CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
July 10, 2024

PRESENT: Louis Schulman, Chair; Ana Tabachneck; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Tammy Langalis (arrived at 7:20 pm)

STAFF: Steve Kleppin; Michelle Andrzejewski; Amelia Williams

OTHERS: Jim Meehan; Craig Flaherty; Henry Conroy; Colin Grotheer; Atty Adam Blank; Michael Cyr; Brian Carey; Atty Liz Suchy; Tessa Jucaite; Nicholas Renzulli

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 & SEATING OF MEMBERS

Mr. Kleppin called the roll. Mr. Schulman said that he would seat Ms. Tabachneck, Ms. Lenkowsky and Mr. Pachas for the meeting.

Mr. Schulman asked that the agenda be revised slightly.

III. DISCUSSION

a. Fillow Street scenic road improvements discussion with the Department of Public Works

Jim Meehan, Department of Public Works (DPW), explained that there is a standard paving project to maintain the roads. The department recently found out that Fillow Street is a scenic road. He said that they also have to follow federal guidelines and would fix existing sidelines. The construction would start soon. He explained the role of the Planning & Zoning Commission. He also noted the requirements for a scenic road. Mr. Kleppin said they would not be taking on this item at this meeting and that there would be a public hearing. There was a discussion about whether there was a scenic road sign on Fillow Street. Ms. Wells explained the reason why this had been designated a scenic road 25 years ago. Mr. Meehan requested that a public hearing not be held on this. There was a discussion about whether to hold a public hearing on

August 7. Mr. Kleppin suggested that the ADA ramps be constructed first. Mr. Meehan said that Fillow Street is on their maintenance schedule to be paved. When they do these projects, they check federal guidelines to confirm that they have been met. The commissioners agreed that there would be a public hearing on August 7 but that DPW would begin with the ADA access.

IV. PUBLIC HEARINGS

a. #2024-34 SP/CAM – Jonathan Walk – 84 Bluff Avenue (District 6, Block 15, Lot 5) – Proposed fill and regrading within Yard setbacks that exceeds standards within Section 6.2.2.F.7 & 8

Mr. Schulman opened the public hearing and explained the procedure to make public comments.

Craig Flaherty, the principal engineer on the project, began the presentation by orienting the commissioners as to the location of the property on an aerial map. He noted that the house next door had received CAM and site plan approval last year. The applicant decided to request this regrading since 86 Bluff Avenue will be higher. He wanted it to match the grade of 86 Bluff Avenue.

Mr. Flaherty explained that under the old regulations this would have been an over the counter permit. He discussed the changes to the house in accordance with the flood regulations. He shared the grading section to show the proposed grade. He said that they had provided a letter of support from the neighbor. He also discussed the proposed resolution. Ms. Andrzejewski addressed the conditions to be removed.

Mr. Schulman opened the hearing up for public comments. No members of the public spoke for or against the application. Mr. Schulman closed the public hearing.

i. Action on #2024-34 SP/CAM

Before the commission voted on the resolution, there was discussion on some of the language, including whether the applicant should obtain a bond. The commissioners decided to eliminate it on this project. Mr. Kleppin explained that the applicant is leveling their grade so there should not be any run-off. If there was a similar project in the future, the commission might decide that the project did not need a bond either. If there was sloping on the site, then the commission could determine that a bond would be required. Each project would be determined individually.

**** MR. PACHAS MOVED: THEREFORE, BE IT RESOLVED** #2024 – 34 SP/CAM – Jonathan Walk – 84 Bluff Avenue – Proposed fill and regrading within Yard setbacks that exceeds standards within Section 6.2.2.F.7 & 8

be **APPROVED** subject to the following conditions:

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

a. Per Site Development Plan 5/3/2024 prepared by Redniss & Mead and as revised by City Staff comments; and

b. Per Flood Venting Plan 2/16/2024 prepared by Christopher Pagliaro; and

c. Per CAM Assessment dated 5/3/2024 prepared by Redniss & Mead; and

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

3. That the applicant obtains a Zoning Permit prior to site work; and

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

5. That all erosion and soil control measures are installed for the duration of construction; and

6. That no adverse impacts to coastal resources or adjacent properties occur, and if impacts do occur applicant is responsible to address them in a just, orderly, and equitable manner; and;

BE IT FURTHER RESOLVED that this proposal complies with all applicable sections of the Zoning Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that this the preceding conditions and modifications of this application are integral to the Commission's approval because, if not for those conditions and modifications, the Commission would have denied this application.

BE IT FURTHER RESOLVED that the effective date of this approval shall be July 19th, 2024.

