

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
April 3, 2024

PRESENT: Louis Schulman, Chair; Ana Tabachneck; Chapin Bryce; Jacquen Jordan-Byron; Nick Kantor; Richard Roina; Darius Williams; Tammy Langalis; Hector Pachas (arrived at 6:34 pm)

STAFF: Steve Kleppin; Bryan Baker; Amelia Williams

OTHERS: Curt Lowenstein; John DiScala; Carlo Vona; Jim Jamison; Atty Liz Suchy;

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:03 p.m. It should be noted that this meeting was held on Zoom.com with participants calling in, separately.

II. ROLL CALL & SEATING OF MEMBERS

Mr. Kleppin called the roll. Mr. Schulman seated Ms. Tabachneck for the entire meeting.

III. PUBLIC HEARINGS

a. #2024-16 SUB – Chelsea Libertino – 119 Murray Street (District 5, Block 17, Lot 65) – Two lot subdivision for one new single-family structure and one existing single-family structure to be maintained.

Mr. Schulman opened the public hearing and explained the rules for it. He also noted that the commission was acting as the Planning Commission for this application.

Curt Lowenstein, the engineer for the project, began the presentation by noting that the application was subject to the previous zoning regulations. He explained that the lot would be subdivided into two lots. He then showed them the existing conditions on a site plan. The existing single family would remain on the site. The new lot would not be developed but they had supplied information about future development. He explained the utilities and public water which had also been supplied to the relevant city departments. They are requesting a waiver of the sidewalks, especially since it would be difficult to do. TMP agreed with this according to the staff memo. He also discussed the trees on the properties but some would be removed for the future development of the second lot.

There were no questions from the commissioners for Mr. Lowenstein.

Mr. Baker explained how the public could speak on this matter. Mr. Kleppin said this was a straightforward application. There were no speakers for or against the application.

Mr. Schulman closed the public hearing.

i. Action on #2024-16 SUB.

**** MS. LANGALIS MOVED: THEREFORE, BE IT RESOLVED** that application #2024-16 SUB – Chelsea Libertino – 119 Murray Street – Two lot subdivision for one new single-family structure and one existing single-family structure to be maintained be **APPROVED** subject to the following conditions:

1. That the building and site be developed in accordance with the following plans:
 - a. Per Subdivision Map dated 12/18/2023 prepared by Land Tech, Westport, CT & Thomas Delius, Land Surveyor.
 - b. Per the Site Development Plan set dated 2/14/2024 prepared by Land Tech, Westport, CT
2. The final subdivision survey be filed on the Norwalk Land Records prior to the issuance of a Zoning Permit; and
3. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
4. That a financial guarantee, in an amount determined by Staff, be submitted to guarantee the installation of all erosion and sedimentation controls prior to issuance of a Zoning Permit; and
5. That approval is obtained from the Department of Public Works and WPCA regarding City storm-water management requirements; and
6. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
7. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and
8. That any changes to the plans be reviewed by Staff prior to implementation; and

9. That the proposed drainage system, when installed, be maintained to work at full capacity; and
10. That all plantings be maintained, and any dead plantings must be replaced in accordance with the approved planting plan; and
11. That the commission grant the waiver of sidewalks and curbs required by the subdivision regulations; and
12. That the existing street trees on site must be protected during construction and maintained on Lot A and Lot B in order to comply with the street tree requirements of the subdivision regulations (Per Sec. 3.38); and
13. That a Connecticut licensed engineer submit an engineering certificate that all required drainage and utility improvements were properly installed prior to issuance of a certificate of zoning compliance; and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be April 12th, 2024.

Before Mr. Roina seconded, he asked about the condition for sidewalks which was already in the resolution.

Mr. Roina seconded.

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

No one opposed.

No one abstained.

b. #2024-09 R – Planning & Zoning Commission – Zoning Regulations Text Amendment to Article 4 and Article 9 to modify the Encroachments Table, the Accessory Uses Table, delete the definition of “Outdoor Storage,” and to add Maximum Ceiling Heights in SD-LI & SD-HI.

Mr. Schulman opened the public hearing.

