CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
February 1, 2023

PRESENT: Louis Schulman, Chair; Jacquen Jordan-Byron (left the meeting early); Richard Roina; Nick Kantor; Galen Wells; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams

STAFF: Steven Kleppin; Bryan Baker

OTHERS: John Conte; Tracey Diehl; Mike Zolnick; Diane Lauricella; Mandy Sing; Amanda Trombolli; Eric Neiderer; A. Mileck; Dana Laird; Sadie Martinez; Heidi Altermann; Jodi Prisbiski (sp?); Monique Bronson; Monique Bronson; Iliana Svagnina (sp?); Susan Patranelli; Mary Ellen Flaherty-Ludwig; Diane Cece; Simalia (sp?) Rojas; German Johnson; Atty Adam Blank; Alan Lo; Adam Ducki; Tom Livingston; Council Member Meek; Paul Dominov

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 apologized for the lateness of the last meeting and thanked the commissioners for their attention to the items on the agenda which were important to discuss. Ms. Wells asked if they could schedule an extra meeting rather than staying at a meeting that ends late. The last applications are usually the most important ones.

III. REVIEW & ACTION ON APPLICATIONS

a. #03-14 SP – Maritime Village I, LLC – 17-19 Day Street (District 2, Block 58, Lots 8 and 44) – Bond release for completed mixed-use development – Report & recommended action

Mr. Baker began the presentation by stating that the work had been completed. After an inspection, the staff recommended that the bond be released.

**** MR. PACHAS MOVED to approve the release of the bond for the completed mixed-use development, #03-14 SP – Maritime Village I, LLC – 17-19 Day Street (District 2, Block 58, Lots 8 and 44)**

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

b. #2023-05 SPR – John R. Conte III – 91 Witch Lane (District 6, Block 32C, Lot 21) – Convert existing structure to a detached accessory dwelling unit – Report & recommended action

John Conte, the applicant and owner of the property, gave a brief overview of the application. He also described the landscape plan. He has also spoken with the Department of Public Works (DPW) about stormwater management but it has not been officially reviewed as of this meeting.

There was a discussion about the existing building on the property which would be an accessory dwelling unit. It was noted that this was the first accessory dwelling unit (ADU) application under the new regulations. There was also a discussion about the existing structure and the lot being legally non-conforming. Mr. Baker confirmed that this application did not have to go before the Zoning Board of Appeals (ZBA). The proposed house has not been submitted for approval at this time. There was a discussion about how residents of the ADU would get to it. Mr. Conte showed them the floor plan of the proposed ADU, as well as a photo of the existing structure. Mr. Conte said that it is his intention to make the structure nicer looking. There was a discussion about future presentations in which the primary residence is presented first.

Mr. Conte would live in the ADU while the primary house is being constructed. Once he receives a permit to build the primary house, he would receive a permit for the ADU. There was a discussion about how mail would be delivered to ADUs.

**** MS. WELLS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-05 SPR – John R. Conte III – 91 Witch Lane (District 6, Block 32C, Lot 21) – Convert existing structure to a detached accessory dwelling unit – Report & recommended action be **APPROVED** subject to the following conditions:

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

    a. Per civil site plans and landscaping plans provided by Conte & Conte, LLC. dated 1/4/23 and 1/12/23, respectively; 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 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

4. That prior to the issuance of a zoning permit, the Applicant shall submit a certificate in the form of an affidavit which verifies that the owner resides on the premises and that the minimum rental duration of the accessory dwelling unit is a minimum of six (6) continuous months; and

5. That any and all conditions required by Norwalk Health Department are applicable to this approval; and

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

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

8. 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

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 10, 2023.

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

c. #2022-53 – Norwalk Hospital Association – 34 Maple Street (District 1, Block 6, Lot 1) – Modification to Norwalk Hospital Sign Manual – Report & recommended action

Tracey Diehl, a representative for Norwalk Hospital Association, began the presentation by showing the signage plan. She noted that it had been presented before but it now has modifications which she described. Nuvance did not want to have to go for a variance if they had to make the letters on the signs bigger because they would need to make the signs bigger as well. They did make the size of the word "Emergency" larger on the signs where they could.

There was a discussion about the size of the letters on the current signs as compared to the ones on the proposed signs. Ms. Diehl said they were either the same size or bigger than the current ones. There was also a discussion about the difference between the previous proposed signs and the most recent proposed ones. There was also a discussion about the birthing center being displayed on the signs. It was agreed that the birthing center could be added to the main entrance sign.

