

CITY OF NORWALK
PLANNING & ZONING COMMISSION
January 19, 2022

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

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Alan Lo; Lisa Yates; Kent Gannon; Pamela Young; Matt Bury; Matt Forte; Heidi Alterman; Atty Mario Coppola; Lunda Asmani; Lyle Fishell; Atty David Waters;

I. CALL TO ORDER

Mr. Schulamn 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 announced that the public hearing for the Cranbury School would become the first item on the agenda. On that application, Mr. Schulman requested that Ms. Jordan-Byron, one of the alternates, vote on the resolution after the public hearing had concluded. Mr. Schulman then appointed Mr. Pachas to vote on the High Street application and Mr. Williams to vote on the TMP application and the Special Appropriations applications. He then explained the rules of the public hearing.

III. PUBLIC HEARINGS

a. #2021-41 SP – City of Norwalk Board of Education – 12 Knowalot Lane – Construction of new Cranbury Elementary Sch

Alan Lo, the Building and Facility Manager for the City of Norwalk, began the presentation by noting that his project team was on the call. He also explained that the new school would be constructed on the current lot that it is on. He also noted that there are concerns from the neighbors. He explained that the application had been before the Zoning Board of Appeals for a variance. The project had also been before the Wetlands Commission.

Lisa Yates , the architect on the project, began with a slide presentation for the public. She introduced the other members of the project team. She noted the existing conditions of the school and what was technically the front of the school. She explained that the project had been before the WETlands Commission. She then discussed the proposed conditions.

Kent Gannon, the civil engineer on the project, continued the presentation by also discussing the proposed conditions. There would be a separation of the bus and parent loops. Currently there is one entrance for both. The parent loop would be one way with access to a parking lot. He showed them the exit as well. He also discussed where staff would park. He also discussed the children's play areas. He also discussed the density of use and bulk of buildings and noted that the new school complies with it. He then discussed in detail the reason for the variance from the ZBA. Ms. Yates noted that the building was only 2 stories.

Ms. Yates noted that they had worked with the neighbors who had concerns about how close the school was on the west side. What they had decided was worked into the conditions of the variance. She said they would continue to collaborate with neighbors. She then discussed the benefits of the variance.

There was a discussion about the evergreen buffer and the types of trees that would be used.

Mr. Gannon then discussed the traffic study. He noted that there would be minimal changes to the traffic in the area. There did not seem to be any safety issues, and the parent loop would eliminate the parking on Knowalot Lane.

Ms. Yates discussed the comments from the Zoning Department's staff findings which included comments about sidewalks, noise from construction, signage, existing use, and how it relates to the Plan of Conservation and Development (POCD). She then showed them various renderings including the entry plaza. She showed them the materials that would be used. She said that there would be solar panels on the roof and approximately 30% of the building would be powered by it. She also noted that CT public schools had to meet sustainability standards similar to the LEEDS standards. Multiple strategies would be explored including drainage and HVAC. She also explained the building envelope and explained that there would be rebates.

Mr. Lo then ended the presentation. Mr. Schulman asked if any commissioners had questions. There was a discussion about accessibility and Ms. Yates noted that the building was accessible. There was a discussion about adding canopies for the pickup and dropoff areas. There was a discussion about the tennis courts, which Mr. Lo said were run by the Parks and Recreation Department. There was a discussion about the impervious area which had increased under this project. There was also a discussion about the choice of plantings. There was a discussion about issues with Eversource. Mr. Lo explained the infrastructure system in the area.

Pamela Young spoke in support of the application and asked if this was the final approval and whether construction would begin soon.

Ann Jillian. Wennerstrom, a former student of Cranbury School, asked whether there would be more teachers and students at the school. Classes had been getting larger when she was there.

Matt Bury, Knowalot Lane, said that there would be an appeal on the ZBA variance. He noted that they were working with the city and that it had been moving slowly. He also asked when the solar panels were added as a new element to the project and where they would go.

Matt Forte, 258 Grummann Avenue, another neighbor who had worked with the city on this project. He explained that there had been a lot of work with the neighbors and that the ZBA had told the city to work with the neighbors. He noted that there is also no agreement and their attorney had to file extensions. He asked how there could be a vote when there was an agreement under appeal.

Heidi Alterman discussed the use of black tops for the children when there was flooding on the school property.

Ms. Wennerstrom spoke in support of the project.