A zoning permit must be obtained within one year of the effective date or this Special Permit approval automatically becomes null and void.

Mr. Bryce seconded.
Louis Schulman; Ana Tabachneck; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron approved.
No one opposed.
No one abstained.

IV. REVIEW & ACTION ON PENDING APPLICATIONS

a. #2021-32 SP – The Guru Tegh Bahadur Ji Foundation, Inc. – 283 Richards Avenue – Extension of time request for the construction of a two (2) story Sikh Religious Center – Report & recommended action

Pamma Gulati explained that there had been a delay because of an appeal. They were in the process of fundraising for the project.

**** MR. BRYCE MOVED: THEREFORE, BE IT RESOLVED** #2021-32 SP – The Guru Tegh Bahadur Ji Foundation, Inc. – 283 Richards Avenue - that the request for a one year extension of time for the construction of a two (2) story Sikh Religious Center be **APPROVED.**

Mr. Pachas seconded.
Louis Schulman; Ana Tabachneck; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron approved.
No one opposed.
No one abstained.

b. #2022-24 – SP/CAM – Mill Pond Holdings, LLC – 1 Cemetery Street – Façade review per conditions 3.c.i, ii, and iii of approval – Report & recommended action

Henry Conroy began the presentation by explaining that they would like to discuss the conditions of their approval regarding the facade. He noted that one of the conditions had resolved itself because the Connecticut Department of Transportation (DOT) said a secondary right turn would not be necessary.

Colin Grotheer continued the presentation by showing the approved elevations for the four buildings as well as the proposed updates. He noted that the massing would stay the same. He discussed the changes in detail. He also explained the canopies providing weather coverage to patrons.

Mr. Schulman asked Mr. Grotheer if the applicant was now using less resilient materials than originally proposed. He said it would not be and discussed the materials being used.

There was then a discussion about building out for a public space. Mr. Conroy said that there was money available as per the resolution and Mr. Kleppin said the staff were seeking grants for the project.

There was a discussion about the silt fences after rain storms which were causing the Mill Pond to turn brown. Mr. Conroy said that they were checking it daily and after rain storms, as well as the Planning & Zoning Department staff. He had checked the water levels as well. He said that they could adjust the sedimentation controls if it was needed.

**** MS. WELLS MOVED: THEREFORE, BE IT RESOLVED that #2022-24 – SP/CAM – Mill Pond Holdings, LLC – 1 Cemetery Street – Façade review per conditions 3.c.i, ii, and iii for APPROVAL of modifications to the original approval.**

Ms. Jordan-Byron seconded.
Louis Schulman; Ana Tabachneck; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron approved.
No one opposed.
No one abstained.

c. #2024-28 SPR/CAM – Singewald Associates, LLC – 3 & 7 Reynolds Street and 33 Fort Point Street (District 3, Block 3, Lots 7, 17 & 3) – Proposed commercial vehicle storage yard use – Report & recommended action

Atty Adam Blank began the presentation by introducing the project team. He then gave a background of the applicant's business. The applicant had recently moved to the site and realized that they needed to get a new permit since the use was not permitted on this property. He then oriented the commissioners as to the location of the property on an aerial map, as well as the floor plans. He also described the trucks on the property. He then showed the current site plan. He further explained the applicant's business with current pictures of the site. He also showed them pictures of neighboring properties. He noted that there was a dumpster in the area that was not the applicant's dumpster. He explained that the applicant's dumpster is at the back of the property. He showed them pictures of the building including the parking lot, warehouse and office space. He said they exceeded parking requirements. He described the hours of operation and that most customers are Norwalk property owners. He also noted the sign offs that the applicant had received. Although they don't have a landscape plan, they will be making improvements to make it a more attractive business in the area.

Atty Blank also discussed the fact that the applicant was before the commission because of the proximity to the water. However, he noted that the sewage treatment plant was between this business and the water, and that there would be no changes to the footprint or the drainage. There would be no runoff from the site so there would be no impacts to coastal resources.

There was a discussion about the number of employees in the building. Some employees were on the trucks. There was a concern about the amount of cars parked on the street. Michael Cyr said that cars would be parked on the lot and said that there would not be any overflow onto the street. There was also a discussion about the hours of operation. There was a discussion about the parking in the front which would be a violation. There was a clarification of the parking. The staff had received all necessary approvals.

Brian Carey, the engineer on the project, which included the environmental report. He said that the applicant kept the site very clean and there should not be issues that would cause concern for neighbors. There would not be any adverse impacts.

At this point, the commissioners reviewed the resolution. There was a discussion about the fact that the owner did not realize the property was approved for the use.

