

CITY OF NORWALK
SPECIAL MEETING OF THE PLANNING & ZONING COMMISSION
MINUTES
June 26, 2024

PRESENT: Louis Schulman, Chair; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams (arrived after roll call)

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Mario Coppola

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 5:32 p.m. It should be noted that this meeting was held on Zoom.com with participants calling in, separately, as well as in person at the Common Council Chambers, Third Floor, City Hall 125 East Avenue, Norwalk, Connecticut.

II. EXECUTIVE SESSION

a. Discussion regarding pending litigation titled, Costco Wholesale Corporation v. Planning and Zoning Commission of the City of Norwalk (FST-CV-24-6066457- S)

Mr. Schulman said that those members of the Planning & Zoning Commission at City Hall would move to room 300 and those on Zoom would log onto a different Zoom call to be in that same meeting.

**** MR. ROINA MOVED that the Planning & Zoning Commission go into Executive Session.**

Mr. Kantor seconded.

Louis Schulman; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Galen Wells; Diana Lenkowsky approved.

No one opposed.

No one abstained.

Mr. Schulman asked the city's attorney to discuss the litigation and what was done in the executive session. There would be an opportunity to public comment.

Atty Mario Coppla, Corporation Counsel for the city, summarized the conditions for approval. He said that Cosco did want to work with the city to comply with the conditions as set forth in the resolution. They had issues with the conditions regarding solar panels since they would not work on certain areas of the property. A detailed explanation was provided as to what they could and could not do. They would also pay the city for fiber optic cables. He explained that the prior approval would be modified by the agreement made at this meeting. He then set forth the changes which had been discussed in the Executive Session.

No members of the public spoke on the proposed settlement.

III. ACTION ON PENDING LITIGATION

WHEREAS, on February 21, 2024, the Planning & Zoning Commission of the City of Norwalk ("Commission") approved with conditions the application for special permit #2023-69 SPU filed by Costco Wholesale Corporation ("Costco") in connection with the properties located at 779-789 Connecticut Avenue ("Approval");

WHEREAS, on March 12, 2024, Costco filed an appeal challenging certain conditions of approval set forth in the Appeal in an action entitled "Costco Wholesale Corporation v. Planning and Zoning Commission of the City of Norwalk, Superior Court, judicial district of Stamford/Norwalk, Docket No. _____," which is currently pending;

WHEREAS, Costco and the Commission have reached an agreement that will result in the termination of the aforementioned appeal (the "Settlement"); and

WHEREAS, as part of the Settlement, the Commission has agreed to modify the Approval as set forth herein.

*** MR. ROINA MOVED: NOW, THEREFORE, BE IT RESOLVED by the Commission that the February 21, 2024, approval of special permit application #2023-69 SPU is hereby modified as follows:

1. Conditions 11, 12, 13, and 14 are hereby eliminated in their entirety;
2. Condition 24 is hereby added and shall read as follows:

24. That, prior to the issuance of a Certificate of Zoning Compliance, the applicant shall pay to the City \$100,000, to be held in escrow, for the installation of fiber optic cables to facilitate adaptive signalization along this section of the corridor as outlined in the memorandum prepared by Benjamin Yeung, P.E., Senior Traffic Engineer, dated January 11, 2024. If the City has not commenced work on the installation of such fiber optic cables within five (5) years of its receipt of the payment, the \$100,000 payment shall be returned to Costco.

3. Condition 25 is hereby added and shall read as follows:

25. That the applicant shall install a clean energy microgrid consisting of solar panels and battery energy storage system with a minimum electrical capacity of 325 kVA. The new solar panels shall be installed in one or more solar canopy structures and located in the extended parking deck in the general area as depicted in the rendering entitled "NORWALK PRELIMINARY SITE ASSESSMENT, UPPER DECK OPTION A." Prior to obtaining a Zoning Permit, the applicant shall submit a site plan depicting the solar structure(s) in the general area shown in the aforementioned rendering and Staff shall approve such site plan provided that the proposed solar and battery energy storage system has a minimum electrical capacity of 325 kVA.

