

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
June 20, 2024

PRESENT: Louis Schulman, Chair; Nick Kantor; Ana Tabachneck; Richard Roina; Hector Pachas; Tammy Langalis; Chapin Bryce; Galen Wells (arrived at 6:08); Darius Williams (after roll call)

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Darin Callahan; Atty Liz Suchy; Robert Walker; Atty Joel Green; Richard Warren; George Andrews; Neil Olinski; Anthony Pavia; Roger Shields; Tod Bryant; Sue Powers; Ryan Raphael; Roman Vendrosky; Diane Cece; Brad Craighead; Sarah Flaid; V Cole (sp?); Daniel Simons; Darius Fati; Justin Bing; Nancy McKeever; Alessandra _____; John Lesko; _____, the President of the Wall Street Neighborhood Association

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 seat Ms. Tabachneck and Mr. Pachas on the first item.

III. REVIEW & ACTION ON NEW APPLICATIONS

a. #2024-39 8-24 Referral – Norwalk Department of Public Works – Acceptance of a .0122-acre stormwater drainage easement over 7-9 Glenwood Avenue – Report & recommended action

Atty Darin Callahan, Corporation Counsel for the city, who began the presentation about why the easement was necessary. He said that they were being granted the easement and needed the approval from the commission and the City Council.

***** MR. ROINA MADE A MOTION FOR ACCEPTANCE OF A .0122-ACRE
STORMWATER DRAINAGE EASEMENT OVER 7-9 GLENWOOD AVENUE**

Ms. Langalis 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.

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 how the public hearing would be run for those that would like to participate. He noted that from the number of people in the room, he did not expect that they would make a decision at this meeting and would reconvene next Wednesday, June 26, 2024. There would also be a break at some point in the meeting since it would be a long meeting. He explained that there would be some members of the public online who would be allowed to speak as well as those in the room.

Atty Liz Suchy, the attorney for the applicant, began the presentation by introducing the project team. She then explained that the neighbors were notified of the filing of the application and the public hearing by letters sent via certified mail, return receipt. She said that the length of the presentation was necessary to create a public record. She then oriented the commissioners as to the location of the property. She submitted copies of the regulations at the time of submission of the application which should be reviewed for this application. She discussed historic uses on the property. She also gave a description of the property. She said that the applicant had used the property under proper permits. She also described their business. She quoted from the city's Industrial Waterfront Land Use report. She described the site plan application and the coastal area management (CAM) application. She then submitted the regulations for both at the time of filing of the applications and reminded them of the standards under these regulations. She also discussed the petition of intervention. She explained the barges would be dropping off materials which would be stored on the property. She also described improvements to the site. She then discussed the coastal area management analysis and the uses. She said the area has no natural features remaining and no degradation to habitats. She said that the applicant had received sign offs but was waiting for comments from various city departments.

Robert Walker, the engineer for the project, continued the presentation by showing the commissioner an aerial map of the existing conditions, as well as the site plan of the utilities, etc. He then showed them the proposed site plan which included storm water and screening. The proposed drainage system will tie into the existing drainage system. He said that the stormwater system was designed in compliance with the city's drainage standards.

There was a discussion about the public access to the site. Atty Suchy said that they had requested that public access not be allowed on certain sections but that they had suggested another section of the property where it be allowed.

Atty Joel Green requested to ask questions of the engineer and was allowed to speak. There was a discussion about the number of contaminants that would be filtered out of the storm water from the site. Mr. Walker said he could provide the manufacturer's specifications on the system and said the system was designed as per the Norwalk standards. Mr. Walker said it was designed for the water quality of the site, not the machinery that would be used on it. There was also a discussion about the parking on the site. There was also a discussion about the special exception granted by the Zoning Board of Appeals on this property for SavATree which Atty Green said he had submitted into the record. There were parking spaces dedicated to SavATree.