Mr. Kleppin discussed changes to the table of encroachments, including ones for decks, as well as minor typos which had not been caught during the initial re-write. There was a discussion about generators which would be categorized under

mechanical equipment and would not be allowed to encroach. There was also a discussion about patios since they are used in place of decks. The concern was that this was an impervious surface. There was also a discussion about outdoor storage. The concern was about the storage of vehicles. There was also a discussion about ceiling heights in certain zones, which had been left out of the initial re-write. There was also a discussion about the total height to prevent buildings that were excessively tall.

Mr. Baker reviewed the definitions of patio and terrace. Mr. Kleppin said that they could add definitions for elevated terraces.

There was a discussion about glazing and lot width which had also been missed in the initial rewrite of the zoning regulations. Mr. Kleppin said that these other issues would be addressed separately, due to separate notifications to different government agencies. At this point, Hector Pachas had joined the meeting.

There was a discussion about allowing members of the public to speak when their hands are raised. Mr. Schulman said that when they arrive at the public comment portion of the meeting, anyone with their hand raised would be allowed to speak. There was then a discussion about abandoned vehicles. Mr. Baker said that they could add a definition for “junk vehicles” into the table to say it is not permitted.

Mr. Baker explained how the public could speak on this matter.

John DiScala, 15 Creeping Hemlock Drive, had questions about the generators and the encroachment line. He would like to add a generator but there are rules about where to place it. He said that his neighbor did not have a problem with the generator within the encroachment line. Mr. Kleppin said that Mr. DiScala would need a variance.

Mr. Baker discussed the letter that has been sent to the Connecticut Department of Energy and Environmental Protection (DEEP) and the response.

There were no other speakers for or against the application.

Mr. Schulman closed the public comment portion of the public hearing.

i. Action on #2024-09 R

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED** that application #2024-09 R – Planning & Zoning Commission – Zoning Regulations Text Amendment to Article 4 and Article 9 to modify the Encroachments Table, the Accessory Uses Table and to

delete the definition of “Outdoor Storage” and to Add Maximum Ceiling Heights in SD-LI & SD-HI, be **APPROVED**.

BE IT FURTHER RESOLVED that the reasons for these actions are to implement the Citywide Plan:

- Chapter 12, Goal 3 that *“The user-friendly zoning ordinance is consistent with the future land use map and achievement of the vision and goals of the POCD.”*

- The policy to *“Support revision of the zoning ordinance to promote desired development and design patterns.”*

- The policy to *“Support permit streamlining for projects with desired characteristics.”*

- o Strategy A., *“Modernize the Zoning Ordinance and the development approval process to achieve the goals of the POCD.”*

- o Action i., *“Rewrite the Zoning Ordinance to reflect contemporary best practices in administration and user-friendliness and to be consistent with the POCD.”*

- o Action ii., *“Review existing zoning districts to eliminate or replace zoning districts that do not contribute to achieve the Norwalk Tomorrow vision.”*

BE IT FURTHER RESOLVED that the effective date of this action shall be April 15, 2024

Mr. Schulman noted that there are other issues that the staff will have to address for future amendments to the regulations. It was noted that Mr. Pachas was seated and could vote on this matter.

Ms. Langalis seconded.

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

Ana Tabachneck opposed.

Hector Pachas abstained.

IV. PRELIMINARY REVIEW & ACTION ON APPLICATIONS

a. #2024-20 CAM – Carlo Vona Jr. – 19 Dock Road (District 5, Block 84, Lot 144) – Lift an existing single-family residence to be flood compliant, construct a second story addition, and raise the driveway – Report & recommended action.

Mr. Schulman noted that the staff had a long list of questions and suggested that the applicant wait until those questions were addressed. Carlo Vona asked for a request to postpone until a future meeting. Jim Jamison, the architect, also agreed with Mr. Vona for a request to postpone. He had a question about the definition of a basement but Mr. Schulman said that this should be addressed by the staff.

b. Subdivision #3653 – Davis & Tina Mangold – 33 Yarmouth Road – Bond release for two-lot subdivision – Report & recommended action.

