CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
August 16, 2023

PRESENT: Louis Schulman, Chair; Tammy Langalis; Nick Kantor; Mike Mushak; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Hector Pachas; Ana Tabachneck (joined at 7:45 pm)

STAFF: Steve Kleppin; Bryan Baker; Amelia Williams

OTHERS: Assistant Fire Chief Edward McCabe; Ron Chapman; Robert Dean; Wayne D'Avanzo; Alexandra Moch; Atty Jason Klein; Steve Leaty;

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 both alternates, Hector Pachas and Chapin Bryce would be seated for all items that require to be voted upon.

Mr. Schulman also noted that two items on the agenda, 36 Shorefront Park and 370 & 394 West Avenue and 2 Maple Street, would be held at a later date.

IV. REVIEW & ACTION ON APPLICATIONS

a. #2023-48 SA – Norwalk Fire Department – Special appropriation request to increase funding for the purchase of two (2) Ford Ranger pickup trucks for the Norwalk Fire Department – Report & recommended action

Assistant Chief Edward McCabe began the presentation to cover a cost increase from last fall in 2022. The money would come from a different Fire Department Capital Budget line item. This is how they would cover the increase of the cost.

There was a discussion about EV trucks. Assistant Fire Chief McCabe said that they are not available at the moment but they are exploring that for the future. These trucks are not emergency vehicles, mostly used in the daytime for investigations.

**** MR. PACHAS MOVED: BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-48 SA – Norwalk Fire Department – Special appropriation request to increase funding for the purchase of two (2) Ford Ranger pickup trucks for the Norwalk Fire Department 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; Tammy Langalis; Mike Mushak; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Hector Pachas approved.
Mr. Kantor opposed
No one abstained.

Mr. Schulman requested a change to the special appropriation process for vehicles. Rather than the department head appearing before the commission, someone from the city should appear before them to make the request to purchase vehicles. Mr. Kleppin said he would broach the subject as they are getting closer to budget season.

b. #2023- 42 CAM – 36 Shorefront Park LLC – 36 Shorefront Park (District 2, Block 85, Lot 21) – Demolish an existing home and build a new single-family residence to be made flood compliant – Report & recommended action

This item would be rescheduled to a future Planning & Zoning Commission agenda.

c. #2023 – 43 CAM – Robert Dean Architects – 56 Sammis Street – elevate the existing single-family residence to be flood compliant, construct a flood compliant addition to the structure, and demolish an existing non-conforming accessory structure (detached garage) – Report & recommended action

Ron Chapman, the owner of the property, began the presentation with a brief description of the project. The home would be expanded, improve resiliency, and remove the existing garage. They rejected the idea of demolishing the home because they felt it fit the neighborhood. He then discussed how they chose their architect, Robert Dean.

Robert Dean, the architect on the project, continued the presentation with a rendering of the proposed home. He also discussed zoning and coastal area management compliance. He also gave a brief history of the property which was built in 1929. He also showed them the site plan of the home. He discussed the pre-existing garage which will be demolished. He said no new variances would be needed. He described lifting the house above the base flood elevation by one foot. He also described the new basement garage which would be created. There would also be a new patio. He briefly described the storm water management plan. He discussed surrounding recent renovations. He also noted the fact that the owners had discussed the massing of their house. They had received a letter of support from their next door neighbor which Mr. Dean read into the record. They are preserving trees in the front yard. He described the goals of the project. He noted that the project is in compliance with zoning and coastal area management regulations. He then addressed Planning & Zoning department comments of their review of the application. He said that they would not be removing the garage floor and would use it for a patio floor. He then discussed the driveway. He also addressed Department of Energy and Environmental Protection (DEEP) comments.

Wayne D’Avanzo, the engineer on the project, continued the presentation by discussing the drainage on the property. He described the proposed drainage system which would provide water quality and reduce runoff.

There was a discussion about the proposed patio which would be where the current garage is. There was also a discussion about screening. Mr. Dean said that the neighbors wanted to see the view.

