

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
May 15, 2024

PRESENT: Louis Schulman, Chair; Ana Tabachneck; Chapin Bryce; Jacquen Jordan-Byron; Nick Kantor; Richard Roina; Tammy Langalis; Darius Williams and Galen Wells (arrived after roll call)

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Liz Suchy; Andy Soumelidis; Maria Genovese; James Brenia; Steve Cipolla; Rich Bonenfant; Diane Lauricella; Diane Cece; Michael Monteleone; Devki Desai; Lisa Brighton; Lisa Brighton; Elizabeth Kenny; Joe Licek; Christina Olson; Judy Harris; Jim Anderson; Nancy Wilcox

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, 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 noted that there were three public hearings during this meeting.

III. PUBLIC HEARING

a. #2024-10 SP/CAM – WEB Construction, LLC – 34 Meadow Street (District 2, Block 91, Lot 105) – Proposed contractor’s storage yard and rock crushing and processing use

Mr. Schulman explained the rules for the public hearing before he opened it up.

Atty Liz Suchy began the presentation with an introduction of the project team. She then noted that the neighbors were notified of the filing of the application as well as for the public hearing. The certified, return receipt cards evidencing notice of the public hearing were provided to the Planning and Zoning Department staff. She oriented the commissioners as to the location of the property on an aerial map. She also described the current conditions of the property. She then described the proposal for the property which included a storage yard, rock crushing and processing. She explained the

business process and noted that it would complement the existing facility. The hours would remain the same. She also noted which sign-offs that they had received from city agencies. They had also received comments from various city agencies.

Andy Soumelidis, the engineer on the project, continued the presentation by showing the commissinoers the site plan for the property. Retaining walls have been proposed. He said that they had provided a plan for erosion and sedimentation controls. He described the drainage standards which they had received signoffs.

Maria Genovese, from the architect firm of Andrioupoulos Design, shared the architectural designs with the commission. She showed them the designs which included solar panels. She showed them the elevations as well. She also showed them the designs for the soil and dirt processing.

There was a discussion about piles being allowed on the property. Mr. Baker said it was up to the discretion of the commission. Atty Suchy said that the applicant has approvals for piles for the current structure on the property. They would work with the Planning & Zoning staff to determine where these piles would go. There was a discussion about the right of way.

There was a discussion of the good neighbor policy. Atty Suchy said that Web Construction has never received violations since they began their business. She also said that she had not received any complaints from neighbors when they were advised of the application.

Mr. Soumelidis explained the necessity for the additional storage bins from the products that would be created in this facility. He also explained the landscaping perimeter which he said they were asked to do rain gardens and bioswales. The trees would be removed so that they could improve the drainage with new filtration. There was a discussion about new jobs and new products generated by this project.

James Brenia, an employee of Web Construction, explained the current rock crushing business which included spray nozzles to keep the dust in check. He said that the insurance company does conduct inspections. He then explained what the process would be in the new building. Mr. Brenia also said that the noise level would be lower than the current building. He also said that there will not be dust because it will be a wet system to prevent it.

Steve Cipolla, the traffic engineer on the project, noted that his company had provided the traffic study and responded to the city's comments. He then showed them

the current street system and where they conducted counts. He then discussed the existing site traffic generation in the peak hours.

There was a discussion about truck traffic on the external roads. Atty Suchy said that they had received comments from Traffic, Mobility and Parking (TMP) in the afternoon prior to this meeting. She said that what they were suggesting would direct the truck traffic to where a school was. She also did not think it would be a legal condition to prohibit trucks from the use of city roads. They would be amenable to limit the use of residential roads, unless they had a delivery to make. She also noted that LeBlanc's was still counted in the traffic study although the use is no longer there. There was a discussion about trucks on residential streets. Atty Suchy said that large trucks would probably not drive on smaller residential roads because it would be more difficult to get through.