BE IT FURTHER RESOLVED that the effective date of this action shall be July 5, 2024.

Mr. Williams seconded.

Louis Schulman; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams approved.

No one opposed.

No one abstained.

IV. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Mr. Williams seconded.

Louis Schulman; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Galen Wells; Diana Lenkowsky; Darius Williams approved.

No one opposed.

No one abstained.

The meeting was adjourned at 5:57 p.m.

Respectfully submitted,

Diana Palmentiero

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CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
June 26, 2024

PRESENT: Louis Schulman, Chair; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Tammy Langalis; Galen Wells; Darius Williams; Diana Lenkowsky

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Vara Navarro; Dave McElroy; Andrew Skid; Michael Ward; Mary Ellen Flaherty-Ludwig; Lisa Britten; Nancy Maguire; John Schultz; David Westmoreland; Fred Feeney; Deborah _____; Karen Schultz; Mike Curlehy; David Cummings; Anthony Pissone; _____; Erica Foster _____; Maria Lopez; Diane Lauricella; Jack Myers; Larry Guichman; Abram Heistler; Patricia Agudow; Tina Jordan; John DiScala; Matt Oneglia (sp?)

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, as well as in person at the Common Council Chambers, Third Floor, City Hall 125 East Avenue, Norwalk, Connecticut.

II. ROLL CALL & SEATING OF MEMBERS

Mr. Kleppin called the roll. Mr. Schulman said that he would allow all three alternatives to be seated for this meeting.

III. REVIEW & ACTION ON PENDING APPLICATIONS

**a. #2022-27 CAM – William & Gillian Graves – 52 Sammis Street –
Modification to conditions of approval for single-family residence – Report &
recommended action**

Mr. Schulman opened the presentation by noting that this was a modification to an approval. The approval included a sidewalk but there were no other sidewalks nearby. Traffic, Mobility and Parking (TMP) had said that there should be a sidewalk but were no longer asking for one.

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED** that application #2022-27 CAM – William & Gillian Graves – 52 Sammis Street – Modification to conditions of approval for single-family residence be **APPROVED** subject to the following conditions:

1. That item #13. of the original approval (That the applicant install a 48" paved sidewalk that meets the city code; and") be removed; and
2. That all other conditions remain in effect per the original approval.

BE IT FURTHER RESOLVED that the effective date of this approval shall be July 5, 2024.

Mr. Williams seconded.

Louis Schulman; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Galen Wells; Darius Williams; Diana Lenkowsky approved.

No one opposed.

Tammy Langalis abstained.

IV. PUBLIC HEARINGS

a. #2024-19 SPR/CAM – O&G Industries Inc. – 20, 34, 40, 46, 48 & 50 Smith Street (District 1, Block 59, Lots 9, 10, 11, 12, 14, 16 & 17) – Reconfiguration and changes to an existing materials yard

Mr. Schulman explained that they had run out of time for public comment so they would continue with the list of speakers as well as allowing those on line an opportunity to speak.

Ryan Sandre, 4 Daskams Lane, began the presentation with a slide show presentation. He explained why he had moved to the Riverway Condos. He explained the congestion from the SavATree trucks. He believed the application would make the congestion worse. He described a highlighted map, as well as the situation from the Devine Bros. site. He said the applicant's site would be similar with dust and fumes and did not think it should be replicated. He showed them a recent picture of barges from the Devine Bros. site and described how they disrupted the marine traffic on the river. He explained that at times, people on the Norwalk River Valley Trail are confused about which way to go, because of the commercial buildings and trucks, which seem out of place. He believed this application would make the area less safe and walkable. He noted that Wall Street relied on foot traffic which he believed would be inhibited by this project.

Vara Navarro, 10 Morgan, said that she was speaking on behalf of herself and her husband, David Turco, and read his comments into the record

Vara Navarro said that she had concerns about the application and agreed with many of them. She had concerns about pollution from the emissions from the large trucks, as well as the sound from them. She believed the Norwalk River would be harmed from this application as well. She also had concerns about closing off Smith Street. .

