

**CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
November 1, 2023**

PRESENT: Louis Schulman, Chair; Nick Kantor; Mike Mushak; Tammy Langalis; Galen Wells; Jacquen Jordan-Byron; Chapin Bryce; Hector Pachas; Richard Roina

STAFF: Steve Kleppin; Michelle Andrzejewski

OTHERS: Atty Liz Suchy; Kristen Mitchell; Brian Phillips; Adam Palmer; Steve Cipolla; Lisa Endow; Diana Varone; Diane Cece; Nicole Edy; Vincent Hynes; Stephanie Zabar; Andy Soumelidis; Tod Bryant; Peter Lane; Andy Glazer; Robert, Betsy, and Evan Turner

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:04 p.m. It should be noted that this meeting was held on Zoom.com with participants calling in, separately.

II. ROLL CALL

Mr. Kleppin called the roll.

III. SEATING OF MEMBERS

Mr. Schulman seated all of the alternates for this meeting. Mr. Kleppin said if Mr. Williams arrived then he would have to pick a commissioner.

IV. PUBLIC HEARINGS

a. #2023-55 SP/CAM – The Housing Authority of the City of Norwalk & Sound Communities, Inc. – 45 Meadow Street (District 2, Block 81, Lot 64) – Proposed multi-family development consisting of 56 units within 9 new buildings including community center for tenants and associated on site improvements.

Mr. Schulman opened the public hearing. Atty Liz Suchy said that she was representing the City of Norwalk. She began the presentation by noting that the certificate of mailing evidencing notice of the public hearing had been filed with the Planning and Zoning Department. She introduced the project team. She also gave a brief overview of the property and then an overview of the proposed project.

Kristen Mitchell, the project landscape manager, said that there was an increase in the number of units. She showed them the site plan and how it could be accessed and noted that there would be a grade change. ADA access would be provided to the community center, parkings spaces and units. There would be an amenity space and community learning center. The applicant would maintain the existing mature landscape. She descsribed the lighting plan.

Brian Phillips, the engineer on the project, continued the review of the site survey. There was a discussion about the level of electric chargers. He then discussed the drainage plan.

Adam Palmer, the architect on the project, continued the presentation with a description of the design. There were design opportunities with the existing conditions of the site. He noted that there are some buildings that are 2 story buildings as well as 3 story buildings. He showed the designs of the 3 floor building as well as a floor plan with 3 and 4 bedrooms. He also described building heights to blend with the neighborhood. He showed them designs of the green boulevard as well as the site entry.

Steve Cipolla, the traffic engineer, continued the presentation by orienting them to the site on an aerial map. This was the area in which they conducted the traffic study. He explained how they did the traffic counts. He also discussed current traffic conditions. They conducted parking counts on site as well as off site in June 2023 as well as how they determined the proposed parking requirements.

There was a discussion about the current number of parking spaces. There was a discussion about wheelchair ramps to allow for residents to go into their apartments. There was also a discussion about units for seniors. Lisa Endow said that they would not be setting aside units for them but would look into.

Ms. Endow said she was working for an affiliate of the Norwalk Housing Authority. She explained that they were hoping to improve the quality of life for low income families. They are adding parking which has been lacking for the housing units. They had met with the families at the current property and were adding items they requested. She explained that they had begun moving families off property.

Diana Varone, a resident of Meadow Garden apartments, spoke about the proposed plan. She thanked them for the support for this project.

There was a discussion about the difference between this project and what public housing is. Ms. Endow explained that it had to do with the funding sources that would be used. She explained that public housing depended on funding from Congress which was less stable. In this project, they are using low-income tax credits to redevelop the property. Adam Bovilsky, the Executive Director of Norwalk Housing, further explained the housing subsidies received from HUD. He explained that tenants would also receive vouchers that they could use either off site or return to the new development.

There was a discussion about residents returning and their eligibility. Mr. Bovilsky said that it was a tenant choice issue. There was a discussion about good standing, as well as how the remaining units would be filled. Mr. Bovilsky did say that if tenants were evicted for cause they would not be eligible to return. There was also a discussion about voucher and no voucher subsidy lists.

