

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
June 7, 2023

PRESENT: Louis Schulman, Chair; Mike Mushak; Nick Kantor; Tammy Langalis; Hector Pachas; Galen Wells; Chapin Bryce; Jacquen Jordan-Byron; Richard Roina; Darius Williams; Ana Tabachneck (arrived at 6:46 pm)

STAFF: Steve Kleppin; Bryan Baker (arrived late)

OTHERS: Atty Meaghan Kirby; Glenn Groglio; Michael Weissbrod; Danny Loftus-George; Brian Clark; Atty Liz Suchy; Atty Adam Blank; Kevin Conroy

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:04 p.m. It should be noted that this meeting was held on Zoom.com with participants calling in, separately.

II. ROLL CALL

Mr. Kleppin called the roll.

III. SEATING OF MEMBERS

Mr. Schulman said he would seat Mr. Pachas for the first application and then seat Mr. Bryce for the second one.

IV. REVIEW & ACTION ON APPLICATIONS

a. #2023-33 LM – John Halan – 330 Connecticut Avenue (District 5, Block 67, Lot 2) – Live music request for Rio Border Café restaurant – Report & recommended action

Mr. Kleppin said that there was no representative for the applicant on the webinar. Mr. Schulman said that he had been to the site and there were commercial properties around it. It was noted that there were some houses nearby. There was a discussion about outdoor seating as well as the fact that there was currently live music. Mr. Kleppin showed them the site on an aerial map.

**** MS. WELLS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-33 LM – John Halan – 330 Connecticut Avenue (District 5, Block 67, Lot 2) – Live music request for Rio Border Café restaurant be **APPROVED** subject to the following conditions:

1. That all windows and doors shall remain closed while the entertainment is underway, except for the normal passage of people into and out of the premises; and
2. That this approval is subject to compliance with Norwalk City Ordinance Chapter 68: Noise; and
3. That this approval is subject to Section 118-1460 of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action is June 16, 2023.

Ms. Langalis seconded.

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

No one opposed.

No one abstained.

b. #2023-25 SP Mod – Silvermine Crossing Condominium Association – 123 Old Belden Hill Road – Request to modify Special Permit #14-81 to add generator and propane tanks on site – Report & recommended action

Mr. Schulman said Mr. Bryce would be seated to vote on this resolution.

Atty Meaghan Kirby, the attorney for the Silvermine Crossing Condominium Association, by explaining the modifications and why they are requesting them. There had been many power outages over the last few years which adversely affected the units. She also discussed the materials to be used as well as re-landscaping the parking lot island.

There was a discussion about the new planting plan and whether it would become part of the special permit. There was also a discussion about burying the propane tanks. Glenn Groglio said that it was recommended to keep them above ground. There was a suggestion about the type of vegetation to be planted which would be resistant to deer.

**** MS. LANGALIS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-25 SP Mod – Silvermine Crossing Condominium Association – 123 Old Belden Hill Road – A request to modify Special Permit #14-81 to add generator and propane tanks on site be **APPROVED**.

Mr. Bryce seconded.

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

No one opposed.

No one abstained.

c. #05-20 SPR/#07-20 CAM – Wall Street Recap Associates, LLC; Municipal Holdings, LLC – 61 Wall Street – Request to modify approval for six (6) story mixed-use building with 101 dwelling units and 10,233 +/- square feet of retail – Report & recommended action

Mr. Schulman said Mr. Pachas would be seated to vote on this resolution, and Mr. Bryce would not.

Michael Weissbrod, the architect on the project, discussed the modifications they were requesting by showing them the site plans for the two buildings on the site. He also discussed the plans for the basement. There was a discussion about what types of tenants would be in that space. He then described the plans for all of the other floors as well. There would be 4 additional units. He then showed them the changes to the exterior of the building. He also discussed the basement parking plan which would be open to the public and for residents.

There was a discussion about the start date for construction which Mr. Weissbrod said would be within a couple of months.

There was also a discussion about the old Garden Cinema site and whether there was a plan for it. Mr. Weissbrod said that it would be a mixed use building, including parking. There was also a discussion about green space for the site. There was a discussion about the garage building. Mr. Weissbrod showed them renderings of the streetscape at Wall Street Place.