Alexandra Moch, the wetland scientist for the project, continued the presentation by describing the mitigation on the property. She also described the vegetation that would be planted. She said that it was a challenging area due to the saltwater and freshwater coming from the upland area. They are trying to restore the marsh. The planting plan included native grasses and shrubs. They would also be a source of food for the birds in the area. She also noted that the stairs would also have plantings to enhance the impervious surfaces.

There was a discussion about the excavation for the new garage. Mr. Dean said the house would be lifted 5 ft. There was also a discussion about several renovations done on the house. There was a discussion about the garage foundation. There was also a discussion about the retention chambers and retaining wall. There was also a discussion of the materials for the patio.

Mr. Dean then noted that they had conformed to the zoning regulations.

Amelia Williams gave a brief presentation of their review of the project. She noted that DEEP had some comments which they would work to resolve. One comment was the increase of impervious surfaces as well as the increase in size of the structure. She suggested to the commissioners that they could add conditions to the resolution.

There was a discussion about DEEPs comments. Mr. Dean said that he thought perhaps the reviewer had misunderstood the difference between the current conditions and the proposed conditions. Mr. Schulman said that the resolution should keep language in the resolution that would bring the applicant back to the commission if there is a problem with DEEP.

There was a discussion about the wall but the regulations are older and do not consider resiliency which is a more up-to-date concept. There was also a discussion about the foundation of the garage. There was a discussion about the pervious and impervious surfaces and how to make those pervious. Mr. Mushak said that he knew Mr. Dean and knew the project would go well.

**** MR. MUSHAK MOVED: BE IT RESOLVED** that application #2023 – 43 CAM – Robert Dean Architects – 56 Sammis Street – to elevate the existing single-family residence to be flood compliant, construct a flood compliant addition to the structure, and demolish an existing non-conforming accessory structure be **APPROVED** subject to the following conditions:

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

a. Per zoning location survey dated 7/21/2020 and revised 8/8/23 prepared by Arcamone Land Surveyors LLC, Norwalk, CT

b. Per architectural plans dated 7/17/2023 and Sheet A-104 revised 8/8/23 prepared by Robert Dean Architects, New Canaan, CT

c. Per the drainage plan dated 5/5/2023 and revised 8/4/23 prepared by Fairfield County Engineering LLC, Norwalk, CT

d. Per wetland buffer restoration plan dated 8/1/2023 prepared by Aleksandra Moch, Stamford, CT

2. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and

3. That a permit is obtained from the Department of Public Works regarding City storm-water management requirements; and

4. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and

5. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

6. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks and have flood certifications; and

7. That any changes to the plans be reviewed by staff prior to implementation; and

8. That flood certifications be submitted prior to issuance of a zoning permit by a CT licensed engineer or architect for the main dwelling structure, utilities, and any accessory structures; and

9. That no changes to the seawall are permitted without City review and DEEP approval; and

10. That all plantings be implemented prior to COZC; and.

11. That all plantings be maintained, and any dead plantings must be replaced in accordance with this landscape plan; and

12. That any tidal wetland restoration below the Coastal Jurisdiction Line be reviewed by DEEP prior to commencement of the restoration; and

13. Nothing in this permit shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the City of Norwalk, State of Connecticut, or the Government of the United States, including any approval required by the Connecticut Department of Environmental Protection and U.S. Army

Corps of Engineers- obtaining such assents, permits or licenses is the sole responsibility of the applicant; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 1st, 2023.

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.

Mr. Pachas seconded.
Louis Schulman; Tammy Langalis; Nick Kantor; Mike Mushak; Galen Wells; Chapin Bryce; Jacquen Jordan-Byron; Richard Roina; Hector Pachas; Darius Williams approved. (VIDEO changed this. See notes)
No one opposed
No one abstained.

d. #2022-19 SP – Wegmans Food Markets, Inc. – 47 Richards Avenue and 677, 667 and 651 Connecticut Avenue – Extension of time request for previously approved Wegmans grocery store, parking structure and two additional retail buildings – Report & recommended action

Atty Jason Klein, on behalf of Wegmans, introduced the project team. He noted that the extension for time request is straightforward but they may not have a building permit within the time period set forth in the approval. The goal is to open the store in 2025. He said they were asking for a 1 year extension.