Atty Mario Coppola, Corporation Counsel for the City of Norwalk, responded to some of the neighbors comments. He explained how he had worked with the neighbors' attorney, Joel Green. He then explained the current status and that he is waiting for additional documents, especially about further buffering of the landscape. A settlement agreement would have to be brought to the ZBA and possibly the Common Council for approval. He is now waiting for an agreement from Atty Green. There was a discussion about whether the P&Z could vote on this application at this meeting. Atty Coppola said that it was allowed, however, the applicant probably could not begin construction until it is settled.

Mr. Lo explained that the state of CT would have to review the plans as well. They were hoping to send out bids in February and would like to begin. He also explained how they determine the class size as well as the population of the school.

There was also a discussion about the parking on Knowalot Lane. Mr. Lo noted that dropoff goes quicker than pickup. There was also a discussion about the sidewalk and the playground in front of the existing building.

Mr. Schulman closed the public hearing.

IV. REVIEW AND ACTION ON PUBLIC HEARING ITEMS

a. Action on items V. a.

**Whereas the Norwalk Inland Wetlands Agency issued permit #S21-575 on September 15, 2021; and*

**Whereas the Norwalk Zoning Board of Appeals issued variance #21-0819-03 with conditions on November 18, 2021 reducing the required rear yard setback from 223' to 68.45'*

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2021-41 SP – City of Norwalk Board of Education – 12 Knowalot Lane – Construction of new Cranbury Elementary School be **APPROVED** subject to the following conditions:

1. That the building and site will be developed in accordance with the following plans:
 - a. Per all Site Plans and Architectural Drawings included in Volumes 1-3 entitled “Cranbury Elementary School” prepared by Antinozzi Associates, Stantec Consulting Services Inc. and Langan dated 11/18/2021; and
2. That any changes to the approved site plans must be approved by the Commission prior to implementation; and
3. That all accessory structures and signage shall comply with applicable setbacks as required in the Norwalk Building Zone Regulations; and
4. That rooftop solar be included as part of this approval as indicated by the applicant; and
5. 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 of the Commission’s Staff, as needed; and
6. 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; and
7. 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
8. That a special permit certificate and mylar map of the approved site plan be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
9. That all conditions as required by the Norwalk Zoning Board of Appeals variance #21-0819-03 shall apply to this approval; and
10. That all conditions as required by the Norwalk Inland Wetlands Agency permit #S21-575 shall apply to this approval; and

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11. That all conditions as required by the Norwalk Health Department shall apply to this approval; and

12. That all conditions as required by Norwalk DPW shall apply to this approval; and

13. That all conditions as required by Norwalk WPCA shall apply to this approval; and

14. That all CEAC signoffs are submitted prior to the issuance of a zoning permit; 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 January 28, 2022.

Mr. Mushak seconded.

There was a discussion about adding language about green infrastructure to the resolution. There would have to be a balance between the cost of leasing solar equipment as to the cost of it. Mr. Mushak noted that he would be happy to support this project.

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

No one opposed.

No one abstained.

V. 8-24 REFERRALS AND SPECIAL APPROPRIATION REQUESTS

Mr. Schulman said that he would be appointing Mr. Williams to vote on the next two applications.

a. #2022-01 8-24 Referral – Transportation, Mobility & Parking – Three easement acquisitions for traffic signal improvements – Report & recommended action

Mr. Schulman explained that the commissioners had to determine whether these acquisitions are consistent with the Plan of Conservation and Development (POCD).

Mr. Baker began the presentation by explaining that Transportation, Mobility & Parking were interested in these acquisitions in order to do traffic system upgrades. The acquisitions were reimbursed through grants. It was noted that these were state owned properties. He showed them the site plans for them. Mr. Kleppin noted that this was a fairly simple 8-24 application.

**** MR. MUSHAK MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-01 8-24 Referral – Transportation, Mobility & Parking – Easement acquisitions for traffic signal improvements 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 advocates for improvement of regional transportation connections – including regional trails, traffic flow on regional routes, and commuter rail – to reduce traffic congestion, pollution and greenhouse gas emissions.” (Chapter 10: Transportation & Mobility Networks); and
2. That “Norwalk has a comprehensive and balanced transportation system, with safety and multimodal accessibility the top priority of citywide transportation planning.” (Chapter 10: Transportation & Mobility Networks); and
3. To “Optimize traffic flow by using coordinated and synchronized traffic signals” (Chapter 10: Transportation & Mobility Networks)

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

Mr. Baxendale seconded.

