CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
February 15, 2023

PRESENT: Louis Schulman, Chair; Richard Roina; Mike Mushak; Nick Kantor; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams (arrived after roll call); Jacquen Jordan-Byron (arrived after roll call)

STAFF: Steven Kleppin; Bryan Baker

OTHERS: Fire Chief Gino Gatto; Tom Ellis; Vanessa Valadares; Atty Liz Suchy; Derek Daunais; Colin Grotheer; Eric Rains; Carl Giordano; Taylor Young; Tod Bryant; Dana Laird; Tom Rich; Atty Adam Blank

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 all participants calling in, separately.

Mr. Schulman noted that there were a couple of regular commissioners not in attendance and asked Ms. Tabachneck to vote on some of the applications. He then apologized to Diane Lauricella for comments he had made at the previous meeting, as well as the other commissioners and the public who had viewed it.

II. ROLL CALL

Mr. Kleppin called the roll.

III. REVIEW & ACTION ON APPLICATIONS

a. #2022-08 SA – Norwalk Fire Department – Special appropriation request in the amount of $489,225 for the purchase of two (2) fire engine pumper trucks – Report & recommended action

Fire Chief Gino Gatto began the presentation and gave a brief history of the requests that had been made for the fire engine pumper trucks. He explained since they had delayed in purchasing the trucks, the prices had risen dramatically. He noted that this money would be coming from the Police Department accounts. Tom Ellis addressed the commissioners' concerns about using money from the Police Department's accounts. There was a discussion about the pumpers that were being replaced.

**** MS. LANGALIS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-08 SA – Norwalk Fire Department – Special appropriation request in the amount of $489,225 for the purchase of two (2) fire engine pumper trucks be **APPROVED.**

BE IT FURTHER RESOLVED that the reasons for this action are to implement the following Plan of Conservation and Development goals, policies and actions:

1. To achieve Plan of Conservation and Development Goal #1 listed in Chapter 11: Public Facilities, Infrastructure & Services: "Norwalk's infrastructure and public facilities are resource-efficient, well-maintained, cost-effective, sustainable and resilient" through Strategy B. "Continue to update, modernize and maintain Norwalk's infrastructure and city facilities" by implementing action vi. "Ensure Norwalk's emergency services departments are provided with appropriate funding for equipment and facilities to provide superior service and maintain a high level of public safety;" and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Mr. Mushak seconded.
Louis Schulman; Richard Roina; Nick Kantor; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams; Mike Mushak approved.
No one opposed.
No one abstained.

b. #2022-09 8-24 Referral – Norwalk Department of Public Works – 2 Monroe Street – Conveyance of a +/- 183sf easement in favor of the Second Taxing District across the property of the Norwalk Police Department – Report & recommended action

Vanessa Valadares, Chief of Operations and Public Works, Department of Public Works (DPW) began by showing them the site plans for the easement. She explained what the easement would be used for.

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-09 8-24 Referral – Norwalk Department of Public Works – 2 Monroe Street – Conveyance of a +/- 183sf easement in favor of the Second Taxing District across the property of the Norwalk Police Department be **APPROVED.**

BE IT FURTHER RESOLVED that the reasons for this action are to implement the following Plan of Conservation and Development goals, policies and actions:

1. That "Norwalk's infrastructure and public facilities are resource-efficient, well-maintained, cost-effective, sustainable and resilient" (Chapter 11: Public Facilities, Infrastructure & Services); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Mr. Williams seconded.
Louis Schulman; Ana Tabachneck; Richard Roina; Nick Kantor; Hector Pachas; Tammy Langalis; Darius Williams; Mike Mushak approved.
No one opposed.
Jacquen Jordan-Byron abstained.

c. #2022-10 8-24 Referral – Norwalk Department of Public Works – 9 Shorehaven Road – Acceptance of a sanitary sewer easement deed at 9 Shorehaven Road – Report & recommended action

Vanessa Valadares began the presentation by showing the commissioners the easement on a site plan for the property as well as explained what it was for.

