

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
May 17, 2023

PRESENT: Louis Schulman, Chair; Mike Mushak; Ana Tabachneck; Nick Kantor; Tammy Langalis; Hector Pachas (left the meeting at 7:30 pm); Galen Wells; Chapin Bryce; Jacquen Jordan-Byron; Richard Roina; Darius Williams (arrived after roll call and left at 7:30 pm)

STAFF: Bryan Baker; Amelia Williams

OTHERS: Atty David Waters; Scott Herman; Andy Soumelidis; Atty Adam Blank; Matthew Popp; Craig Flaherty; Atty Matthew Sapienza; Diane Cece; Atty Tyisha Toms

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. Baker called the roll.

III. SEATING OF MEMBERS

Mr. Schulman said he would seat Mr. Pachas for this meeting and rotate to Ms. Tabachneck, as well as Mr. Bryce. He reminded the alternatives, they did have the opportunity to ask questions during the discussions.

IV. REVIEW & ACTION ON APPLICATIONS

a. #2022-05 SP – Merritt Station Norwalk, LLC – 67, 69, 79, 87, 111, 117, 129, 135, 155, 156 and 201 Glover Avenue and 2 Oakwood Avenue (North 7) – Update on status from the owner

Atty David Waters began the presentation with a brief overview of the approved project. He then explained that they were appearing before the commission with their first site plan at this site. He showed them a site plan which showed that Building 1.1 and Building 1.2 would be on one application. Originally these 2 buildings were separated but now they were combined. It would be the same number of units and maintain the same height. The town square from the original plan was now expanded. There was also a more green area with a dog park. He also discussed a path from the northern parts of the site which had been on the original plan. He

then discussed the retail in the old plan and then the new retail space. There was a discussion about the reduction of retail space from the original plan. He also discussed why they were making these changes which were activation of the areas. He made comparisons to Harbor Pointe in Stamford which they also constructed. He noted that the dog park was quite popular there and helped activate retail. They had not discussed the policy about whether the dog park would be open to the public.

Atty Waters then discussed the landscaping plan as well as the Merritt 7 train station connection. There was a discussion about how many retail locations would be in the space. He then showed them a rendering of Building 1.1., the town square and the train station. He also said there would be a text amendment application being filed. There was also a discussion about the pavers used in the town square.

There was also a discussion about how an 11 story building would look near the condominiums in the area. There was also a discussion about how the 2 buildings worked together as well as how the park and town square could work together. Atty Waters said that would be done in the landscape plan. He also said they would like to proceed under existing zoning regulations so they could begin construction. There was a discussion about the open space as well as the amount of retail space. There was also discussion about a walkway to the train station.

b. #2023-21 CAM – Scott Herman – 289 East Avenue – Construction of new, flood compliant, single-family residence with an integral garage, porch, deck, and associated stormwater management system on a vacant lot – Report & recommended action

Scott Herman, the owner of the property, began the presentation with a description of the property. He oriented the commissioners as to the location of the property on an aerial map. He then gave a brief history of the property as well as showed them the elevations. He explained how the house would be heated and cooled by solar panels. The mechanicals would be in the attic. The house would run on electricity, not running on fossil fuels. He said that the solar panels would not be seen from the road. He then reviewed the site plan and landscaping plan.

Ms. Williams explained that this structure would be on a property that had not previously had a structure. There was a discussion about having more plantings.