Atty Suchy returned to the podium and noted that the property was 3 acres which would accommodate a few parking spaces for employees.

Richard Warren, O&G Industries, said that he had worked for the company for 28 years. He said that the company was a family run company which was over 100 years old. He gave a background of the company and explained that they had other locations throughout the state. He also explained the business and gave a history of the company's presence in Norwalk. He explained how they would use the site including how the materials would be covered when not being unloaded from the barges or moved off site on trucks. They could use street sweepers on Smith Street. There was a discussion about how far the sand would be thrown when being picked up by the clamshell machinery. There was also a discussion about the diesel trucks coming to the site. Mr. Warren said that they would work under any conditions that the commission put on that. He explained the permits and licenses for the barges. They would operate under the city's regulations for hours of operations, noise ordinances, etc. There was also a discussion about whether trucks would bring materials to the site and then leave on a barge. It was not a part of this application. Mr. Warren said that there would only be about 3 vehicles for each employee on the site. There was also a discussion about the federal channel which Mr. Warren explained further, but said he would submit more

information to the commission. There was a discussion about the number of trucks coming onto the property.

Atty Joel Green, asked for clarification of the specific use of the site today. Mr. Warren said that SavATree is a landscape company and the other is an asphalt milling company. There was a description of the proposed business as well as the permitted use of the site. Asphalt had not been produced there for a number of years. There would not be operations at night. Mr. Warren said that barges may come in after hours because of tide conditions. There was a discussion about slack lines and how they are used. Piero would no longer have use of the site and the applicant would have full control.

There was also a discussion about whether the Stroffolino Bridge would need to be raised and how long it would take to arrive at the site. Mr. Warren was not sure of that information. There was also a discussion about whether the barge would need a tug boat and whether other boats would be able to pass them. A barge could be unloaded within one day. SavATree would remain on the site.

Atty Suchy said that she would read Tom Ryder's report into the record since he was not able to attend the meeting. He would be available at the next meeting for the commissioners to ask questions.

George Andrews, the environmental engineer, continued the presentation, by discussing his background briefly. He said he would discuss dust control, spill control and noise control. He also gave a background of the processing on the site which would be minimal. He discussed the vehicles arriving on the site and then they would need to use the scale. He then discussed the mats and how they are used which are heavy and rugged. He also described the clamshell buckets. He noted that they would minimize spills into the water since these were materials that they would be selling. He also described minimizing noise and said it would operate during daytime hours. Signs prohibiting idling would be posted. He said that plantings would help reduce noise.

There was a discussion about the particulates. Mr. Andrews explained that the tires of trucks would be cleaned on the way off the site. There was a concern about diesel trucks emitting exhaust fumes. He said that there would be some trucks that they had no control over including back-up noises. Mr. Andrews said that he had not prepared an environmental report. They realized that they would have to speak with Mr. Ryder about items in the engineer's report. Atty Suchy reminded them that under the regulations they did not have to evaluate for the noise, dust or pollution because this is the CBD zone. It was different from the Industrial One and Two zones which had

additional standards for environmental impacts. She said an environmental impact study was not required.

Atty Green asked about whether the site would be entirely paved, but Mr. Andrews said that some was gravel and some was concrete. He asked whether there would be activity at night or on the weekends. There was a discussion about the number of O&G trucks as opposed to independent operators. Mr. Andrews was asked which other O&G sites that Mr. Andrews had worked on. He said that on other sites he was not in the position of evaluating dust, etc.

Neil Olinski, the traffic engineer, began the presentation with a description of his background. He then said that they had updated a prior traffic study in 2019 a few months prior. He described the expected new traffic from this project. He said that the ITE trip generation manual did not have statistics similar to this project. He described how they did their study. He explained the size of the trucks that would be coming onto the site. He described the possible number of trucks a month and when they would come and go. He showed them the typical truck routing and included where it would come from. The small amount of traffic would not change the levels of service. He discussed comments that they had received from the city, the city's consultant and the intervenor.

