

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
August 2 , 2023

PRESENT: Louis Schulman, Chair; Tammy Langalis; Nick Kantor; Mike Mushak; Galen Wells; Chapin Bryce; Jacquen Jordan-Byron; Richard Roina; Hector Pachas; Ana Tabachneck; Darius Williams

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Liz Suchy; Michele Conderino; Mark Joyce; Alan Lo; Atty Adam Blank; Kristen Langan; Brian Phillips; Eddie Widofsky; Chris McLean; Kara Baekey; Frank Fanzilli; Diane Lauricella; Sherry Pritchett; Darlene Young;

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 participants calling in, separately.

II. ROLL CALL

Mr. Kleppin called the roll.

III. SEATING OF MEMBERS

Before Mr. Schulman seated the Planning and Zoning Commissioners, he said there would be a slight change to the agenda to reschedule the application for 394 West Avenue. Since there are still some unresolved issues, the application would return to the agenda on August 16, 2023.

Mr. Schulman said both alternates, Hector Pachas and Chapin Bryce would be seated for the first item, the Open Door Shelter.

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.

Ms. Suchy asked that the public hearing be opened and continued to the Planning and Zoning Commission meeting on August 16, 2023. The applicant would

have to revise their plans for the Transit, Mobility and Parking (TMP) department ,based on their comments.

i. Action on #2023-34 SPR

**** MR. PACHAS MOVED to** reschedule 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 to the Planning & Zoning Commission meeting on August 16, 2023.

Ms. Langalis seconded.

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

No one opposed

No one abstained.

IV. REVIEW & ACTION ON APPLICATIONS

a. #04-20 SPR – Open Doors Shelter – 24 Berkeley Street – Request for modification to a previously approved site plan review application for a five-unit townhouse – Report & recommended action

Mr. Schulman said this had been under different ownership when it was previously approved.

Michele Conderino, the director of the Open Doors Shelter, said they are requesting a modification to the design of the building. She said that they had purchased the property last April. It was designed for low income families and to help stabilize households so that they do not experience homelessness. They are trying to bring down the cost since these rentals are for low income families. She said it would be permanent, not transitional housing.

Mark Joyce, the architect on the project, said he had worked with the previous owner and described the previous designs. He said that it had been more high end but now the new owners wanted it to be a more cost effective design. He then showed them the interior plans for the first floor construction. The footprint has not changed and there are 5 units. The courtyard is accessible off of Berkley Street. He said that they had standardized the footprint of each unit. There would be 2 car garages as in the previous application. He then showed the second floor and third floor interior plans. He then showed them the exteriors which were similar to the previous design, as well as the materials to be used. He also showed them the renderings of the building.

There was a discussion about whether the materials could stand up to abuse, as well as whether it was easier to repair a brick veneer as opposed to actual bricks. There was a discussion about the missing floor on the top. Mr. Joyce said it was very expensive. There had been a master bedroom and additional bathroom on that floor. There was a discussion about how the selection would be made to rent these units. They would prioritize families living and working in Norwalk as well as meeting income guidelines. There was a discussion about the rental price. Ms. Conderino said that there was a lack of 3 bedrooms available in Norwalk.

Mr. Joyce said that there would be landscaping in the courtyard. There was also a view from the west elevations. The units are open to the public. Ms. Conderino discussed how they were trying to stabilize families so they would not end up homeless. She did not know where the children in this project would go to school. There was a discussion about the small windows and asked if they could put panels to make them look larger. Mr. Joyce said they could but reminded them that it is where the kitchen sink is. It could help foster a sense of security that someone could be looking out the window. Ms. Conderino said they wanted the units to blend into the neighborhood.

**** MR. MUSHAK MOVED to APPROVE #04-20 SPR – Open Doors Shelter – 24 Berkeley Street – a request for modification to a previously approved site plan review application for a five-unit townhouse.**

Ms. Langalis seconded.

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

No one opposed

No one abstained.

b. #2023-44 SA – City of Norwalk – 1 Meadow Street Extension – Special appropriation request for street intersection/sight line improvements and stormwater flooding – Report & recommended action

For this item, Mr. Schulman seated Mr. Bryce and Ms. Tabachneck.

