

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
May 22, 2024

PRESENT: Louis Schulman, Chair; Ana Tabachneck; Jacquen Jordan-Byron; Richard Roina; Tammy Langalis; Darius Williams; Galen Wells

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Dan Conlon; Will Graves; Atty Adam Blank; Wayne D'Avanzo; Beatriz deSantiz; Lennell Jones; Rita Pascalites (sp?); Carol Solheim; Joe Balisteri (sp?); Yvonne Marchesi; Diane Cece; Jamie Freitas (sp?); Sarah Hunter; Lou DeCanto; Diane Lauricella

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 the Common Council room at 125 East Avenue, Norwalk, CT.

II. ROLL CALL & SEATING OF MEMBERS

Mr. Kleppin called the roll. Mr. Schulman seated Ms. Tabachneck for the entire meeting. He said that if Mr. Pachas were to log-on, he would be seated for the meeting as well. He then explained that Norwalk Center LLC would be heard last since there were a number of smaller projects they should address first.

III. REVIEW & ACTION ON NEW AND/OR PENDING APPLICATIONS

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

Dan Conlon, the architect for the project, began the presentation by explaining that the applicant was requesting that the condition for a sidewalk to be constructed on their property be removed. He said that they did not think the commission had the authority to require such. He also noted that the property next to theirs received the same condition but they were not required to construct a sidewalk. He said he had walked around the neighborhood to see where the nearest sidewalks were.

Mr. Kleppin addressed the question about authorization. He said that it was not uncommon for the commission to require this condition under a CAM application. Ms. Langalis explained that when she was on the Planning Commission, it had waived the construction of sidewalks in front of several houses. Had they not been waived, there would now be a sidewalk for pedestrian safety. She also addressed the construction of sidewalks at other nearby houses. She strongly advised them to construct the sidewalk. Mr. Conlon explained that there was no difference between the lift of a house or new construction. He also noted that in the zoning rewrite, this zone is not required to have sidewalks.

Mr. Kleppin noted that the commission does have the authority to require sidewalks, if it chooses. There was a discussion about a sidewalk construction schedule for the city. Mr. Schulman said he does walk on this street and thought it would help pedestrian safety. Will Graves, the owner of the property, said that he and his wife have lived there awhile and there are only 4 properties on the street. He said that there were other family members on the street with no plans to build a sidewalk, so that there would be no other connecting sidewalks for a long time. Mr. Kleppin explained that the sidewalks are usually constructed when streets are repaved; however, it might not have been done if there was not enough money in the budget. He also cited the new regulations that this property would fall under, had their application been filed under them. Mr. Conlon suggested that the applicant place a bond until such time as the city could construct sidewalks. Mr. Kleppin was not sure how that would work so he suggested that they hold this over one month until they could figure the process out. There was a discussion as to the location of the sidewalk which was in the city's right of way. Mr. Graves showed them a map of where the sidewalk would be located. The commissioners thought they should have more research from the staff so that the application would be on the agenda in June.

b. #2024-22 SPR – Cali J Company Contractor Division LLC – 201 Ponus Avenue Extension (District 5, Block 54, Lot 9) – Detached accessory dwelling unit (ADU) – Report & recommended action

The applicant began the presentation by explaining that his attorney was not on the call and thought the meeting started at 7 pm. Mr. Schulman said that they could come back to this matter at 7 pm.

c. #2024-31 CAM – Hillside Plaza LLC/Joseph Criscuolo – 14-16 North Main Street (District 2, Block 25, Lot 12) – Change the use on the second floor of a mixed-use building from office to residential (eight dwelling units) – Report & recommended action

Since no one seemed to be on the call or at the meeting for the applicant, Mr. Kleppin began the presentation. He noted that in a CAM zone, when there is a change of use, the applicant is required to seek approval from the commission. The applicant would be converting office space to residential space. There would be no impact to coastal resources. Although Planning & Zoning staff had started the permit process, they stopped when they realized that the application needed the commission's approval. Parking would be in the Webster Street lot.