**** MR. WILLIAMS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-10 8-24 Referral – Norwalk Department of Public Works – 9 Shorehaven Road – Acceptance of a sanitary sewer easement deed at 9 Shorehaven Road be **APPROVED.**

BE IT FURTHER RESOLVED that the reasons for this action are to implement the following Plan of Conservation and Development goals, policies and actions:

1. That "Norwalk's infrastructure and public facilities are resource-efficient, well-maintained, cost-effective, sustainable and resilient" (Chapter 11: Public Facilities, Infrastructure & Services); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Mr. Pachas seconded.
Louis Schulman; Richard Roina; Nick Kantor; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams; Mike Mushak; **Jacquen Jordan-Byron approved.**
No one opposed.
No one abstained.

d. #2021-04 SP/CAM – 3 East Wall St Associates – 3 East Wall Street – Erosion and sedimentation control bond release – Report & recommended action

Mr. Baker explained what the project was and that it had been completed. He then said that the staff had reviewed the area and that the erosion and sedimentation control bond could be released.

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2021-04 SP/CAM – 3 East Wall St Associates – 3 East Wall Street for the release of the erosion and sedimentation control bond be **APPROVED**.

Mr. Mushak seconded.
Louis Schulman; Richard Roina; Nick Kantor; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams; Mike Mushak; **Jacquen Jordan-Byron approved.**
No one opposed.
No one abstained.

IV. PUBLIC HEARINGS

a. #2022-55 SP/CAM – TR Sono Partners, LLC – 31-35 South Main Street (District 2, Block 45, Lot 12) – Eight (8) story addition to existing Marriott SoNo Residence Inn hotel to add 48 rooms and 45 off-street parking spaces

Mr. Schulman opened the public hearing and explained how the process for it worked.

Atty Liz Suchy began the presentation by introducing the project team and asking that they be qualified as experts. She oriented the commissioners as to the location of the property. She also noted that the Marriott SoNo Residence Inn had previously been approved by the Zoning Commission and it opened in 2019. She explained the occupancy rate and noted how many employees worked there. It was one of the more popular hotels in the state. She continued by explaining the application which was for an addition to the current structure. She said that more taxes would be paid to both the city and state. She noted that the city's peer review consultant had submitted comments to them. They had received many letters of support for the project.

Derek Daunais, the project engineer, continued the presentation and gave a brief overview of his work. He explained the site design goals and how they would be achieved. There were two parcels which would be combined for this application. He also explained the boundaries of the property. He then explained the storm water drainage system as well as the parking lot. He noted that the project would not have adverse effects on the adjoining properties or to the city's storm drainage system.

Colin Grotheer, the architect on the project, continued the presentation with a brief overview of his work in local communities in Westport, Stamford and New Haven. He then showed them the renderings of the proposed addition. He discussed the existing circulation for vehicles into the parking levels which included electric vehicle spaces as well. He also discussed hotel function space on the first level, as well as the guest room spaces. He also discussed the roof space and noted that they were looking into solar on the addition. There was a discussion about adding it to the existing hotel. He then showed them the elevations of the addition. He showed how the frontage was similar to the existing building. He showed them various types of guest rooms which would include kitchenettes. He discussed the storefronts that would be part of this addition. He showed them an aerial of the proposed addition He discussed why there would not be additional trees since there was not enough space.

There was a discussion about a mural on the building Mr. Mushak said that southbound trains would be able to see. Mr. Mushak noted that Marriott has murals on many of their hotels. Mr. Grotheer said that was not his decision, but it could be accommodated on the wall. Atty Suchy said that she thought Mr. Rich, the owner of the property, might be amenable to this idea.