**** MS. WELLS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #05-20 SPR/#07-20 CAM – Wall Street Recap Associates, LLC; Municipal Holdings, LLC – 61 Wall Street – Request to modify approval for six (6) story mixed-use building with 101 dwelling units and 10,233 +/- square feet of retail be **APPROVED** as minor changes.

Mr. Mushak seconded.

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

No one opposed.

No one abstained.

Ms. Tabachneck said that she was listening to the meeting and did not want to be seated since she was driving.

d. #2023-30 SPR – The Norwalk Conservatory of the Arts – 69 Wall Street (District 1, Block 29, Lot 11) – Change of use from office to college/university for the Norwalk Conservatory of the Arts – Report & recommended action

Mr. Schulman seated Mr. Bryce on this application.

Mr. Kleppin asked if they wanted to hear this together with the next application. He said they were linked together.

Danny Loftus-George said that he would not mind discussing the applications twice. He then began the presentation by noting that the school now has 50 students set to start in September, only 1 of which is from Connecticut. He described the different spaces on each floor. He also said that they are undergoing the accreditation process which is an ongoing thing. Mr. Loftus-George said that they expected to be approved by the state of Connecticut in August. There was a discussion about what would happen if they were not.

There was a discussion about building relationships with local restaurants in Fairfield County since they do not have a cafeteria. The programs are 2 year associate programs for now and eventually they would like to offer a masters program and eventually grow to a university type program. Many of the students are receiving scholarships. Mr. Loftus-George said they are doing fundraising for tuition and have received grants. There was a discussion about the number of students from Connecticut. Mr. Loftus-George said they had recruited in many Title 1 schools but there is no goal for having students from any one state. Mr. Loftus-George explained what a Title 1 program is. There was also a discussion about summer programs which Mr. Loftus-George said was happening.

At this point, the Planning and Zoning Commission went into the public hearing for the companion application.

V. PUBLIC HEARINGS

a. #2023-31 SP – The Norwalk Conservatory of the Arts – 102 East Avenue (District 1, Block 56, Lot 7) – Proposed dormitory use within existing building for students of the Norwalk Conservatory of the Arts

Mr. Schulman explained the rules of the public hearing. He also noted that Mr. Bryce would remain seated on this application. Mr. Kleppin asked whether they would like to hear the presentation for both this application and the following one together. He also said that he had received an email which he could read into the record later.

Mr. Loftus-George gave a brief overview of the college and the dormitories.

There was a discussion about the spin-off effect on Norwalk's economy. Mr. Loftus-George said he did not have those figures.

Brian Clark, a real estate broker representing the college, asked the city to continue to support the college and said it would be positive for the city.

Mr. Kleppin explained how members of the public could make comments at this meeting.

Rich Bonenfant, Park Hill Avenue, said that the concept of the school seemed fine but had concerns about the dormitory on East Avenue since he did not understand the concept.

Anthony Pavia, 34 Buckingham Place, co-founder of the City Hall Association, said that they were excited about this use. He said that he would be happy to be a neighbor of the conservatory. He just hoped that the residents of the dorms would be safe crossing the street.

Diane Cece, Olmstead Place, said that she was speaking as a private resident on this matter. She said that she had concerns about the East Avenue zone allowing for dormitories. She began with many questions for the applicant as well as about the application submitted. She did not see details for this application online. She had concerns about the amount of vehicles that could be on the property because there were 50 students in the dorms. She asked for clarification about the tuition and housing costs.

Mr. Loftus-George addressed the questions raised by the speakers who had addressed the commission.

There was a discussion about whether there were comments from Transit, Mobility and Parking (TMP). Mr. Kantor asked that a condition be added to the resolution. There was also a discussion about Norwalk becoming a college town. There was a discussion about the second class and whether there was a dormitory building for them. Mr. Loftus-George said that they had found another building. There was a further discussion about students and parking.