**** MS. TABACHNECK MOVED: BE IT RESOLVED** that application #2024 - 31 CAM – Hillside Plaza LLC – 14-16 North Main Street – Change the use on the second floor of a mixed-use building from offices to eight (8) residential units be **APPROVED** subject to the following conditions:

1. That the building and site be developed in accordance with the following plans:
 - a. Per architectural plans dated 2/26/2024 prepared by Fishell Architecture, Stamford, CT
2. That all department sign-offs, including Fire Marshal, are obtained prior to issuance of any Zoning Permit; and
3. That an affordable housing plan shall be submitted to and reviewed by Staff prior to the issuance of a zoning permit; and
4. That any changes to the plans be reviewed by Staff prior to implementation; and
5. Any utilities comply with setbacks; and
6. Nothing in this permit shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the City of Norwalk, State of Connecticut, or the Government of the United States, including any approval required by the Connecticut Department of Environmental Protection and U.S. Army Corps of Engineers- obtaining such assents, permits or licenses is the sole responsibility of the applicant; and

BE IT FURTHER RESOLVED that this proposal complies with all applicable coastal resource and use policies and with all applicable sections of the Building Zone Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 31st, 2024.

You must obtain a zoning approval and a building permit prior to any work on the site. A building permit must be obtained within one year of the effective date or this CAM approval automatically becomes null and void.

Mr. Roina seconded.

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

No one opposed.

No one abstained.

IV. PUBLIC HEARINGS

a. #2024-26 SUB – Dennis Brown – 72 Soundview Avenue (District 5, Block 81, Lots 20 & 21A) – Three lot subdivision with a lot line revision to create a total of four building lots

Atty Adam Blank, the attorney for Dennis Brown, began the presentation with an introduction of the project team. He then gave a brief overview of the subdivision, including the location of the property on a map. The property would be converted from industrial to residential. The neighbors were notified of the public hearing, evidenced by the certified, return receipt cards that were submitted to the Planning & Zoning staff. They had received comments and sign-offs from the various city agencies. They would divide two lots into four lots which would conform to the city's zoning regulations. He showed them the proposed lots on a site plan. There would be either single or duplex homes on these properties.

Mr. Schulman then advised how the public could make comments at this hearing.

Atty Blank was asked to show them a rendering of the buildings that were to be constructed on the lots, but he said that they do not have them at this time. There was a discussion about some of the structures and trees being removed. Atty Blank said they would try to save the trees but that under the new regulations, that might not be possible. Ms. Langalis asked them to consider the size of the homes when they were ready to design them.

Wayne D'Vanzo explained how the soil had been tested for drainage purposes. Dennis Brown also explained that they had hired an environmental company to test the soil and the results were good. Once the buildings are demolished, the soil would be tested again.

There were no members of the public that spoke for or against the application.

Atty Blank said that they would need a variance to allow the garages to face the street, and suggested that the commission allow this on a case by case basis.

At this point, the commissioners began to review the resolution.

i. Action on #2024-26 SUB

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED** that application #2024-26 SUB – Dennis Brown – 72 Soundview Avenue & Edgewood Street (unnumbered) (District 5, Block 81, Lot 21A & 21) – Three lot subdivision with lot line revision to create 4 building lots in CD-2 zone be **APPROVED** subject to the following conditions:

1. That the building and site be developed in accordance with the following plans:
 - a. Per map showing subdivision of land dated 4/9/2024 prepared by Advanced Surveying Land Surveyors, Gregory Kogan, Land Surveyor.
 - b. Per site plan dated 2/8/2024 prepared by Fairfield County Engineering LLC Norwalk, CT
2. The final subdivision survey be filed on the Norwalk Land Records prior to the issuance of a Zoning Permit; and
3. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
4. That a financial guarantee, in an amount determined by Staff, be submitted to guarantee the installation of all erosion and sedimentation controls prior to issuance of a Zoning Permit; and
5. That demolition of future non-compliant structures takes place prior to zoning permit;
6. That approval is obtained from the Department of Public Works and WPCA regarding City storm-water management requirements; and
7. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
8. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and
9. That any changes to the plans be reviewed by Staff prior to implementation; and

10. That the proposed drainage system, when installed, be maintained to work at full capacity; and
11. That all plantings be maintained, and any dead plantings must be replaced in accordance with the approved planting plan; and
12. That every lot comply with the street tree requirements of the subdivision regulations (Per Sec. 3.38); and
13. That sidewalks and curbs be installed on all proposed parcels and meet all city standards; and
14. That a Connecticut licensed engineer submit an engineering certificate that all required drainage and utility improvements were properly installed prior to issuance of a certificate of zoning compliance; and

BE IT FURTHER RESOLVED that this proposal complies with all applicable subdivision and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 31st, 2024.

