

**CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
SPECIAL MEETING
March 22, 2023**

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

STAFF: Steven Kleppin; Bryan Baker

OTHERS: Atty Tyisha Toms; Atty Matt Sapienza; Atty Adam Blank; Colin Grotheer; Gregory Del Rio; Marissa Tarallo; Matt Edvardsen; Mike Mitchell; Matt Popp; Vince Hynes; Diane Cece

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:07 p.m. It should be noted that this meeting was held both on Zoom.com with participants calling in, separately and at the Community Room, 125 East Avenue.

II. ROLL CALL

Mr. Kleppin called the roll. Mr. Schulman noted that some commissioners were on Zoom so he reminded them to state their names before they spoke.

III. REVIEW & ACTION ON APPLICATIONS

a. #2023-15 8-24 – Department of Public Works – 60 South Smith Street – 8-24 Referral for the sale of land from the City of Norwalk to the Connecticut Department of Transportation in connection with the Walk Bridge project – Report & recommended action

Atty Tyisha Toms, Assistant Corporation Counsel, began the presentation by stating that the Connecticut Department of Transportation (DOT) will be acquiring property from the city. The DOT currently has a permanent easement on the property which is WPCA property. It has been determined that there would be no adverse effects on it. There was a discussion about whether it would be used for storage or staging. There was a clarification of the name of the project.

**** MS. WELLS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-15 8-24 – Department of Public Works – 60 South Smith

Street – 8-24 Referral for the sale of land from the City of Norwalk to the Connecticut Department of Transportation in connection with the Walk Bridge project be **APPROVED**

Ms. Langalis seconded.

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

No one opposed.

No one abstained.

b. #2023-16 R – Department of Transportation, Mobility & Parking (TMP) – Zoning regulation text amendment regarding right-of-way expansions – Preliminary review

Matt Sapienza, Assistant Corporation Counsel, began the presentation by noting that Traffic, Mobility and Parking (TMP) was beginning to expand streets and sidewalks. They would have to take small pieces of a nearby parcel but did not want there to be zoning issues. They had reviewed regulations of other towns and drafted this text amendment to exempt these parcels

There was a discussion about how this could affect the zoning regulations. Mr. Schulman asked why there was an urgency about this. Mr. Sapienza said that since there was no deadline for the zoning regulations to go into effect, they felt this was the best course of action so that the work could begin.

There was also a discussion about the date for the public hearing.

IV. PUBLIC HEARINGS

a. Continuation of hearing opened 3/2/23: #2022-24 SP/CAM – Mill Pond Holdings, LLC – 1 Cemetery Street (District 3, Block 42, Lot 27) – Construction of a 77-unit mixed-use development within two (2) buildings, 98 parking spaces and other on-site and off-site improvements

Mr. Schulman opened the rebuttal portion of the public hearing. He noted that the public participation portion had been closed at the previous meeting.

Atty Adam Blank began the presentation by noting that they would attempt to address the concerns and questions raised by the public at the previous two meetings. He noted that the public was unhappy with the zoning change and that they came out to oppose the project. He then noted that the project complied with the zoning regulations. He suggested that the Planning & Zoning Commission could change the regulations during the zoning rewrite whose draft regulations would be released in the near future. He addressed the intervenor suit from ENNA. He then began a slide presentation and addressed the requests by neighbors to “scale

it back.” He addressed the prior zone in this area, neighborhood business. He then discussed the EVTZ Zone. He discussed the amenity points in connection with public comments. He noted that they were providing more than was required.

Colin Grotheer, the architect on the project, continued the presentation by discussing the project evolution. He then discussed comparable properties around Norwalk. He then discussed public space overparking as well as common elements from other New England towns. He noted that the cemetery was the center of the village. Many of these towns had a center of town, etc.

There was a discussion about the similar villages in New England and their heights and facades. There was also a discussion about the retail spaces on the ground floor.

Atty Blank then addressed the city’s third party design review which recommended the project be approved. He also noted that there would be less units than they could have built. He discussed the public benefits and the quality of life issues. The applicant must have an approval before the Department of Transportation (DOT) will approve a project.