There was a discussion about more revisions to the signs which would change the application and be a financial hardship to the applicant. It was noted, however, that it seemed that the current signs are not working for residents that are trying to find locations at the hospital. Mike Zolnick explained why making larger signs would be costly for Nuvance. There was a discussion on how to rework the signs without making them larger, and which colors for the lettering were more visible.

At this point, the commissioners had a discussion about whether the applicant should revise the proposed signage further. There was also a discussion about why the applicant had not received information from the city when requested. There was a discussion about the verbiage for the birthing center as well as which colors would work best for visibility. It was decided to not take action on the application at this time. The applicant would return with revised signage plans.

IV. PUBLIC HEARINGS

a. FY 2023-24 Capital Budget

Before the public hearings, Mr. Schulman noted that the role of the Planning and Zoning Commission had changed with respect to the Capital Budget process. They would now review it as to whether the item supported the Plan of Conservation and Development (POCD). He reminded the commissioners that the public comments should be whether the projects support the POCD.

Mr. Schulman then opened the public hearing and addressed his comments to the public as to their remarks. Each person could only speak once, on any project.

Mr. Kleppin explained how the Capital Budget process worked under the Planning Commission and how it now worked under the combined Planning and Zoning Commission. Mr. Baker explained how the public could access the public hearing.

Diane Lauricella, 21 Little Fox Lane, spoke on requests which addressed a specific section of the POCD on sustainability. She asked that projects no longer use artificial turf. She also said that projects should optimize using green infrastructure and those that did not should be rejected. She hoped to see this addressed in the zoning regulations rewrite. Mr. Schulman asked that she speak to individual projects. She said that she found his comments offensive. She then said she hoped they approved the library requirements. She also said there should have been a request for the library expansion.

Mandy Sing, 73 North Seir Hill Road, spoke in support of the Board of Education’s Capital Budget requests.

Amanda Trombolli, 12 Cider Lane, advocated for asbestos abatement and wanted to see it become a priority especially since there were young children in the schools. Mr. Schulman suggested that her comments would be best for the Board Estimates and Taxation, the Board of Education and other bodies that actually set the budget. The Planning and Zoning Commission confirm that the items meet the recommendations of the POCD.

Eric Neiderer, 36 _______ Road, said that he thought that he believed the Board of Education Capital Budget requests did meet the recommendations of the POCD.

A. Mileck, 209 Scribner Avenue, said that he had felt that with the improvements he had seen his children flourish at Fox Run. He hoped that the Capital Budget requests would be provided to the Board of Education so that it could continue for all.

Dana Laird, 214 Highland Avenue, the Chair of the Historical Commission, spoke in support of the Historical Commission's Capital Budget requests.

Sadie Martinez, 59 Benedict Street, had concerns about cuts to the Board of Education requests, especially security.

Mr. Schulman reminded the public that they should also be speaking with the other Boards since it was not the role of the Planning and Zoning Commission to recommend funding, but rather whether items met the recommendations of the POCD. He suggested that they advocate to the Board of Estimates and Taxation as well as the Mayor and individual council representatives. There was also a discussion about what the POCD is and having the public go to the POCD link.

Heidi Altermann, a Council member from District D, 29 Sherwood Street, read a paragraph from the POCD.

Ms. Langalis explained to the public how they could access the POCD.

Jodi Prisbiski (sp?), 71 Reed Avenue, spoke in support of the Board of Education Capital Budget requests.

Monique Bronson, 25 Chatham Drive, spoke in support of the installation of traffic signals and stop signs in her neighborhood.

Iliana Svagnina (sp?), 8 Running Brook Lake, spoke in support of the Board of Education Capital Budget requests.

Once again, Mr. Schulman reminded the public that the Planning and Zoning Commission did not have a role in allocating the Capital Budget funding. He appreciated the speakers' requests. Mr. Baker clarified that the Planning and Zoning Commission should be looking at the department's Capital Budget requests as they relate to the POCD.

Susan Patranelli, 3 Rampart Road, said that she agreed with other parents that spoke in support of the Board of Education Capital Budget requests and noted that they did support the POCD.

Mary Ellen Flaherty-Ludwig, a member of the Board of Education, living on Soundview Avenue, thanked everyone for the work they were doing.