Alan Lo, on behalf of the City of Norwalk, began the presentation with a brief history of the application of the South Norwalk school as a neighborhood school. He noted that there are existing drainage issues as well as the unusual traffic lanes. The improvements would be handled by the Department of Public Works (DPW) and TMP. He noted how much funding they were requesting. Mr. Lo explained that the funds would go directly to DPW and TMP, and should be revised in the resolution. The funds

would be transferred from the Education fund to these budget funds. He explained that there was money leftover from other budgets for Jefferson School and Ponus school. Mr. Lo further explained the drainage issues in this area, including an analysis, design and construction. There was a discussion about the timeline of these improvements. There was a discussion about keeping the staff notified about how this is proceeding.

**** MR. ROINA MOVED: BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-44 SA – City of Norwalk – 1 Meadow Street Extension – Special appropriation request for street intersection/sight line improvements and stormwater flooding Project 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. 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. 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 *“Continue to update, modernize and maintain Norwalk’s infrastructure and city facilities”* (Chapter 11: Public Facilities, Infrastructure and Services); and
4. To *“Implement traffic-calming measures to slow traffic when supported by affected residents. Focus on school areas to create safer-feeling environments for students and parents, including Safe Routes to School programs...”* (Chapter 10: Transportation & Mobility Networks)

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

Mr. Williams seconded.

Louis Schulman; Nick Kantor; Mike Mushak; Tammy Langalis; Galen Wells; Chapin Bryce; Jacquen Jordan-Byron; Richard Roina; Darius Williams; Ana Tabachneck approved.

No one opposed.

No one abstained.

c. #2023-45 8-24 Referral – City of Norwalk – 1 Meadow Street Extension – Request for finding of consistency with the Norwalk Plan of Conservation & Development regarding the new South Norwalk Elementary School – Report & recommended action

Mr. Schulman said that Ms. Tabachneck and Mr. Pachas would be seated for this application.

Alan Lo asked if this would be more appropriate to discuss after the public hearing. Mr. Kleppin said that there had to be 2 different actions and up to the Commission. There was a further discussion by the commission as to which to handle first but they decided to listen to this application first.

Mr. Lo gave a brief history and noted that the city had looked at building a school in South Norwalk for many years. They were able to purchase the Hatch and Bailey site for this project. He discussed how the process is going. He explained how many kids would be at the school and gave a brief overview of the design of the school.

Mr. Schulman said that Mr. Lo did not need to give more information for the 8-24 application. He then read from the draft resolution.

There was a discussion about the fencing and the perimeter which Mr. Schulman said would be a part of the public hearing.

**** MR. MUSHAK MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-45 8-24 Referral – City of Norwalk – 1 Meadow Street Extension – Request for finding of consistency with the Norwalk Plan of Conservation & Development regarding the new South Norwalk Elementary School **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. 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. 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 “Continue to update, modernize and maintain Norwalk’s infrastructure and city facilities” (Chapter 11: Public Facilities, Infrastructure and Services).

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

Mr. Roina seconded.

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

No one opposed.

No one abstained.

V. PUBLIC HEARINGS

a. #2023-32 SP/CAM – City of Norwalk – 1 Meadow Street Extension – Construction of new South Norwalk Elementary School

Mr. Schulman seated Mr. Pachas and Mr. Bryce, then opened the public hearing. He explained the rules of the public hearing.

Atty Adam Blank began the presentation by noting that it has been a bit longer than 5 years for this project to come to this point. He said that the certified return receipt cards evidencing notice of the project had been turned over to the staff. He then introduced the project team. He then oriented the commissioners as to the location of the property on an aerial map as well as a brief overview of the project. He showed them the renderings which included exteriors and the interior floors. He said that it would open with kindergarten through 3rd grade and would not be at the 85% capacity. He also discussed the water quality improvements. He discussed the conservation efforts including rooftop solar panels and was working with SNEW for rooftop and ground solar. It was hoped that it would generate 100% of the school’s electricity. He then discussed the rear of the site being opened to public access. He said that the Chief of Police did not support it. He said it could not be park space. He continued discussing the conservation efforts that were being made including heaters, which would render the building LEED Silver. He also discussed the parking spaces. He noted that TMP is working on sidewalk improvements in the area. He said that the city is looking into acquiring parcels next to the site which would allow TMP to do additional roadway improvements. He then briefly discussed the landscape plan. He noted that solar carports are more expensive than ground solar panels. He noted that a neighbor had requested no lighting on the fields as well as screening. He said that it looked like rentals and perhaps a contractor’s yard. There is some screening which they would not remove.