**** MR. PACHAS MOVED** to **APPROVE** the request for an extension of time for previously approved Wegmans grocery store, parking structure and two additional retail buildings.

Mr. Williams seconded.
Louis Schulman; Tammy Langalis; Mike Mushak; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Hector Pachas approved.
Mr. Kantor opposed
No one abstained.

e. #2023-41 R/SP – Wegmans Food Markets, Inc. – 47 Richards Avenue and 677, 667 and 651 Connecticut Avenue – Zoning regulation text amendment to

allow for additional signage in the Business No. 1 Zone and special permit application for signage for Wegmans – Preliminary review

Atty Klein began the presentation for additional signage for the project which had been approved in the prior year. He described curb cuts and access to the site. He then described the text change to permit the signage. He showed them renderings of the buildings with the signage on it. He noted that they would like signage that is visible as well as to scale. He showed them renderings of the parking garage which is set back from the street. He described the signage on the buildings. He showed them an aerial photo of the current property as well as renderings of ground signs. He noted that these signs are not the typical pole signs, as are currently on Connecticut Avenue.

Mr. Baker gave a brief synopsis of the city's position on the proposed signage from Wegmans. Mr. Kleppin said they could have further discussions with Atty Klein about the text amendment. He agreed with Mr. Baker's assessment of the wall signs and did not think they needed two ground signs. He also noted that if they were trying to change the aesthetic on Route 1 they would have to be mindful of what signage was approved. Mr. Kleppin said that they wanted to hear from the commissioners as to what they wanted to see for the signage.

Mr. Mushak said that he agreed with staff that one sign was sufficient for public safety. He also commented on the sight lines. Mr. Schulman said the issues are the number of signs and the size of them. He agreed that they did not need two signs. He suggested that Wegmans and the Planning & Zoning Department staff continue to work together on the signage.

Ms. Langalis agreed that one sign was necessary on Keeler. She had concerns about drivers turning into Wegmans and Costco at the same time. Steve Leaty said that the signs would be back lit. He also explained why they were providing two signs but they would be fine with one sign.

Mr. Williams also agreed that one sign on Connecticut Avenue would be sufficient. Ms. Jordan-Byron asked whether signage would be on both sides and whether there would be any bushes that could impede the signs. There was a further discussion about the materials to be used for the signs. Mr. Mushak thought that the signs at Best Buy were high but thought these proposed signs would be seen from the road. He was concerned that there could be a public safety issue if drivers pass the entrance to Wegmans. Mr. Schulman thought the signs were too large.

Mr. Baker discussed the signs in relation to the zoning regulations. The ground sign, however, is considered off-premises since it is not on Wegman's property.

Mr. Leaty showed a photo of Google Earth and noted that they are proposing a sign that is only 1 inch higher. He thought anything smaller would be lost. He suggested that there would be tenants in the surrounding buildings. Mr. Baker said that the last staff concern was the second Connecticut Avenue sign.

Mr. Schulman asked Ms. Tabachneck if she had any comments. She said she had joined the meeting only 10 minutes prior so she did not. Mr. Pachas said had concerns about the signage because he believed that Wegmans would draw customers from outside of Norwalk. Staff had concerns about the language of the text amendment which Mr. Williams read into the record. Mr. Schulman had concerns as well.

There was a discussion about why the applicant didn't go to the Zoning Board of Appeals. Atty Klein explained that they could broaden the scope of the text change. They would work with staff to make sure that the wayfinding works for everyone as well as for public safety. Mr. Schulman noted that he felt it was equivalent to spot zoning so they needed to work with staff about the language. He did not think it was applicable to other businesses, but noted that the commission did want Wegmans to come to Norwalk and succeed.