Diane Cece, Olmstead Place, said she was speaking as a Norwalk resident. She noted that the process was confusing for the residents and that they should have patience with them. She wondered if there was any review of the Capital Budget to see if there were areas of teh POCD that were not being fulfilled. She then said she would be speaking as a member of the East Norwalk Neighborhood Association. She discussed the Recreation & Parks requests for Veteran's Park. However, she was listing items from the past POCD and was asked not to do that. She also had comments on the Norden Park study.

Simalia (sp?) Rojas, 1 Smith Street, spoke on the importance of funding the Board of Education's Capital Budget requests.

German Johnson, 322 Highland Avenue, also spoke on the importance of funding the Board of Education's Capital Budget requests and wanted to know where else he could speak about it.

Mr. Schulman closed the public hearing. He then suggested taking a break until 8:04 pm.

b. #2022-56 SP – City of Norwalk c/o Building Management – 23 Calvin Murphy Drive (District 5, Block 7, Lots 01 and 10) – Construction of new Norwalk High School and P-Tech Campus with associated athletic fields

Mr. Schulman explained that at the previous meeting public comment had been closed. However, they would re-open it, if they believed there was new information to be shared. The public could only comment on that new information. General comments would not be allowed.

Atty Adam Blank, representing the applicant, said that they would present on energy efficiency and the feasibility of solar panels. He noted that this analysis is done on every municipal project and not just this one, since it is done for the Common Council's Building and Land Use Committee. He also noted that it was disappointing to hear personal attacks on Alan Lo at the last meeting. Mr. Schulman agreed that it was disappointing. Atty Blank made a suggestion for a condition regarding energy efficiency and renewable energy options with the Building and Land Use Committee. He also referred to the Connecticut statutes but noted that in this zone the Planning and Zoning had not been adopted yet.

Alan Lo continued the presentation by explaining that he had written a memo which included all of the state requirements with respect to energy requirements that the city must adhere to when it came to these types of projects. He also noted that these are not arbitrary. He explained how his department worked with the Building and Land Use Committee. He explained how they worked with certain solar developers. He said that the developers would not suggest certain energy efficiencies if it was not economically feasible.

Atty Blank explained Power Purchase Agreements (PPA) that Mr. Lo had mentioned. There were tax benefits which make the project economically feasible; however, since the city is essentially tax exempt it does not receive benefits. He also explained that the solar panels would not be paid 80% by the state, as would the remainder of the project. Mr. Lo said they should not use the school funding on solar panels. According to him, this took funding from educational programs.

Adam Ducki, the MEP consultant who worked with the architects on this project, said that the presentation he was sharing was the same one that was made to the Common Council. He discussed the primary systems design goals. He then discussed the alternative energy options that were considered. He also discussed how they could be applied to the base HVAC systems proposed. He discussed the VRF/ERV system and why it is important for a school system. He discussed the benefits of the ERV system as well as the natatorium area as well as how the pool was heated. He then began a detailed review of the solar panels on the roof.

Atty Adam Blank noted that it was a large school but the roof is small compared to a smaller school. Mr. Kantor asked what the current electric cost was for Norwalk High School. They also discussed what the investment would be as well as the payback. Mr. Ducki said that there could be incentives for the solar panels as well as federal tax credits. He then discussed the pros and cons of the Power Purchase Agreement. There was a discussion of how the building would function in emergencies.

There was then a discussion about the pros and cons of geothermal/ground source heat pumps. Mr. Ducki then discussed wind harvesting but said that there was a minimum of 12 mph wind speed necessary. Norwalk's average wind speed was 8 mph. He also discussed co-generation. He also discussed fuel cells and the payback on them.

Mr. Ducki explained net zero energy and net zero carbon/carbon neutral. He recommended installing the PV system since it would generate 64% of the on-site energy consumption.

There was a discussion about whether there would be 30% or 60% energy efficiency.

Tom Livingston, a member of the Land Use Committee, of the Common Council, explained that they are committed to energy efficiencies.

At this point in the meeting, Mr. Schulman said that this information was for clarification and that the public hearing did not have to be reopened. Mr. Kleppin recommended the public should be allowed to speak on only this matter and Atty Blank recommended this as well, as to avoid any appeals.

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

Council Member Meek spoke at this point by noting that he had seen renderings which had shown the solar canopy. Paul Dominov said that they would show the renderings in the rebuttal.

Diane Lauricella said that she was pleased to hear this discussion and had some questions for the applicant and commissioners. Mr. Schulman reminded Ms. Lauricella to stick to the discussion that evening and not to the history. She said she was speaking to Mr. Lo's memo that he had presented earlier in the meeting. There was a heated discussion and Mr. Schulman said that she could no longer speak.

