

CITY OF NORWALK
PLANNING & ZONING COMMISSION
April 7, 2022

PRESENT: Louis Schulman, Chair; Mike Mushak; Jacquen Jordan-Byron; Nick Kantor; Richard Roina; Galen Wells (arrived shortly after roll call) Tammy Langalis (arrived at 7:25 pm)

STAFF: Steve Kleppin; Michelle Andrzejewski

OTHERS: Chris Iannacone; Dean Martin; Leslie Wolk (?); Diane Cece; Mary Ann Montero; Rob Gardella; Atty Larry Cafero; Paige Treglia; Atty Dave Waters; Bob Grzywacz;

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:06 p.m. It should be noted that this meeting was held on Zoom.com with all participants calling in, separately.

II. ROLL CALL

Mr. Kleppin called the roll. Mr. Schulman explained that several Commissioners would not be able to join the meeting. He noted that one of the public hearings would not be held at this meeting. He said that Ms. Jordan-Byron would be able to vote on all resolutions at this meeting, as well as Mr. Williams when he arrived at the meeting. He then explained the rules of the public hearing.

III. a. #2022-11 SUBD – Jennifer Lynn Iannacone – 162 Strawberry Hill Avenue – 2 lot re-subdivision

b. Action on III.c (#2022-11 SUBD)

Mr. Schulman opened the public hearing. Chris Iannacone introduced Dean Martin, the engineer on the property, began the presentation by the sediment and erosion control plan, as well as the site plan. He oriented the commissioners as to the location of the property. He explained the utilities, storm water drainage, curb cuts that would be constructed on the property. The lots meet the zoning requirements. Mr. Mushak thanked the applicant for using colors on the site plans so they could differentiate between buildings.

Leslie Wolk (?) asked about whether the building was next to the school. He asked how close the building would be to his backyard and whether all of the trees would be demolished.

Diane Cece asked questions about the drawings of the buildings. She asked if the applicant would consider a shared driveway because there were concerns about the number of exits. She asked if the applicant could do anything to reduce the amount of runoff on the property. She also had a couple of questions about the sidewalks near the property. She noted that this was a Safe Routes to School street.

Mary Ann Montero, 14 Lyncrest Drive, had questions about the tree removal and a wall that was falling apart.

Mr. Martin then responded to the questions from the public. He noted that these plans were showing what could be on the property, and not necessarily what would be on it.

There was a discussion about taking down trees on the property and whether to add language about this to the resolution. Mr. Martin noted that the sidewalks would conform to the city's standards. He also discussed the runoff on both lots. He also oriented the commissioners as to the location of the property on an aerial map. There was also a discussion as to where the neighbors' houses were located.

There was then a discussion about adding a condition to clean the back of the lot to the draft resolution.

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** that application #2022-11 SUBD – Jennifer Lynn Iannacone – 162 Strawberry Hill Avenue – 2 lot re-subdivision be **APPROVED** subject to the following conditions:

1. That the site be developed in accordance with following plans:
 - a. Per site plan entitled "2-Lot Subdivision Site Plan" prepared by Grumman Engineering LLC, dated 2/7/2022
2. 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
3. That all department signoffs are submitted prior to the mylar map being filed on the Norwalk Land Records; and
4. 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
5. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
6. That all City storm-water management requirements are met; and

7. That a permit is obtained from the Department of Public Works regarding City storm-water management requirements; and
8. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
9. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and
10. That the proposed drainage system, when installed, be maintained to work at full capacity; and
11. That the maintenance of the proposed drainage system be noted on the final resubdivision map; and
12. That the maintenance of the proposed drainage system be noted on all zoning permits; and
13. That all conditions required by Norwalk WPCA in regard to the proposed sewer extensions are applicable to this approval.
14. That any and all conditions from Norwalk DPW are applicable to this approval; and
15. That any and all conditions from Norwalk TMP are applicable to this approval; and
16. That the existing sidewalk and curb must be maintained and if any damage to the sidewalk and curb to occur during construction the applicant is responsible to repair and replace these items in accordance with City's Roadway Standards.
17. That a Connecticut licensed engineer submit an engineering certificate that all required drainage and utility improvements were properly installed prior to the issuance of a certificate of zoning compliance; and
18. That this approval is subject to Section 118-1460 C. (Violations & penalties) of the Norwalk Building Zone Regulations; and
19. That the street tree requirement be applied and four (4) street trees be installed and maintained; and
20. That the applicant should consider rooftop solar panels on all new structures.; and
21. That the applicant cleans up the debris at the rear of the properties prior to COZC. (including fallen trees and/or old fencing that may be considered blight)

BE IT FURTHER RESOLVED that this application complies with Section 118-340 B Residence Zones, 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 April 18th, 2022.