Gregory Del Rio, the traffic engineer, continued the presentation by discussing the two alternatives that had been presented. Neighbors’ requests were addressed by traffic experts. Atty Blank said the applicant would accept either one or two lanes on Cemetery Street. They would defer to the request of Norwalk and the DOT. There was a discussion about the bike lanes and traffic calming techniques.

There was a discussion about the bonus points and workforce housing units that would be available. Ms. Jordan-Byron asked how they could increase the number. Atty Blank explained what the regulation would allow. There was also a discussion about the workforce housing fund contribution. There was a discussion about the increase in the Grand List, as well as the impact on the public school system.

There was a discussion about whether the traffic study should be extended to I-95. Atty Blank said that the study had been confirmed by the city. He discussed the site generated traffic volumes. There was also a discussion about whether the traffic study should have been done in the summer. Mr. DelRio said that one of the requirements is to do a study while schools are open. They had asked the DOT whether any seasonal adjustments were necessary but they said these volumes were fine. Due to concerns from the neighbors, Mr. DelRio said that they had updated the findings, adjusted by seasonality. The findings remained the same that there would not be any issues. At this point, Marissa Tarallo, the city’s traffic reviewer, addressed the issues of using the summer traffic counts. She discussed using 2019 and 2016 data. She discussed the impacts to the roadways, associated with the design. She also noted that the site would not generate a traffic impact. The applicant is remaining flexible while waiting for TMP and DOT to decide which is better, Alternative 1 or Alternative 2.

There was a discussion about utilizing a shuttle van from the site to alleviate some traffic on East Avenue. Matt Edvardsen said that they anticipated residents walking to the train station. Ms. Jordan-Byron did not believe the sidewalks were pedestrian-friendly. There was a discussion about what the applicant would provide and what the city would provide. There was a discussion about the safety of an extra curb cut as well as having a truck delivery zone, using some of the on street parking spots.

There was a discussion about a bike share program to provide scooters and electric bikes. Mr. Grotheer noted that there is also a bus that serves the beach area.

Mr. DelRio responded to ENNA's SIMCO traffic report. He explained that deliveries were not new trips since they would become a part of the route. There was then a discussion of the parking analysis which showed that the applicant was providing more parking than required. Mike Mitchell addressed concerns that there was not enough handicap parking as well as ADA ramps to access the overlook. Matt Popp noted that there would not be any adverse impacts to the wildlife. He also addressed the lighting. He also discussed the native vs. non-native species around the pond. There was a discussion about adding native trees to the area.

Atty Adam Blank noted that there is an excess of parking so there should not be any spillover into the neighborhood. He suggested that ENNA work with TMP for a parking pass system, as well as other ways to create more on street parking.

There was a discussion about on site employees which included leasing agents, plumbers, and retail workers. They would park on site, but not be there at the same time.

Vince Hynes, the engineer on the project, continued the presentation with a discussion about the slope and grade of the site. Mr. Grotheer explained how it was calculated and believed they calculated correctly, which were reviewed by Planning & Zoning staff. There was a discussion about required open space and how it was calculated. Mr. Hynes explained the requirements. There was a discussion about the effects of lighting on wildlife. Atty Blank said that there is a lighting plan with LED, which is not currently on the site.

There was a discussion about the boundary between the applicant's property and the city's property on the Mill Pond. Atty Blank said that they have proposed easement language during construction as well as once the project was completed. They are coordinating with the city to try to have the Mill Pond improvements constructed at the same time as their project.

There was a discussion about the length of the applicant's rebuttal. Mr. Schulman said they would take a break and then continue the meeting.

Atty Blank addressed comments about the role of the Connecticut Department of Energy and Environmental Protection (DEEP), the role of the Harbor Commission, were proper procedures followed for the CAM site plan review and whether the development would unreasonably pollute, impair or destroy the public trust in the air, water or other natural resources. Atty Blank addressed the issues with the Harbor Commission first. He noted that the Mill Pond is not within the Harbor Commission's jurisdiction; however, they did file an application with them. The Harbor Commission had submitted a favorable report to the Planning & Zoning Department but were also waiting for a report from DEEP. The applicant had to re-file their application which had been referred to the Harbor Commission. However, the application still has not been placed on the agenda again.

