

**CITY OF NORWALK
PLANNING & ZONING COMMISSION
March 16, 2022**

PRESENT: Louis Schulman, Chair; Mike Mushak; Jacquen Jordan-Byron; Nick Kantor; Tammy Langalis; Richard Roina; Darius Williams; Steve Ferguson; Hector Pachas; Brian Baxendale

STAFF: Steve Kleppin; Michelle Andrzejewski

OTHERS: Atty Al Vasko; Bryan Smith; Tim Rath

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:05 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 the rules of the public hearing.

III. PUBLIC HEARINGS

a. #2022-07 SP – Bridgeport R.C. Diocesan Corp – 233 Richards Avenue – Proposed 2 ½ story building for office use for existing cemetery

Atty Al Vasko began the presentation with an introduction of the application and explained why the Diocese needed the office building. It would be 1700 sq. ft. and be constructed on the site. He noted that the applicant had received all of the required sign-offs as well as parking on the site.

Bryan Smith, the engineer on the project, said they would comply with the city's drainage manual. There was a discussion about whether solar panels could be put on the roof, which Atty Vasko said they would consider. They reviewed the architect's rendering of the building which is strictly an office building. There was a discussion about where the cemetery currently sells plots. There was a discussion about the paving of the road in the cemetery and what would be reconstructed. Mr. Smith described it for the commissioners. The entrance would be reconstructed. There was also a discussion about the lighting and sidewalks to be constructed by the applicant.

At this time, the public hearing was opened for comments from the members of the public.

Paul Ginsburg, who was on the board of the cemetery across the street, asked about the size of the building. He also asked about the height of the roof which was not a traditional pitch.

Atty Vasko noted that the size of the building was 1700 sq. ft. and the roof was not anything out of the ordinary.

There were no other comments from the members of the commission. The public hearing was closed.

IV. REVIEW AND ACTION ON APPLICATIONS

a. Action on item III. A.

**** MR. ROINA MOVED: THEREFORE BE IT RESOLVED** that application #2022-07 SP – Bridgeport R.C. Diocesan Corp – 233 Richards Avenue – Proposed 2 ½ story building for office use for existing cemetery as shown on Grade Plane Plan Proposed Conditions, Development Plan, and Sedimentation and Erosion Control Plan dated 3/3/2022 prepared by D’Andrea Surveying & Engineering, PC, Riverside, CT, and architectural plans Sheets A1.01-A.02 dated 2/25/2022 prepared by Edmund Clemente Fairfield, CT be **APPROVED** subject to the following conditions:

1. 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
2. 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
3. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
4. That all City storm-water management requirements are met; and
5. That a permit is obtained from the Department of Public Works 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 and all HVAC units shall be located in conformance with the applicable zoning setbacks and have flood certifications; and

9. That this approval is subject to Section 118-1460 C. (Violations & penalties) of the Norwalk Building Zone Regulations; and

10. That a building permit must be issued within one (1) year from the effective date or this special permit shall become null and void, unless an extension of time is applied for and granted by the Commission; and

11. That the applicant should consider rooftop solar panels on all new structures. If rooftop solar cannot be installed the applicant shall provide Staff with a feasibility report, indicating why solar could not be installed, prior to obtaining any zoning permits.

12. While the Commission does not feel that the applicant should bear the cost of constructing the entire length of sidewalk fronting the subject parcel, they did indicate that they would construct a portion of the sidewalk. Therefore, City staff (P&Z, TMP & DPW) will discuss with the applicant options for partnering on paving the sidewalk to the western side of Richards Avenue

BE IT FURTHER RESOLVED that this application complies with Section 118-320 AA Residence Zones, Section 118-1450 Special Permits and with all applicable sections of the Building Zone Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the effective date of this approval shall March 25th, 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 Special Permit approval automatically becomes null and void.

Ms. Langalis seconded.

There was a discussion about adding solar panels to the building. They agreed that language should be added to the resolution that the applicant should work with the Planning & Zoning Commission if it is feasible. There was some discussion as to the cost of the solar panels as well as the aesthetics. There was also further discussion about the language. There was also a discussion about the size of the sidewalks. There was also a discussion about the architecture of the building which had an attractive visual impact. Mr. Schulamn noted that they could suggest to the TMP about the size of the sidewalks. There was then a discussion about the language to be used in the resolution as well as whether there was a special zone for cemeteries. There was further discussion about the sidewalks, especially the report by the TMP. There was also a discussion about how many employees would be working in the building.

Mr. Schulman suggested that they vote on the original resolution with language added about the solar panels. There was a further discussion about the sidewalks. It was recommended that language about the applicant meeting with TMP about them be added.