Mr. Mushak asked them to look at the Best Buy sign and did not think the signs were too large. Ms. Langalis noted that on the hospital signage the commission had requested larger fonts on the signs. There was then a discussion about the date for the public hearing. Mr. Kleppin said he would get back to the commissioners about this.

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 i. Action on #2023-34 SPR

This item would be moved to a future Planning & Zoning Commission agenda.

VI. DISCUSSION

a. #2023-19 R/M – Planning & Zoning Commission – Zoning text amendment for complete re-write of the zoning regulations and map amendment for complete rezoning of the entire city – Continued discussion if time permits

At this point, the commission took a recess until 8:17 pm.

Mr. Kleppin asked if they could discuss schedules including every Wednesday in September. He also noted that there are 2 more Wednesdays in August, but suggested August 30 for another special meeting. They could continue with the map discussion to review areas that there had been questions and comments. He also commented on other items to discuss. He said for this discussion they could go over the reformatting of tables and minor edits. He also said that staff had some questions on the use tables which they would like the commission's input on.

Mr. Kleppin said that in Article 4 there had been questions, more specifically re-instituting the B zone, by needing a new zone that is equivalent. He proposed how they could handle the changes including those with the map discussion. There was also a discussion about staff adding a one page key for all of the abbreviations.

Mr. Kleppin discussed medical office uses and whether to change from one type of zone to another. There was a discussion among the commissions as to whether to make this change. There was also a discussion about the civic zone and what would be allowed in this zone. Mr. Baker said that a private enterprise could not come in to ask for a permit on a city park. Mr. Kantor suggested that since this is a new topic, it should be addressed at a separate meeting. It was suggested that medical office space be a special permit.

There was also a discussion about bed and breakfast use being removed from the regulations. Mr. Schulman said he had heard complaints in areas that some houses are being used as bed and breakfasts. There were also questions about AirBnb in some neighborhoods. Bed and breakfasts are a different use from an AirBnb. Mr. Baker said that bed and breakfasts are not allowed under Norwalk regulations. There was a discussion about the differences between a bed and breakfast and an AirBnb. Mr. Bryce also suggested that since there seemed to be a lot to discuss on this topic they should discuss it another evening.

Mr. Kleppin asked for input for artist studios or workspaces. Mr. Baker said that a business owner had concerns about her printmaking business becoming non-conforming. There was a discussion about corner stores in single-family zones. Ms. Langalis said she thought this was a good idea especially if the city was trying to create walkability and sustainability. She was unsure whether these businesses would be grandfathered.

There was a discussion about motor vehicles sales, rental or leasing and whether some areas would become non-conforming. There was also a discussion about drive-through facilities since staff recommends the application being a special permit. There was a discussion about warehouse, storage and wholesale distribution facilities. There was also a discussion about indoor agriculture which had been mentioned at the public hearings. Mr. Bryce suggested it should be in the uses table and that it should be in either the light or heavy industrial zone. Mr. Kleppin said they would verify that it is covered under the definition of manufacturing.

Mr. Kantor asked if they could save the ADUs for another night of discussion. There was also a discussion about hybrid cannabis facilities. At 9 pm, the commissioners decided to continue their review at the next meeting.

VII. APPROVAL OF MINUTES: August 2, 2023

**** MR. BRYCE MOVED to approve the August 2, 2023 minutes, as amended.**
Ms. Langalis seconded.
Louis Schulman; Tammy Langalis; Nick Kantor; Mike Mushak; Chapin Bryce; Jacquen Jordan-Byron; Hector Pachas; Ana Tabachneck approved.
No one opposed.
Darius Williams abstained.

VIII. COMMENTS OF DIRECTOR

Mr. Kleppin asked the commissioners if they would like to meet on August 30. Mr. Bryce suggested 6 pm - 8 pm. Ms Tabachneck said she could go later as did a few other commissioners.

IX. COMMENTS OF COMMISSIONERS

Ms. Tabachneck asked if Mr. Kleppin was able to schedule Jim Travers to speak to the commission about the residential parking permits. Mr. Kleppin said he would get back to her on it.

X. ADJOURNMENT

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

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Diana Palmentiero