Atty Suchy said that she had seen a draft of the resolution and the proposed conditions, including raising the building and rain gardens and they were acceptable.

Rich Bonenfant, Park Hill Avenue, suggested field trips to the property for school age kids from the nearby new school.

Diane Lauricella, 21 Little Fox Lane, suggested conditions for the applicant. She said that she did not see anything about remediation in the application. She thought the application had some good points. She also discussed the solar panels and rebates. She then discussed the LandTech environmental impact form. She asked the applicant how the dust would be controlled. She said that there were no assurances that the doors would be closed. She also had issues with the idling trucks as well as the dust from transporting the materials between buildings. She had an issue with backup beepers for trucks. She also noted that there would be more impervious surfaces. She then discussed the CAM form in detail. She had concerns that the public could not see the draft resolution and conditions prior to the public hearing. She asked the commission to reject the application and have the applicant go back to the drawing board.

Atty Suchy addressed the comments from the speakers. She noted that the property is an auto junkyard and that the improvements will be made as noted in this application. If other improvements were necessary they would be made as well. She explained that Web Construction is a tenant of the property owner. She said that if they were required to close the doors they would. She did not think it was a correct statement that the staff were not issuing violation notices. She addressed the concerns about the idling of trucks which she explained should be brought to the attention of the Department of Energy and Environmental Protection (DEEP). She addressed the concerns about the noise, and air quality.

Mr. Soumelidis also addressed the concerns that the Ms. Lauricella raised about the coastal area impacts. He noted that the water would be draining to Meadow Street and not the water. He said they were capping the site to contain it and not excavating.

There was a discussion about the windows being used for ventilation. Ms. Genovese said they were similar to the windows in the other building. There was also a discussion about the color of the roof. Mr. Brenia described some of the differences between the current building and the proposed building as far as the dust was concerned. There was a discussion about the number of piles of materials that would be stored on the property. There would be new piles at the new building.

Mr. Baker said that the application had been referred to the Harbor Management Commission which said it was their plan. It was also referred to DEEP which said they would not comment on it.

Atty Suchy then completed her presentation by noting they would work with the Planning and Zoning staff on any issues the commission thought was necessary. It was noted that the proposed building would not have air conditioning.

i. Action on #2024-10 SP/CAM

At this point, the commissioners reviewed the proposed resolution to approve, including conditions #5, #6, #7, #8. There was a discussion about the current number of piles that are on the site now. There was also a discussion about the environmental impact form. Mr. Baker said that since the application was both a special permit and CAM it would have been duplicative for the applicant to check off items on the form that had been addressed in the application. There was further discussion about the number of piles on the site, with some of the commissioners agreeing that they should work with staff on the maximum number for their business.

RR - NEED RESOLUTION

There was a discussion about the condition of the site. Mr. Kantor said he was conflicted while Mr. Schulman thought it would be better than it was. There was a discussion about minimizing the overlap of truck traffic so that it does not coincide with school opening and closing.

At this point, Mr. Roina amended the motion to include new conditions which Mr. Williams seconded.

Mr. Williams seconded.

Louis Schulman; Chapin Bryce; Jacquen Jordan-Byron; Richard Roina; Tammy Langalis approved.

Ana Tabachneck and Nick Kantor opposed.

Galen Wells and Darius Williams abstained.

b. #2024-11 SP/CAM – TR Sono Partners LLC – 25 & 31-35 South Main Street (District 2, Block 45, Lots 12 & 13) – Proposed construction of new extended stay hotel with 100 rooms (eight stories, 85 feet +/- in height, building footprint of +/- 12,000 square feet)

Mr. Schulman began the presentation by noting that they had heard the presentation as well as comments from the public. Mr. Kantor said that although he had not been at the last meeting, he had watched the video so that he could participate in the discussion.