**** MR. PACHAS MOVED: THEREFORE BE IT RESOLVED** that application #2023-21 CAM – Scott Herman – 289 East Avenue – Construction of new, flood compliant, single-family residence with an integral garage, porch, deck, and associated stormwater management system on a vacant lot be **APPROVED** subject to the following conditions:

1. That the building and site will be developed in accordance with the following plans:

- a. Per Zoning Location Survey dated 2/3/2023 revised to 4/10/2023 prepared by LANDTECH, Westport, CT
 - b. Per architectural plans received 1/12/2023 and revised to 4/10/2023 entitled "The Herman Residence" prepared by Rountree Architects, Westport, CT
 - c. Per engineering plans dated 4/10/2023 and revised to 5/5/23 prepared by LANDTECH, Westport, CT
 - d. Per Landscaping Plan dated 4/10/2023 and revised to 5/5/23 prepared by LANDTECH, Westport, CT
2. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
 3. That any and all conditions required by Norwalk DPW shall be applicable to this approval; and
 4. That any and all conditions required by Norwalk WPCA shall be applicable to this approval; and
 5. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
 6. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and
 7. That any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and
 8. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks and have flood certifications; and
 9. That any proposed on-grade flood and erosion controls, including seawalls, be subjected to City review and DEEP approval; and
 10. That flood certifications be submitted prior to issuance of a zoning permit by a CT licensed engineer or architect for the main dwelling structure and any accessory structures; and
 11. That the applicant mitigates non-native plant species and restores a vegetated buffer with native plant species per the approved landscaping plan; and
 12. The remaining open green space at the rear of the property remain pervious; and
 13. The existing vegetation along the seawall remain and be maintained; and

BE IT FURTHER RESOLVED that this proposal complies with Section 118-1110 and all applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 26th, 2023.

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.

Ms. Langalis seconded.

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

No one opposed.

No one abstained.

c. #2023-27 SP Mod – Zion Properties, LLC – 512-528 Main Avenue – Modifications to special permit #10-20 SP for Garavel Subaru car dealership – Report & recommended action

At this point, Mr. Schulman said that Ms. Tabachneck would be seated and Mr. Pachas would not.

Andy Soumelidis began by orienting the commissioners as to the location of an aerial picture, which also showed construction on the site. He then explained the modifications they would like to make to the original plan. Other neighboring properties had retaining walls at the back of their properties. He showed them the original landscaping plan. He then showed them photos of the current construction which included screening and rock cuts which made it difficult to plant. He said that the Planning & Zoning Department had asked them to reach out to the neighbors about the changes. There was a discussion about the slat fence and whether they were needed. Mr. Soumelidis said that it might be needed in the winter. There was also a discussion about not planting trees in the front and how it could be done. Mr. Baker said that staff would still require the plantings in order to issue the Certificate of Zoning Compliance. There was also a discussion about the slat fence and what plantings could replace it. I.e. ivy to hide the rocks.

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that the requested modifications to application #10-20SP – Zion Properties, LLC – 512-528 Main Avenue – Proposed car dealership use with 45,506sf structure for Garavel Subaru as shown on architectural drawings entitled “Garavel Subaru 512, 516, 520 Main Avenue Norwalk, CT” by Claris Construction Inc., dated 8/20/2020; and on the site plan entitled “Proposed Site Improvements for a Proposed Car Dealership, Layout & Utility Plan” by

LandTech dated 1/30/2020 and revised to 10/9/2020 be **APPROVED** subject to the following conditions:

1. That the original number of trees, not including the trees originally proposed along the retaining wall along the east side of the property, shall be planted on the site in a location to be determined by the applicant in coordination with Staff; and
2. That the applicant, in cooperation with the neighboring property owners, shall discuss the possibility of removing the privacy slats; and
3. That the variety of trees can be altered by the applicant, subject to approval by Staff; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 26, 2023.

Ms. Langalis seconded.

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

No one opposed.

No one abstained.

d. #2023- 17 CAM – Philip and Erin Kerr – 86 Bluff Avenue – Demolish an existing building and build a new single-family residence to be made flood compliant – Report & recommended action

For this application, Mr. Schulman seated Mr. Bryce in place of Ms. Tabachneck.

Atty Adam Blank began the presentation by orienting the commissioners as to the location of the property on an aerial map. He also noted which departments had signed off on the property as well as describing the elevations. The structure would then become compliant to all zoning regulations. Atty Blank introduced the project team.

