

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
SPECIAL MEETING
April 4, 2023

PRESENT: Louis Schulman, Chair; Mike Mushak; Nick Kantor; Galen Wells; Ana Tabachneck; Hector Pachas; Darius Williams; Tammy Langalis (left the meeting at 7 pm)

STAFF: Steven Kleppin; Bryan Baker

OTHERS: Jessica Wilson; Judith Harris; Lou Garcia; Donna Smirniotopoulos; Tod Bryant; Diane Cece; Bessy Kong; Kathryn Knight; Richard Bonenfant; Adam Blank; Larry Katz; Jason Milligan; Tanner _____;

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 participants calling in, separately.

II. ROLL CALL

Mr. Kleppin called the roll.

III. PUBLIC PRESENTATION OF THE PROPOSED DRAFT ZONING REGULATIONS AND Q&A

Mr. Kleppin said that there would be a Spanish translator on the call who then introduced herself.

Mr. Schulman welcomed everyone to the draft Zoning regulations and explained the purpose of the meeting under the Plan of Conservation and Development (POCD). He noted that this is the first presentation of these regulations. He also noted that this is the first re-write since 1929 when the regulations were first adopted. He said that the Mayor wished he could be at the presentation but he is away on vacation. He also explained that this is not a public hearing but that there would be many public hearings so that people could comment on them. He also introduced the consultants and noted that they would also hear from Planning & Zoning staff. Questions would be accepted from the public and the commissioners but that they should be brief. He explained the various meetings and that no dates for adoption had been set, but that it would not be in the immediate future.

Jessica Wilson, TPUDC, began the presentation by noting that this is an overview. She introduced the members of her team. She gave an explanation of how their process worked, how they engaged with the public, including the zonenorwalk.com website and online presentations. She discussed the mapping workshops, and forums where residents could submit ideas, etc. She also discussed what they have heard from residents as to what they would want to see in the new zoning regulations, including affordable housing, walkability and protecting historical character.

Ms. Wilson discussed why they were updating the regulations. The updated regulations will address the goals of the POCD. She then explained that the regulations would be hybrid community based regulations, and explained the difference between community based and form based. Ms. Wilson then described the Community Districts which would be the new zoning districts. The different types go from natural and rural to special districts. Since Norwalk is built out there are not many natural/rural districts. Special districts are ones that do not fit into the five other districts. She then described the proposed updated Zoning districts and which current zones they were related to. They also created a new civic district for parks, open spaces and civic buildings which are currently part of other districts.

Ms. Wilson continued with an overview of the regulations. There would be nine articles which she discussed with examples. Article 1 included the purpose of the code, and would be the housekeeping Code. Article 2 discussed the zoning map and would include any provision specific to the zoning map. Article 3 would be an introduction to the different districts.

Article 4 will be the largest article since it would include the building and lot standards. She introduced the concept of “yards” which would include front yards, side yards, and rear yards. There would be easy to use illustrations and tables. Each community district would have their own set of tables including setbacks. They would show different lot types as well as setbacks. She discussed other building and lot size standards for civic spaces. She also discussed building standards for height, facades and roof types. There will be a chart for building types that would be allowed. She also discussed parking and loading and access standards. Next she discussed HVAC, lighting, private landscaping, fencing and buffering standards. Overlays for Village districts would be located at the end of the chapter. She also discussed private frontage types and would show what is permitted and what is not permitted with examples. She continued with building types which would include commercial and mixed use buildings. There would be a use table for ease of reference, as well as a table for encroachments and parking requirements.

Ms. Wilson continued with a review of Article 5 which were Development Parcel Standards. These are parcels that are over 7.5 acres that require additional standards. They could also be sites that have a new road being put in. If they are this large, civic space would be required. Article 6 discussed the city-wide standards and included flood hazard overlay standards, sustainability provisions, coastal area management overlay standards and

workforce housing provisions. Article 7 discussed signage standards which included graphics to show what is permitted. Article 8 discussed the administration procedures and enforcement provisions. It includes flow charts for certain procedures. Article 9 would be the definitions sections, organized alphabetically and with graphics. Capitalized words in the regulations meant they were defined in Article 9.

Ms. Wilson then discussed the next steps and how they recommended reviewing it. The draft would be available at zonenorwalk.com.

There was a discussion about what ideas may not have been captured in this draft. Ms. Wilson said most ideas were but that they should review the sustainability provisions and how strict they would like them to be. What was written was a starting point.