There was a discussion about the Washington Village project, since it allowed for market rate units as part of the project. Mr. Mushak discussed studies about how mixed income projects produced better outcomes for the children in these developments. He had concerns about the concentration of poverty in this project and asked for justification for keeping it for low income families only. Mr. Bovilsky explained that there were two different answers. The first was that this project was different from Washington Village from a Choice Neighborhood perspective. Since the topography is different from Washington Village they were not able to receive some of the grants that Washington Village had received. He reminded them that they could not decrease the number of low income units since there is a long wait list. He also explained that if they could increase the number of units, he would advocate for mixed-use housing. There was also a discussion about how to keep the neighborhood safe and secure. Mr. Bovilsky said that for many years, due to budget cuts, management staff were located at a central office. He said that this development would have management staff on site.

There was a discussion about the number of bedrooms in the units. Mr. Palmer said that currently all of the units have 3 bedrooms but in the proposed project, there would be 2 and 4 bedroom units. There are not enough 4 bedrooms. There was a discussion about why the current housing was in such disrepair.

Atty Suchy said that the project complied with the zoning regulations as well as with parking regulations. She also noted that the applicant did not have to appear before the ZBA, etc. There was a discussion about home ownership for these families. Mr. Bovilsky explained that some of the money comes in tax credits which would be difficult to use for home ownership.

There was a discussion about the timeline for construction and completion. Ms. Endow said that it should be 18 months once they start construction in the summer of 2024. There was a discussion about solar on the community learning center roof but not residential units. There was a discussion about EV charging stations that are available for the residents of the complex. There was also a discussion about the funding for the community learning center.

Atty Suchy noted that the application had been reviewed by several agencies within the city. She suggested final approvals could be a condition of approval. There was a discussion about having done an energy audit of the current buildings. Ms. Endow said that there had not been an energy audit on the current buildings. Mr. Palmer explained the work they had done with a sustainable consultant especially in connection with the Connecticut Housing Finance Authority (CHFA). They have requirements for energy efficiency. They are incorporating some of them because others are costly. They want the units to be efficient but affordable for the tenants in the long term. Mr. Schulman noted that the improvements made for this development will also benefit the city's utilities in connection with wastewater management, etc.

At this point, the public was invited to make comments. Mr. Schulman explained how the public comment period would be run, including names and addresses from those speaking. Mr. Kleppin explained how members of the public could speak by using the raise the hand feature on Zoom.

Diane Cece, Olmstead Place, asked about the number of 1 bedroom units. Atty Suchy said that four are proposed. She then asked how many of the current 3 bedroom units are occupied by a single tenant. Mr. Schulman reminded everyone that her questions would be addressed at the end of the public comment portion of the hearing. She also asked for clarification for what would happen if all the new units are not occupied by the current residents. She also asked about whether the current residents would be moved to local residential units during construction. She did not think that there were enough available. She thought that the term "good standing" should be defined up front.

Nicole Edy, 8 Norden Place, said she had grown up at Meadow Gardens with her grandparents. She appreciated all that she heard that would be done to the buildings and was glad it would not be mixed use like Washington Village. She asked whether there would be financial classes at the learning center.

The public comment portion of the hearing was closed at this point.

Mr. Bovilsky answered Ms. Cece's questions about the number of units and number of bedrooms in the proposed project. He also noted that it would take a year to move the 54 families who currently reside in the buildings. They have a relocation consultant and mobility consultant to help as well. Some families will be moved into other public housing units if they cannot move into private housing developments. He also discussed good standing and that it was set by their board. He also explained the appeals process. He then explained about case managers who helped families to pull themselves out of poverty. He also discussed the Family Self-Sufficiency program. They work with other agencies in Norwalk as well.

Atty Suchy said that there was nothing else to add to the presentation and noted that they had met the standards of the special permit requirements.

Mr. Schulman closed the public hearing.

i. Action on #2023-55 SP/CAM

There was a review of the conditions of the resolution including an addition for rooftop solar, deed restrictions and CEAC sign-offs.