At this point, Mr. Baker said that Mr. Pachas and Mr. Williams had left the meeting so Ms. Tabachneck would be able to vote on this matter.

Matthew Popp described the landscaping plan which included the types of plants he had recommended. He also discussed sight lines. There was a discussion about the fact that this house was not in a high velocity zone since during Hurricane Sandy in 2012, many boats had ended up in this neighborhood.

Craig Flaherty, Redniss & Mead, said that the structure would be built to velocity standards, by being on piers and with breakaway walls. He then showed them the existing

coverage conditions and the proposed coverage conditions. He discussed the storm water mitigation plan. He described the erosion control measures as well as the coastal area management assessment. There would also be a more thorough flood impact analysis.

Mark Goodwin, the architect on the project, continued the presentation by showing the floor plans for the house. He noted that the house would be on piers, as well as having breakaway walls in case of extreme weather. He explained at what elevation each floor was on. He showed them the exterior renderings.

Mr. Flaherty discussed a tree that is in the front yard but will probably be removed. There was a discussion about the height of the house compared to the other houses in the area. Mr. Flaherty noted that it was in compliance with the regulations and they had letters of support from the neighbors. There was a discussion about the lower level. They were using asphalt on the driveway.

**** MS. TABACHNECK MOVED: BE IT RESOLVED** that application #2023 - 17 CAM – demolish an existing and build a new single-family residence to be **APPROVED** subject to the following conditions:

1. That the building and site be developed in accordance with the following plans:
 - a. Per zoning location survey dated 1/12/2023 prepared by Redniss & Mead, Stamford, CT,
 - b. Per architectural plans dated 6/17/2022 and revised 1/4/23 prepared by Beinfield Architecture, Norwalk, CT
 - c. Per the engineering plans dated 3/20/2023 and revised 4/11/23 (sheets SE-2 and SE-3) prepared by Redniss & Mead, Stamford, CT,
 - d. Per landscape plan dated 12/7/2022 prepared by environmental Land Solutions, Norwalk, CT
2. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
3. That a permit is obtained from the Department of Public Works regarding City storm-water management requirements; and
4. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
5. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

6. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks and have flood certifications; and
7. That any changes to the plans be reviewed by staff prior to implementation; and
8. That flood certifications be submitted prior to issuance of a zoning permit by a CT licensed engineer or architect for the main dwelling structure, utilities, and any accessory structures; and
9. That no changes to the seawall are permitted without City review and DEEP approval; and
10. That all plantings and restoration be implemented prior to COZC with certified letter by wetland scientist; and.
11. That all plantings and restoration be maintained, and any dead plantings must be replaced in accordance with this landscape plan; and
12. That any tidal wetland restoration below the Coastal Jurisdiction Line be reviewed by DEEP prior to commencement of the restoration; and
13. 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

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 26th, 2023.

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.

Ms. Langalis seconded.

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

No one opposed.

No one abstained.

e. #2023-26 SP Mod – R41 Owner LLC – 41 Wolfpit Avenue – Modifications to special permit to replace existing accessory structure on existing Planned Residential Development site – Report & recommended action

Planning & Zoning Commission Minutes

May 17, 2023

Page 7 of 15

Atty Blank showed them the site plan and explained that the pool house would be removed. He explained what they were proposing. The new accessory structure would no longer be over the setback line.

Ms. Williams said that the staff had no issues with the change but the regulations required them to come before the Planning and Zoning Commission.

There was a discussion about the improvements to the property.