**** MR. BRYCE MOVED: THEREFORE, BE IT RESOLVED** that #2024 – 34 SP/CAM – Jonathan Walk – 84 Bluff Avenue – Proposed fill and regrading within Yard setbacks that exceeds standards within Section 6.2.2.F.7 & 8

be **APPROVED** subject to the following conditions:

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

a. Per Site Development Plan 5/3/2024 prepared by Redniss & Mead and as revised by City Staff comments; and

b. Per Flood Venting Plan 2/16/2024 prepared by Christopher Pagliaro; and

c. Per CAM Assessment dated 5/3/2024 prepared by Redniss & Mead; and

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

3. That the applicant obtains a Zoning Permit prior to site work; and

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

5. That all erosion and soil control measures are installed for the duration of construction; and

6. That no adverse impacts to coastal resources or adjacent properties occur, and if impacts do occur applicant is responsible to address them in a just, orderly, and equitable manner; and;

BE IT FURTHER RESOLVED that this proposal complies with all applicable sections of the Zoning Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that this the preceding conditions and modifications of this application are integral to the Commission's approval because, if not for those conditions and modifications, the Commission would have denied this application.

BE IT FURTHER RESOLVED that the effective date of this approval shall be July 19th, 2024.

A zoning permit must be obtained within one year of the effective date or this Special Permit approval automatically becomes null and void.

Mr. Williams seconded.
Louis Schulman; Ana Tabachneck; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron approved.
No one opposed.
Tammy Langalis abstained.

d. #2024-36 CAM – Joanne Smith – 281 East Avenue (District 3, Block 42, Lot 22) – Renovate and construct two additions and deck to a single-family residence – Report & recommended action

Atty Liz Suchy began the presentation by showing the commissioners the site plan. They had received a variance for the front setbacks. She discussed the flood elevations. There is a structure on the property and an addition would be constructed. She explained which sign offs the applicant had received.

Tessa Jucaite, the engineer on the project, continued the presentation with a discussion of the storm water management and coastal resources. She said that they had received comments from DEEP that the sea walls not be reconstructed. She also discussed the grading and what erosion controls they were suggesting. She explained the runoff.

Nicholas Renzulli, the architect and project manager, continued the presentation by showing the commissioners the existing floor plans and then the proposed plans. He also discussed the garage and driveway. He discussed the second floor plans and he showed them the elevations. He also discussed the landscape plan. There was a discussion about the removal of a tree on a steep bank. There was also a discussion about the air conditioning units which are now in a compliant location. There was a discussion about prior FEMA claims or flooding on the property.

Ms. Williams spoke about the revised plans that had addressed her comments including the air conditioning units and the vegetative buffer. She did have concerns about impervious surfaces but since the applicant is treating the storm water on site her concerns have been addressed. There was a discussion about an outstanding issue about the boundary between flood zones.

At this point, there was a review of the resolution with Ms. Williams making revisions as the commissioners asked questions.

**** MS. LANGALIS MOVED: THEREFORE, BE IT RESOLVED** that application #2024 -36 CAM – Joanne Smith – 281 East Avenue –Renovate and construct two additions and a deck to a single family residence that abuts Mill Pond 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 11/9/2023 and revised 4/11/2024 prepared by Advanced Surveying., Norwalk, CT

b. Per architectural plans dated 12/12/2023 prepared by NAR Architecture Design, LLC, Ridgefield, CT

c. Per site plan dated 12/2/2023 and revised 7/8/2024 prepared by TJ Engineering LLC, Ridgefield, CT

d. Per landscape plan dated 10/15/2023 and revised 7/7/2024 prepared by NAR Architecture Design, LLC, Ridgefield, 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 changes to the plans be reviewed by Staff prior to implementation; and

7. Silt fence or construction fence shall be installed at the dripline of the preserved trees; and

8. That any utilities comply with setbacks and do not expand a non-conformity; and

9. If any structure or utilities are determined to be in a flood zone, that flood certifications be submitted prior to issuance of a zoning permit by a CT licensed engineer or architect; and

10. If the main structure is determined to be in a flood zone, that flood compliance be achieved and demonstrated with a FEMA elevation certificate prior to COZC; and

11. Pervious surface be used for the driveway and to the maximum extent possible, with an appropriate surfacing acceptable to the Staff; and

12. All stormwater and discharge be treated on site, including runoff from existing roof areas; and

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

14. That all plantings be maintained, and any dead plantings must be replaced in accordance with the approved planting plan; and

15. That the landward wall only be repointed with no change to its height or bulk; and

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

17. 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 July 19th, 2024.