Ms. Langalis seconded.

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

No one opposed.

No one abstained.

At this point, the commissioners decided to return to the presentation for #2024-22 SPR – Cali J Company Contractor Division LLC – 201 Ponus Avenue Extension (District 5, Block 54, Lot 9) – Detached accessory dwelling unit (ADU).

The applicant's architect, Beatriz deSantiz, joined the call after a technical glitch. She noted that this would be an ADU on top of a playhouse, with a first floor for entertainment and the second floor for the ADU. She explained the address for the commissioners. She showed them the site plan for the proposed project which included a 2 car garage. She noted that they complied with the zoning regulations. She discussed impervious surfaces, the long driveway and the buffering to provide privacy to the neighbors. There was a discussion about the entrances for the ADU. There was a discussion about the parking spaces. There was a discussion about the square footage of the play area and ADU.

**** MR. WILLIAMS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2024-22 SPR – Cali J Company Contractor Division LLC – 201 Ponus Avenue Extension (District 5, Block 54, Lot 9) – Detached Accessory Dwelling Unit (ADU) be **APPROVED** subject to the following conditions:

1. That the site shall be developed in accordance with the following plans:
 - a. Per architectural drawings entitled “Barn Playhouse Plans,” prepared by BM Design, dated 03/30/2023; and
 - b. Per site plans entitled “Zoning Location Survey Depicting Proposed Second Story Addition,” prepared by Redniss & Mead, dated 04/21/2023; and
2. That any changes to the approved plans shall be submitted to the Commission’s Staff (Staff) for review and approval prior to implementation. If any proposed changes are determined to be substantive, Staff shall refer the changes to the Commission for their review and approval prior to implementation; and
3. That all erosion and sediment controls be installed and maintained prior to the start of any construction or site work and that additional controls be installed at the direction Staff; and
4. That prior to the issuance of a Certificate of Zoning Compliance, the Applicant shall submit a certificate in the form of an affidavit which verifies that the owner resides on the premises and that the minimum rental duration of the accessory dwelling unit is a minimum of six (6) continuous months; and
5. That any and all conditions required by Norwalk Health Department are applicable to this approval; and
6. That any and all conditions required by Norwalk WPCA are applicable to this approval; and
7. That any and all conditions required by Norwalk DPW are applicable to this approval; and
8. That a Connecticut licensed engineer shall certify that all the required improvements, including any required off-site improvements, were installed to City standards prior to the issuance of a Certificate of Zoning Compliance (COZC); and

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

BE IT FURTHER RESOLVED that the effective date of this action shall be May 31, 2024.

Ms. Jordan-Byron seconded.

Louis Schulman; Ana Tabachneck; Jacquen Jordan-Byron; Tammy Langalis; Darius Williams; Galen Wells approved.

Richard Roina opposed.

No one abstained.

b. #2024-14 SPR – Norwalk Center LLC – 10 Norden PI (District 3, Block 17, Lot 40, Unit A) – Use of +/- 113,500sf of an existing building and +/- 155,000 square feet of the site for a Transportation Maintenance Terminal use

At this point, Mr. Schulman suggested they begin with public comments, going back and forth between people on line and those in person.

Lennell Jones, 10 Point Road, spoke in opposition to the application and asked the commissioners to deny it. She noted that the traffic and air quality studies were submitted by the East Norwalk residents that live nearby which set forth many issues. She believed the report submitted by SLR Consulting was a conflict of interest since they were already doing work for the city. She claimed that the city's resiliency draft plan, which was on the Redevelopment Agency's website, did not support this application. She asked them to consider compassion for the residents that lived there.

Rita Pascalites (sp?), 10 Acacia Street, did not support this application. She had concerns about the large tractor trailers that would be in the area.

Carol Solheim, 17 Overbrook Road, had concerns that the traffic study had not taken into account the construction of the new high school, which is nearby. She also had concerns about kids being dropped off at school. She also discussed having the high school start at 9 am which could work better for high school aged students. She also wondered if the traffic on Gregory Boulevard had been taken into account. She thought that the traffic study should be done during the summer months.