Mr. Kantor asked Mr. Olinski if he could discuss the safety element for adding more trucks to the roads, which Mr. Olinski said they were still reviewing. There was a discussion about Moody's Lane and whether it was too narrow. There was a discussion about the amount of traffic and whether new projects were looked at when the studies were being done.

There was a discussion about some outstanding questions for which the commissioners do not have information. Atty Suchy said that they had received comments from the intervenor that day so they should not be expected to have them analyzed that quickly.

Atty Green noted that they had recently received the peer review. He asked Mr. Olinski how the truck trip level was established, which Mr. Olinski explained. He also said that they were still reviewing comments but they should not have significant changes to their findings.

Atty Suchy then said that they had finished their presentation. At this time, Mr. Schulman said that they would take a 10 minute break until 8:15 pm.

The meeting resumed at 8:16 pm. Mr. Schulman noted that the public would be given the opportunity to speak. He also said that if the meeting ran late then it would be continued into the next meeting on June 26. After 10 pm, they would continue public comment and discuss the other items on the agenda to finish the meeting.

Anthony Pavia, 34 Buckingham Place, said he had sent a Google slideshow which was shown to the commission. He also said he would make comments for others. He said he was a founder of the City Hall Neighborhood Association and said that they were against the application. He described the current types of housing in this area. He asked the members of the audience if they were in opposition to the application and stated that there were many organizations in opposition as well. He noted that the site has been dormant for some time but that it has not been kept clean. Residents have complained to both O&G and the city's non-emergency line. He showed them pictures of what residents encounter on a daily basis. The applicant had not met with the neighbors. He also described the current businesses on the site, some of which had many trucks. Mr. Pavia discussed East Avenue safety and showed them collision analysis safety tables from I-95 to Westport Avenue. He then read a couple of statements into the record, from the Norwalk Watershed Association and the Norwalk Land Trust, opposing the application.

Roger Shields, 31 Plymouth Avenue, thanked the commissioners for their time. He said that he was showing them an aerial photo on July 10, 2008, which was the last time that barges had been used at the property. He also explained that the barges had prevented navigation of small rowboats in the past. He then described a letter from Marcy Balint of the Department of Energy and Environmental Protection (DEEP). He also discussed the spill mats.

Tod Bryant, 23 Morgan Avenue, said that he lived a quarter mile from this site. He had concerns about the noise from the site which would disrupt the neighborhood. He also had concerns about the traffic from the site. He said Norwalk was not a manufacturing city and this was a step backwards.

Sue Powers, who spoke on behalf of the Norwalk Boat Club, 11 Wall Street, said she had submitted a complete letter to the commission earlier in the day. The club was at the north of the harbor and had been there for 112 years. She said that the barges were swapped out and never left. She did not think there would be enough room for boats to get out of the channel, and wondered if blocking the channel would be a violation.

Ryan Raphael, also representing Norwalk Boat Club, said that they had not received notification of the application. He said that the diagrams were not truthful. He

said that the barges at Devine Bros. are 45 feet or larger. He also discussed slack lines. He said that if members can't get their boats out of the marina, they will join other clubs. He was concerned that it would cause it to close. He said they are concerned about flooding. He also asked that the Army Corp. of Engineers review the site plan to see whether it could work. He also wanted an official plan between O&G and Devine Bros. about working together in the channel.

Roman Vendrosky, spoke on behalf of Maritime Rowing Club, located at 3 Jennings Place, which was near the O&G property. He explained the concerns that it would not be safe for other boaters. He also read a letter from Jim _____, who also had concerns about the application.

Diane Cece, 37 Olmstead Place, spoke on behalf of East Norwalk Neighborhood Association (ENNA), and said she is speaking in support of the City Hall Neighborhood Association. She noted that if this was filed for a special permit, the commissioners would have denied it. She said that the commissioners could deny the application. She said that ENNA was in opposition and the application should be denied.

