

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
November 19, 2025

PRESENT: Chapin Bryce, Chair; Diana Lenkowsky; Louis Schulman; Tammy Langalis; Richard Roina; Harvey Jones; Galen Wells; Ana Tabachneck; Jacquen Jordan-Byron (arrived after roll call); Nick Kantor (left the meeting at 7 pm); Darius Williams (left the meeting at 8:06 pm);

STAFF: Steve Kleppin; Bryan Baker

OTHERS: RobDuBree; Atty Liz Suchy; Atty Nathaniel Shipp; Jim DelGreco; Jim Clark; Diane Cece;

I. CALL TO ORDER

Mr. Bryce called the meeting to order at 6:02 p.m. It should be noted that this meeting was held on Zoom.com with participants calling in, separately.

II. ROLL CALL & SEATING OF ALTERNATES

Ms. Andrzejewski called the roll. Mr. Rob DuBree apologized for his actions at the previous meeting. He said that they had his undivided attention for this meeting. Mr. Bryce noted that Ms. Lenkowsky would be seated first, Ms. Tabachneck would be seated second to vote on matters at this meeting.

III. PUBLIC HEARINGS

A. #2025-68 R – Paul & Mary Kokias – Proposed text amendment to modify building materials in CD-3W for single and duplex dwelling units - Public hearing, report & recommended action

Mr. Bryce opened the public hearing and explained the procedure for it.

Atty Liz Suchy began the presentation with a description of the application which was to amend the regulations to allow vinyl materials on the exterior of buildings in this zoning area. The materials are allowed in other zones but not in this one. She noted that staff had made modifications to the proposed text which the applicant had no objections to. She believed that this matter was an oversight during the zoning regulation re-write.

There was a discussion as to why this mattered to her clients.

Mr. Bryce opened the matter to the public to make comments on this application. There were no members of the public who spoke for or against this application.

Mr. Bryce closed the public hearing.

**** MS. LANGALIS MOVED: BE IT FURTHER RESOLVED** that the reasons for approving the zoning regulation text amendment is to achieve the following goals, policies, and objectives of the Plan of Conservation and Development:

1. *“As part of the zoning code rewrite, create zoning with design standards to achieve the desired outcomes for commercial and mixed-use projects as redevelopment occurs.”*
2. *“Neighborhood and corridor activity centers have urban design standards that promote walkability.”*
3. *“Continue implementation of transit-oriented development (TOD) and concentrate a range of mixed-use opportunities for sustainable live/work/play communities in the City.”*

BE IT FURTHER RESOLVED that the effective date of this action shall be **December 5, 2025**.

Ms. Wells seconded.

Mr. Baker explained that the application had been referred to other commissions, such as the WestCOG and the Harbor Management Commission. There was also a discussion about the materials being for the principal building and not for accessory structures.

Chapin Bryce; Diana Lenkowsky; Louis Schulman; Tammy Langalis; Richard Roina; Harvey Jones; Galen Wells; Nick Kantor; Darius Williams approved.

No one opposed.

No one abstained.

B. #2025-75 M – Melissa Holmes – 7 & 9 Couch Street (District 2, Block 28, Lots 8 & 9) – Zoning map amendment to rezone 7 and 9 Couch Street from CD-2 to CD-3 - Public hearing, report & recommended action

Mr. Bryce opened the public hearing and explained the procedure for it.

Atty Nathaniel Shipp began the presentation with a description of the application. He noted that the property had been taxed as a three family structure. The seller had done some work without permits. The current owner had received notice that the premises were in violation as a 4 family structure. It had been suggested that she request a zone change. The applicant had made it affordable housing and it would be part of the TOD zoning. The rents were below market value and the owner is upgrading the property. The parking is both on the street and in the back of the structure. Density should become a non-issue after January 1, 2026, when a state law becomes effective. It is awaiting signature by the governor.

There was a discussion about the new law waiting for the governor's signature which would affect density in the transit districts. There was a discussion about how this would become effective through a map change. The notice of violation had been sent to the applicant in December 2024 and a citation was issued in July of 2025. There was a discussion about the fact that the zone change was being used to correct the violation. Atty Shipp noted that non-compliance due to density was brought to their attention the day before the public hearing. He also said that the citation notice had been mailed to the applicant's tenant so she had not received it right away. As soon as she did receive it, she worked with the city.

There was a discussion as to when the applicant received the notification of the violation. There was also a discussion about the illegal 3rd unit. Atty Shipp said that no one is living in that unit. There was also a discussion about whether there were plans for the interior units. Mr. Baker clarified that the 3rd unit is still illegal because there are no permits for it. There was a discussion about having the applicant withdraw the application until the bill becomes a law. There was also a discussion as to why the citation had not been issued earlier, as required by the regulations. Mr. Kleppin explained the zoning violation officer procedures about how to verify there is an illegal unit and the process that would follow. He did not know why there was a gap between the time the notice of violation was filed and the citation was issued.

Mr. Bryce opened the matter to the public to make comments on this application.

Jim DelGreco, 41 Elmwood Avenue, asked that the commission not approve this application. He was concerned about the zoning change being used by other absentee landlords. He also had concerns about the parking.

Jim Clark, 9 Golden Hill Street, said that he agreed with Mr. DelGreco. He said that he was president of the Golden Hill Association and that illegal apartments had been a problem for years.

Diane Cece, Olmstead Place, agreed with the previous speakers and asked that the commission deny the application.