Louis Schulman; Mike Mushak; Nick Kantor; Tammy Langalis; Richard Roina; Darius Williams; Steve Ferguson; Hector Pachas; Brian Baxendale approved.
No one opposed.
No one abstained.

b. #2022 – 06 CAM – Tim Rath – 9 Twilight Place – Demolish existing single family and reconstruct new single-family residence

Tim Rath began the presentation by giving a brief history of his time in Norwalk. He also explained his application which was to replace a single family home which was in disrepair for his family. He has received approvals from his neighbors as well as from all the necessary Norwalk departments. He had submitted the plans to the Planning and Zoning Commission. It would be on the same foundation as the prior house. There was a discussion as to the detached garage which would continue to remain on the property. There was a discussion about the drainage system.

**** MR. BAXENDALE MOVED: THEREFORE BE IT RESOLVED that application #2022 – 06 CAM – Tim Rath – 9 Twilight Place – Demolish existing single family and reconstruct new single-family residence and as shown on zoning location survey dated 2/10/2022 prepared by Arcamone Land Surveyor, LLC Norwalk, CT, and architectural plans dated 2/10/2022 prepared by Tanner White Architects Westport, CT, and as shown on the engineering plans dated 10/2/2022 prepared by Fairfield County Engineering LLC, 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 storm-water 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 main dwelling structure and any accessory structures; 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 March 25th, 2022.

Mr. Ferguson seconded.

Louis Schulman; Mike Mushak; Jacquen Jordan-Byron; Nick Kantor; Tammy Langalis; Richard Roina; Steve Ferguson; Hector Pachas; Brian Baxendale approved.

No one opposed.

No one abstained.

c. #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

This item was not heard as the applicant was not available.

d. #2022-09 R/M – Planning & Zoning Commission – Zoning regulation and map amendment for industrial uses and zones – Preliminary review

Mr. Kleppin gave a brief recap of the discussion at the previous Planning and Zoning Commission meeting. He said that he had looked at some contractor’s yards in South Norwalk and oriented the commissioners to them on an aerial map. He also showed them pictures of the entrances of the yards, which they are required to landscape to hide them from view. ,

He then continued the discussion about building heights and showed them some pictures of buildings, including 50 Washington Street. It is a lot taller than anything proposed. A new building, 1 Chestnut Street, was another building that he discussed. He also discussed the number of non-conforming properties. He said there were maps on the city’s website if anyone had questions. He would make more changes before the April 7 meeting and discussed the remainder of the process before the public hearing which he suggested should be in May.

There was a discussion about how a property that is non-conforming could remain non-conforming after being sold if the use remains the same. As long as it continues to be used as it currently is used, the business would be allowed to remain. Mr. Kleppin said there would also be incentives to be allowed to do things on the property that they are not currently allowed to do. Mr. Roina said that he was against making properties non-conforming if they don't have to be. There was a further discussion about grandfathering these uses. Mr. Kleppin said that they were trying to undo some of the uses that were not appropriate and placed in South Norwalk in the past. There was also a discussion about enforcement and good neighbor policies in this area.

There was a discussion about green screening with trees or with murals. There was also a discussion about a rumble strip and whether it could be enforced in areas with heavy industrial use. Mr. Kleppin said that was used in residential areas but contractor's yards must have pavement. It should be swept but there were ways to require it. However, if the businesses were there for a long time without a landscaping plan they could not.

V. APPROVAL OF MINUTES: March 3rd, 2022

**** MR. WILLIAMS MOVED to approve the March 3, 2022 meeting minutes.**

Ms. Langalis seconded.

Louis Schulman; Mike Mushak; Jacquen Jordan-Byron; Nick Kantor; Tammy Langalis; Richard Roina; Steve Ferguson; Darius Williams approved.

No one opposed.

Hector Pachas and Brian Baxendale abstained.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin discussed a performing arts school in the Wall Street area. They are looking for a property that could have a dormitory. There was a discussion about a text change to allow this in the East Avenue Village District. Several of the commissioners were in support of this especially since it was proposed in the POCD. The plan is to start small and then the school would get larger. Mr. Kleppin did not have many specifics and is not related to the vocational school on Van Zant. There was also a discussion about the definition of "boarding house."

There was then a discussion about TOD legislation in the House of the state legislature. Mr. Kleppin said that it had been brought forth last year but had not passed. He discussed areas that could be carved out of the ½ mile radius around the train stations. He said that it was good but a bit too prescriptive. Mr. Schulman suggested that it should not apply to towns that meet the 10% requirement of affordability, like Norwalk. Mr. Kleppin said he would reach out to Norwalk's representatives to find out where this legislation was in the process and would ask if the commission wanted to make a statement.

VII. COMMENTS OF COMMISSIONERS

There was a discussion about the Merritt Station application which had not been heard at this meeting. Mr. Kleppin said that he had met with them earlier that day but they had not been ready for it. They would attend the April 7 Commission meeting and provide more detail.

VIII. ADJOURNMENT

Mr. Williams made a Motion to Adjourn.

Mr. Pachas seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Diana Palmentiero