

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
SPECIAL MEETING
June 28, 2023

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

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Mark Robbins; Steve Klocke; Kevin Barber; Alan Huth

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 5:36 p.m. He explained that this was a meeting about sustainability and that the regular Planning & Zoning Commission meeting may not start until 6:30 pm or as late as 7 pm. He welcomed members of the public to stay and listen or to come back later. It should be noted that this meeting was held on Zoom.com with participants calling in, separately as well as held in person at the Community Room (Room 128) – First Floor – Norwalk City Hall, 125 East Avenue, Norwalk, CT

II. ROLL CALL

Mr. Kleppin called the roll.

III. SUSTAINABILITY

Mr. Schluman said this was a roundtable meeting with some invited speakers.

Mr. Kleppin said that the commission has had a lot of discussions about sustainability and how to integrate it into the zoning regulations. This discussion would be an education before implementing the revised zoning regulations. He introduced the speakers and their roles which included Kevin Barber, Third Taxing District, Alan Huth, SNEW, Mark Robbins of MHR Consulting and Steve Klocke, Winters Associates as well as being a member of the Norwalk Conservation Commission.

Mr. Kleppin said he would ask questions and the speakers would answer them. What are the added costs of adding solar panels? Mark Robbins, MHR Consulting began with a brief background of his company's work in Norwalk as well as Connecticut. He said that theoretically solar panels could be done with no money out of pocket. He recommended that it is not done

as an afterthought. They should be part of the building specifications in order to keep costs down. He also discussed converting to cleaner fuels from oil, etc. and possibly recapturing heat. He discussed the fact that many developers are interested in the benefits and paybacks. He discussed the three economic benefits. There are utility programs through Eversource and United Illuminating. Things are different in a taxing district. One benefit was energy being generated was energy not being purchased. Mitigating demand in energy usage would allow savings. Federal programs are now giving tax credits for various types of energy efficient equipment being installed. There is also a provision for non-profits to receive 30-50% of the cost in a check from the federal government. There are also federal tax credits as well as performance based incentives under PURA. Since there are different monitoring systems used, there are different data points.

There was a discussion about whether it was beneficial for developers to have solar panels on the roof which Mr. Robbins said it was. He suggested that developers could let tenants know that electricity is included with their rent which is beneficial to both landlords and tenants. There was a discussion about retrofitting an existing roof and at what point would it make sense to add solar panels on a roof. He also discussed the inverter which has become more efficient. The payback range for systems was about 5-8 years for both a new system and a retrofitted system.

Steven Klocke, briefly spoke about his background then spoke to whether solar made sense on a multifamily building which could be done through mass metering. He also discussed power structure agreements which are defined by the utilities, not the municipalities. Mr. Klocke asked what the commission's parameters would be in the regulations for solar usage. Mr. Schulman said that they were thinking about all of it. Mr. Kleppin made further remarks as to how it was written in the proposed regulations.

There was a discussion that in some zones the regulations allow for amenity points for developers if certain items are achieved. Mr. Robbins explained that there should be clearly written regulations for developers so that they did not have to interpret them to determine whether variances, etc would be necessary. He reminded them again that it is best for solar to be included up front to cost less.

Kevin Barber, General Manager, 3rd Taxing District which is the smallest electric provider in Norwalk. He said that the district had an agreement with Connecticut Municipal Electric Cooperative (CMEC). They are supportive of solar and they are working with developers to make it feasible.

Alan Huth, SNEW, the electric and water provider for the 2nd Taxing District, said they provide low cost electric rates and are working on a deal with CMEC for solar. They encourage solar and provide some reimbursement. He also said that they do not want their customers

subsidizing developers' projects. They are working with CMEC on smaller projects. There was a discussion about the requirements for solar in the proposed zoning regulations. Mr. Barber discussed the metering on larger buildings which have separate meters for each unit and then a master meter for the common areas of the building. There was a discussion about the energy use intensity of a building which is different for office buildings as compared to industrial buildings. There was also a discussion about battery storage requirements for buildings.

There was a discussion about environmental concerns after the solar panels had reached the end of their useful life. Ted Zachar, a resident of East Norwalk, explained how there are some roof solar panel systems now that allow them to stay intact without removing them. He also noted that he had to remove solar panels from a roof in Stamford. It was difficult to find out how to dispose of them. Mr. Robbins compared it to trying to recycle old fluorescent bulbs when retrofitting a building with LED lights. He also explained what a power purchase agreement (PPA) was. He discussed leasing vs. purchasing solar equipment and the Inflation Reduction Act for non-profits. He then discussed different types of solar panels, many of which look like asphalt shingles. Other solar panels a person could not tell what they were. He discussed the benefits including the preservation of a roof and cooling a building.