Mr. Roina seconded.

Mr. Roina also added a couple of conditions to the resolution before it was voted on. There was also a discussion about whether permits were needed to remove trees.

Louis Schulman; Mike Mushak; Jacquen Jordan-Byron; Nick Kantor; Richard Roina; Galen Wells approved.

No one opposed.

No one abstained.

IV. REVIEW AND ACTION ON APPLICATIONS

a. #2022-15 CAM – Robert Gardella – 48 Calf Pasture Beach Road – Construct a 1 story, 92sf +/- addition for kitchen expansion in existing restaurant, “Captain’s Galley”- Report & recommended action

Rob Gardella, the owner of the property, explained that he did not have plans with him. Attorney Larry Cafero said that he was representing Mr. Gardella and Gardella Brothers LLC. He then continued the presentation. He noted that the project was at Building #2. He also explained the project. He said that the restaurant has become so popular that they need to expand, especially for the grill and sink. Atty Cafero said that they have received an approval for the CAM application. Mr. Roina asked to see the aerial map. Atty Cafero explained where the expansion would be constructed. It is not considered a substantial expansion to the property and would not have an adverse impact on the surrounding area.

There was a discussion about a previous restaurant, Skipper’s Restaurant, which could seat 500 people. Paige Treglia said that she ran the Galley and why the applicant was seeking an expansion.

There was a further discussion about The Skipper. There was a further discussion about expanding outdoor seating and whether it would be covered.

**** MR. ROINA MOVED: THEREFOR BE IT RESOLVED** that application #2022-15 CAM – Robert Gardella – 48 Calf Pasture Beach Road – Construct a 1 story, 92sf +/- addition for kitchen expansion in existing restaurant, “Captain’s Galley” as shown on improvement location survey dated 3/8/2022 prepared by Arcamone Land Surveyor, LLC Norwalk, CT, and architectural plans dated 12/27/2021 prepared by ADA Architects Norwalk, CT, 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 all City storm-water management requirements are met; and

3. That a permit is obtained from the Department of Public Works regarding City stormwater 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 no changes to the seawall are permitted without City review and DEEP approval; and
8. That flood certifications be submitted prior to issuance of a zoning permit by a CT licensed engineer or architect for the addition; 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 April 18th , 2022. 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. Mushak seconded.

Louis Schulman; Mike Mushak; Jacquen Jordan-Byron; Nick Kantor; Richard Roina; Galen Wells approved.

No one opposed.

No one abstained.

d. #18-03 SP – 137-141 Connecticut Avenue – Bond release for motor vehicle storage facility – Report & recommended action

Mr. Kleppin explained that the bank had been holding the bond, found it and notified the owners to ask that the bonds be returned. Staff confirmed that the work had been completed and recommended release of the bond.

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that the bond release request for application #18-03SP – 137-141 Connecticut Avenue – Bond release for motor vehicle storage facility be **APPROVED**.

BE IT FURTHER RESOLVED that the effective date of this action is April 14, 2022.

Ms. Jordan-Byron seconded.

Louis Schulman; Mike Mushak; Jacquen Jordan-Byron; Nick Kantor; Richard Roina; Galen Wells approved.

No one opposed.

No one abstained.

e. #5-01 SPR – 327 Main Avenue – Bond release for 20,000sf retail conversion/renovation (CVS) – Report & recommended action

Mr. Kleppin explained that the conditions of the bond had been met so that the bond should be released.

**** MS. JORDAN-BYRON MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that the bond release request for application #5-01 SPR – 327 Main Avenue – Bond release for 20,000sf retail conversion/renovation (CVS) be **APPROVED**.

BE IT FURTHER RESOLVED that the effective date of this action is April 14, 2022.

Mr. Roina seconded.

Louis Schulman; Mike Mushak; Jacquen Jordan-Byron; Nick Kantor; Richard Roina; Galen Wells approved.

No one opposed.

No one abstained.

b. #2022-05 R/M/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) – Zone map amendment to change zones from AAA Residence and Business #2 to Executive Office, zoning regulation text amendment to create a definition for “Executive Office Development Park” and to permit the new use in the Executive Office Zone by special permit in conjunction with a special permit application for an Executive Office Development Park containing 1,303 dwelling units and approximately 28,000sf of retail within seven buildings ranging from five (5) to fifteen (15) stories – Continued review and possible action

Mr. Schulman introduced Atty David Waters who also introduced the architect on the project, Chris Boxdale. He then began by addressing the height of the buildings at one end of the project area. Atty Waters showed them the site plan. He said that some buildings would be 15 stories. He showed them various views of what these buildings could look like from Grist Mill, Route 7, etc. There was a discussion about showing the view without the trees. There was a concern about the height of the buildings.