There was a discussion that SNEW would not allow 75% generation of electricity on a property. Mr. Lo explained how that worked and said that they would partner with SNEW. There was a discussion about how the rules were in place to protect the lower income rate payers of South Norwalk. Mr. Lo noted that SNEW's rates were substantially lower than Eversource. He explained how power was purchased for six municipal companies throughout the state.

There was also a discussion about the property on which the school would be constructed. Mr. Mushak thought that the site could provide programming such as a nature center or trails, for field trips for the entire public school system. He also thought it would help the wildlife in the area. He thought that the solar panels and the open space could work together. He suggested putting the solar on the perimeter on taller structures. There was a further discussion about the Police Chief's opinion on the use of the space. There was a discussion about the grade changes in the topography. Mr. Mushak said that they should not miss an opportunity to have supervised activity in the rear space. Kristen Langan discussed the multi-purpose fields, trail and circular area at the top that are being provided for the school. At this point, Atty Blank showed them a letter from Chief of Police Walsh which explained his reasons for not wanting to allow a recreation space in the rear.

Brian Phillips, the engineer on the project, continued the presentation with a view of the property on an aerial map. He discussed the parking lot loop. He showed them the proposed landscaping and playground areas. He discussed the grading and imperviousness of the site. He noted the improvements to the water quality. He also discussed the accessible pathways. He discussed the erosion control plan. There was a discussion about the storm water management plan.

Kristen Mitchell-Langan, the landscape architect, continued the presentation with a description of the planting and lighting plans.

Eddie Widofsky, the architect on the project, continued the presentation by showing the commissioners the plans for the interior floors of the school. He then showed them the exterior elevations. Mr. Lo said that the color scheme is not represented correctly on the renderings. He said it would be more of a brick color.

Chris McLean, the traffic engineer on the project, continued the presentation by explaining the traffic study, the onsite parking layout and the traffic management plan. He noted that the parent loop would be counterclockwise. He said the traffic management plan would show the site would work day to day. He also discussed before and after school programs.

There was a discussion about dismissal and whether there was a policy for teachers leaving the school after parents have picked up their children. Sandra Faioes, a representative of the public school system, said that contractually teachers do not have to stay at school but many do to help with supervision. There was a concern about the safety of the children with many vehicles leaving the site. There was a discussion about the lack of crosswalks on Meadow Street Extension and Oxford Street as well as on Wilson Street. Atty Blank reminded them that the millions of dollars that had been allocated to TMP earlier in the evening could be used to address these issues. There was a discussion about overflow traffic on Ely and other streets and whether a traffic light would be beneficial. Mr. McLean noted that there would be many students from this area going to the school. He anticipated that Knapp Street would be used by parents to get their kids to school. There was also a discussion about making this area a safe pedestrian zone. There was a discussion about the southern windows and if there could be shade trees or awnings to keep out the sun in the summer. Mr. Phillips said that there were trees proposed.

At this point, Mr. Kleppin explained how members of the public could make comments on this application.

Kara Baekey, 69 Melbourne Road, a member of the Board of Education but said she was speaking as a private citizen. She asked the commission to vote in favor of the application. She said it was time for families in South Norwalk to have their own school, similar to other schools around the city.

Frank Fanzilli, 5 Old Lantern Place, said he was not opposed to the school but noted that he was the owner of the property that Atty Blank had mentioned would like screening. He noted that he was requesting screening between his property and the school. He said in the picture that was shown one could see through it. He would also like to screen for things that are happening at the school. He suggested using arbor vitae. He wanted to make sure that the lighting did not spill over to his property. He had concerns since his property was near the athletic fields especially if the lights were on all night.