There was then a discussion about the amount of solar panels needed to electrify a building and what happens in a power outage, as well as the financial incentives to developers. Mr. Klocke explained that some buildings could not be net zero because of their shape, i.e. tall and thin. He noted that there are many variables, including the season of year. He said he is seeing buildings that are all electric and no gas or oil. He also noted that attached dwellings use less energy than detached ones. Mr. Huth agreed with Mr. Klocke about efficiencies. He also said that he would send proposed language to Mr. Kleppin about the color of roofs which is something that New York City is using. There was a discussion about how to make historical buildings more efficient. He noted that density and efficiency goes together.

There was also a discussion about the use of geothermal and airsource heat pumps which are less expensive to install. There was a discussion about the difference in price of an air conditioning unit and airsource heat pump. Mr. Klocke reminded them that when a municipality was building affordable housing, they were required to use certain types of equipment, but a developer could use whatever was the cheapest material because they did not have the same accountability. Mr. Robbins then discussed community resources which would be sharing solar, etc. which is increasing in popularity.

There was a discussion about writing regulations which state that the building must be sustainable by a certain date. Mr. Klocke discussed some regulations in NYC in which a building could get fined if they are consuming more than X. He suggested that requiring buildings to become certified would make buildings more efficient because they have more stringent requirements. Mr. Kleppin said they should be incorporated into the building code.

At this point, Mr. Huth left the meeting but before he did, he said that they had recently rewritten lighting regulations to make them more efficient.

Mr. Chapin asked if there could be another roundtable to focus on drainage and lighting.

IV. ADJOURNMENT

Mr. Mushak made a Motion to Adjourn.

Mr. Williams seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 6:43 p.m.

Respectfully submitted,

Diana Palmentiero

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June 28, 2023

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

STAFF: Steve Kleppin; Bryan Baker; Greg Pacelli

OTHERS: Ted Zachar; Vic Paladino; Lynnelle Jones; Jim DelGreco; Ellen Bayliss; Craig Flaherty; Joe Kendy; David Bailey; Nancy Scimeca; Reed Auerbach; Patricia Tagiliero; Diana Paladino; Mary Beth Sullivan; Sally Kellogg; Douglas Peoples; Regina Flaherty; Julie Fleming; Bob Coppola; Marjorie Madden; Eric Diaz; Jesse McCarty; Donna Smaritopoulos; Joe Letchack (sp?); Diane Cece; Diane Lauricella; Anthony Pavia; Lucia Molinelli; Steve Alquesta; Liz Bannish; Steve Kavlakas; Richard Bonenfant; Tom Gabriele; Jim Anderson; Marlene Herrick; Courtney Austin; Natasha Filia

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:51 p.m. It should be noted that this meeting was held on Zoom.com with participants calling in, separately as well as held in person at the Community Room (Room 128) – First Floor – Norwalk City Hall, 125 East Avenue, Norwalk, CT.

II. ROLL CALL

Mr. Kleppin called the roll.

III. SEATING OF MEMBERS

Mr. Schulman said he would not seat anyone since there would be no actions taken.

IV. PUBLIC HEARINGS

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.

Mr. Schulman explained the rules of the public hearing. He said that he would permit residents to speak again after everyone had spoken. He also asked that participants not be

redundant and to keep comments collegial and brief. There would also be a final public hearing in the fall prior to the final draft of the regulations being adopted. They would go into effect in the new year. He then explained that two people in the room would speak and then one person online would speak. There would be a 10 minute break around 9 pm and complete the hearing by 10:30 pm.

Ted Zachar, 199 Gregory Boulevard, explained that East Norwalk was a small community. He had concerns about having 2 family homes built in this area.

Vic Paladino, 7 Miriam Street, had questions about the remainder of the process. He thought that it seemed the regulations were downgrading from single family to two family zones. He had concerns about the loss of property values related to this downgrade. He also thought that Norwalk's skyline looked like Stamford. He had concerns about increased traffic especially since the roads were the same size as they were in the 1950s. He thought there were strains on many of the city's services, including emergency, schools, water supplies, etc. He asked the commissioners to reject these changes and listen to the residents.