Atty Blank also noted that an environmental assessment was not a CAM site plan requirement but that the applicant had provided one. He said that they had a report that said there would be no negative impacts on the Mill Pond. Mr. Hynes also explained the coastal hazard areas as well as A-Zones and V-Zones. There was a comparison of Water Street and South Norwalk to this area. Mr. Edvardson said that there had been some flooding in this area over the years.

Mr. Mushak noted that resiliency was missing from the discussion of the flooding and that it is the latest trend in building. He noted that South Norwalk had been built up since it is in the 100 year flood plain. He then discussed the Westport Bedford Square project. He also noted that this project was built to resilient standards.

At this point, the meeting was paused for a break and returned at 8:46 pm

There was then a discussion about adverse coastal impacts which Atty Blank said there were none. There was a discussion about elevations for the garage. There was also a discussion about the test pits and whether the rain gardens would function as designed to city standards. Mr. Hynes discussed the documents provided to the Department of Public Works and noted that they had been designed to city standards. A maintenance plan had been submitted.

Mr. Mitchell discussed the tree removal and said that there would be more new trees planted. He showed them the proposed trees on a landscaping plan. They would also add a dog post with bags for their excrement.

Atty Blank said that the application complied with the East Norwalk Village Zone requirements as well as the special permit regulations. He discussed all the regulations and how the application met those requirements. The applicant believed the project would be a buffer from the train noises to the adjacent neighbors. He also noted the other uses that were permitted on the site which could be worse on the neighborhood. The application complied with the Plan of Conservation and Development (POCD). They had received approval from the

Inland Wetlands Commission. There are no zoning violations on the property. At this point, Atty Blank said that they were finished with their presentation.

Mr. Kleppin discussed some improvements in the area of Gregory and Cemetery Street that may be funded by the state and might be able to tie into this project.

There was a discussion about the name of the project, the Lofts at Mill Pond, but Mr. Edvardsen said that a marketing team would rename the project. Mr. Edvardsen said that some of the units do have lofts. Ms. Jordan-Byron suggested tying the name of the cemetery across the street to the project. There was also a discussion about the market rates and rates for the workforce housing units. There was a discussion about a bus stop and two delivery spots and the impacts on traffic counts. Ms. Tarallo suggested that these recommendations can be done.

Mr. Schulman closed the public hearing.

i. Action on #2022-24 SP/CAM

Mr. Mushak thanked everyone who had presented as well as the public who had spoken on this application. He explained that he had received advice from a former Planning Commission Chair that he should vote based on facts, not fear. He discussed growth rates for the city of Norwalk and noted that in the last 10 years, growth had slowed down. He said the city was using smart growth. He also discussed rentals vs. homeowners. He quoted other East Norwalk residents that had supported the East Norwalk Village Zone. He discussed the history of East Norwalk. He noted that there is a fear of density and said that he lived in a dense neighborhood. There was no gridlock there. He explained that people don't leave at the same time anymore, as they had in the past. He then said that he would be supporting this project.

Mr. Schulman explained the criteria which the application should be judged on. If the application met the criteria, they had little flexibility. He asked that they remember that when they discussed it. He also noted that he has lived in East Norwalk for a long time but there has been little development there. He also said that the POCD supports these types of projects. There would be water quality improvements to the Mill Pond. He would be supporting this project.

Mr. Kantor said that this project would help achieve walkability in the area.

Ms. Tabachneck asked about the resident parking pass in the area but Mr. Kleppin said that it has not moved further. It was noted that it could become a condition of the resolution. She had concerns about the parking in this area.

Ms. Jordan-Byron noted that this is a smaller project as compared to those in South Norwalk. She supported the project.

Mr. Roina said that he had watched the video of the speaker he missed. He said he agreed with Mr. Schulman and would vote in support of the application.

Ms. Wells said that she agreed with Mr. Mushak and Mr. Schulman. She said that the residents would find it was not a detriment to the neighborhood and would vote in support of the application.

Mr. Williams said he had COVID and could not attend the last meeting. He had not had a chance to review all of the video so would not vote on this application.

Ms. Langalis said the applicant had done a good job with their application and she liked the design of it. She also understood the concerns of the neighbors, especially concerning traffic. She thought the traffic counts should have been done in the summer but also noted that there is already traffic in the area. She did not think that this would add more and thought the city should work on alleviating it. She did have concerns about it.