Mr. Lo said that he had looked into batteries to store solar energy and that they are looking into it. He explained that if the energy was being used there was not a reason to store it. He also discussed the net zero building but was not sure how many buildings there were in Connecticut. He also discussed that it might not be financially feasible. He also discussed the Cranbury School project and the South Norwalk School in relation to the solar panel systems for them. Mr. Ducki said that they are working with Mr. Lo to make buildings more energy efficient in Norwalk.

There was a discussion about whether there was another building in Norwalk that had a large amount of solar panels.

Mr. Schulman closed the public hearing.

i. Action on application #2022-56 SP

**** MR. KANTOR MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-56 SP – City of Norwalk c/o Building Management – 23 Calvin Murphy Drive (District 5, Block 7, Lots 01 and 10) – Construction of new Norwalk High School and P-Tech Campus with associated athletic fields be **APPROVED** subject to the following conditions:

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

    a. Per civil site plans, architectural drawings and landscaping plans provided by Kaestle Boos Associates, Inc. and BSC Group, Inc., respectively,

2. That a certificate of special permit and mylar map of the approved site plan shall be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and

3. That any necessary lot revision maps shall be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and

4. 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

5. That the Commission recommends that a solar carport be constructed over the surface parking lot and that the Land Use & Building Management Committee of the Common Council shall make the final decision on whether to require a solar carport and the final layout/size of the solar carport;

6. That the Commission recommends that the City of Norwalk include the goal of achieving Net Zero Energy and/or Net Zero Carbon/Carbon Neutral, or as close to Net Zero Energy and/or Net Zero Carbon/Carbon Neutral as possible, for this project and all future municipal building projects; and

7. That a follow up photometric study be submitted to Staff after installation of the athletic field lights to verify that lighting levels are acceptable and within the levels as shown on the approved plans; and

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

9. 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

10. That any and all conditions required by Norwalk TMP are applicable to this approval; 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

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 10, 2023.

Mr. Williams seconded.

After it was seconded, there was a discussion about condition #5. There was an additional condition added to the resolution which would be #6.

Louis Schulman; Richard Roina; Nick Kantor; Galen Wells; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams approved.
No one opposed.
No one abstained.

V. APPROVAL OF MINUTES: January 18, 2023

**** MS. LANGALIS MOVED to approve the January 18, 2023 - Regular Meeting minutes with changes.**
Mr. Williams seconded.
Louis Schulman; Richard Roina; Nick Kantor; Galen Wells; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams approved.
No one opposed.
No one abstained.

**** MR. KANTOR MOVED to approve the January 18, 2023 - Special Meeting minutes with changes.**

Ms. Langalis seconded.

Louis Schulman; Nick Kantor; Galen Wells; Hector Pachas; Tammy Langalis; Ana Tabachneck approved.

No one opposed.

Darius Williams and Richard Roina abstained.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin discussed the training offered by the Connecticut Bar in March. He asked the commissioners to let him know if there were any more commissioners that were interested. He would register anyone that was interested.

Mr. Kleppin explained that there should be a change to the Capital Budget process.

He then discussed the Cemetery application and asked if there could be a special meeting on February 22 since there might be a lot of interest in it.

The last edits of the Zoning regulations re-write would be sent to the consultant to be updated.

Mr. Roina asked whether they could attend some sessions of the training. Mr. Kleppin said that since it was online that should be fine. He also had questions about the Cemetery project and having a joint venture with the developer so that the park could be done at the same time.

VII. COMMENTS OF COMMISSIONERS

Mr. Kantor gave an update about the South Norwalk Resiliency Plan. He explained that there was a public hearing a few weeks prior.

Ms. Langalis said that the Capital Budget subcommittee had met with the department heads. She gave examples of the cost of some of the items requested during the project. She also wondered why the process was necessary. There was a discussion about how the process worked when it was under the purview of the Planning Commission.

There was also a discussion about why there was no time limit for the public to speak. Mr. Kleppin said that it was not allowed for the Planning and Zoning Commission.

VIII. ADJOURNMENT

Mr. Pachas made a Motion to Adjourn.
Mr. Williams seconded.
Louis Schulman; Richard Roina; Nick Kantor; Galen Wells; Hector Pachas; Tammy Langalis; Ana Tabachneck; Darius Williams approved.
No one opposed.
No one abstained.

The meeting was adjourned at 10:02 p.m.

Respectfully submitted,

Diana Palmentiero