**** MS. JORDAN-BYRON MOVED: THEREFORE, BE IT RESOLVED** that application #2023-55 SP/CAM – The Housing Authority of the City of Norwalk & Sound Communities, Inc. – 45 Meadow Street (District 2, Block 81, Lot 64) – Proposed multi-family development consisting of 56 units within nine (9) new buildings including community center for tenants and associated on site improvements be **APPROVED** subject to the following conditions:

1. That the building and site be developed in accordance with the following plans and as amended required by any condition:

a. Per the engineering plans dated 9/13/23 (sheets CS101, CE101, LP101, LL101,) prepared by Langan CT, Inc., New Haven, CT

b. Per architectural plans dated 9/13/23 (sheets A1.00A – A3.00) prepared by CT licensed architect, Miles R. Brown.

That all department sign-offs are obtained prior to issuance of any 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 the definition of height is met within in the Building Zone Regulations for all proposed buildings on site and reflected in the construction plans prior to zoning permit; and
5. That the definition of recreation area is met within in the Building Zone Regulations and reflected in the site plan prior to zoning permit; and
6. 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
7. That, prior to obtaining a Certificate of Zoning Compliance a final workforce housing affordability plan showing a total of six (6) workforce housing units, evenly disbursed throughout, shall be constructed, and include deed restricted documents filed on the Norwalk Land Records to achieve compliance of the zoning regulations; and
8. That a surety be submitted, in an amount to be determined by Staff, to guarantee the completion and maintenance of the site plan and any and all modifications to the plan and all work required as a condition of approval under this special permit prior to the issuance of a Certificate of Zoning Compliance; and
9. That the Site Plan comply with Section 118-504 (C)(3); That in the future any dead plantings (including the annual plantings proposed) must be replaced in accordance with the approved landscape plan consisting of native plants and comply with the landscape maintenance plan; and
10. Should any building façade material become damaged or deteriorated, the applicant and future owners shall repair the damage or deterioration within thirty (30) days' notice from the City; and
11. All such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
12. That a permit is obtained from the Department of Public Works regarding City storm-water management requirements; and
13. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
14. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and
15. That any changes to the plans be reviewed by staff prior to implementation; and

16. That any and all utilities (HVAC units, LP tanks, generators, etc.) shall be located in conformance with the applicable zoning setbacks; and

17. Nothing in this permit shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the City of Norwalk, State of Connecticut, or the Government of the United States, including any approval required by the Connecticut Department of Environmental Protection and U.S. Army Corps of Engineers- obtaining such assents, permits or licenses is the sole responsibility of the applicant; and

BE IT FURTHER RESOLVED that this proposal complies with section 118-1440, 118-260 and 118-1460 of the Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be November 13th, 2023.

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 approval automatically becomes null and void.

Mr. Mushak seconded.

Mr. Mushak said that liked the architecture of the proposed project and strongly supported it.

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

No one opposed.

No one abstained.

b. #2023-59 SP – The Winston Preparatory School – 57 West Rocks Road (District 5, Block 21, Lot 175) – Proposed two detached modular classrooms (20'x 32' each) on existing campus.

Mr. Schulman opened the public hearing. Vincent Hynes, the engineer on the project, began the presentation by introducing the project team. He explained the proposed project. He also said that the notice of the public hearing was mailed to the abutting neighbors. He oriented the commissioners as to the location of the property on an aerial map. He explained the current school and then showed them the site plan for the proposed classrooms. Impervious coverage would increase. He discussed the approvals that they had received from the necessary agencies in the city.

There was a discussion about why the school is not putting up a building rather than modular classrooms. Stephanie Zabar explained that at this point, they are trying to determine if extra classes are necessary. If they find out in a few years that they are, they will look to construct a building. There was also a discussion about the retention basin. There was a discussion about tree removal.

Mr. Mushak said he would approve this application. There was a discussion about modular classrooms. Mr. Mushak noted that the applicant denied at the Dolce property in Norwalk had found a property in Wilton, Our Lady of Fatima, which was a better fit for their school. In an article in the newspaper, they thanked Norwalk for the denial.

At this point, members of the public were given the opportunity to make comments about this application. No one spoke for or against the application.