Dave McElroy, 20 Melbourne Road, said that he agreed with some of the speakers from the previous meeting. He had concerns about two barges being in the river at the same time. He was also concerned about some of the facts that he had heard from the applicant. He had concerns about the trucks going through the Wall Street area. Another concern was that this application could slow down the Walk Bridge project. He also referenced the 2022 land use study about the Norwalk River which said that residents wanted more access to the river. At the time it was written, the study noted that the applicant's site was an impediment to that access. He asked the commissioners to realize how unreasonable the application was.

Andrew Skid, 44 Fox Run Road, said he represented Collins Funeral Home, which was his family's business for four generations. They were opposed to this application. He described the business which was on East Avenue. He said that for larger wakes, people park their cars on side streets and cross East Avenue to arrive at the funeral home. He described the funeral processions from the site and how they could be inhibited by trucks coming from the applicant's site. He believed the area would become a heavy industrial zone because the project would be on three sides of Collins Funeral Home. He asked them to reject the application.

Michael Ward, 11 Rainbow Road, said he had sent a letter to the Planning & Zoning Department staff but wanted to follow up on it. He then said that he knew a couple of the commissioners, Mr. Schulman and Mr. Roina. He then noted how much the applicant paid in taxes for their site, as compared to Head of the Harbor, which paid more. He had concerns about adding more traffic to the city's roads. He didn't understand trying to save the river and then adding a barge which would bring particulate matter off the barges when they were unloaded.

Mary Ellen Flaherty-Ludwig, 89 Soundview Avenue, said she was a rower on the Norwalk River. She said she agreed with the objections of many of the previous speakers. She had two other concerns. One was how the barge traffic would affect the construction of the Walk Bridge. She also had concerns about young rowers who would have to judge how close they were to the barges.

Lisa Britten, 19 Shorefront Park, said that she was a founder of the Save Norwalk Neighborhoods Group as well as chair of the independent party town committee. She said she was opposed to the application to expand the applicant's operations on the Norwalk River, for several reasons, including the barges blocking the river and heavily loaded trucks on the streets. She claimed that even the Mayor did not want this project.

Nancy Maguire, 64 Wall Street, read her letter into the record, opposing the application.

John Schultz, 4 Daskams Lane, said that he had concerns about the number and size of the trucks. He also had concerns about the fumes because he was immunocompromised.

David Westmoreland, 50 Elmwood Avenue, explained that he was a member of several of the city's committees and board but that he was speaking individually and not on behalf of any of them. He also gave a brief background of his work as well as the different historical projects he has worked on for the city. He did not think this use was a clean industrial use as required by the CBD zoning. He had concerns about the traffic from the site. He referred to Atty Suchy's letter about zoning violations on the property and wondered why the application was being put forth without the removal of these violations. He also had concerns about the lack of pedestrian access and suggested constructing a boardwalk, separating the public from the site. He had concerns about the Bell Tower as well as whether the asphalt plant would be reopened. He noted that the applicant had said that the reopening was not a part of this application.

Fred Feeney, 69 Wall Street, the provost of the Norwalk Conservatory of the Arts, gave a background of the accreditation for the school. He discussed the impacts of the performances and students on the local area. He had concerns about the increase of traffic flow, especially on Smith Street and Moody's Lane, since there were many students walking there. He said that the staff and students had concerns about the emissions from the trucks.

Deborah Courtney (?), 4 Daskams Lane, said that her and husband moved to the area to be close to their children in Westport. She noted that her husband served at West Point. She said that the applicant is not a good neighbor.

Karen Schultz, Daskams Lane, said that she and her husband had moved to the area because of their grandchildren. She had many concerns and asked them to add a walking path, if this was to pass

Mike Curlehy, 4 Daskams Lane, opposed the application. He said that he and his wife had lived in Norwalk for over 20 years. He noted that the riverfront has become mostly residential.