Atty Suchy said that the Redevelopment Agency had met along with the applicant and project team. She said that there was still an issue with the loop system which she said that they continue to believe is efficient. They had suggested that the ingress and egress be reversed. She said that they will abide by the decision of the Planning and Zoning Commission. They would also meet again with TMP. She also said that she would summarize her presentation and that they had responded to the intervenor's application. She noted that they had received recommendations from TMP.

i. Action on #2024-11 SP/CAM

Mr. Schulman said that there were two items that had to be acted upon, the first being the Notice of Intervention.

Mr. Kleppin explained what the intervenor's application was. Mr. Schulman said that if they do not approve this, then they could not move to the next resolution.

WHEREAS, the Commission received an Intervenor Petition, consistent with §CGS 22a-19(a) & 22a-19a; and

WHEREAS, the Commission finds that the Intervenor Petition made no affirmative findings that destruction of the public trust in the natural resource at issue; and

WHEREAS, previous testimony from the applicant regarding the condition of the structures pertaining to the preexisting loss of historical integrity and ineffectiveness to restore; and

NOW THEREFORE BE RESOLVED, MR. ROINA MOVED: that the Planning and Zoning Commission, upon public hearing duly noticed and held and following review of the record, does not believe that the application as submitted will have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resource of the state.

Mr. Williams seconded.

There was a discussion about the intervenor application. Some commissioners thought there were good arguments on both sides. There was also discussion about the demolition of the two buildings.

Louis Schulman; Chapin Bryce; Jacquen Jordan-Byron; Richard Roina; Nick Kantor; Tammy Langalis; Galen Wells; Darius Williams approved.
Ana Tabachneck opposed.
No one abstained.

At this point, the commissioners began to discuss the special permit application specifically the garage entrances. Mr. Schulman said that he wanted to see one entrance because of safety concerns. Mr. Roina said that he would like to see two entrances which he believed would be better for pedestrians. Mr. Kleppin said that the entrance was next to the existing hotel and there could be traffic issues. There were comparisons to curb cuts and garage entrances in New York City.

MR. WILLAIMS MOVED: BE IT RESOLVED that application #2024-11 SP/CAM – TR Sono Partners, LLC – 25, 31-35 South Main Street (District: 2 Block:45 Lot:12 & 13) – Proposed construction of new extended stay hotel with 100 rooms (8 stories, 85 feet +/- in height, building footprint of 12,000 square feet +/-) be **APPROVED** subject to the following conditions:

1. That the site shall be developed in accordance with the following plans:
 - a. Per Zoning Location Survey prepared by D’Andrea Surveying & Engineering, P.C. dated 5/7/2024 and as may be revised per comments from City Staff; and
 - b. Per architectural drawings entitled “25& 31-35 South Main Street” prepared by Beinfield Architecture, dated 4/12/2024 and as may be revised per comments from City Staff; and
 - c. Per civil site plans entitled “SoNo Hotel +,” prepared by D’Andrea Surveying & Engineering, P.C., dated 5/7/2024 and as may be revised per comments from City Staff; and

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d. Per drainage, operations & maintenance and sanitary sewer connection reports, prepared by D'Andrea Surveying & Engineering, P.C., dated 4/11/2024 and as may be revised per comments from City Staff; and

2. That any changes to the approved plans shall be submitted to the Commission's 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 the applicant shall install a wall mural on the north façade of the proposed structure subject to approval by the Arts Commission and Redevelopment Agency; and

4. That the applicant shall include street trees, along the frontage of the site, in coordination with Planning & Zoning and Transportation, Mobility & Parking Staff, provided that such planters shall comply with the Americans with Disabilities Act (ADA); and

5. That the applicant shall install 40 solar panels on the roof of the proposed structure in accordance with architectural roof plan page A1.06; and

7. 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

8. That all utilities be buried underground in accordance with all associated utilities companies and regulations; and

8. That should any building façade material become damaged or deteriorated, the property owner shall repair the damage or deterioration within thirty (30) days of notice from the City; and