There was then a discussion about the color of the addition but Mr. Grotheer explained that it would be a different brick color but it does not look correct on the rendering. There was a discussion about what happens when a project is not being constructed according to the plan submitted. Mr. Baker explained it was a violation of the conditions of approval.

There was a discussion about the existing building and having it preserved. Ms. Langalis noted that a recent project had saved a portion of the facade. She suggested that a part of this building could be saved as well. Mr. Grotheer said that they would like this to be a new build. Atty Suchy said that the Historical Commission could have a hearing for any buildings that are over 50 years old to preserve a piece of it, but that the city's peer review did not suggest it.

Eric Rains, the landscape architect on the project, continued the presentation by giving a brief overview of his background. Their plan was about the pedestrian experience including sidewalks. His firm had worked on the original Marriott and would continue the same pedestrian experience. There was a discussion about adding planters to the sidewalks.

Carl Giordano, the traffic engineer, continued the presentation with a brief overview of his background. He explained how the traffic impact study had been performed. It had been reviewed by the Traffic, Mobility and Parking Department which had submitted comments to the applicant. He then discussed the findings of the study. He also discussed crash data that they had used. He then discussed the improvements that had been requested by the city and the response to the city's comments.

Atty Suchy said that their presentation had been completed and they would request time at the end for the applicant's rebuttal.

Taylor Young, the peer review consultant for the city, began his presentation by noting that his firm had prepared two memos. He commented on what the applicant had presented at this meeting. He asked the applicant to continue to make it more pedestrian friendly. He also discussed the other changes that they had requested. Mr. Mushak made suggestions on how to activate the street with artwork in the windows that were lit up.

Mr. Baker explained how the members of the public could speak at this meeting.

Tod Bryant, President of the Norwalk Preservation Trust, began with his credentials. He then explained what the Preservation Trust was, which was an advocacy group for historic preservation in Norwalk. He said that they had opposed this application and explained why. He gave a brief history of the building. He said that the uses within the proposed building could be done within the facade of the existing building. He noted that the building is in an historic district and protected by the Connecticut Environmental Protection Act. The way to enforce it would be to go to court. However, they would like to reach a compromise.

Dana Laird, Chair of the Historical Commission, confirmed that her letter had been received and sent to the commissioners.

There were no other members of the public that spoke on this matter. The public comment portion of the meeting was closed.

Atty Suchy said that they had submitted a report from Michael Devonshire, an architectural historical firm in New York, which raised concerns about the building. He said it was found to be unremarkable and had structural deficiencies. Mr. Devonshire had walked through the building and even the facade was not worth saving.. She noted that the applicant would be meeting with Connecticut Preservation Trust to reach a resolution. She also noted that historical preservation is not under the zoning regulations but rather, under the Historical Commission. She also said that the demolition delay ordinance had been invoked and would proceed through normal channels. She then explained why the application was compliant with the zoning regulations.

Tom Rich, from the FD Rich Company, the owner of the properties, thanked everyone on the project team as well as the commissioners. He reminded the commissioners that no one thought they should have built the original Marriott and that it was very successful. He knew that the addition would be successful as well. He also noted that the building was nothing special and if it was, he would have tried to save it.

Atty Suchy thanked the staff for their work on the application. There was a discussion about whether there would be solar panels on the current building. Mr. Rich said that he had not considered it because it would be costly. They would do it on the new building. Atty Suchy reminded them that there are mechanicals on the roof and that there might not be enough space. There was also a discussion about the possibility of a mural on the side of the building. Mr. Rich said they would look at it but it is a money issue.

Mr. Schulman closed the public hearing.

i. Action on #2022-55 SP/CAM

At this point, there was a review of the proposed resolution. There was a discussion about adding a condition for a mural. There would have to be a review by the Arts Commission. Mr. Mushak noted where the mural could be seen from. Ms. Langalis did not think that the mural should be a condition of the application. Ms. Tabachneck said that the historical review noted what could be salvaged from the building. Mr. Schulman said that would be handled by the Historical Commission. Ms. Jordan-Byron said that as a resident of the area, she would welcome a mural and art to the area. Mr. Schulman said that he would like to see planters with seasonal plantings. They also made the solar panels a condition of approval.