Ms. Jordan-Byron said that she was looking forward to the sidewalk improvements in the area.

Ms. Langalis said that she did not think 1 car per unit would suffice. She did not think there would be a lot of street activation.

Mr. Mushak asked everyone to remember those who had passed from COVID including Norwalk's City Clerk, Mary Roman from it, three years ago. He then asked for 5 seconds of silence.

The intervenor resolution was reviewed first. Mr. Schulman said that he agreed with the draft resolution.

WHEREAS, the Commission received an Intervenor Petition, consistent with §CGS220-19(a); and

WHEREAS, the Commission finds that the Intervenor Petition made no affirmative findings regarding environmental degradation, as a result of the proposed development; and

WHEREAS, previous testimony from the applicant regarding site impacts during construction and post-development, as well as comments received from the Norwalk Harbor Management Commission and CT DEEP, indicate water quality would improve post-development; and

WHEREAS, other than statements to that effect, there was no conclusive, credible, expert testimony or evidence that adverse environmental impact would likely be caused by the proposal.

**** MS. WELLS MOVED: NOW THEREFORE BE RESOLVED**, 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. Kantor seconded.

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

Ana Tabachneck opposed.

No one abstained.

Mr. Kleppin explained items in yellow and that the items in red were changed over the past week after discussions with different departments. The commissioners made additions as they discussed it. There was a discussion about adding a bus stop and spaces for delivery trucks. There was a discussion about a second right turn only exit and whether it would be reviewed by staff or the commission. There was a discussion about the roof line being reduced. There was also a discussion about the staff reviewing stone veneers. Any changes to the bulk or mass would be referred back to the commission. There was a review of the on street parking in relation to the number of lanes, recommended by DOT. There was a discussion about the colors of the building and the renderings submitted. There was also a discussion about adding a condition for resident parking passes. There was a discussion about the photometric plan.

WHEREAS, the Date of Receipt of the application was November 3, 2022;

WHEREAS, the Commission reviewed the application on January 4, 2023, at which time AKRF was retained to conduct a peer review of the traffic study and consult on potential intersection improvements;

WHEREAS, on January 4, 2023, the Commission also retained DeCarlo and Doll to conduct an Architectural peer review of the project, as required within the Building Zone Regulations, for consistency with the EVTZ Design Guidelines;

WHEREAS, AKRF and City staff, consulted with the applicant and reviewed traffic and site impacts related to the proposed development;

WHEREAS, AKRF, City staff and the applicant, consulted with the CT Department of Transportation (CT DOT) regarding traffic and site impacts related to the proposed development;

WHEREAS, the final determination of any intersection improvements at Cemetery Street and Gregory Boulevard shall be subject to approval from the CT DOT;

WHEREAS, the final determination on whether Cemetery Street is reduced to one (1) travel lane shall be determined after additional analysis is performed and reviewed and approved by City Staff and CT DOT;

WHEREAS, any installation of on-street, parallel parking spaces along Cemetery Street, including bicycle lanes, loading spaces, and a bus stop, as shown on the proposed Site Plan, shall be determined after additional analysis is performed and reviewed and approved by City Staff and CT DOT;

WHEREAS, the Commission referred the application to CT DEEP and the Harbor Management Commission;

WHEREAS, the Harbor Management Commission and CT DEEP stated that the proposed project would improve water quality in Norwalk Harbor;

WHEREAS, CT DEEP expressed concern regarding increased development in the floodplain;

WHEREAS, the proposed development is being constructed to be fully flood compliant;

WHEREAS, the Commission finds that there are no adverse impacts on coastal resources and is consistent with the CAM regulations;

WHEREAS, DeCarlo and Doll and City staff, consulted with the applicant regarding building and site design, for consistency with the Building Zone Regulations and EVTZ Design Guidelines;

WHEREAS, the Commission conducted a public hearing on the proposed application at a special meeting on March 2, 2023, at which time written and verbal testimony was received;

WHEREAS, the Commission continued the public hearing on the proposed application at their regular meeting on March 15, 2023, at which time additional written and verbal testimony was received;