9. That any and all conditions required by Norwalk WPCA are applicable to this approval; and

10. That any and all conditions required by Norwalk DPW are applicable to this approval; and

11. That the following improvements and comments shall be required to protect the general health, safety and welfare of the neighborhood per the recommendations provided by Norwalk Transportation, Mobility & Parking (TMP) in their memo dated 5/14/2024:

a) Installation of a Rectangular Rapid-Flashing Beacons (RRFBs) for the crosswalks across S Main St at Haviland St.

b) That the applicant coordinates with TMP on brick pavers, or other appropriate material, details prior issuance of encroachment permit; and

c) When the submission is made for the foundation permit, TMP, the Department of Public Works, and the Building Department, will need details on whether a pedestrian sidewalk enclosure / scaffolding is needed for overhead protection and will need to see that any updated plans incorporate pedestrian safety and accessibility; and

d) That the applicant works with TMP on traffic study comments 9-11 to answer open questions and supply additional information as needed;

12. That Redevelopment Agency (RDA) approval is required prior to the issuance of a zoning permit. Including the applicant working with RDA to create a plan commemorating the heritage of the existing historic buildings at 25 and 31-35 South Main Street by creating informational display panels, displaying photographs or architectural drawings, and determining the feasibility of salvaging and reusing or displaying somewhere in the new development the historic features of the existing buildings such as the stone frieze elements on 31-35 South Main Street; and

13. That the applicant come back to the commission with revised plans of a single curb cut with a two-way entrance at the north end of the site prior to zoning permit; and

14. That all applicable department signoffs shall be submitted prior to the issuance of a zoning permit; and

That a certificate of special permit and mylar map of the approved Site Plan (as revised by any conditions of approval) be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and

14. That a surety be submitted, in an amount to be determined by Staff, to guarantee the installation of the required erosion and sediment controls prior to the issuance of a zoning permit; and

15. That the applicant implement the "Summary of Recommendations" identified in the design review report prepared by BFJ Planning dated 4/3/2024 prior to issuance of zoning permit which includes:

a. The elimination of the southern garage opening (currently proposed as an exit) and its curb cut;

- b. Ornamental metal tree planter grates be installed as needed to maintain ADA-compliant sidewalks along the front of the building;
- c. Eliminate fiber cement panels from the front façade and use brick masonry or stone/concrete veneer instead;
- d. Break up the horizontal massing of the building, perhaps with a stepback, concrete band, or brick masonry reveal along one or more upper story;
- e. Emphasize pedestrian access points, perhaps through creating recessed entrances;
- f. Make windows at the second floor punched and provide a solid base on ground floor windows;
- g. Locate and conceal trash receptacles in compliance with TOD Redevelopment District Design Guidelines;
- h. Show clear signage at street level and for the parking garage;
- i. Clarify fire egress and emergency services access;
- j. Determine total building coverage including overhangs; and

16. 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

17. That a surety be submitted, in an amount determined by the applicant and verified by Staff, to guarantee the completion and maintenance of the site plan and any and all modifications to the plan and all work as required as a condition of approval prior to the issuance of a COZC; and

18. 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 all applicable coastal resource and use policies, section 118-1450 Special Permits, 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 24th, 2024.

Ms. Langalis seconded.

The commissioners began to review the conditions in the resolution. Mr. Schulman said that the application met all the requirements of the special permit. Mr. Williams said that he had watched the video of this meeting since he had left the last meeting early. Ms. Tabachneck said she was torn and that she would like to see a smaller, boutique hotel.

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

No one opposed.

Ana Tabachneck abstained.

At this point, the commissioners took a break and came back to the meeting at 8:42 pm.

c. #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

Before opening the public hearing, Mr. Schulman explained the rules.