Louis Schulman; Galen Wells; Nick Kantor; Richard Roina; Mike Mushak; Darius Williams; Steve Ferguson; Tammy Langalis; Brian Baxendale approved.

No one opposed.

No one abstained.

b. #2022-02 Special Appropriation – City of Norwalk Board of Education – Special capital appropriation for the new Norwalk Neighborhood School in South Norwalk – Report & recommended action

Lunda Asmani, the chief financial officer for the Board of Education, explained the special appropriation, rather than requesting new Capital Budget funds. He noted that two fundings would be closed since the schools had not been built and appropriated for this Neighborhood School. He then explained the process that the application had gone through up until this point.

There was a discussion about the location of the new building. Mr. Lo said that the city had to go through negotiations with the property owner in order to respect their privacy. It would be kept confidential at this point. There was also a discussion about whether there were any renderings but Mr. Lo said there was not at this time. There was a discussion about how many children get bussed to other parts of town. Some of them are bussed to go to different Choice schools in the city.

There was a discussion about the amount of funding this project would be.

**** MS. WELLS MOVED: BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-02 Special Appropriation – City of Norwalk Board of Education – Special capital appropriation for the new Norwalk Neighborhood School in South Norwalk 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 “The Modern Schools for a Growing City plan provides new and renovated schools to alleviate overcrowding and better serve students.” (Chapter 5: A Community Committed to Life-Long Education); and
2. To “Support the facilities improvement plan for the school system” (Chapter 5: A Community Committed to Life-Long Education); and
3. To “Continue to update, modernize and maintain Norwalk’s infrastructure and city facilities” (Chapter 11: Public Facilities, Infrastructure and Services).

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

Mr. Kantor seconded.

Louis Schulman; Galen Wells; Nick Kantor; Mike Mushak; Darius Williams; Steve Ferguson; Tammy Langalis; Brian Baxendale approved.

No one opposed.

Richard Roina abstained.

VI. REVIEW AND ACTION ON NEW APPLICATIONS

a. #2022-03 SPR – 45 High LLC – 45 High Street – Construction of two-dwelling unit addition to existing multifamily residence – Report & recommended action

Mr. Schulman noted that Mr. Pachas would be voting on this application.

Mr. Fishell, the architect on the project, began the presentation with a slide presentation showing the commissioners the renderings for the two-dwelling unit. He noted the various City Departments that had approved the application.

Mr. Mushak said that the Redevelopment Agency had done an architectural review with no issue. He would vote in support of the application.

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-03 SPR – High St LLC – 45 High Street – Construct

two-unit addition to existing multifamily dwelling be **APPROVED** subject to the following conditions:

1. That the site will be developed in accordance with the following plans:
 - a. Site survey entitled "Site Plan" prepared by Brautigam Land Surveyors, PC dated 4/19/21 and revised to 8/4/21; and
 - b. Civil Site Plans (SE1) entitled "Site Development Plan 43, 45 and 47 High Street" prepared by McChord Engineering Associates, Inc. dated 7/19/21 and revised to 8/4/21; and
 - c. Architectural drawings (A.1 – A.3) entitled "Proposed 2 Unit Addition" prepared by Fishell Architecture, dated 4/7/21; and
2. That all CEAC sign-offs be submitted prior to the issuance of a zoning permit; and
3. 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
4. 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 of the Commission's Staff, as needed; and
5. That a Connecticut licensed engineer shall certify that all of the required improvements, including any required off-site improvements, were installed to City standards prior to the issuance of a Certificate of Zoning Compliance; and
6. That a surety be submitted, in an amount to be determined by Staff, to guarantee the completion and maintenance of the site plan, any and all modifications to the plan and all work required as a condition of approval under this modification prior to the issuance of a Certificate of Zoning Compliance; and
7. That any revisions to the approved plans be submitted to the Zoning Commission for approval; and
8. That any and all conditions required by Norwalk DPW shall be applicable to this approval; and
9. That any and all conditions required by Norwalk TMP shall be applicable to this approval; and
10. That any and all conditions required by Norwalk WPCA shall be applicable to this approval; and

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

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

BE IT FURTHER RESOLVED that this application complies with Section 118-504 and all other applicable sections of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action is January 28, 2022.

Mr. Baxendale seconded.

Before the commissioners voted, Mr. Fishell also noted that he had received all of the CEAC signoffs which Mr. Baker confirmed.

Louis Schulman; Galen Wells; Nick Kantor; Mike Mushak; Hector Pachas; Steve Ferguson; Richard Roina; Brian Baxendale approved.

No one opposed.