David Ward (sp?), 58 Cummings Avenue, Fairfield, CT, said that he represented Norwalk Boat Club and had lived in Norwalk for 27 years. He noted that the current site was not in great condition. He opposed this application.

Anthony Pissone, 4 Daskams, believed that the applicant's business would be fine if they did not pursue this application. However, he saw the quality of life in the area would deteriorate with this project. He had concerns about the number of trucks as well as the environmental hazards. He also had concerns about the traffic.

_____, 4 Daskams Lane, discussed two studies of asthma and their effect on children. He had concerns about the health risks to children and the elderly from this project.

Erica Foster, 3 Lewis Street, the address of the 1st Congregational Church, said that the church valued the Norwalk Green and the surrounding neighborhood and the role that the church played in speaking out for it. She had concerns about the number of trucks leaving the applicant's site as well as concerns about the increased barge traffic which would crowd out other maritime uses of the river.

Maria Lopez, 6 Henry Avenue, said she was adding to her letter by saying that the application does not satisfy the zoning regulations.

Diane Lauricella, 21 Little Fox Lane, thanked the commissioners for extending the public hearing. She believed this application had brought many different groups together. She agreed with everyone that opposed the application and hoped that the applicant would withdraw it. She handed them copies of her remarks to the staff. She then gave details of her background to the commissioners. She also noted that there are missing details to the application, including meeting notes, and the traffic study. She noted that there were violations on the property so the application should not have been accepted. She spoke about the environmental side of the application, including particulate matter and diesel fumes. She also partially read a letter from Dr. Beverly Shears into the record. She then noted that there were numerous complaints about two of the applicant's sites in Stamford. She explained what some of the documents in her packet to the commissioners were, including notices of violations and petitions.

Jack Myers, 3 Union Park, said he was a member of Sustainable Streets Norwalk. He noted that the traffic report did not take into consideration the impact on

cyclists and pedestrians. Active transport is growing among young people who live in the Wall Street area. He also said that TMP was investing in pedestrian and cycling infrastructure. He said that this application would detract from these types of infrastructure projects. He made suggestions of conditions for the applicant.

Larry Guichman, the owner of 61 Smith Street, said he had never been notified about this application. He said that Norwalk needed housing and not this asphalt project. He asked them to vote against this project.

Abram Heisler, the attorney for the Norwalk Boat Club, said that the members of the boat club had already spoken. He then reminded them of their concerns about remaining viable. He then submitted photos, one from 2008 when the applicant had been using the site for asphalt manufacturing. The other photos were of barges at the Devine site which could make it difficult for emergency vehicles to access parts of the river. He said he had not seen any attempt to evict Pierro Paving from the property. He asked them to vote against the application.

Patricia Agudow, 212 Richards Avenue, said she had been one of the original owners of Riverway Condos. It was a beautiful area and this application went against the vision of the city. She asked them to vote against the application.

At this point, the commissioners had a break in the meeting and returned to the meeting at 8:50 pm.

Tina Jordan, Riverway Condos, said that she had sent a few letters to the commission. She spoke about the traffic on East Avenue at 7:20 am. She also discussed the traffic from Moody's Lane to I-95. She noted that there is now a community thriving after the applicant's manufacturing business ended. She also had concerns about the truck traffic.

John DiScala, 1 Smith Street, thanked everyone that came to speak out against the application. He said that his family had invested in Norwalk over the years including restoring buildings. He had also noticed that the area had grown in residential population over the last ten years. His business had moved their offices to Head of the Harbor South. He said that he had received notice of the application and decided to oppose it. He said his father had asked Matt Oneglia (sp?) to put in writing that the applicant would not start manufacturing asphalt again, he refused. He discussed several reasons why tri-axle trucks could crash. He said that they should be made to add to the boardwalk as well as a sidewalk. He said that the applicant has not been active on the site but Piro has been acting illegally on their property. He noted that the applicant made it seem as if there was no residential housing in the area. He also

explained that the boat club had not been notified about the application. He discussed a memo from a Planning & Zoning staff member which stated that the asphalt plant had been used during the building of the SoNo Collection and that the applicant had dredged for the Norwalk Boat Club. He claimed the boat club said they had not. He discussed the Wall Street infrastructure program that would be starting this summer, and noted that the large trucks would not help this. He believed that this application was a contradiction of Norwalk's vision to be a sustainable city. He also noted that Mayor Rilling had said this was not a good use for Norwalk.