Mr. Mushak made a motion to approve condition #3 that the applicant shall install a wall mural on the north facade of the proposed structure subject to approval by the Arts Commission and Redevelopment Agency.

Ms. Jordan-Byron seconded.

Before the commissioners voted on this motion, Mr. Mushak told a story about Mayor Bill Collins who wanted to see a mural on 50 Washington. He said he was doing it for the Mayor who had recently passed away.

Louis Schulman; Nick Kantor; Ana Tabachneck; Mike Mushak; **Jacquen Jordan-Byron approved.**
Richard Roina; Tammy Langalis; Hector Pachas; Darius Williams opposed.
No one abstained.

**Whereas the Planning & Zoning Commission (the Commission) has received and reviewed an architectural peer review of the project provided by BFJ Planning dated 1/6/2023;*

**** MS. JORDAN-BYRON MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-55 SP/CAM – 31-35 South Main Street – Eight (8) story addition to existing Marriott SoNo Residence Inn hotel to add 48 rooms and 45 off-street parking spaces **APPROVED** subject to the following conditions:

1. That the site shall be developed in accordance with the following plans:

    a. Per civil site plans entitled “Sono Residence Inn – Phase II,” prepared by D’Andrea Surveying & Engineering, P.C., dated 11/8/2022; and

    b. Per architectural drawings entitled “Sono Residence Inn – Phase II,” prepared by Beinfield Architecture, dated 1/31/2023; and

c. Per drainage, operations & maintenance and sanitary sewer connection reports, prepared by D'Andrea Surveying & Engineering, P.C., dated 11/8/2022 and as may be revised per comments from Norwalk DPW, WPCA and/or South Norwalk Electric & Water (SNEW); and

2. That any changes to the approved plans shall be submitted to the Commission's Staff (Staff) for review and approval prior to implementation. If any proposed changes are determined to be substantive, Staff shall refer the changes to the Commission for their review and approval prior to implementation; and

3. That the applicant shall install a wall mural on the north façade of the proposed structure subject to approval by the Arts Commission and Redevelopment Agency; and

4. That the applicant shall include landscaped planters, contained with seasonal plantings, along the frontage of the site, in coordination with Planning & Zoning and Transportation, Mobility & Parking Staff, provided that such planters shall comply with the Americans with Disabilities Act (ADA); and

5. That the applicant shall install solar panels on the roof of the proposed structure; and

6. That Redevelopment Agency approval is required prior to the issuance of a zoning permit; and

7. 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

8. That all erosion and sediment controls be installed and maintained prior to the start of any construction or site work and that additional controls be installed at the direction Staff; and

9. That the following improvements shall be required to protect the general health, safety and welfare of the neighborhood per the recommendations provided by Norwalk Transportation, Mobility & Parking (TMP) in their Preliminary Review Memo dated 1/17/2023:

a. A crosswalk shall be installed along the southerly leg of South Main Street at Haviland Street; and

b. A crosswalk shall be installed along the southerly leg of South Main Street at Elizabeth Street; and

c. Americans with Disabilities Act (ADA) compliant curb ramps, high-visibility crosswalk markings, crosswalk warning signs and in-street pedestrian crossing signs, curb extensions and Rectangular Rapid-Flashing Beacons shall be installed at the intersections of South Main Street at Haviland Street and Elizabeth Street, in coordination with TMP and DPW; and

d. That the waste receptacles be removed and reinstalled adjacent to the southerly property boundary; and

e. That if the applicant does not agree to any item listed in 6.a.-d., that they shall work with Planning & Zoning and TMP Staff to implement an alternative improvement; and