WHEREAS, the Commission continued the public hearing on the proposed application to a special meeting on March 22, 2023, at which time additional written and verbal testimony was received;

WHEREAS, the Commission considered all testimony received and closed the hearing on March 22, 2023;

WHEREAS, the Commission finds the application meets the standards for Special Permit as indicated in Article 1450 of the Building Zone Regulations;

WHEREAS, the Commission finds the application is worthy of additional density and height as allowed within the EVTZ and as indicated in Article 500 of the Building Zone Regulations;

WHEREAS, the Commission has determined the amenities provided, as amended by this approval, are worthy of granting the special permit for the density and height bonus;

WHEREAS, the Commission finds the site and building design are consistent with the EVTZ Design Guidelines; and

WHEREAS, the Commission finds the scope and scale of the application are consistent with the vision and intent with the East Norwalk Neighborhood TOD Plan; and

WHEREAS, subject to approval from CT DOT, the Commission finds the street and intersection improvements set forth below are consistent with a Transit Oriented Development project;

WHEREAS a resident permit parking program is recommended to be explored by the City, as recommended in the East Norwalk TOD Plan.

**** MS. JORDAN-BYRON MOVED: BE IT RESOLVED**, by the Norwalk Planning & Zoning Commission, that #2022-24 SP/CAM – Mill Pond Holdings, LLC – 1 Cemetery Street – Proposed 77-Unit, Mixed Use Development, be **APPROVED**, subject to the following conditions:

1. A surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required erosion and sediment controls prior to the filing of the Site Plan on the Land Records; and
2. All soil and erosion controls be installed and maintained prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and
3. The building and site will be developed in accordance with the following plans:
 - a. Per Boundary and Topographical Survey, prepared by Franklin Survey, dated 3/31/22, as revised to 5/26/2021.
 - b. Per Landscape plans and details prepared by Eckerson Design Associates, Landscape Architecture, dated 5/26/22, as revised to 2/13/2023; except that, prior to obtaining a Zoning Permit, the applicant shall make the following modifications:

i. Prior to obtaining a Zoning Permit, a final planting plan shall be submitted and approved by Staff, which shall include all native plantings.

ii. Plantings in the upland areas shall be consistent with the decision of the Conservation Commission and shall be planted with native species, as indicated in the Environmental Assessment, prepared by Environmental Land Solutions, dated 3.1.23.

iii. Root barriers shall be included in the rain gardens to prevent the establishment of invasive species and shall be planted with seeds as well as plugs to prevent erosion, as indicated in the Environmental Assessment, prepared by Environmental Land Solutions, dated 3.1.23.

iv. Prior to the issuance of a Zoning Permit, the Applicant shall submit a revised Site Plan and Landscape Plan to be reviewed and approved by Staff that indicates a public viewing platform, accessible from the public walkway along the southern property line and located near the stairwell leading from the public walkway to Mill Pond and an ADA accessible route from the East Avenue sidewalk to the public seating area at the rear of the Market Building.

c. Per Architectural Floor Plans, Renderings and Elevations prepared by Beinfield Architecture dated to 4/22/2022, revised to 2/13/2023; except that, prior to obtaining a Zoning Permit, the applicant shall submit revised drawings and information on the following items, as indicated on the DeCarlo & Doll Peer Review Report:

i. That if required by CT DOT, a secondary, right-turn-only exit, shall be constructed within the Cemetery Street building façade. Final modifications to be reviewed and approved by the Commission;

ii. The upper story roofline, connecting the “Market Building” and the western most “Three Sister’s” building shall be modified to lessen the bulk, subject to review and approval by the Commission;

iii. The upper story roofline, connecting the “Italianate” Building and the “Mansion” building shall be modified to lessen the bulk, subject to review and approval by the Commission;

iv. A Cupola shall be constructed atop the Market Building roof, consistent with the recommendations within the DeCarlo & Doll architectural peer review report dated 2.23.23;

v. The Market Street buildings shall include distinct entry elements for the Market on both street frontages;

vi. The color of the facades shall accurately reflect the architectural renderings as submitted by the applicant;

vii. That the Integrated Rain Garden Sustainable Amenity include a decorative surface roof rainwater runoff channel;