Lynnelle Jones, 10 Point Road, had concerns about flooding especially on Route 136 which had become increasingly common. These floods cut off access to areas, especially during high tides. Emergency vehicles cannot drive these flooded roads. She had concerns about future flooding and she discussed articles in the New York Times and the Norwalk Hour. She also discussed the Connecticut Institute for Resilience and Climate Adaptation (CIRCA) report that Norwalk should prepare for an increase in flooding in some zones and specifically Water Street. She discussed a lawsuit against Norwalk in 1989 by the Department of Energy and Environmental Protection (DEEP), as well as a consent decree. She then discussed the transit oriented districts but wondered why it was not happening in Rowayton. She discussed the proposed regulations for Water Street. She discussed the environmental credits and the POCD. She also mentioned a conversation with Utile, consultants for the city, who were told to focus on transit oriented development and not on rising water levels. She did not think public health and safety was a priority for the city.

Jim DelGreco, 41 Elmwood Avenue, thanked the commissioners for their time. He said that he would address the change in the Golden Hill area, where he lived. He read the stated goals of the proposed rewrite and said that the regulations did not address any of the goals. He did not think the proposed regulations were well thought out and the process should slow down. He asked them to drive in his neighborhood especially at night to see the parking issues. He discussed the census numbers and noted that he did not want to see multifamily buildings be left empty.

Ellen Bayliss, 18 Starlight Drive, had concerns about the parking being behind commercial buildings. She was not sure how that would happen. She had concerns about density and that apartments were no longer affordable. She also discussed the condominiums

built in the 1980s and noted the cycles of the real estate market. She said buildings would be left vacant and possibly need to be used for assisted living. She also discussed rear lots that are non-conforming and parking would have to be behind the building. She also discussed the 50% rule and said it should be more thought out. She also discussed the materials used in certain proposed zones. She also noted that her mother was on the last re-write of the regulations in the 1980s but thought that this rewrite would not work as well.

Craig Flaherty, representing his client, Harbor View Norwalk LLC, discussed the June 15 letter that his company, Redniss & Mead, had sent to the Planning & Zoning Commission. The letter requested that 43 Harbor be included in CD-5 zone to match the neighboring property to the north. He also had comments about the language in the regulations about height restrictions in this zone which he had also discussed with staff. He suggested some language for a transition in height requirements from CD-4 lots to CD-5 lots. He then shared his screen to show them the proposed zoning map including 43 Harbor Avenue which is across from industrial zones and abuts CD-5 zone. He then showed them pictures of what is currently at 43 Harbor Avenue. His client, Bellpointe, is trying to redevelop this area, but that it would be difficult for the commission to make a one off change. He was asked that these requests be made in writing and made a part of the record.

Joe Kendy, 83 Weed Avenue, had concerns about the deprivation of property rights. He said that he was pleased that the Mayor was not in favor of the changes to the single family and 2 family zones. He thought this was a unilateral decision by the Planning & Zoning Commission. He thought it should be made by referendum.

David Bailey, 39 Brooklawn, said there was a balance between quality and quantity of the residential zones. He thought that the commission was changing the balance of this without listening to the residents. He wondered why there were some neighborhoods that were not being upzoned. He asked what were the characteristics of those neighborhoods which prevented them from being upzoned.

Nancy Scimeca, 43 Seaview Avenue, said she was speaking on behalf of several residents on Seaview Avenue. She objected to the change of the zone to CD-4W which included storefronts, bed and breakfasts, etc. She thought it was being turned into a commercial area. She discussed the issues she thought would change in this area. She also discussed Veteran Memorial Park on Seaview and had concerns about it being in the CV zone. She had concerns about the operation hours for this park which were being proposed as later or open all night. There had been a time when the park was open late and there were drag racing, etc. Currently it is closed at dusk and people are asked to leave. She asked them to keep it a safe neighborhood.

Reed Auerbach, 2 Roland Avenue, thanked the commissioners for their work on this project. He discussed the Fire Department from which he retired earlier this year. He said many

calls were medical. More and more residents would further strain the system. There are many illegal apartments. He said that he lived in East Norwalk and did not think it could absorb the higher number of units. He asked them to keep single family zones the same.

Patricia Tagiliero, 11 Roger Square, said that the traffic is bad in her area. She explained that it is difficult for emergency vehicles to get to her area. She said it is dangerous to walk to the beach.

Diana Paladino, 1 Maples Avenue, said that she had lived in Norwalk all of her life. She said she is proud that Norwalk is a city which is unique. It had changed for the better. She did say that the quality life can be difficult in East Norwalk, because of drag racing, etc. She did not think that changing zones to 2 family zones would increase affordability. She thought rentals would not encourage home ownership.