10. That should any building façade material become damaged or deteriorated, the property owner shall repair the damage or deterioration within thirty (30) days of notice from the City; and

11. That any and all conditions required by Norwalk WPCA are applicable to this approval; and

12. That any and all conditions required by Norwalk DPW are applicable to this approval; and

13. That any and all conditions required by the Norwalk Fire Marshal are applicable to this approval; and

14. That all applicable Code Enforcement Agency Committee signoffs shall be submitted prior to the issuance of a zoning permit; and

15. That a Connecticut licensed engineer shall certify that all the required improvements, including any required off-site improvements, were installed to City standards prior to the issuance of a Certificate of Zoning Compliance (COZC); and

16. That a surety be submitted, in an amount determined by the applicant and verified by Staff, to guarantee the completion and maintenance of the site plan and any and all modifications to the plan and all work as required as a condition of approval prior to the issuance of a COZC; and

17. That this approval is subject to Section 118-1460 C. of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that this application complies with all applicable sections of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action shall be February 24, 2023.

Mr. Mushak seconded.

Louis Schulman; Richard Roina; Nick Kantor; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams; Mike Mushak; Jacquen Jordan-Byron approved.
No one opposed.
No one abstained.

V. PRELIMINARY REVIEW OF NEW APPLICATIONS

a. #2022-07 R – SONO TOD II LLC – 15-17 Chestnut Street – Zoning regulation text amendment to the historic preservation regulations Citywide – Preliminary review and approval of third-party architectural peer review

Mr. Schulman explained that they would have to approve a 3rd party peer review.

Atty Adam Blank began the presentation by noting that he was representing the applicant. He explained that they were working on a Land Disposition Agreement (LDA) with the city. He oriented the commissioners as to the location of the property on an aerial map. He then discussed the text amendment first. The special permit would be filed in the near future. He introduced the project team. He then gave a brief overview of the project. He noted that the historic preservation regulations were not the same in all zones and that he was working with Planning and Zoning Department staff to make them all the same. He explained what was being proposed.

There was a discussion about approving the text amendment for adjacent properties. Mr. Kleppin said that the staff agreed to have it within the same zone so it would be easier to apply. There was also a discussion about additional benefits for the city since it seemed that the developer was receiving additional benefits. There was a discussion about the new zoning regulations.

Colin Grotheer, the architect on the project, showed them the plans for phase 3 of the project. He explained that the LDA that was being negotiated with the city would provide additional parking for the project, as well as additional residences, courtyard space, etc. He also discussed the grand vision for the area. He said that density was needed in this area.

There was a discussion about the applicant not being able to combine the two parcels. Atty Blank said that it was because of bank financing on one of the parcels which would not make it economically feasible.

Mr. Mushak made a motion for the city to hire a peer review consultant for architectural and traffic as this application moved forward.

Mr. Kantor seconded.

Louis Schulman; Richard Roina; Nick Kantor; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams; Mike Mushak; **Jacquen Jordan-Byron approved.**
No one opposed.
No one abstained.

There was then a discussion as to adding the text amendment regulation as a discussion item for the Planning and Zoning Commission at a future meeting, not the next one.

VI. CAPITAL BUDGET

a. FY 2023-24 Capital Budget – Finding of capital budget requests consistency with the POCD – Report & recommended action

Mr. Baker asked if any of the commissioners had any projects that they would like to see

Ms. Jordan-Byron asked if the projects for the Library could be prioritized and noted which ones should be first. There was then a discussion about what items were part of the proposed Capital Budget and what was in a future Capital Budget. There was then a discussion about the Capital Budget process. There was also a discussion about fleet maintenance and police vehicles and electric vehicles. There was also a discussion about the Planning and Zoning Commission's part of the process. Mr. Mushak thanked the commissioners that had sat on the subcommittee. Ms. Tabachneck noted which projects she thought should be prioritized, but Mr. Schulman noted that it was not part of their purview anymore. There was then a lengthy discussion about the process.