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** that #2023-26 PRD Modification – R41 Owner LLC – 41 Wolfpit Avenue –Modification to PRD for “41 Reserve Apts” to reconstruct an accessory building be **APPROVED** subject to the following conditions:

1. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
2. That any and all conditions required by Norwalk DPW shall be applicable to this approval; 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 of the Commission's Staff, as needed; and
4. That a building permit must be issued within one (1) year from the effective date or this modification approval shall become null and void, unless an extension of time is applied for and granted by the Commission; and
5. That any and all conditions required by Norwalk TMP shall be applicable to this approval; and
6. That this approval is subject to Section 118-1460 C. of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that this proposal complies with Section 118-1451 and all other applicable sections of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 26th, 2023.

Mr. Bryce 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.

V. PUBLIC HEARINGS

a. #2023-07 R – Sono TOD II LLC – Zoning regulation text amendment to revise historic preservation regulations citywide

Mr. Schulman explained how the public hearings would be conducted.

Atty Blank began the presentation with a brief history of the property and surrounding properties while he oriented the commissioners as to the location of the property on an aerial map. He also reminded the commissioners that the applicant would need historic preservation credit in order to reach the required number of units in this development. This regulation would be proposed for the entire city. He noted that peer review architecture and traffic had begun. He also discussed bonuses. He said it conforms with the Plan of Conservation and Development. He also thought that the proposed text amendment matched the one in the zoning regulations re-write.

There was a discussion about the additional height. Atty Blank reminded them that they were providing 60 extra spaces of public parking. Henry Conroy, Historic Preservation Text Change, noted that potentially the grant of \$6 million could be lost on this project. There was concern about the height of the building in this area. There was also a discussion about adding workforce housing with the increase of density.

At this point, Mr. Baker showed them revised language for the text amendment. There was also a discussion about the difference in meaning between “adjacent vs. abutting”. There was also a discussion about the purpose of the proposed text amendment.

Mr. Roina said that he had to recuse himself. Ms. Jordan-Byron noted that historic applies not just to a building, but to a neighborhood. There was a discussion about preserving the neighborhood and welcoming new structures to the area.

There was a discussion about the historic structure being part of a unified development. Atty Blank believed it should be within the zone. He also did not think that the text amendment should include mention of workforce housing, but rather, it should be a part of the workforce housing regulations.

At this point, Mr. Baker read the referrals into the record, including the one from the Connecticut Department of Energy and Environmental Protection (DEEP). He then explained how members of the public could speak at this meeting. No members of the public made any comments.

Mr. Schulman closed the public hearing.

i. Action on #2023-07 R

At this point, they reviewed the amendment language. There was a discussion of transfer of development rights. There was another discussion about “abutting vs. adjacent.” Some commissioners thought this could be addressed in the zoning rewrite. There was a discussion about adding language about workforce housing and in which section of the regulations it belonged in. Some commissioners thought this was a missed opportunity and kicking the can. Mr. Baker made some suggestions about increasing the number of workforce housing. He thought they could add more workforce housing as a condition to the resolution for the special permit.

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** that application #2023-7R – SONO TOD II LLC – Modification to Historic Preservation Language, be **APPROVED:**

BE IT FURTHER RESOLVED that the approved language is the following:

To encourage the preservation of structures that contribute positively to the community, the Commission may, by Special Permit, allow a minimum requirement, including, but not limited to yard setback, buffer, recreation area, or parking requirement, to be reduced, or a maximum requirement including but not limited to height, stories, building area, floor area, or residential density, to be increased on the subject parcel, ~~that is proposed for Special Permit,~~ provided:

1. The structure(s) to be preserved is listed on a local, state, or national historic inventory (the “historic structure”); and
2. The Commission determines that:
 1. the historic structure **contributes positively to the community** or possesses a degree of historic significance (which may be evidenced by its age, architectural uniqueness, or cultural value); and
 2. if preserved, the historic structure would represent a cultural benefit to the community; and
3. The extent of the requirement to be reduced or increased shall be clearly identified on the application presented to the Commission; and
4. The Commission may increase or reduce a minimum or maximum lot standard and/or bulk/height standard under this section ~~resulting requirements allowed under this section shall not be reduced or increased by no more than thirty twenty-five thirty~~ percent (**30%**) from the originating standard. ~~if the or Structure(s) to be preserved is less than 25,000 square feet and shall not be reduced or increased by more than thirty~~