Joe Balisteri (sp?), 130 Fillow Street, said that he has experience with hearing residents of Norwalk who have concerns about the growth of Norwalk. Some are leaving East Norwalk because of it. He had concerns about the addition of more residential units but supported growth in a sustainable way. He did not think the roads could accommodate more cars. He then suggested turning Norden into a park which would help the air quality, wildlife and traffic.

Yvonne Marchesi, 28 Myrtle Street, had concerns about this project since Myrtle Street is a cut through from Strawberry Hill to East Avenue. She said that there were sight line issues to make a left turn onto Strawberry Hill. She had concerns about the air quality and traffic for this project.

Diane Cece noted that she had a lengthy statement so that she would wait until others have commented before she began.

Jamie Freitas (sp?), 3 Sasco Pond Road, said that she had concerns about air quality, traffic, noise and pollution. She thought this project was the opposite of building a walkable neighborhood because of the large trucks that would be going through it. She noted that what happens in one neighborhood affects others. She agreed with a previous speaker that Norden should have been rezoned a while ago.

Sarah Hunter, 17 Scofield Place, thought the city should have required more stringent information about air quality. She noted that poor air quality would have an affect on resident's health. She also discussed resuspended roadway particulate dust. She noted that with idling and braking there would be more dust in the air. She had concerns that there was a lot of this dust now and that this project would only add more. She also had concerns about enforceability about the number of trucks and how big they would be. She hoped they would listen to the air quality expert that the residents had hired and asked them to deny the application.

Diane Cece, Olmstead Place, spoke on behalf of the East Norwalk Neighborhood Association (ENNA), referenced the East Avenue Improvement project which would widen, straighten and lower East Avenue so that tractors could fit under the bridge. She did not want East Norwalk to become the place to put industry to serve Fairfield County. She hoped that the commissioners had read the resident's letters, sharing their concerns which do not seem to be addressed in the application. She explained why this application should have been a special permit. She also noted that a separate study for Norden Place was never funded, which was recommended by consultants in the Industrial Zones study. She discussed the timeline from 2021 that supported this application, and claimed it was spot zoning. She said that the commission did not have a definition for this use, a transportation maintenance terminal. She had concerns about activity on the site that may need to be regulated by the Inland/Wetland Agency but had not gone through that process. She said that there was no information on the storage of cleaners. She discussed the discretion that the commission had under a site plan review, including under the traffic study. She wondered why the applicant was ignoring East Avenue and I-95 in it. She discussed the history of the intersection at Strawberry Hill and Fitch Street, including when ENNA had requested the city to look at it to make it safer. A roundabout had also been discussed

for this intersection. She said that the project would have no benefit to Norwalk. She thought it was insulting to include the MTA facility to the city's signage at Exit 16 off I-95. She also discussed the 6 month post occupancy review. She then discussed a mitigation plan by the applicant, which was requested by ENNA's expert witness for air quality. She discussed the notification of adjacent properties. She discussed the definition of Transportation Maintenance Terminal which has not been previously defined. She noted that under other use definitions this would have been a special permit. She also noted that there had not been acoustical analysis for this parcel. She discussed the fact that the applicant would not provide a shuttle for their employees to the site from the East Norwalk train station. She discussed cut throughs to Strawberry Hill and that future MTA employees would do the same. She also discussed the safety concerns on Myrtle, pedestrian safety, sight line issues, and the construction of Norwalk High School. She compared this project to a roofing company. She explained how dispatch operations work. She also explained "Don't Block the Box." She asked them to review the benefits to the city, one being whether it would add to the Grand List. She noted that the MTA is a tax exempt entity. She said the applicant did not provide information on whether employees would be hired from Norwalk. She noted that the applicant had not provided information about the use of subcontractors. She had concerns about idling vehicles, vehicle jockeying, garbage pickup in the early hours of the morning, amplified external intercoms, and open bay doors, etc. She said they did not see any benefits and that this was industrial in nature. She asked for the Norden study to be funded. She suggested that the commission deny the applicant without prejudice so that the applicant could refile the application after addressing the issues. She reminded them that there are many residents that would like them to deny the site plan.