At this point, Ms. Langalis asked that TMP build sidewalks throughout the city. Mr. Mushak agreed with her. Mr. Baker said that he would review the video and then add it to the letter to the Mayor.

**Whereas the Planning & Zoning Commission Capital Budget Committee held meetings on January 19, 24 and 26, 2023, to review the capital budget requests;*

**Whereas the Planning & Zoning Commission held a public hearing on February 1, 2023;*

**Whereas the Planning & Zoning Commission reviewed the recommended budget report prepared by the Capital Budget Committee on February 15, 2023;*

**Whereas Ms. Jacquen Jordan-Byron stated that all library projects should be prioritized by the city, specifically the archiving of the periodicals and preservation of the interior are of particular importance for the 2023-24 capital budget;*

**Whereas Ms. Ana Tabachneck stated that the air conditioning and school security requests should be a priority as part of the 2023-24 capital budget;*

**Whereas Mr. Nicholas Kantor stated that all future requests for vehicles, regardless of department, should be required to be electric vehicles;*

**** MS. LANGALIS MOVED: *THEREFORE, BE IT RESOLVED*** *by the Norwalk Planning & Zoning Commission that the 2023-24 Capital Budget Report prepared by the Capital Budget Committee be **APPROVED**; and*

BE IT FURTHER RESOLVED *that notice of this action be forwarded to Mayor Rilling.*

Ms. Jordan-Byron seconded.
Louis Schulman; Richard Roina; Nick Kantor; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams; Mike Mushak; **Jacquen Jordan-Byron approved.**
No one opposed.
No one abstained.

VII. DISCUSSION

a. Flood Hazard Zone Regulations

Mr. Kleppin said that they had received complaints about flooding in certain areas. The city was conservative about the regulations and how they were administered. They were trying to come up with a different formula without having to potentially raise the house. This could be cost prohibitive for some families in order to help achieve flood compliance. There would be a discussion to change the look back period. It could eventually become a part of the zoning regulation re-write. He also said that he could bring in two members of the Planning and Zoning Department, Tammy Maldonado or Alexis Cherichetti, to answer their questions.

Ms. Jordan-Byron said that there was a discussion about this at the latest resiliency committee meeting. They discussed that there was a pumping station in a certain area of the city that either needed to be replaced or fixed. Mr. Kleppin said that would be addressed by the Water Pollution Control Authority (WPCA). There was also a discussion about the pump station working for sewage when there is a flood.

VIII. APPROVAL OF MINUTES: February 1, 2023

**** MR. KANTOR MOVED to approve the February 1, 2023 minutes.**
Ms. Langalis seconded.

Louis Schulman; Richard Roina; Nick Kantor; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams; Mike Mushak; Jacquen Jordan-Byron approved.
No one opposed.
No one abstained.

IX. COMMENTS OF DIRECTOR

Mr. Kleppin explained the status of the zoning regulations re-write but hoped it was another couple of weeks.

There was a discussion about the special meeting on March 2 and that the March 1 meeting would be canceled. The only application on the agenda would be the Cemetery Street application. It would be a hybrid meeting at which members of the public could speak from the Common Council chambers. Planning and Zoning commissioners could also be in attendance at the chambers. There was then a discussion about how the technology would work for it and whether it would be an issue as a hybrid meeting.

X. COMMENTS OF COMMISSIONERS

There was a discussion about the training for the commissioners on March 11. There was a discussion about whether they should hold meetings in person or hybrid.

XI. ADJOURNMENT

Ms. Jordan-Byron made a Motion to Adjourn.
Mr. Pachas seconded.
Louis Schulman; Richard Roina; Nick Kantor; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams; Mike Mushak; Jacquen Jordan-Byron approved.
No one opposed.
No one abstained.

The meeting was adjourned at 9:34 p.m.

Respectfully submitted,

Diana Palmentiero