viii. That the fiber cement siding be specified as smooth faced. (a.2.3(3)a—pg. 30) 10;

ix. That a specification for windows and doors that are not vinyl or vinyl clad be submitted;

x. That a stone veneer, consistent with EVTZ Design Guidelines, be reviewed and approved by the Staff, prior to obtaining a Zoning Permit;

xi. That the specific window system to be used as Aluminum Shopfront be specified and that that system have the member dimensions shown, prior to obtaining a Zoning Permit;

xii. Prior to obtaining a Zoning Permit, the applicant shall submit documentation for all light fixtures proposed within the public right-of-way and also on the site, which are consistent with EVTZ Design Guidelines, that are Dark Sky compliant and indicate that any projected light, shall not project onto neighboring properties;

xiii. That a privacy screening fence is added to the southeast retaining wall;

xiv. That additional street furniture, approved by City Staff, be added to the project as noted on (a.2.7(1)b.—pg. 38) (a.2.7(4)a.—pg. 39), of the peer review report; and

4. A Special Permit certificate and mylar 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

5. This approval is subject to Section 118-1460 C. of the Norwalk Building Zone Regulations; and

6. Any modifications to the approved Site Plan be reviewed and approved by City Staff prior to implementing; and
7. Any modification to the bulk and mass of either structure shall be reviewed and approved by the Commission prior to implementing; and
8. Any other modification to the building design shall be reviewed and approved by City Staff and if deemed significant or if there is a question of consistency with EVTZ standards, shall be referred to the Commission for approval; and
9. Any outstanding CEAC signoffs shall be submitted to staff prior to the issuance of a zoning permit; and
10. That a photometric plan be submitted, that includes all Dark Sky compliant fixtures as well as for all public sidewalks and spaces prior to the issuance of a Zoning Permit; and
11. Prior to receiving the Zoning Permit or any site improvements, a Maintenance Plan for porous paving, shall be submitted to City Staff for review and approval; and
12. Any signage installed shall be consistent with EVTZ Design Guidelines; and
13. Prior to the commencement of any site disturbance, including demolition, a protective barrier be installed near the pond to protect wildlife; and
14. Should any modifications to the proposed layout of Cemetery Street or the intersection of Cemetery Street and Gregory Boulevard, result in significant changes to the Site design or layout, they shall be reviewed and approved by the Commission; and
15. Details of the powered seating, proposed for the public seating area, located to the rear of the commercial space, shall be reviewed and approved by City Staff, prior to obtaining a Zoning Permit. Power availability shall be provided at a ratio of one (1) for every four (4) seats; and
16. The proposed shade trees and planters, indicated for the public seating area shall be reviewed and approved by City Staff, prior to obtaining a Zoning Permit; and
17. The applicant shall also include Public WIFI and a Water Filling Station at the shaded public seating area at the rear of the commercial building near East Avenue; and
18. Public Art installations shall be referred to the Arts Commission for comment, which shall be forwarded to the Commission for approval, prior to their installation; and

19. Prior to receipt of the Zoning Certificate of Compliance, a Connecticut licensed engineer shall certify that all required improvements, including any required off-site improvements, were installed to City standards; and