~~percent (30%) from the originating standard if the structure(s) to be preserved is 25,000 square feet or greater; and~~

5. Any Special Permit granted by the Commission shall only remain effective so long as the historic structure is preserved and maintained. However, in the event the historic structure(s) is damaged or destroyed by flood, explosion, wind, earthquake or other natural disaster, involuntary fire, war, riot, or insurrection, the Special Permit shall not lapse, provided that the owner of the historic structure actively, in good faith pursues the restoration or the reconstruction of the historic structure or otherwise improves the property with the approval of the Commission, or converts the land where the historic structure sat to publicly accessible open space.

The historic structure shall be located on the same property; or may be on an adjacent abutting property, provided that:

1. The owner of the historic structure **is a co-applicant** of the Special Permit Application and agrees to allow a restrictive covenant to be placed on the historic property and filed on the land records for so long as the Special Permit remains effective.
2. **The proposed Development and the site containing the historic structure are part of a unified Development.**
3. In such cases, the resulting requirements may be calculated using the aggregate of the subject property and the property on which the historic structure is sited.

To assist the Commission in its determinations under (ii)(a) and (ii)(b) the Commission may refer the application to the Historical Commission and/or the State Historic Preservation Office (SHPO) for comment on the historic significance of the structure.

If any Development or Alterations are proposed for the historic structure, a narrative, prepared by a Historic Architect, shall be submitted with the Application describing in detail the proposed work to be done to the exterior of the historic Structure, and the Historic Architect shall be qualified for "Historic Architecture" as listed under 35 CFR Part 61 of the Secretary of Interior's Professional Qualification Standards and submit proof of same.

BE IT FURTHER RESOLVED that the reasons for this action are:

1. To achieve the Plan of Conservation and Development goal, *"Preserve the integrity and character of historic structures, historic landscapes, and cultural resources sites within the City of Norwalk."* (Chapter 6: Goal 1, Strategy A); and
2. To enact the Plan of Conservation and Development policy for Norwalk to, *"Revise zoning and development regulations to promote preservation and adaptive reuse of historic structures"* (Chapter 6: Goal 1, Strategy C); and

BE IT FURTHER RESOLVED that the effective date of this action shall be May 26th, 2023.

Ms. Langalis seconded.

Louis Schulman; Mike Mushak; Tammy Langalis; Galen Wells; Chapin Bryce; approved.

Ana Tabachneck; Nick Kantor; Jacquen Jordan-Byron opposed.

Richard Roina abstained.

At 8:59 pm, the commissioners took a break until 9:10 pm.

b. #2023-16 R – Department of Transportation, Mobility & Parking (TMP) – Zoning regulation text amendment to Article 80, General Regulations, regarding right-of way expansions

Mr. Schulman opened the public hearing and explained the rules for it.

Atty Matthew Sapienza, the attorney for the city, gave a brief synopsis of the text amendment. He noted that the city may need to take or acquire property which could render those properties non-conforming. The proposed text amendment could resolve this issue. There was a discussion about expanding bus lanes and bike lanes.

Mr. Baker read the referrals into the record from WestCog, Harbor Management Commission and DEEP. He then explained how members of the public could speak at this meeting.

Diane Cece noted that she could not find information on the last application so that she could speak to it. She spoke in support of the regulation. However, she asked for a clarification of whether this would apply to businesses on state highways. Atty Sapienza said that it did not include the state of Connecticut since they had other means for takings. It would only apply to the city of Norwalk.

i. Action on #2023-16 R

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-16 R – Department of Transportation, Mobility & Parking (TMP) – Zoning regulation text amendment to Article 80, General Regulations, regarding right-of-way expansions be **APPROVED**.