The preceding conditions and modifications of this application are integral to the Commission's approval because, if not for those conditions and modifications, the Commission would have denied this application.

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; Ana Tabachneck; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Tammy Langalis approved.
No one opposed.
No one abstained.

e. #19-05 SP – St. George Greek Orthodox Church – 238 West Rocks Road – Bond release request – Report & recommended action

Mr. Schulman said that since the work had been completed, the applicant would like the release of the bond. Mr. Kleppin confirmed this.

**** MR. PACHAS MOVED: THEREFORE, BE IT RESOLVED** that the request for the release of the bond for #19-05 SP – St. George Greek Orthodox Church – 238 West Rocks Road be **APPROVED**.

Mr. Bryce seconded.
Louis Schulman; Ana Tabachneck; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams; Chapin Bryce; Jacquen Jordan-Byron; Tammy Langalis approved.
No one opposed.
No one abstained.

V. DISCUSSION

a. Daycare uses in Residential zones -

Ms. Andrzejewski explained how the staff had done the research. There is a demand for infant care in the city. She then explained how they could set up daycare centers in residential zones. Ms. Tabachneck asked for a clarification about groups expanding to centers or a new program establishing a small center. There was a discussion about daycare centers that would like to expand. Again, Ms. Andrzejewski noted that there was a demand for daycare for infants. There was also a discussion of why there were restrictions on daycare. It was suggested that there should be considerations for how much space there is, parking, drop offs, etc. in a residential zone. There was also a discussion as to why centers were in commercial zones. There was a discussion about the number of children at the centers. It was noted that if they reach a certain size, it would become a school, which are also found in residential areas. There was also a discussion about the fact that some neighbors may not want larger day care centers in their neighborhoods. This could be revealed during the public hearing process. There was also a discussion as to how many religious facilities have day care centers. There was a discussion as to how big the expansion should be, since these facilities were not allowed at all.

There was a discussion about the next steps before it was put out to the public. Mr. Schulman suggested that several commissioners work together on an amendment and then provide it to the staff.

VI. APPROVAL OF MINUTES: June 26, 2024 (special meeting); June 26, 2024 (regular meeting); June 27, 2024

**** MS. LANGALIS MOVED to approve the June 26, 2024 (special meeting) minutes.**
Mr. Williams seconded.
Louis Schulman; Ana Tabachneck; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams; Tammy Langalis approved.
No one opposed.
Chapin Bryce and Jacquen Jordan-Byron abstained.

**** MS. LANGALIS MOVED to approve the June 26, 2024 (regular meeting) minutes.**
Mr. Pachas seconded.
Louis Schulman; Ana Tabachneck; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams; Tammy Langalis approved.

No one opposed.
Chapin Bryce and Jacquen Jordan-Byron abstained.

**** MR. WILLIAMS MOVED to approve the June 27, 2024 minutes.**
Ms. Tabachneck seconded.
Louis Schulman; Ana Tabachneck; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams; Tammy Langalis approved.
No one opposed.
Chapin Bryce and Jacquen Jordan-Byron abstained.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin said that they could discuss proposed changes for the day care centers at their next meeting. He suggested a public hearing in October. He also noted that there would be modifications to the regulations for garages, setbacks for driveways and height calculations in the flood zones.

VIII. COMMENTS OF COMMISSIONERS

Mr. Bryce had concerns about notifications being sent to owners, and not renters. He suggested that notifications be sent to the address to notify them as current residences. Mr. Schulman said that the improvement to have a sign in front of the property was significant. Mr. Kleppin said that there would be tweaks to the sign. Ms. Tabachneck asked about QR codes on the signs. Mr. Bryce asked if residents on the other side of the railroad right of way could get notifications.

Mr. Bryce asked about pedestrian counts to be included in traffic studies. Mr. Kleppin said that he would look into this. He also asked that the Planning & Zoning Department staff follow up on possible zoning violations on Reynolds Street which could be seen in photos from an applicant earlier in the evening. Mr. Bryce also discussed the recent application on 15-17 Chestnut Street. He said that he had been informed that there may have been a change to the site plan which the commission was unaware of. Mr. Kleppin knew that there were discussions about changes but was not aware of anything being finalized. He would look into this further.

Mr. Schulman reminded the commission that the next meeting had been cancelled and they would meet again on August 7.

IX. ADJOURNMENT

Mr. Bryce made a Motion to Adjourn.
Ms. Jordan-Byron seconded.
Louis Schulman; Nick Kantor; Ana Tabachneck; Richard Roina; Tammy Langalis; Galen Wells; Darius Williams; Diana Lenkowsky approved.
No one opposed.
No one abstained.

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Diana Palmentiero