Tammy Langalis abstained.

Mr. Schulman said that they would take a break and return to the meeting at 8:11 pm.

VII. REVIEW AND ACTION ON PENDING APPLICATIONS

a. #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 – Preliminary review

Mr. Schyulman explained that although it indicated that this was a preliminary review for the Planning & Zoning Commission, the Zoning Commission had reviewed this application for over 1 year.

Atty David Waters, the attorney for the applicant, began the presentation, by noting that it was now almost 2 years ago. He then began a slide presentation which showed them an aerial view of the property. He also explained the three applications that they would be reviewing. There was a discussion about the difference between special permits and site plan review. He then showed them a map with the proposed zone changes. He also explained the

Master Plan which would have 7 buildings. He noted that currently a new train station would have a pedestrian overpass to Merritt 7. He described the different types of buildings that would be on the parcels. They were trying to create a more walkable neighborhood. He also described the intersection on Grist Mill and Route 7 enhancements to alleviate traffic flow. He noted that they had informal talks with CT DOT about this area. One of his slides showed the overall massing plan. He noted that part of one of the buildings would be commuter parking as a benefit to the Metro-North station. He discussed the heights of the buildings. He noted that the applicant had submitted a traffic analysis as well as a drainage one. They also submitted a sanitary analysis.

He then explained the benefits for the city. He noted that this was not a destination but rather, the retail spaces would support the office and residential buildings in the area. The corporations are having difficulties retaining employees because many younger employees would like a live,work, and play situation. As he concluded, he said that they would like to finally reach a public hearing.

There was a discussion about the topography between two of the buildings. There was a discussion about public parking for the retail stores. There was also a discussion about access for pedestrians to Main Avenue.

There was also a discussion about the design manual. It would be similar to the applicant's other project on the same street. It would be with the Zoning Department staff the following week and sent to the commissioners when they received it. Mr. Kleppin said that the staff would review and give the commissioners their comments.

There was a discussion about the intersection near the Merritt 7 entrance, which Atty Waters said that the state would be working on in 2025. There was also a discussion about the proposed state plans for this area. There was also a discussion about the possibility of Wilton residents using the new train station and whether there would be a way to differentiate between residents. Atty Waters said that the DOT would have to monitor the lots but they would discuss it with them. There was also a suggestion of having more trains run between South Norwalk and Wilton Center.

Mr. Schulman thanked Atty Waters for the presentation. Atty Waters then noted that their current employees were almost finished with the current projects so they would like to hold a public hearing and can keep their employees working.

VIII. APPROVAL OF MINUTES: January 12, 2022

Mr. Schulman noted that there would be no approval of the final meeting of the Zoning Commission since there are no members any longer. They would remain in draft form.

**** MR. FERGUSON MOVED to approve the January 12, 2022 meeting minutes.**

Ms. Langalis seconded.

There was a discussion about whether there would be written minutes for the meeting. Ms. Langalis said that she had not read them. Mr. Kleppin said that they would be basic minutes since it was a brief meeting with no actions taken.

Louis Schulman; Galen Wells; Nick Kantor; Mike Mushak; Hector Pachas; Steve Ferguson; Richard Roina; Brian Baxendale approved.

No one opposed.

Tammy Langalis abstained.

IX. COMMENTS OF DIRECTOR

Mr. Kleppin noted that there are many applications being filed in his department so the commissioners would be busy for the next few months. He also noted that the state of CT had mandated training for the Zoning Commissioners. He said that the city would pay for it. The city would also hold a brief training for different types of applications. He also asked the commissioners to let the city know if they were making public comments to the press, and if so, they should think about deferring to the chair.

X. COMMENTS OF COMMISSIONERS

Mr. Schulman thought it was commendable that several commissioners had been to the sites that were part of the applications that evening.

Mr. Ferguson said that he thought it was a great group. Mr. Schulman reminded everyone that the first Capital Budget Committee meeting would be the following evening.

Ms. Langalis asked if the staff could send out staff memos and applications as they come in, rather than one big bundle. She would prefer that so that she could go to the sites. There was a discussion about not accepting applications that come in on the day of a Planning & Zoning meeting. There was a suggestion to use Google Earth to see some of the sites.

There was a discussion about when these meetings would be held in person. Mr. Schulman said that would be decided by the city and state.

XI. ADJOURNMENT

Mr. Mushak made a Motion to Adjourn.

Ms. Langalis seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 9:29 p.m.

Respectfully submitted,

Diana Palmentiero