There was also a discussion about whether there could be a relational database in which an address could be typed in and then shown what is currently at the property and what could be done there. Ms. Wilson said that it could be done because of the way the tables are written. Mr. Kleppin then said that there is a map based application which will be coming later, as long as the funding is received during the Capital Budget process. Anna Tabachneck asked if this database could also include GIS information.

There was a discussion about workforce housing and affordable housing and whether that was possible to include. Mr. Kleppin said that an affordable housing study would be starting soon. If it reveals anything that should be in the zoning regulations it would be included.

Mr. Kleppin then spoke regarding the website for the zoning rewrite where members of the public could find information summary sheets. He then discussed the outreach schedule. He also explained that they had recently engaged a peer review attorney which they should have done sooner. He said that the proposed zoning map would be presented a week later so that everyone had a chance to review the proposed zoning regulations. He then discussed the second phase which they would coordinate with each of the five Council Districts. There would be public meetings in each of the districts. They would also do additional meetings if requested by the council members. The third phase would be with neighborhood associations and work with council members as well. For smaller neighborhood groups, they would hold meetings during business hours. They would also host meetings on specific topics, ie. single family housing, commercial properties, etc. Since they are not under a strict timeline, they want to give as much opportunity to the public to speak on them. They would also be presenting to several city departments, including the Common Council. He showed them a form where the public could make comments on specific articles of the proposed regulations.

Mr. Schulman explained that the public could ask questions, similar to a public hearing. Mr. Baker then explained how the public could access the call to do so.

Judith Harris asked if there would be a booklet similar to the presentation. Mr. Kleppin said that there were information sheets but that the draft regulations were online on the city's website.

Lou Garcia had questions about recreation areas for multi-family projects. These areas are part of the setback area which he does not think is fair.

Donna Smirniotopoulos asked about the time of the public meetings with Council representatives. Mr. Kleppin said they would be during the evening. She also asked about how feedback would be processed. Mr. Kleppin explained how it would work. She also asked about the CIRCA study. Mr. Kleppin said that a meeting would be at the end of April and that the study should be done before the end of this rewrite of the regulations.

Tod Bryant asked about the online map and would it be combined with the city's GIS map. He said that he used those maps because they were useful. Mr. Baker said there would be one map that has all of this information.

Diane Cece asked who would be the peer review attorney. Mr. Kleppin said it was Marl Grantz. She also asked which Council committee advances to the Common Council. Mr. Kleppin said that it would not go to the Common Council but would be briefed. It would be up to them if they would hold a public hearing. She also asked about Rowayton and East Norwalk districts and how they would reflect the future of those areas. Mr. Kleppin said that would be a question for a different meeting. She said that there was a website page that was not working. Ms. Wilson said that after this meeting, they would be able to access these pages. She wondered why special permits are allowed at all.

Bessy Kong asked what happened to comments once they were responded to by responding to them directly. Mr. Kleppin said the questions would be cataloged and they would do their best to get back to commenters. She would like to know if the comments would be accepted or not.

Kathryn Knight asked about climate change and EV requirements especially for multi-family homes. Mr. Baker explained the state's recent legislation with regards to EV requirements for multi-family homes.

Richard Bonenfant asked if they anticipated a lot of changes going forward. Mr. Schulman said they were going into this project with an open mind and had no idea what people would say about it. It would be impossible for them to know.

Adam Blank noted that it would be difficult for applicants to prepare an application that meets the old and new regulations. He suggested that the effective date of an application be several months out so that they could comply with new regulations.

Larry Katz asked what towns other towns in Connecticut Ms. Wilson was working for. She said they are also working with Manchester on a zoning regulations re-write and that they work in New England, more than other parts of the country. He also asked whether the regulations would address bringing more businesses to Norwalk. The proposed regulations would be developer friendly. Mr. Baker noted that the form based code would set expectations as to what buildings should look like.

Jason Milligan noted that it did not seem there was an answer to Adam Blank's comments. Mr. Baker said that as the process neared completion they would be able to address his suggestions. There was also a discussion about which types of applications could be handled by the Planning & Zoning Department staff and which types would be site plans and special permits.

Diane Cece said she was speaking as a member of the East Norwalk Neighborhood Association (ENNA) and asked for a moratorium on special permit applications while the regulations are being considered. She also said that she liked the draft and it would make it easier to use. Mr. Baker said that the consultants did a good job with definitions.