Diane Cece, representing East Norwalk Neighborhood Association, introduced the consultants who would discuss the traffic analysis and the air quality. Atty Green would not be present due to other commitments. She said that a second letter had been submitted to continue this hearing until the next meeting to review the documents that had been submitted. She introduced Michael Monteleone, the traffic consultant that they had engaged.

Michael Monteleone, the traffic consultant, reviewed his analysis for the commissioners. He noted that the travel pattern is flawed and explained why. He also discussed the trip generation, based upon their hours of operation, which are 7 am - 3 pm. However, he said that staff hours could change to later, which would be a worst case scenario. He asked that the applicant revise the trip generation plan.

Devki Desai, a civil engineer, conducted an air quality review because the applicant decided not to provide one. She then reviewed the environmental report from the applicant. She discussed the pollution levels in the Stamford Norwalk Bridgeport areas. She discussed the impacts on the neighborhood and discussed the vehicular trips. She said that there were some environmental concerns that she should have looked out for but did not. She suggested that the MTA should have employees take the

train to East Norwalk and then shuttle them to the site. She believed there would be material increases in pollution in this area. She also discussed the monitoring due to contaminants from prior owners of the site. She then went line by line from the applicants' statements.

Lisa Brighton, 19 Shorefront Park, said that she had concerns about the traffic and air quality. She hoped that the MTA would only be at the property for a limited number of years. She also concerns about the traffic only Strawberry Hill. She did not want to add more traffic to East Avenue.

Elizabeth Kenny, 3 Triangle Street, said she had submitted 2 letters so she summarized them for this meeting. She also discussed what she thought was not addressed in the traffic study, including Triangle Street. She noted that there are some streets not in the traffic study. She also said that school children are not mentioned in it. She also read a definition of transit maintenance terminal by the MTA. She then discussed the hours of operation, and questioned if this was a 24 hour operation. She did not think it was a transparent

Joe Licek, 51 Raymond Terrace, believed any industrial use was outdated. He was concerned about the traffic as well as people biking, skateboarding and walking on these streets. He also thought that the sidewalks should be fixed. He had concerns about pollution as well as noise pollution.

Christina Olson, 3 Harron Court (sp?) adjacent to the Norden property. She said that she never received any notification of this application. She also discussed weekend employees, and overnight crews. She had concerns about the noise pollution as well as the storage of gasoline on site. She asked for screening on the site so that the neighbors do not see the equipment, vehicles, etc.

At this point, there was a brief discussion about whether to continue the meeting. Mr. Schulman said that they would revisit this at 10:45 pm.

Judy Harris, 7 Pequot Drive, said that she had seen school buses having trouble making turns on Strawberry Hill. She suggested that the commissioners visit a similar MTA site. She asked if taxpayer money would be used to fix Fitch Street. She had concerns about enforcement. She asked that the commission give everyone time to review the new submissions.

Jim Anderson, 2 Old Well Court, discussed the diverging diamond of traffic from Exit 16.

Nancy Wilcox, 8 Norden Place, spoke in opposition to the application. She had concerns about safety, the overgrown landscaping, jobs, and the osprey living in the area. She wanted the MTA to look for a new location.

At this point, Mr. Schulman said that the public hearing would be continued until the meeting on May 22, 2024. He also said that members of the public could provide written testimony.

i. Action on #2024-14 SPR

This item was tabled until the following week's meeting.

IV. APPROVAL OF MINUTES: May 8, 2024

**** MS. LANGALIS MOVED to approve the May 8, 2024 minutes.**

Mr. Williams seconded.

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

No one opposed.

Mr. Bryce abstained.

V. COMMENTS OF DIRECTOR

There were no comments from Mr. Kleppin.

VI. COMMENTS OF COMMISSIONERS

Mr. Roina suggested that members of the public should note on their letters that they will be reading them into the record at the public hearing.

VII. ADJOURNMENT

Mr. Williams made a Motion to Adjourn.

Mr. Bryce seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 10:48 p.m.

Respectfully submitted,

Diana Palmentiero