Diane Lauricella, 21 Little Fox Lane, spoke in favor of the application. However, she had concerns about the resiliency of the site and there should be plans for the 500 year storm. She had a proposal for the property which included reversing the plans so the field would be in the lower part of the property and the school would be at the top. She also noted that she saw plans for natural gas lines. She asked if the Connecticut Green Bank or Connecticut Green Building Council had reviewed this project. She also talked about open space behind Ely School. She said she was pleased that they were not going to have artificial turf fields. She was pleased that there would be work by TMP to make the area around the school more walkable. She had concerns about the

number of exterior doors. She also questioned why the site would not be a net zero energy school.

Sherry Pritchett said she served on the Norwalk Board of Education and spoke in support of the project.

Darlene Young, 100 San Vincenzo Place, said she lived near the school that would be constructed. She was pleased with the application but had concerns about the exterior of the school. She was not sure if the school should be constructed on the hill. She also thought the open space should not be open for 24 hours.

Atty Blank addressed concerns from the speakers including the lighting and additional screening. There was a discussion about the flood plains on the site, which Mr. Phillips addressed. Mr. Lo then noted that the city had decided to acquire the properties near the site for the school. Atty Blank said that they would come back to the commission with minor changes if the properties were acquired. Mr. Lo said that they had hired a consultant team that was familiar with solar energy and renewable energy strategy to develop the plan for this school. He said they would work with SNEW and provide the commission with more information. Atty Blank asked them to add a condition to the resolution that 100% of the school's energy would come from renewable energy, if feasible. There was a discussion about the school signage.

At this point, the commissioners decided to break and return to the meeting at 9:25 pm.

i. Action on #2023-32 SP/CAM

**** MS. LANGALIS MOVED THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-32 SP/CAM – City of Norwalk – 1 Meadow Street Extension – Construction of new South Norwalk Elementary School be **APPROVED** subject to the following conditions:

1. That the site shall be developed in accordance with the following plans:
 - a. Per civil site plans, architectural drawings and landscaping plans provided by Langan Engineering and Tecton Architects, respectively, dated 5/24/2023; and
2. That a certificate of special permit and mylar map of the approved site plan shall be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. That any necessary lot revision maps shall be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and

4. That any changes to the approved plans shall be submitted to the Commission's Staff (Staff) for review and approval prior to implementation. If any proposed changes are determined to be substantive, Staff shall refer the changes to the Commission for their review and approval prior to implementation; and
5. That the city shall install rooftop solar panels to the greatest extent possible; and
6. That the city shall continue to work with South Norwalk Electric & Water (SNEW) to develop a renewable energy development partnership and use their best efforts to make the school as close to 100% powered by renewable energy as possible, with the final plan to be reviewed and approved by the Commission prior to implementation; and
7. That should any building façade material become damaged or deteriorated, the property owner shall repair the damage and/or deterioration within thirty (30) days of notice from the City; and
8. 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 Staff; and
9. That a traffic and parking management plan be submitted to Norwalk's Transportation, Mobility & Parking Department (TMP) for their review and approval; and
10. That any and all conditions required by Norwalk WPCA are applicable to this approval; and
11. That any and all conditions required by Norwalk DPW are applicable to this approval; and
12. That any and all conditions required by the Norwalk Fire Marshal are applicable to this approval; and
13. That all applicable Code Enforcement Agency Committee signoffs shall be submitted prior to the issuance of a zoning permit; and
14. That a Connecticut licensed engineer shall certify that all the 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

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 August 11, 2023.

Mr. Pachas seconded.

At this point there were discussions about conditions #4 and #5. Mr. Schulman believed that the school board would make its best efforts to have the building generate energy 100% from solar.

Ms. Langalis said she would like to differentiate between roof top solar panels and the ground solar panels. She also made a suggestion about not taking land from the open space for solar panels. She had several reasons why, one of which included that putting solar in a green space defeated the purpose. She suggested partnering with other private properties to add solar panels to those black roofs. She believed that since this is a densely populated area, green space should not be used for solar. She said she is in favor of the school and keeping it as green as possible.