At this point, Mr. Schulman notified the audience that they would take a break and return to the meeting at 9 pm. When they returned, he said that there would be two additional speakers, before Atty Suchy began the rebuttal.

Lou DeCanto, 10 Howard Avenue, wondered why industrial uses had not remained in South Norwalk. He did not think there was a reason that this use should be in this area. Mr. Schulman mentioned that he had lived at 12 Howard Avenue for 6 years.

Diane Lauricella noted that there had been a lack of enforcement of ordinances, regulations, and policies. She then referred back to comments of Atty Suchy during the Web Construction application. She had concerns about the overnight shifts when there are emergencies. She said that the application should be denied without prejudice. She noted that applicants are allowed to fix their applications during the public hearing process. She said that the staff should have reviewed air quality. She had concerns

about the CEAC meeting at which time an applicant received comments and sign-offs from various city departments. She said that they should listen to the citizens living near the site.

At this point, Mr. Schulman closed the public comment portion of the public hearing. He then asked if anyone had a question for the city's traffic consultant, but no one did.

Atty Suchy began the rebuttal by having Craig Yannes provide clarification to some of the questions that the public had raised. She said she would also have Eric Lindquist and Laura King, of SLR, speak, depending on how late it was. She did not think she would have a chance to do the final rebuttal since it would be late.

Craig Yannes continued the presentation by addressing the comments about Strawberry Hill at Fitch Street, site frontage at Norden Place, a follow-up study, and a crash course request. He mentioned that he had been working on traffic analysis for this site for over 10 years. He also discussed comments about the traffic study area and East Avenue. He discussed the truck traffic on Strawberry Hill which the neighbors wanted to avoid. He reminded them that these roads already have truck traffic. He addressed comments about truck turning movements as well as discussed the plans required to accommodate smaller trucks. He noted that East Avenue would be widened to four lanes.

There was then a discussion about what types of materials are in the trucks. Mr. Yannes said that the representative from the MTA would be able to answer that question and would speak after him. There was a discussion as to why they needed large trucks and whether they needed the large trucks for heavy machinery or a large volume of materials. There was also a discussion as to whether the site would be used as a warehouse to store materials. Mr. Yannes addressed the comments about truck turning movements at East Avenue and Fitch Street. He discussed the number of truck trips per day which included work crews, mail and deliveries. He said that there is no truck traffic collision pattern.

There was a discussion about making a condition for the percentage of type of vehicles on the property. There was also a discussion about the current daily volume of vehicles. Mr. Yannes explained how the traffic study area was selected which he said exceeded the guidelines. There was further discussion about not including East Avenue in the study. Mr. Yannes then discussed safe routes to school which included improvements that were recently constructed or planned. He discussed the sets of traffic volume data, some of it before COVID. According to Mr. Yannes, the data showed that there has not been significant traffic growth between 2008 and today. He

noted that traffic counts are typically not done in the summer for various reasons. He showed them a graph of the local traffic and MTA traffic volumes and peak hours. He also discussed the roadway safety review. He discussed recent and planned local infrastructure improvements, some of which would be completed by the applicant. There was a discussion about the 6 month study post completion of the project. Mr. Yannes addressed the comments about the direct access to I-95 and then summarized his presentation.

At this point in the meeting, Mr. Schulman said they would continue the applicant's rebuttal at their June 5, 2024 meeting.

i. Action on #2024-14 SPR

There was no action taken at this time.

V. APPROVAL OF MINUTES: May 15, 2024

This item was tabled since the commissioners had not received the minutes to review.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin noted that there will be an enforcement seminar for the public on May 30, 2024. City departments that are involved with enforcement will be in attendance. There would be break-outs so that the public could ask specific questions. He expected it to last approximately two hours. Part of the meeting will be on Zoom but the breakout sessions that are in person will not be.

VII. COMMENTS OF COMMISSIONERS

Mr. Schulman said he appreciated the commissioner's patience and the time that they are spending on the Norden Place application. There was a review of the remainder of the process for it. There was a discussion about new material being presented during rebuttal.

VIII. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Ms. Wells seconded.

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

No one opposed.
No one abstained.

The meeting was adjourned at 10:01 p.m.

Respectfully submitted,

Diana Palmentiero