BE IT FURTHER RESOLVED that the approved language is the following:

§ 118-800. Nonconformities.

Planning & Zoning Commission Minutes

May 17, 2023

Page 12 of 15

F. Any portion of a lot acquired by the City of Norwalk, whether by way of eminent domain or voluntary transfer, for the purpose of improving or widening a public street or public sidewalk shall not be deemed under any circumstances to render the remaining portion of such lot or the building located thereon illegally nonconforming or expanding an illegal nonconformity with respect to the minimum lot area, lot width or any yard requirements of these regulations. Any portion of a lot so acquired shall be included as part of the lot as it existed prior to such acquisition for purposes of determining compliance to the minimum lot area, lot width or any yard requirements of these regulations.

BE IT FURTHER RESOLVED that the reasons for this action are to achieve the following Plan of Conservation and Development goals listed in Chapter 10: Transportation & Mobility Networks:

1. "Norwalk has a comprehensive and balanced transportation system, with safety and multimodal accessibility the top priority of citywide transportation planning," through the strategy to, "provide roads that serve the needs of Norwalk residents and commerce, and that facilitate safe and convenient access to transit, bicycle facilities, and pedestrian facilities," by implementing the actions to, "make land use decisions that support walking, bicycling, and public transit use," and "design road space for all users as feasible and appropriate for the context." And further through the strategy to, "expand Norwalk's pedestrian and bicycle networks," by implementing the actions to, "encourage pedestrian-friendly design features in street improvement projects."
2. "Norwalk streets maintain a residential character and support a range of transportation options, as feasible."

BE IT FURTHER RESOLVED that the effective date of this action shall be May 26, 2023.

Ms. Wells 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.

VI. DISCUSSION REGARDING EX PARTE COMMUNICATION WITH CORPORATION COUNSEL

Atty Sapienza began the presentation by noting that there was concern about conversations amongst commissioners once an application has been received by the Planning and Zoning Department. They had to be cognizant of the fact that their conversations with residents could be misconstrued as being heard outside of the information that had been received. Atty Sapienza asked them to encourage residents to speak to the Planning and Zoning Commission during public hearings so that they could be heard by the full body. He

recommended sending an email to the other commissioners or noting the conversation on the record at the next meeting.

There was a discussion about what commissioners should be discussing with residents regarding the zoning regulations re-write since this was not common in the case law. Atty Sapienza suggested that the fundamental rules still apply.

There was a discussion about the difference between the start of the application and the start of the public hearing. Atty Sapienza asked if he could see the part of the training that Ms. Tabachneck referenced. She also said that she keeps a list of questions/comments that she has heard and she also sends her questions to Mr. Kleppin and Mr. Baker. There was a discussion about communications with the Planning and Zoning Department staff.

Atty Tyisha Toms said that she did not recommend sending emails of substantive nature to commissioners, if it is less than a quorum. There was a discussion of what they recommended were appropriate conversations. There was also a discussion about the public meetings that the Planning and Zoning Commission are hosting. There was also a discussion about when there is no application yet, but one will be filed. Atty Sapienza reminded them that if they do something that may be appealed later, then they should avoid it. He said if anyone had any questions, they could send him an email.

VII. APPROVAL OF MINUTES: May 3, 2023

Ms. Jordan-Byron had a question about a meeting dated April 7 that she was not in attendance. Mr. Baker said he would look into it.

**** MS. LANGALIS MOVED to approve the May 3, 2023 minutes, as amended.**

Ms. Tabachneck seconded.

Louis Schulman; Mike Mushak; Ana Tabachneck; Nick Kantor; Tammy Langalis; Galen Wells approved.

No one opposed.

Chapin Bryce; Jacquen Jordan-Byron; Richard Roina abstained.

VIII. COMMENTS OF DIRECTOR

There were no comments from Mr. Baker.

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 10:01 p.m.

Respectfully submitted,

Diana Palmentiero