Mr. Schulman closed the public hearing.

i. Action on #2023-30 SPR

**** MS. WELLS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-30 SPR – The Norwalk Conservatory of the Arts – 69 Wall Street (District 1, Block 29, Lot 11) – Change of use from office to college/university for the Norwalk Conservatory of the Arts be **APPROVED**, subject to the following conditions:

1. That verification of the college/university's accreditation with the State of Connecticut shall be provided to Staff by January 1, 2024; and

2. That prior to any expansions of the use on the property that plans shall be submitted to the Planning & Zoning Commission's Staff (Staff) to determine if the change is significant; and
3. That if such expansion is determined to be significant by Staff that the Planning & Zoning Commission shall review the proposed expansions; and
4. That any expansion of the college/university to other properties within the city shall require a separate application; and

BE IT FURTHER RESOLVED that the effective date of this action shall be June 16, 2023.

Mr. Kantor seconded.

Ms. Wells thought this would be a good project for the city since it is so close to New York City and many movies were now being filmed in this area. Ms. Langalis was in support of this project but also thought the Schoolhouse Academy should have been approved. Mr. Roina hoped the applicant obtained their accreditation before August.

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

No one opposed.

No one abstained.

II. Action on #2023-31SP

Mr. Schulman said that Mr. Bryce would continue to be seated for this resolution. He noted that many of the requirements for a special permit had been met. Mr. Schulman also noted that this application met the criteria of the Plan of Conservation and Development (POCD). Mr. Roina had concerns about the amount of vehicles that could potentially be on the site.

There was a discussion about a few of the conditions before the commissioners voted on it.

**** MS. WELLS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #-31 SP – The Norwalk Conservatory of the Arts – 102 East Avenue (District 1, Block 56, Lot 7) – Proposed dormitory use within existing building for students of the Norwalk Conservatory of the Arts be **APPROVED**, subject to the following conditions:

1. That the dormitory shall only operate for as long as the college/university use that is located within the City of Norwalk is under the same ownership/management group; and

2. That the building shall comply with all applicable Fire Codes, Building Codes and Health Codes at all times; and
3. That the dormitory shall only operate within a schedule submitted to the Planning & Zoning Commission's Staff (Staff), which may allow for the operation of the dormitory during the non-academic calendar for supplemental programs offered by the college university, provided that the residents of the dormitory must be students actively enrolled at the college/university; and
4. That any modifications to the plans shall be submitted to Staff for review prior to implementation; and
5. That any and all signage shall be submitted to Staff to be reviewed under a separate zoning permit; and
6. That any and all conditions required by the Norwalk Health Department shall be applicable to this approval; and
7. That any and all conditions required by the Norwalk Fire Marshal shall be applicable to this approval; and
8. That any and all conditions required by the Norwalk Building Department shall be applicable to this approval; and
9. That the applicant shall review the proposal with Norwalk Transportation, Mobility & Parking Department, regarding potential pedestrian improvements; and
10. That the applicant shall install street trees at the discretion of the City; and
11. That the applicant shall explore the possibility of adding rooftop solar to the existing building; and
12. That prior to the issuance of a zoning permit the applicant shall file a special permit certificate on the Norwalk Land Records; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 19, 2023.

Mr. Roina seconded.

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

No one opposed.

No one abstained.

b. #2023-24 SP – 110-114 East Avenue Norwalk Associates, LLC – 110-114 East Avenue (District 1, Block 55, Lot 2) – Proposed historic preservation of 13 units and office within two (2) existing buildings

Mr. Schulman opened the public hearing.

Atty Liz Suchy began the presentation by introducing the project team. She then gave a brief overview of the application and noted that the certified, return receipts evidencing notice of the public hearing to the abutting neighbors had been given to the Planning and Zoning Department staff. She then oriented the commissioners as to the current site. She then showed them a current picture of the recreational area. She also discussed the history of the property. She discussed the proposed application which would increase the number of units. She also discussed the landscaping as well as the sign-offs that the applicant had received.

There was a discussion about where the affordable housing units would be located. Atty Suchy also noted what had been requested to be waived. There were some questions about the history of the building as well as whether they would consider selling the units and not rent them.

There were no comments from the public. Atty Suchy summarized her presentation. She also requested that the commissioners not impose a condition for solar panels since it was an older building. There was a discussion about parking spaces.