Brad Craighead, 20 Mill River Road, South Salem, but said he paid significant taxes to Norwalk and that his property would be affected by this application. He showed a slide about how the application would negatively impact the area. He then read a statement into the record which he had provided to the commission earlier that day.

Sarah Flaid, 4 Daskams Lane, of River Way Condos, spoke in opposition to the application. She said that there were concerns about the quality of life in the area from the additional trucks.

V Cole (sp?) said that there had been many condos and river clubs added to the area. It was a residential area. O&G had not operated for 15 years and would degrade the quality of life for all Norwalk residents. He asked the commission to deny the application. He also showed them pictures of how the property had been kept over the years.

Daniel Simons, a priest at St. Paul's on the Green, gave a brief history of the church which had been there since the 1700s. He was concerned about the families that would be dropping off their children at the daycare which was the same time as trucks arriving to this site. He was concerned about the traffic and accidents happening. His church had worked to restore access to the green. He said he was in opposition to the application.

Darius Fati, 144 East Avenue, said that he had concerns about the application. He walked in the area and thought it was important for residents' mental health. Many people walk this area but may not do it any longer if there were so many trucks on the route. He told a story about someone who lived in another condo complex that had issues with dust when parking his car in the garage. He also addressed the increase in truck traffic.

Justin Bing, 9 Morgan Avenue, said that he had sent letters on behalf of Morgan Avenue and Colonial Place residents to the commission but read a statement into the record as well. These letters expressed concerns about the application. He then described the number of trucks, their noise levels, and pollution emitted. He said that he had noticed that O&G had not provided an environmental study about the trucks.

Nancy McKeever, 136 East Avenue, said that many of the owners at her condo signed a petition against the application. She said she did not receive a notice of this application. She said that there had been flooding in January which caused mud flats.

Alessandra _____, Melbourne Road, said that she had moved to Norwalk 7 years ago and was a proud member of the community. She asked them not to industrialize the city with this application especially since it had been dormant for almost 20 years.

John Lesko, owner of Raymond Funeral Home, explained that he had been a member of the Zoning Commission at one point in time. He discussed the impact of the trucks on the roads nearby on his building which was built in the 1850s. He thought they would shake the foundation of it. He asked if this would be the best use of the property, especially since the area is now much more walkable. He asked them to watch out for the community.

Mr. Schulman said that they would have one last speaker and then the commissioners would decide about continuing the meeting until the following Wednesday.

_____, the President of the Wall Street Neighborhood Association, said that he knew Tom Devine and was a good neighbor. He was not sure that O&G would be a good neighbor but they had not appeared at public meetings. He had concerns about the number of trucks in the area especially on Moody Lane. He also had concerns about traffic safety, noise, etc.

At this point, Mr. Schulman invited the members of the public to comment at the next meeting and submit written testimony prior to it.

***** MR. ROINA MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO JUNE 26, 2024.**

Ms. Wells 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.

i. Action on #2024-19 SPR/CAM

b. #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. KANTOR MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO JUNE 26, 2024.**

Mr. Williams 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.

c. #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. WILLIAMS MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO JUNE 26, 2024.**

Mr. Kantor 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.

V. 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**

This item would be continued at the next meeting.

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

This would be continued at the next meeting.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin reminded everyone that in the residents' comments they are mentioning the wonderful things happening in the city.

VIII. COMMENTS OF COMMISSIONERS

Mr. Chapin said he had some items but would wait until next time. There was also a discussion about adding another meeting on June 27 which Mr. Schulman said Mr. Kleppin should notice.

There was a discussion about having an in-person meeting next week.

Will Graves said he had been told earlier that day that his application would be heard but the commissioners said that they would hear it on June 26.

IX. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Mr. Williams 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 10:27 p.m.

Respectfully submitted,
Diana Palmentiero