Mr. Schulman closed the public hearing.

i. Action on #2023-59 SP

**** MR. BRYCE MOVED: THEREFORE BE IT RESOLVED** that application #2023-59 SP – The Winston Preparatory School – 57 West Rocks Road (District 5, Block 21, Lot 175) – Proposed two detached modular classrooms (20'x 32' each) on existing campus be **APPROVED** subject to the following conditions:

1. That the building and site be developed in accordance with the following plans:
 - a. Per the engineering plans dated 9/21/23 (sheet SE-1) prepared by Redniss & Mead, Stamford, CT
 - b. Per modular plans entitled "The Winston Preparatory School" dated 8/10/23 prepared by professional engineer, Kevin M. Finn
2. That all department sign-offs are obtained prior to issuance of any Zoning Permit; 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 utilities (HVAC units, LP tanks, generators, etc.) shall be located in conformance with the applicable zoning setbacks; and
7. That any changes to the plans be reviewed by staff prior to implementation; and
8. That all previously approved conditions from item #12-07 SP and #9-11SP remain in effect; and

BE IT FURTHER RESOLVED that this proposal complies with section 118-1440 and 118-320 of the Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be November 13th, 2023.

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 approval automatically becomes null and void.

Mr. Pachas seconded.

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

No one opposed.

No one abstained.

Before the following public hearing Mr. Schulman noted that they would take a break either when it ended or at 9 pm, whichever was first.

c. #2023-40 R/M – Peter and Lisa Lane – 3 River Road, 1) to amend the Building Zone Regulations: Article 50, Section 118-531. River Rd. 2) Expansion of the Silvermine Tavern Village District to include 3 River Road (District: 5 Block: 44 Lot: 2), 5 River Road (District: 5 Block: 44 Lot: 11), 6 River Road (District: 5 Block: 39 Lot: 29) and River Road (District 5 Block: 39 Lot: 12A) and a portion of 1032 Silvervine Avenue (District 5 Block: 44 Lot: 7)

Mr. Schulman opened the public hearing.

Andy Soumelidis, the engineer, began the presentation on the application by introducing the project team. He said that the certified, return receipt cards had been

sent to the Planning and Zoning Department, evidencing notice of the public hearing to the abutting neighbors. He showed a map of the current Silvermine Tavern Village District which they were hoping to expand. He oriented the commissioners as to the location of the current property on an aerial map. He discussed how the current regulations were drafted. He also discussed the current properties that they would like to encompass into the Silvermine Tavern Village District. He then showed them renderings of the preservation of two historic residences and then the addition of two new residences. He suggested that there would be a condominium type association. They would remove invasive species. He also explained what could be done as of right. He noted that this application was for a text amendment and that they would return with a special permit application. He then said he would review the current text amendment and review the proposed.

Tod Bryant, the historical preservation consultant on the project, continued the presentation by noting that this project is a creative way to affect preservation by adding these houses to the village district. He believed this worked better than what happened in Sono. He read from the Plan of Conservation and Development (POCD) as well as from the state statutes. He then noted that the design of the other two homes are based upon the architecture of Margaret White Smith, Norwalk's first female architect. The historic homes were listed on the National Historic Register.

Peter Lane, the owner of the property, continued the presentation, by explaining how his family had found Silvermine. They had previously preserved another property in Silvermine. He said he had spoken with neighbors about this project and gotten good feedback about it.

There was a discussion about the number of houses that were allowed. There was also a discussion about the parcel on the river. There was a discussion about how the land would be owned, which Mr. Soumelidis said it would be a condominium. Ms. Langalis said that some neighbors in Silvermine were against this project. There was also a discussion about the fact that there are no other parcels in Silvermine that could do this.

At this point, Mr. Schulman said they would take a break and resume the meeting at 9:01 pm.

Mr. Schulman explained how the public could make comments. Mr. Kleppin explained the process of how members of the public could speak.

Andy Glazer, an abutting neighbor, explained how they had started the Silvermine Tavern Village District but did not understand the motivation for this

application. He asked if there would be a limitation on size. He believed this was downzoning. He had concerns about the drainage. He also explained that he would not be okay with the western parcel becoming part of this project and suggested an alternate plan.

Robert, Betsy, and Evan Turner, an abutting neighbor on the largest property, asked if they could show his lots on an aerial map. He noted the reasons why they have purchased the property. He had an issue with the name of the project.

At 9:14 pm, the meeting was interrupted. Once the Zoom link was restored, the commissioners ended the meeting at 9:35 pm.

Respectfully submitted,

Diana Palmentiero