Mr. Schulman closed the public hearing.

i. Action on #2023-24 SP

**** MS. JORDAN-BYRON MOVED: THEREFORE BE IT RESOLVED** that application #2023-24 SP – 110-114 East Avenue Norwalk Associates, LLC – 110-114 East Avenue – Proposed historic preservation of 13 units and office within two (2) existing buildings be **APPROVED** with the conditions:

1. That the building and site will be developed in accordance with the following plans:
 - a. Per Zoning Location Survey dated 4/12/2023 prepared by D'Andrea Surveying & Engineering, P.C., Riverside, CT
 - b. Per architectural plans dated 3/1/2023 prepared by LARC Architects, LLC, Farmington, CT
 - c. Landscape plan dated 3/1/2023 prepared by LARC Architects, LLC, Farmington, CT
2. That prior to obtaining a Zoning Permit, the applicant provide documentation from an architect, specializing in historic preservation, regarding the soundness of the buildings exterior

and that any deficiencies identified in that evaluation or recommended corrections, be implemented prior to receiving the Certificate of Zoning Compliance.

3. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
4. That any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and
5. That this action shall be the date of filing of the Special Permit Certificate and mylar map of the approved site plan with the Town Clerk prior to issuance of zoning permit.
6. That the applicant install rooftop solar panels on the entire building to the greatest extent possible and solar covered parking to the greatest extent possible. If solar cannot be installed the applicant shall provide Planning and Zoning Commission Staff with a feasibility report, indicating why solar panels could not be installed, prior to obtaining any COZC; and
7. Should any building façade material become damaged or deteriorated, the applicant and future owners shall repair the damage or deterioration within thirty (30) days' notice from the City; and
8. That the Special Permit shall only remain effective so long as the subject structure(s) is preserved and maintained as a principal structure on the property.

BE IT FURTHER RESOLVED that this proposal complies with Section 118-1041, Section 118-1450, Section 118-1460 and any other applicable section in the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action shall be June 16th, 2023.

Mr. Kantor seconded.

Mr. Schulman noted that although not required, he would like to have seen an analysis on the historic structure's value. There was also a discussion about the requirement for solar panels on the roof since it was an historic building. The commissioners decided to leave the condition in the resolution.

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

No one opposed.

No one abstained.

c. #2023-28 CAM – 300 Wilson Avenue LLC – 310 Wilson Avenue – Conversion of a 16,000 square foot portion of existing warehouse and office space to a recreational turf field

Mr. Schulman opened the public hearing.

Atty Adam Blank, the attorney for the applicant, began the presentation by noting that the certified, return receipts evidencing notice of the public hearing to the abutting neighbors had been given to the Planning and Zoning Department staff. He also introduced the project team. He explained the businesses that were housed in the building. He said it was an interior fit-up but a public hearing was required because the building was near Village Creek. Some of the building would be converted to an indoor turf field. He noted that a nearby building that had housed a turf field had been converted to a volleyball facility. There were no other turf facilities in Norwalk at this time, thus the applicant would like to convert part of the building to turf. He showed them the site plans for the proposed use. He also discussed the parking spaces. It would only be a practice facility and not for competitions.

Atty Blank said that the application complied with the city's zoning regulations. He then addressed some comments in the staff memo. He said there were concerns from staff about salt storage on the site which he discussed. Kevin Conroy explained the ice shavings. He also discussed the lights on the side of the building which had been approved by Planning & Zoning fifteen years ago. Atty Blank discussed the rain gardens and noted that they are all there. However, one had been replaced by gravel and not the plantings. He said that they could replace it with plantings if necessary.

There was a discussion about the parking at the facility. Atty Blank noted that the regulations did not and could not address every different type of recreational facility. Kevin Conroy noted that this facility was a practice facility where children would be dropped off. It was different from one nearby where competitions are held. Mr. Conroy also said they have more parking than they are required to have. There was a discussion about the lighting on the site and how it could be fixed.

Mr. Kleppin advised members of the public how they could speak at this meeting, but no one did.