Tanner _____ said that he looked forward to reviewing the draft regulations, as well as reviewing the zoning map on April 12.

At this point, there was a discussion about the next meeting which would be held on April 25.

IV. REVIEW & ACTION ON APPLICATIONS

a. #2023-14 LM – Edwin Montoya – 136 Washington Street – Live music request for existing restaurant “Appetit Bistro” – Report & recommended action

Mr. Baker explained that a restaurant was requesting to have live music and that they were submitting a sound report to confirm that it will comply with the noise ordinance. They have a valid permit for a restaurant at the location. Mr. Schulman said that it is a tiny space. There was a discussion about the name of the restaurant but Mr. Baker said they have not been making permits name specific. However, they will have new businesses submit an updated sound report because the ordinance has been updated. He also noted that in the proposed updated regulations, this type of permit would no longer come before the commission. Mr. Schulman asked Ms. Tabachneck and Mr. Pachas to vote on this matter.

**** MR. WILLIAMS MOVED: THEREFORE, BE IT RESOLVED THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-14 LM – Edwin Montoya – 136 Washington Street – Live music request for existing restaurant “Appetit Bistro” Restaurant be **APPROVED** subject to the following conditions:

1. That all windows and doors shall remain closed while the entertainment is underway, except for the normal passage of people into and out of the premises; and
2. That the recommendations provided in the acoustic compliance report by Creative Acoustics LLC, dated 2/15/23, are applicable to this application; and
3. That this approval is subject to compliance with Norwalk City Ordinance Chapter 68: Noise; and
4. That this approval is subject to Section 118-1460 of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action is April 14, 2023.

Mr. Pachas seconded.

Louis Schulman; Mike Mushak; Nick Kantor; Galen Wells; Ana Tabachneck; Hector Pachas; Darius Williams approved.

No one opposed.

No one abstained.

b. #9-11 SPR – North Water LLC – 20 North Water Street – Bond release request – Report & recommended action

Mr. Baker said that the application had been approved in 2011 and that the project had been completed for quite some time. He also noted that there are some bonds in their database that have been held longer.

**** MR. PACHAS MOVED: THEREFORE, BE IT RESOLVED THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application **#9-11 SPR – North Water LLC – 20 North Water Street** – a request for the release of a bond be **APPROVED**.

Mr. Mushak seconded.

Louis Schulman; Mike Mushak; Nick Kantor; Galen Wells; Ana Tabachneck; Hector Pachas; Darius Williams approved.

No one opposed.

No one abstained.

V. COMMENTS OF DIRECTOR

Mr. Kleppin explained that if they had any questions on the presentation, they should let him know. He also thanked Alexis Cherichetti for help with getting pages up while he made final edits.

Mr. Schulman thanked Mr. Kleppin and the consultants for the presentation. He said it was easy to understand. He looked forward to reviewing the zoning map at their next meeting.

There was a discussion about whether one could see downloads or page views on the city's website. Mr. Kleppin would check on that.

VI. COMMENTS OF COMMISSIONERS

There was a discussion about the affordable housing study. Mr. Kleppin said that the state had amended the statutes and required municipalities to have an affordable housing plan which was to be done by June 2022. He then gave a brief overview of the timeline of Norwalk's plan. He said that it should be a 10 month process. Ms. Tabachneck was asked to be on the committee.

There was a discussion about the Zoning Citation hearings. Mr. Kleppin said that they are not on a set schedule, but they try to do one a month. He said that they are held on Zoom and most videos are on the city's YouTube channel. Mr. Kleppin said that they are usually held on Wednesdays at 3 pm and were posted on the city's meeting notice page.

There was a discussion about the Zoom meetings and being able to see the other people on the call. Mr. Baker said he would check if this is an option that he could enable.

There was also a discussion about the follow-up to those that had registered for the meeting but had not been able to attend. Mr. Kleppin said that emails are collected so they will be sent reminders about future meetings.

VII. ADJOURNMENT

Mr. Mushak made a Motion to Adjourn.

Mr. Williams seconded.

Louis Schulman; Mike Mushak; Nick Kantor; Galen Wells; Ana Tabachneck; Hector Pachas; Darius Williams approved.

No one opposed.

No one abstained.

The meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Diana Palmentiero