Mary Beth Sullivan, 42 Harborview, said she was a real estate agent in the city. She spoke about the 50% replacement regulation which she had concerns. She said that Norwalk's regulations were very restrictive to surrounding towns. She did not understand why the regulations were more restrictive than FEMA. She thought that a large number of properties would be affected by this regulation. She said that if they were not ready to make a decision they could take their time.

Sally Kellogg, 4 Louis Street, said her family was among the founding fathers of the city. Her house was an antique home and had a background in architecture. She also said that there was no plot map so she had to have a survey done. She had concerns about changing homes to 2 family homes because of the surveys. She thought there would be more lawsuits between neighbors.

Douglas Peoples, 25 Popgony Street, had concerns about changing to a 2 family zone in East Norwalk. He then discussed the residents at the Carver apartments which would be replaced. He also discussed Curry Tire which was saved from eminent domain. He explained "workforce housing". He said that young people cannot stay in Norwalk. He did not want Norwalk to look like Stamford. He said that the commissioners should reconsider these regulations.

Regina Flaherty, 17 Cupplewood Lane, was speaking about her mom's home but would become a 2 family zone. She suggested changing it back to single family homes. She said they wanted to preserve the character of certain zones.

Julie Fleming, 1 Arrowwood Court, thanked the commissioners for their work on the proposed regulations. She said she was concerned about the effects of increasing density on infrastructure and on special education which is on the rise. She had concerns about allowing

bed and breakfasts or Air BnBs in single family zones and asked for it to be removed from the proposed regulations.

Bob Coppola, 237 Strawberry Hill Avenue, had concerns about infrastructure, density on schools and parking on Strawberry Hill.

Marjorie Madden, Broad River, said it was a mixed use area. She described the parking of vehicles in her area. She suggested that there should be double wide driveways for 2 family homes. She said that many cars have been parked in the same spot for a year. She also noted that Norwalk did not have to provide more density. She thought the only one converting homes to 2 family homes would be investors who could afford it.

Eric Diaz thanked the commissioners for their time. He said that he had concerns about changing the zones from single family to two family. He thought that most people in these neighborhoods did not want to see this happen.

Jesse McCarty, 10 Branford Street, said that she was against upzoning. She was concerned about the infrastructure, teacher ratios in schools and traffic. She said that some homeowners would pave their lawns to make room for parking. She did not think increased density would make the city more affordable. She said that most residents picked the area that they wanted to live in and did not want to see the zone changed. She noted that she had been a part of discussions about TOD in East Norwalk but none of the neighbors' suggestions had been taken. She asked that the commissioners not upzone from single family to 2 family homes.

Donna Smaritopoulos, 18 Shorefront Park, said that she did not think there should be a change from single family to 2 family zones. She also asked why the regulations were being changed from Euclidean to form based zoning. She also noted that Sarasota had spent a lot of money on form based zoning but abandoned it. She didn't think it was appropriate for Norwalk. She said that people did not walk and used their cars especially for grocery shopping.

At this time, the commissioners took a break and returned to the meeting at 9:11 pm.

Joe Letchack (sp?), 51 Raymond Terrace, said that there were many people on his street who owned their single family homes. He did not think these homes would be able to handle 2 family homes. He asked them not to change the zones from single family to 2 family.

Diane Cece, speaking on behalf of the board of East Norwalk Neighborhood Association, thanked the neighbors for speaking at this meeting. She gave a history of the process and hoped that there could be a course correction. She wondered why the neighbors would see the plans and then their suggestions would not be taken. She noted that neighbors were angry. She said that the city was picking winners and losers among neighborhoods.

Some get overdeveloped while others are spared. She wondered when the commission would decide to side with the residents and not the Planning & Zoning staff. She said that the staff should justify their recommendations and that the state was demanding it. She then discussed how the plans are presented. She then said that some uses like transportation hubs did not create jobs. She said that some of the areas were reverted back to a single family zone but not in East Norwalk. She said that she was not sure if Mayor Rilling knew about the changes. She noted that East Norwalk had been upzoned three times and that they cannot revert back once it has been approved. It would give benefits to developers. She also noted that hotels would now be allowed on the water and 3 story buildings on East Avenue. She described some of the uses that residents would like to see removed, like rock crushing or petroleum storage. She said that ENNA would continue to review the proposed regulations. She asked them to reject the 3 story buildings on East Avenue as of right, as well as other parts of the plan that they found objectionable.