20. The applicant shall construct the following street improvements, prior to the Certificate of Zoning Compliance:

- a. Three (3) crosswalks, with treatments consistent with EVTZ standards, which shall be reviewed and approved by City Staff, as shown on the approved Site Plan, at the intersection of East Avenue and Cemetery Street;
- b. Four (4) on-street, parallel parking spaces, with treatments consistent with EVTZ standards, which shall be reviewed and approved by City Staff, as shown on the approved Site Plan, along East Avenue;
- c. Subject to approval from CT DOT, on-street, parallel parking spaces, with treatments consistent with EVTZ standards, as shown on the approved Site Plan, shall be installed along Cemetery Street;
- d. All striping necessary to accommodate a bicycle lane, as shown on the approved Site Plan, along Gregory Boulevard;
- e. Street trees, shall be installed to City standards, as approved by the Department of Public Works, consistent with EVTZ standards, along East Avenue, Cemetery Street and Gregory Boulevard, as shown on the approved Landscape Site Plan;
- f. The sidewalk along the Cemetery Street frontage of the project shall be constructed at a minimum width of eight (8) feet, which includes a three (3) foot amenity zone for tree planting, maintaining a minimum width of five (5) foot of sidewalk, from any obstruction with treatments consistent with EVTZ standards, which shall be reviewed and approved by City Staff, as shown on the approved Site Plan, along Cemetery Street;
- g. Should Cemetery Street be reduced to one lane, the applicant shall install a crosswalk on Cemetery Street, connecting the south side of Cemetery Street to the north side, with treatments consistent with EVTZ standards, if required by the City and CT DOT;
- h. That if required by CTDOT and Norwalk TMP, the intersection improvements to the intersection of Gregory Boulevard and Cemetery Street, with treatments consistent with EVTZ standards, as approved and required by the CT Department of Transportation; and
- i. Street lamps, consistent with EVTZ standards, shall be installed within the pedestrian amenity zone, as required by the City; and

21. That an Affordability Plan be submitted to the Corporation Counsel's office for review and approval prior to obtaining a Zoning Permit. The Affordability Plan Declaration shall be filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance; and
22. Should any building façade material become damaged or deteriorated, the applicant and future owners shall repair the damage or deterioration within thirty (30) days' notice from the City; and
23. That a follow-up traffic report that provides data on ingress and egress from the subject site, with data collected during AM and PM commuting peaks, collected on a weekday when Norwalk Public Schools are in session and on a Saturday within a 2-week time period from that date, shall be submitted twelve (12) months after receipt of the certificate of occupancy; and
24. All proposed and approved site amenities shall be maintained through the life of the project; and
25. The applicant shall place a pedestrian access easement allowing pedestrian access from East Avenue to the Mill Pond and from Cemetery Street to Mill Pond, including any other public space, as reviewed and approved by Corporation Counsel prior to receiving the Certificate of Zoning Compliance; and
26. The applicant shall also allow the City access to Mill Pond, through the granting of an easement, to construct, improve or conduct maintenance on any boardwalk or other site improvements on the City's property, provided the required access does not result in any damage to site improvements; and
27. Prior to obtaining a Zoning Permit, the applicant shall make a financial contribution of \$25,000 towards design and/or construction of a pedestrian boardwalk on adjacent City property. If the City does not proceed with construction of the boardwalk, the \$25,000 contribution will be returned to the applicant; and
28. The applicant shall provide two (2) transient parking spaces, located on-site, near the ADA accessible walkway to Mill Pond, with appropriate signage, between the hours of 9:00 AM and 4:00 PM; and
29. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks and appropriately screened as required in the EVTZ Design Guidelines; and
30. Prior to receiving a Temporary or Permanent Certificate of Zoning Compliance, the applicant shall submit a signage package promoting public wayfinding, for public access points within and through the site.

BE IT FURTHER RESOLVED that the effective date of this action shall be March 31, 2023.

Mr. Mushak seconded.

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

Ana Tabachneck opposed.

Tammy Langalis opposed without prejudice.

No one abstained.

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

Due to the late hour, Mr. Schulman said this item would be heard at the next Planning and Zoning Commission meeting.

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

Due to the late hour, Mr. Schulman said this item would be heard at the next Planning and Zoning Commission meeting.

V. COMMENTS OF DIRECTOR

Mr. Kleppin reminded the commissioners of the special meeting on April 4, 2023 which would be held on Zoom.

VI. COMMENTS OF COMMISSIONERS

Mr. Schulman thanked everyone, including the public, for their patience over three nights of meetings.

Mr. Mushak said that he found it uncivil that some speakers on the second hearing night were laughed at for their support of the project. He thought anyone else that wanted to speak in favor may have felt intimidated. He said that he was waiting for an apology from ENNA. Ms. Cece said that she objected to Mr. Mushak’s comments.

Ms. Langalis said that although she voted against the project, and that the applicant did a good job on their presentation, she reminded them that the residents wanted the project to be scaled back. This was Norwalk and not Stamford and that they should do what their citizens wanted, while growing the city at a reasonable pace.

VII. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Mr. Kantor seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 10:34 p.m.

Respectfully submitted,

Diana Palmentiero