any and all conditions required by Norwalk TMP shall be applicable to this approval; and
7. 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

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

9. That the existing vegetated buffer surrounding the site remains in place; and

BE IT FURTHER RESOLVED that this proposal complies with Section 118-700, 118-1110, and 118-1460; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 26th, 2022.

You must obtain a zoning approval and a building permit prior to any work on the site. A building permit must be obtained within one year of the effective date or this CAM approval automatically becomes null and void.

Ms. Langalis seconded.

Louis Schulman; Mike Mushak; Tammy Langalis; Jacquen Jordan-Byron; Galen Wells; Nick Kantor; Darius Williams; Steve Ferguson approved.

No one opposed.

No one abstained.

Motion was approved.

c. #2022 – 29 CAM - Keat-Jin Lee & Linda Ho Lee, Trustee – 9 Shorehaven Road – Construct single-family home on vacant lot - Report & recommended action

Atty Bob Maslan began the presentation and said that the Trustees had sold the property to MGS Shorehaven. He gave a brief overview of the project including orienting the commissioners as to the location of the property. He explained the sewer easements. Atty Maslan then discussed the architectural perspectives and elevations. He also showed them the plans for the house and the landscape. He discussed the site plan and referrals from the necessary departments and commissions. They are working with the Department of Public Works (DPW) on the sidewalk issues as well. They had received comments from Transportation, Mobility and Parking (TMP). He also discussed the coastal considerations.

There was a discussion about whether the developer would be living in the house as well as the lot coverage.

**** MR. PACHAS MOVED: THEREFOR BE IT RESOLVED** that application #2022-29 CAM – Keat-Jin Lee & Linda Ho Lee, Trustee – 9 Shorehaven Road – Construction of new single-family residence on vacant lot be **APPROVED** subject to the following conditions:

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

- a. Per Zoning Location Survey dated 6/3/2022 revised to 8/12/2022 prepared by William W. Seymour & Associates, LLC, Darien, CT
 - b. Per architectural plans received 7/7/2022 and revised to 8/12/2022 entitled "New One Family Residence"
 - c. Per engineering plans dated 4/1/2022 revised to 5/10/22 prepared by Fairfield County Engineering LLC, Norwalk, CT
 - d. Per CAM Landscape Plan dated 8/4/2022 prepared by Environmental Land Solutions, LLC, Norwalk, CT
2. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
 3. That any and all conditions required by Norwalk DPW shall be applicable to this approval; and
 4. That any and all conditions required by Norwalk WPCA shall be applicable to this approval; and
 5. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
 6. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and
 7. That any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and
 8. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks and have flood certifications; and
 9. That any proposed on-grade flood and erosion controls, including seawalls, be subjected to City review and DEEP approval; and
 10. That flood certifications be submitted prior to issuance of a zoning permit by a CT licensed engineer or architect for the main dwelling structure and any accessory structures; and
 11. That the applicant mitigates non-native plant species and restores a vegetated buffer with native plant species per "CAM landscape plan" with the addition of creating a larger and more robust buffer along the wetland in the rear, plan to be submitted to planning and zoning staff for approval prior to zoning permit; and
 12. That the applicant install a paved sidewalk that meets the City code; and

BE IT FURTHER RESOLVED that this proposal complies with Section 118-1110 and all applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 26th, 2022.

You must obtain a zoning approval and a building permit prior to any work on the site. A building permit must be obtained within one year of the effective date or this CAM approval automatically becomes null and void.

Atty Maslan asked for flexibility on the size of the sidewalk so that it matched up with what is there.

Mr. Roina seconded.

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

No one opposed.

No one abstained.

Motion was approved.

d. #2022-35 SUBDV CAM – 22 Lowndes Avenue, LLC - 22 Lowndes Avenue – 2 Lot Subdivision with proposed private road – Preliminary review

There was a discussion about why this matter was on the agenda since it did not meet the requirements.

Christopher Russo said he was representing the applicant and oriented the commissioners as to the location of the property on a site plan. He said it was extremely large for the C zone. He said it would be a 2 lot subdivision along a private road. He then described what it looked like currently and explained the proposed application. He noted that they had met with the city's engineers and Fire Marshall to show how it had complied. He explained how the private road conformed to city standards. He also discussed the drainage on the property.

Ms. Andrzejewski explained the city's position. Mr. Kleppin said they would meet with DPW. He also noted that he did not think the Department of Energy and Environmental Protection (DEEP) had looked upon the application favorably. They would not be able to schedule a public hearing until the staff is satisfied that it meets the city's regulations.

There was a discussion about the lines of title on the road side as well as the private road association and its responsibilities. That area is not calculated into the lot area. There was also a discussion about property taxes. There was a discussion about moving the houses out of the flood zone but Mr. Russo noted that the applicant would have to return with another application since this was only for a subdivision. Mr. Williams suggested that the other

commissioners review Ms. Ballint's comments on this application which Mr. Russo said he had not seen yet. There was a further discussion about approving this 3 lot subdivision.

V. DISCUSSION AND ADOPTION OF COMMISSION BYLAWS

Ms. Wells explained that she had met with Mr. Williams and Mr. Mushak to discuss the current bylaws as well as drafting new ones. She sent it to Mr. Kleppin and Mr. Baker for suggestions and then the draft was sent to other commissioners for comments. There was a discussion about Section 6 regarding quorum.

Ms. Jordan-Byron said that she had not received her packet so she could not review the draft of the bylaws. Since she was the only one that had not received it, she would abstain.

**** MR. ROINA MOVED to approve the bylaws, as amended.**

Mr. Pachas seconded.

Louis Schulman; Mike Mushak; Tammy Langalis; Galen Wells; Nick Kantor; Steve Ferguson; Hector Pachas; Darius Williams approved.

No one opposed.

Jacquen Jordan-Byron; abstained.

VI. APPROVAL OF MINUTES: August 4, 2022

**** MS. LANGALIS MOVED to approve the August 4, 2022 meeting minutes.**

Mr. Roina seconded.

Louis Schulman; Mike Mushak; Tammy Langalis; Jacquen Jordan-Byron; Galen Wells; Darius Williams approved.

No one opposed.

Nick Kantor; Steve Ferguson; Hector Pachas abstained.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin said that the Industrial Zones regulations had been before the Common Council. A public hearing has been set for September 8. There was some discussion about the property being used for a school on Meadow Street. They would downzone and changes had been made on the map. Notices would be sent out which would include a link for neighbors to input their address. They can then see the current zoning and the proposed zoning changes. There was a discussion about sending out notices to community groups and realtors. A few members of the Planning and Zoning Commission said that they would not be available on September 8. Mr. Schulman suggested doing it remotely from wherever they were.

There was then a discussion about the rewrite of the Zoning regulations. Mr. Kleppin said that he is working with the consultants and it is getting closer to the end.

VIII. COMMENTS OF COMMISSIONERS

Mr. Mushak noted that the Neil Diamond Tribute concert would be moved to the following Wednesday due to the weather. He also noted that Jim Clark, a local jazz musician, would be performing at Ryan Park this Saturday. Mr. Schulman reminded the commissioners that they had another meeting on the following Wednesday, August 24.

IX. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Ms. Jordan-Byron seconded.

Louis Schulman; Mike Mushak; Tammy Langalis; Jacquen Jordan-Byron; Galen Wells; Darius Williams; Nick Kantor; Steve Ferguson; Hector Pachas approved.

No one opposed.

No one abstained.

The meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Diana Palmentiero