Diane Lauricella, 21 Little Fox Lane, thanked the commission, staff and public for participating in these meetings. She supported hybrid changes and where the form based regulations should be. She didn't agree with the idea that renters don't care about their properties but that rentals should be placed in certain areas. She also spoke about ADUs and that in this rewrite they should allow tiny homes, especially ones on wheels. They would need a permit and would help solve the affordable housing units. They should limit the conversion of one family zones to two family zones. She suggested that many industrial zones should be used for sustainable businesses. She also discussed how many zones there should be. She agreed that there should be another sustainable round table. She suggested someone who could help write regulations and work with cities to write them. She made other suggestions for a green jobs overlay using some of the old manufacturing buildings. She thought the city needed more sustainable zones. She also spoke about brownfields. She made a suggestion about books the commissioners should read, as well as suggesting ADUs in the A, AA, AAA zones, but they must be owner occupied. There should be an enforcement plan.

Anthony Pavia, 34 Buckingham Place, Co-founder, City Hall Neighborhood Association, said they should look at pedestrian traffic. He discussed the traffic study commissioned by the city but noted that the zoning rewrite would be completed before it would be done. He also discussed benefits to the increased density such as walkability, parks, safety, etc.

Lucia Molinelli, 24 Grey Hollow Road, had concerns about the increased density which would change the quality of life in Norwalk. She did not think it was the responsibility of Norwalk to provide affordable housing in the state. She thought they should take a step back.

Steve Alquesta, 29 Cedar Press Place, said he fully supported the plan to increase density and make housing more affordable. He thought it was difficult to find affordable housing. He thought it was a statewide problem, not just a problem in Norwalk. He also described some problems because there is not enough density.

Liz Bannish, 25 Maple Street, said she was a renter for the last three years. She said that many people could afford to live in Norwalk. She noted there are jobs that are the backbone of the community. She did not think that changing single family homes to 2 family homes would help the affordability.

Steve Kavlakas, 41 Seaview Avenue, said that he had spoken at the last meeting. He said he supported some of the prior speakers including Diane Cece. He is against the single family to 2 family change. He did not think that increasing density would make home ownership more affordable. He also asked the commissioners to take a pause on this change.

Richard Bonenfant, 17 Parkhill, said that he was happy to see people from his neighborhood speaking at the meeting. He was against changing single family to 2 family and then asked that this provision be taken out of the proposed regulations.

Tom Gabriele, 40 Field Street, said that Norwalk has a high land mass but also high density per acre of people. The city has a high affordability rate which is well over the state requirement. He noted that they had not heard from developers, except for the one who had wanted to increase the height of a building to increase the number of units. He said he moved to Norwalk because of the different neighborhoods. He asked them to reevaluate their decision about changing the zones.

Jim Anderson, 2 Old Well Court, said he had spoken at the last meeting and spoke again about Exit 16 and the converging intersection which will increase the number of cars into these neighborhoods.

Marlene Herrick, 48 Emerson Avenue, noted that her neighbors that rented their homes, their driveways were filled with vehicles. She had complaints about the speeding on her street. She made comments about a recent application that had been approved for 77 units in East Norwalk. She referenced a movie called, "The Dimming" and did not think homes in Connecticut needed white roofs. She also spoke about "15 minute cities" and the New World Order. She said she would not go into the mall and thought it should become a multifamily building or a trade school. She had concerns about emergency vehicles that could not get through the street.

Courtney Austin said she was born in Norwalk in 1932 and gave a long history of her life in Norwalk. She talked about the homes she had lived in as well as the industries that her family had been in. She also had concerns about the traffic on East Avenue. She spoke about a writer for the Norwalk Hour, Joe Roscoe. She spoke about the senior citizens of Norwalk who also needed caregivers as she did. She also explained that she doesn't have a computer but would like to attend Zoom meetings. She also explained that 3 homes on East Avenue have the same frontage. She did not think they had the capacity to handle variances.

Natasha Fila, 20 Sunset Hill Avenue, said that her family was biracial and that they moved here because of it. She did not want to see the single family zones changed to 2 family zones. The city needed purposeful planning. She also noted that young people are moving out. The schools cannot pay teachers. She did not think they needed hotels or bed and breakfasts.

At this time, Mr. Schulman closed the public hearing and they would not hold the discussion. He also noted that the next meeting would be Wednesday, July 5th at 6 pm.

Mr. Kleppin noted that there was a meeting for the South Norwalk Resiliency Committee the following night at 6:30 pm.

V. 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.

There was no discussion from the commissioners.

VI. ADJOURNMENT

Mr. Kantor made a Motion to Adjourn.

Ms. Jordan-Byron seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 10:39 p.m.

Respectfully submitted,

Diana Palmentiero