Mr. Baker said that the applicant was not asked to attend since it was a basic request. He said that the Certificate of Occupancy had been received and they are requesting a release of their bond.

**** MR. BRYCE MOVED: THEREFORE, BE IT RESOLVED** that the request for the bond release for two-lot subdivision, application Subdivision #3653 – Davis & Tina Mangold – 33 Yarmouth Road, be **APPROVED**.

Mr. Pachas seconded.

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

No one opposed.

No one abstained.

c. #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 – Preliminary review

Atty Liz Suchy began the presentation with an introduction of the project team. She then gave a brief history of the application which was filed under the previous zoning regulations. She then explained the proposal for the property which would include the construction of a new structure. She explained what would be processed within this structure, They have received either approvals or comments from various city departments. They had also met with the Planning & Zoning Department staff. She noted that the public hearing is scheduled for mid-May.

There was a discussion about the location of the structure and whether the commission could request an environmental review. Mr. Kleppin discussed the rock crushing and noted that there has not been any complaints about the activity on the property currently. He said that the proposed use of the materials would be beneficial, rather than having them go to a landfill. Atty Suchy showed them the project site and

where the current rock crusher is on the site. She said that staff had asked for more analysis on their environmental review, which they would provide.

There was a discussion about the solar panels on the roof but she did not have calculations about the amount of energy. She said there would not be new materials brought to the proposed building. The materials would come from the existing building on the site. She said that there would be repurposing of what exists. There would not be a doubling of the amount of truck trips. She also noted that there would be another two employees. She said that they would have more information at the public hearing.

There was concern for the employees safety. Atty Suchy explained that safety procedures for employees would be followed. There was a discussion about the amount of debris on the street in the area and that this should be mitigated. Atty Suchy discussed how the debris was mitigated on their site.

There was a discussion about storage bins to locate on the property. Atty Suchy said that they were working with staff on this. At the public hearing, they will provide more information about daily operations. Mr. Baker said that the staff had asked the applicant to provide information about the truck route into and leaving the property, especially with the new South Norwalk school being constructed.

There was also a discussion about landscape alterations. Atty Suchy said they would provide modifications to the Planning & Zoning staff for review.

d. #2024-19 SP/CAM – O&G Industries Inc. – 7-55 Smith Street (District 1, Block 59, Lots 9, 10, 11, 12, 14, 16 & 17) – Reconfiguration and changes to an existing materials yard – Preliminary review

Atty Liz Suchy began the presentation by orienting the commissioners as to the location of the property on an aerial map. A public hearing has been scheduled for May. She also introduced the project team. She noted that the application had been submitted under the previous zoning regulations and the neighbors had been notified of the filing. She then described the businesses currently on the property. The Norwalk River Rowing Club is also located on the property. She also discussed the sea for the docking of barges. She described O&G Industries' business, as well as the prior uses on the property. She then described the proposed use on the site. She explained where the materials came from that would be used on the site. By using the barges, it would take vehicles off I-95. Once the material came off the barges, it would be stored on the property until sold and moved off site. She said there would be 10-12 barges per month. She explained which businesses would remain on the site. They are updating and modernizing the site as well. She noted that they had referred the application to various

city agencies and are responding to their comments. There was a further discussion of the businesses currently on the property, but mostly inactive at the moment.

There was a discussion about having a peer review environmental study of the site. Atty Suchy noted that there are annual reporting requirements to DEEP for this site, which could address the commission's concerns. Mr. Kantor said that he would like an independent review as well. Mr. Kleppin said that the department shared his concerns. Atty Suchy said that they would provide the environmental report with revisions. She did not think the commission had the authority for an independent environmental review. Mr. Schulman asked that the staff decide if an environmental review was necessary and whether the commission had the authority to require one.

There was a request for more details on the proposed operations on the site. Mr. Baker informed members of the public that public comment was not allowed at this meeting. Richard Warner, speaking for the applicant, explained the proposed operations to the commissioners. For each barge, it would be the equivalent of 40-60 trucks delivering to the area. Matt Oneglia discussed having materials from SavATree go back out on the barges to also reduce the amount of trucks on the road.