Matt Oneglia, an employee of O&G, said that they were withdrawing the application. He said they would work with the Planning & Zoning staff to develop the property so that it is beneficial to the applicant as well as the city. He also noted times when the property was used for emergencies, including the recent collapse of a bridge on I-95. He read a letter from the boat club into the record, thanking the applicant for their help with dredging of the club's marina.

Mr. Kleppin explained for the record that there were no staff errors, and that comments made were in reference to work done on the Industrial Waterfront Study.

Mr. Schulman closed the public hearing.

Atty Green said he appreciated the gesture from the applicant. He said he was impressed with the way that the Planning & Zoning Commission for their patience and encouragement to the public to speak.

There was a conversation about how to move forward for the rest of the meeting.

i. Action on #2024-19 SPR/CAM

b. 2024-17 SUB – Andy Soumelidis – 70 Cranbury Road – Proposed two lot subdivision to construct two new single-family residences (existing structures to be demolished)

i. Open hearing and continue to following meeting

***** MS. LANGALIS MADE A MOTION TO OPEN THE PUBLIC HEARING TO JUNE 27, 2024.**

Mr. Kantor seconded.

Louis Schulma; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Tammy Langalis; Galen Wells; Darius Williams; Diana Lenkowsky

approved.
No one opposed.
No one abstained.

***** MR. ROINA MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO JUNE 27, 2024.**

Ms. Langalis seconded.
Louis Schulma; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Tammy Langalis; Galen Wells; Darius Williams; Diana Lenkowsky approved.
No one opposed.
No one abstained.

c. #2024-27 R – Planning & Zoning Commission – Zoning Regulations text amendment to Article 4 and Article 9 to revise the definition of “Lot or Building Site Width,” the location of where Recreational Vehicles are Permitted to be stored in all zones, façade requirements for duplexes in the CD-2 zone, and window and façade requirements for the mixed-use and industrial zones.

i. Action on #2024-27 R

***** MR. ROINA MADE A MOTION TO OPEN AND CONTINUE THE PUBLIC HEARING TO JUNE 27, 2024.**

Ms. Langalis seconded.
Louis Schulma; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Tammy Langalis; Galen Wells; Darius Williams; Diana Lenkowsky approved.
No one opposed.
No one abstained.

d. #2024-33 R – Planning & Zoning Commission – Zoning regulations text amendment to Article 4 to amend the residential building height determinations and modification to frontage/building types permitted in the CD-4 zone.

i. Action on #2024-33 R

***** MR. KANTOR MADE A MOTION TO OPEN AND CONTINUE THE PUBLIC HEARING TO JUNE 27, 2024.**

Mr. Roina seconded.
Louis Schulma; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Tammy Langalis; Galen Wells; Darius Williams; Diana Lenkowsky

approved.
No one opposed.
No one abstained.

V. APPROVAL OF MINUTES: May 15, 2024; May 22, 2024; June 5, 2024; June 20, 2024

This item was tabled to the next meeting on June 27, 2024.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin said that he had no comments.

VII. COMMENTS OF COMMISSIONERS

Mr. Kantor said that the first findings for the affordable housing study had been released. They hoped to have a draft out for public comment. Staff would send it to the commissioners so they could review it.

There was also a discussion about vape shops opening around the city. Mr. Schulman asked for this to be an agenda item. Planning & Zoning Department staff could be invited as well. They are inspecting shops to see which are legal and which are not.

VIII. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.
Ms. Lenkowsky seconded.
Louis Schulman, Chair; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Tammy Langalis; Chapin Bryce; Galen Wells; approved.
No one opposed.
No one abstained.

The meeting was adjourned at 9:33 p.m.

Respectfully submitted,

Diana Palmentiero