Some commissioners disagreed with Ms. Langalis. There was a discussion about the possible acquisition of property to become open space and whether it could be used for the solar panels. It was also suggested that part of this acquisition could be used as a park. Mr. Schulman suggested that in order to reach 100% solar between the rooftop panels and the ground panels, that the Board of Education should recommend to the Planning and Zoning Department staff how much of the ground property would be necessary. He also suggested that the use of the open ground space should be separate from this discussion once they knew how much would be used for solar. They had not heard in the presentation how much energy would be generated from the rooftop solar panels. Mr. Kleppin said they were checking to see if that information was in the record. He also suggested that if the applicant could not achieve 100% solar generation at the site then they would have to return to the Planning & Zoning Commission to explain why. Although the applicant had mentioned that there was a possible acquisition of additional land, the commission could not request additional information since the public hearing was closed. Mr. Kleppin and Mr. Baker made suggestions as to the conditions in the resolution and possible 8-24 applications.

Mr. Mushak said that he agreed with Ms. Langalis as well as the proposed language for the condition, recommending that the applicant not remove open space to the greatest extent feasible. Mr. Roina said that he was in favor of the open space and the trees. Ms. Tabachneck did not think she had been given enough information for several reasons including that the applicant may be purchasing additional property which could change the outcome. Mr. Williams also thought that by purchasing additional parcels, it could alter the outcome but thought the school should have open space. However, he did think they should attempt to get to 100% energy generation from solar. Ms. Jordan-Byron said she liked that this would be a flagship school that other schools would follow as a model. She, however, was not sure about the Police Chief's remarks and did not have enough time to process it. She thought that there are

other ways to become energy efficient. She did not want to sacrifice green space. Mr. Pachas thought going solar would be a good option. He also wanted to see what would happen with the proposal of acquiring nearby properties. He found the comments from the Police Chief troubling. Mr. Bryce agreed with other commissioners about the ground solar panels. Ms. Langalis asked the commissioners to think about the surrounding community and what they would want.

Mr. Schulman asked for a show of hands from the commissioners who did not want to see the land on top having solar panels on it. However, after review of condition #5, Mr. Schulman asked how many commissioners did not want the property to have solar panels on it. Three commissioners, Mr. Mushak, Mr. Roina and Ms. Langalis, said they did not want to see it done but Mr. Mushak said they could do both. Ms. Tabachneck made some further suggestions for a re-write of condition #5. Ms. Wells thought it was imperative to use solar panels and not fuels, as the earth was in a climate emergency.

At this point, condition #5 had been re-written for the commissioner's review. There were numerous additions and deletions suggested by the commissioners.

Louis Schulman; Nick Kantor; Mike Mushak; Tammy Langalis; Galen Wells; Hector Pachas; Jacquen Jordan-Byron; Richard Roina; Darius Williams; Chapin Bryce approved.
No one opposed.
No one abstained.

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 – Presentation of new proposed zoning map

Mr. Schulman said that the staff would present an amended map. Mr. Kleppin said he would suggest presenting until the next meeting on Wednesday, August 9. He said that he would be revising the use tables. There was a discussion about receiving it earlier with page numbers so they can review it. There was also a discussion about adding special meetings to discuss the zoning regulations. There was also a discussion about the aquifer protection area and whether it had been put on the new map.

VII. APPROVAL OF MINUTES: July 19, 2023

**** MR. PACHAS MOVED to approve the July 19, 2023 minutes.**

Mr. Bryce seconded.

Louis Schulman; Nick Kantor; Mike Mushak; Galen Wells; Chapin Bryce; Jacquen Jordan-Byron; Richard Roina; Hector Pachas; Ana Tabacheck approved.

No one opposed.

Tammy Langalis and Darius Williams abstained.

VIII. COMMENTS OF DIRECTOR

There were no comments from the director.

IX. COMMENTS OF COMMISSIONERS

Mr. Mushak said that the discussion for the \$62 million school investment was time well spent.

Ms. Tabachneck discussed what the expanded residential parking passes. She said she would like to hear from someone about this before the rewrite is completed. Mr. Kleppin said that he would ask Jim Travers.

Mr. Roina said that some members of the Commission had not been in a meeting of the Aquifer Commission. He would like to meet with Ms. Cherichetti about things that were in the regulations and develop a better notification service.

X. ADJOURNMENT

Mr. Williams made a Motion to Adjourn.

Mr. Pachas seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 10:26 p.m.

Respectfully submitted,

Diana Palmentiero