Mr. Grzywacz continued the presentation with a discussion about the design guidelines. He discussed the reduction of size of the floor plates. He noted that the building height was a

concern to some commissioners. He also discussed building facades, building materials, sustainable infrastructure, and lighting standards. There were examples of different modern buildings, in cities such as Brooklyn, NY and Reston, VA. Atty Waters noted that they had gone through the design guidelines with staff and there was some agreement, as well as parts they were still working through. He discussed some of the setbacks that they were still working on, and how they had proposed alternatives.

There was a discussion among the commissioners about the purpose of the guidelines. Atty Waters thought that with the guidelines, much of the discussion about the design of the buildings would be done already. He then noted that additional documentation had been provided about the streetscape.

There was a discussion about Raccoon Park. Atty Water said they would not be increasing the size of it. He also said that it was about 15% of the Master Plan. He also said that if it became larger, the other buildings nearby would become smaller. There were a few more items that the commissioners asked to discuss. One was Grist Mill Road and the pedestrian connection to Main Avenue. There was also a discussion about giving the developer a time limit to complete the project. Atty Waters did not think that it was fair. There was a discussion about traffic, which would be impacted by off and on ramps for the Merritt Parkway as well as improvements on Grist Mill Road.

There was also a discussion about the open space, including improvements to the Norwalk River Valley Trail. Mr. Mushak said that he would not go over 15 stories but would like to see some height. Ms. Jordan-Byron had concerns about traffic in this area, especially if the buildings were going to be 15 stories. She thought there should be more traffic lanes. There was a discussion about Phase 1 and then the other two phases. There was also a discussion about the construction of the Merritt 7 Exchange which is slowly moving forward. Public hearings may happen during the summer. There was a discussion about the population increase and the lack of tree canopy. Mr. Mushak explained that the study did not take into account that there is land in Norwalk underwater; therefore, it seems like there is a lack of tree canopy.

Mr. Kleppin noted that the applicant would like to move this application to public hearing. Mr. Schulman explained that they should have the revised guidelines before holding a public hearing. He believed that there were still architectural issues. Mr. Kleppin said that the application had to be referred to other agencies. It was suggested to hold a public hearing at the first Planning & Zoning Commission meeting in June.

c. #2022-09 R/M – Planning & Zoning Commission – Zoning regulation and map amendment for industrial uses and zones – Continued review and possible action

Mr. Kleppin discussed some outstanding items on this application before it was referred to other agencies. There was a discussion about the definition of “Commercial Vehicle Storage

Yard.” Ms. Jordan-Byron discussed some excavation in her area for a parking lot for these types of trucks. She said this is a residential neighborhood and that no one knew about it.

Mr. Kleppin also noted that “Transitional Height Plane” had been deleted because there would be another way in the regulations to administer and enforce it. He also discussed the language for uses in the Industrial 1 Zone. There was also a discussion about whether to use a site plan or special permit review. Ms. Jordan-Byron said that she was concerned about the concentration of these types of businesses in South Norwalk. There was a discussion about issues to consider under a special permit application. Mr. Mushak noted that because residents didn’t want these businesses in the city, it didn’t mean that they were not needed in the city. He believed they were essential. There will be a requirement for an environmental impact study.

Mr. Kleppin then discussed language changes for Industrial 2 zones. Many changes were similar to the language changes for the Industrial 1 zone. He then showed the Schedule Limiting Height and Bulk of Buildings. There was a lengthy discussion about the minimum height in the Industrial 2 zone.

Mr. Kleppin showed them maps of the proposed zoning changes. There was some discussion on Bouton Street. There was discussion about the properties would become non-conforming. Mr. Roina thought that there should be an incentive to make property owners want to make their properties conforming. He also suggested that these property owners be notified about the public hearing. Mr. Kleppin said that they would notify all the property owners that would be affected. There was a discussion about how neighbors, who may not be property owners, be notified of the meeting.

There was then a discussion about sending out referrals. Mr. Kleppin said that they could amend the Plan of Conservation of Development. He also discussed the moratorium which he suggested extending.

V. APPROVAL OF MINUTES: March 16th, 2022

**** MS. WELLS MOVED to approve the March 16, 2022 meeting minutes.**

Mr. Roina seconded.

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

No one opposed.

No one abstained.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin had no further comments.

VII. COMMENTS OF COMMISSIONERS

Mr. Kanter asked the status of the zoning regulations re-write. Mr. Kleppin said that his deadline was the following day and the commissioners would receive a draft in late May. Then they would have a couple of months to review it.

VIII. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Ms. Wells seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Diana Palmentiero