There was a discussion about the storage of the shaved ice, what's in it and how it should be disposed of properly.

i. Action on #2023-28 CAM

**** MR. KANTOR MOVED: THEREFORE BE IT RESOLVED** that application #2023- 28 CAM – 300 Wilson Avenue LLC – 310 Wilson Avenue – Convert a 16,000 square foot portion

of existing warehouse and office space to a recreational turf field be **APPROVED** subject to the following conditions:

1. That the building and site be developed in accordance with the submitted plans; and
2. That any needed soil sedimentation and erosion controls be installed at the direction of the Staff; and
3. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks and have flood certifications; and
4. That any changes to the plans be reviewed by staff prior to implementation; and
5. 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
6. That the four (4) exterior lighting on the north building façade shall be shielded; and
7. Any existing materials being stored in the parking lot must be removed and the lot cleaned within ten (10) days of this approval;
8. Pending further analysis of the materials, no future disposal or storage of material by the building tenants shall occur in the parking lot; and

BE IT FURTHER RESOLVED that this proposal, provided the conditions of approval are met, complies with all applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 16th, 2023.

Ms. Langalis seconded.

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

No one opposed.

No one abstained.

Mr. Schulman then said that the commissioners would take a 10 minute break and re-convene at 9:21 pm.

VI. DRAFT ZONING REGULATIONS AND ZONING MAP 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 – Continued review and Staff updates

Mr. Schulman thanked those who had waited a long time for their patience.

Mr. Kleppin began the presentation with a slide presentation of the Commission Map Discussion. He said that the Mayor thought the changes had gone too far. He said that he anticipated further changes to the map. First, he discussed the “Creeping Hemlock Area.” The next area was the “Hospital Area.” Another area he discussed was the “Cedar St. Area” “Golden Hill Area” and “West of Golden Hill Area.” There was also a discussion about the “Devil’s Garden Area,” “Shorefront Park” area, “Seaside Place” There was a discussion about how to make the abbreviations more logical to residents. The next discussion was about “Strawberry Hill Area” and “East of City Hall” as well as “Upper Harbor.” The last area was the “Lower Harbor.”

There were discussions about the missing middle and how regulations would be re-evaluated in the future, when the city revises the POCD. Mr. Kleppin continued to discuss different areas of the map. He said boundaries could change as the needs of the city changed over time. There was a discussion about increasing density, as well as having areas where working professionals can afford to purchase homes so they can live where they work. There was also a discussion about where residents live and work. There was also a discussion about 2 family houses in Norwalk. Mr. Baker said that they had information about whether these houses were owner-occupied which he would forward to the commissioners.

There was a discussion about the area around the train station. Mr. Kleppin also discussed cottage communities and said he would review that further over the next few weeks. There was a discussion about whether there was a definition of P.U.D. in the proposed zoning regulations which Mr. Kleppin said there was not. He also said that it was allowed in certain zones.

There was a discussion about AAA parcels. It was noted that some parcels in this zone were not one acre. There was further discussion about Shorefront Park and Seaview Avenue which were proposed to become zoned for 2 family homes. There was also a discussion about private deed restrictions in this area. There was also a discussion about the Gregory Boulevard and Ludlowe areas. There was a discussion about whether there would be more tweaking of the map and whether it would provide more housing.

Mr. Schulman said that they should use this proposed map as the one they would work with in the public hearings. He also noted that the staff’s decisions about the zoning rewrite

were rational and good planning for the city. The final decision on the map and the zoning will be made by the Planning & Zoning Commission.

There was a discussion about the future public hearings on the zoning regulation rewrite on June 21, 2023 and June 28, 2023. There was also a discussion about whether to set a time limit on public speakers. It would also be run hybrid. There was then a discussion about what time the meetings would start. There was also a discussion about what time the meeting would end.

VII. APPROVAL OF MINUTES: May 17, 2023

**** MR. KANTOR MOVED to approve the May 17, 2023 minutes.**

Ms. Langalis seconded.

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

No one opposed.

No one abstained.

VIII. COMMENTS OF DIRECTOR

Mr. Kleppin had no comments.

IX. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

X. ADJOURNMENT

Mr. Kantor made a Motion to Adjourn.

Ms. Jordan-Byron seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 10:51 p.m.

Respectfully submitted,

Diana Palmentiero