Mr. Kleppin confirmed that the commission did have the authority to request an environmental review under the special permit regulations. He did recommend that they receive the additional information from the applicant and then the commission could decide if it was still necessary to authorize an environmental peer review. Atty Suchy noted that they could provide an extension for the commission to make a decision on this application.

There was a discussion about the other parcels on the site, as well as a walkway. Atty Suchy suggested that the commissioners think about a viewing area near the Norwalk River Rowing Club. There was a suggestion to add plantings or art on the walls in the front of the property. Ms. Langalis asked whether the commissioners could drive into the property. Mr. Oneglia said that they would be happy to make arrangements and accompany anyone that wanted to visit the site. Mr. Schulman asked them to make arrangements through the staff.

e. #06-19 SP – St. George Greek Orthodox Church – 238 West Rocks Road (District 5, Block 23, Lot 10) – Modification request to approved child care center use – Report & recommended action

Richard Roina recused himself from this application.

Peter Lorthoris spoke on behalf of St. George Orthodox Church. He explained what they were looking to do. Although the building now has a daycare center, Mr. Lorthoris explained that the proposed daycare center operator would have a center that is a lot less intensive than originally planned. They were requesting the commission to approve the daycare center if they believed it was authorized under their permit.

Evan Schermer, the owner of the Seed Center, noted that the ages of the children would be 1-6 years old. They would not be doing anything medical for the children. Mr. Kleppin explained why they had brought the applicant before the commission. There was a discussion as to the process going forward for the day care center.

There was a discussion as to whether the program would grow to a larger size. There was also a discussion about the hours of operation which would be less than the typical day care center.

Mr. Schulman asked the commissioners if this met the definition of a day care center. Most of the commissioners believed it did. Peter Lathoris said that the congregation would approve this use, but were waiting for approval from the Planning & Zoning Commission. The commissioners raised their hands to signal approval of the use, which was unanimous.

V. APPROVAL OF MINUTES: March 20, 2024

**** MR. BRYCE MOVED to approve the March 20, 2024 minutes.**

Mr. Williams seconded.

Louis Schulman; Jacquen Jordan-Byron; Ana Tabachneck; Darius Williams; Chapin Bryce approved.

No one opposed.

Hector Pachas abstained.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin did not have any comments.

Mr. Baker said that he had sent everyone a memo about further changes to the revised regulations. There was a discussion about the lot or building site width which Mr. Baker clarified from the previous zoning regulations. There was also a discussion about whether this would make it more difficult to subdivide.

There was a discussion about the storage of recreational vehicles as well as some revision of the CD-2 zone and duplex building types. There was a discussion about window shapes and facade glazing. There was also a discussion of two doors being at the front of the building. It was suggested that a portico or some other architectural feature to add interest to the front of the building. There was a further discussion about window shapes and facade glazing. A public hearing will be scheduled for this amendment.

VII. COMMENTS OF COMMISSIONERS

Mr. Schulman said that interviews were held for a traffic peer review consultant earlier that day. It will be announced at the next meeting. There would be another meeting the following week for architectural peer review consultants.

Mr. Roina thanked Mr. Baker for recent emails about assessments and commercial properties. The other commissioners appreciated his work as well. He explained where he researched the information that helped to prepare it. He would also check to see whether Economic and Community Development had this posted.

There was also a discussion about condominiums being built in other towns. Mr. Kleppin noted that there were some discussions under the affordability housing study about why condos are not being built and possible legislation to address the problem. He suggested that Norwalk should become more involved with this cause.

There was also a discussion about parking requirements and affordable housing. Mr. Baker had spoken with Adam Bovilsky of the Norwalk Housing Department, on how to fix the issue.

Mr. Kleppin said that at the next meeting there would be a discussion about daycare residential centers and parking permit programs. A meeting about parking enforcement at the end of the month may be on hold due to hiring freezes. Ms. Tabachneck advocated for a meeting to explain how the enforcement process works, etc.

VIII. ADJOURNMENT

Mr. Bryce made a Motion to Adjourn.

Mr. Pachas seconded.

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

No one opposed.
No one abstained.

The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Diana Palmentiero