Mr. Bryce said that Ms. Tabachneck would be seated for this application although Ms. Jordan-Byron had arrived at the beginning of the presentation.

Atty Shipp addressed the comments of the members of the public that had made comments on the application. He also noted that there are not a lot of affordable units and the applicant's rates are below market rate. There was a discussion about the field cards. There was some concern about how some city agencies worked in coordination with one another.

There was a discussion about what would happen if the commissioners denied the application. Mr. Kleppin noted that the applicant would have to remove the unit to be in compliance.

There was a discussion about whether there were any further records about the prior owner paying taxes as a 3 unit structure. The previous owner had purchased the property in 2022.

The commissioners discussed different options if they denied the application. There was a discussion about the city's documentation on this application. Most of them felt bad about the situation but that they did not believe they could approve the application.

**** MS. LANGALIS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2025-75 M – Melissa Holmes – 7 & 9 Couch Street (District 2, Block 28, Lots 8 & 9) – Zoning map amendment to rezone 7 and 9 Couch Street from CD-2 to CD-3 be **DENIED** for the following reasons:

1. That the application is not consistent with the Plan of Conservation and Development; and
2. That 9 Couch Street is currently in violation of Section 4.3.9 of the zoning regulations per the Notice of Violation dated 12/3/2024; and
3. That this application would not remedy the above referenced zoning violation; and

BE IT FURTHER RESOLVED that the effective date of this action shall be December 5, 2025.

Mr. Williams seconded.

Chapin Bryce; Ana Tabachneck; Louis Schulman; Tammy Langalis; Richard Roina; Harvey Jones; Galen Wells; Darius Williams approved.

No one opposed.

No one abstained.

C. #2025-63 R - Planning & Zoning Commission - Zoning regulations text amendment to Article(s) 1, 4, 6, 8 and 9 regarding permitted siding materials; zoning permit expiration; permits required and limitations for Artist Live/Work and Sport Field uses; encroachments; non-conforming lots and merger clauses; referral of variance applications to the Historic District Commission; definitions of Variance, Frontage Buildout, and Accessory Building or Structure; Motor Vehicle Maintenance, Repair, Fuel Sales, Service or Cleaning limitations; maximum driveway widths; screening of dumpsters; maximum fence heights in industrial zones; absent element requirements and exemptions; and permitted building types and frontages

Before he opened the public hearing, Mr. Bryce said that the commission would take a break at 8 pm. There was also a discussion about whether they should start with this public hearing or save this to the last one. They decided to continue with the public hearing. Mr. Bryce seated Ms. Lenkowsky for this application.

Mr. Baker began the presentation with a description of the changes the zoning staff were recommending to the zoning regulations. These changes included the following: permitting siding materials, site plan expirations, Artist Live/Work spaces, encroachment tables, definitions to variances and merger of lots, referral to the Historic District Commission would be removed; changes to sport field uses, motor vehicle business uses, driveway widths, screening of dumpsters, exemption of sidewalks and street trees.

At this point, there was a discussion about the exemption of the sidewalks and street trees. There was a discussion about missing the opportunity to install sidewalks. They could object to certain sections when they vote.

Mr. Baker continued the presentation with changes to the private frontage types, maximum heights in the various zones.

Mr. Bryce opened the hearing to members of the public to make comments.

Diane Cece, Olmstead Place, had questions about the height in the CD zones, had concerns about the frontage, the storage of vehicles at the motor vehicle businesses, and Artist Live/Work spaces.

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

Mr. Baker continued the presentation by addressing the comments from the public. Mr. Kleppin explained that the city is finalizing an arts and cultural district, and as part of the plan, they would like to preserve affordable artist housing.

**** MS. LANGALIS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2025-63 R – Planning & Zoning Commission – Zoning regulations text amendment to Article(s) 1, 4, 6, 8 and regarding permitted siding materials; zoning permit expiration; permits required and limitations for Artist Live/Work and Sport Field uses; encroachments; non-conforming lots and merger clauses; referral of variance applications to the Historic District Commission; definitions of Variance, Frontage Buildout, and Accessory Building or Structure; Motor Vehicle Maintenance, Repair, Fuel Sales, Service or Cleaning limitations; maximum driveway widths; screening of dumpsters; maximum fence heights in industrial zones; absent element requirements and exemptions; and permitted building types and private frontages be **APPROVED** with the following changes:

1. That item 3. shall remove the language referencing an exemption to the workforce housing regulations for Artist Live/Work and Residential Portion of Live/Work Building Type; and

2. That item 8. shall be modified from a 60-day maximum timeframe to a 30-day maximum timeframe; and

3. That item 13. shall not be included as part of this application and shall be considered at a future date; and 4. That item 15. shall be modified to state that in no case shall a duplex exceed 3 ½ stories in addition to the proposed language; and

4. That item 15. shall be modified to state that in no case shall a duplex exceed 3 ½ stories in addition to the proposed language; and

BE IT FURTHER RESOLVED that this action is being made to implement the following goals, strategies, and actions of the Norwalk Plan of Conservation and Development:

1. Chapter 12, Goal 1: “General guidelines guide land use decision making.”

a. Policy: "Promote urban design guidelines for walkability for development in urbanized parts of Norwalk."

b. Policy: "Implement transit-oriented design (TOD) guidelines promoting density, walkability, and mix of uses for development near transit stations (rail and high-frequency bus)."

2. Chapter 12, Goal 2: "Neighborhood and corridor activity centers have urban design standards that promote walkability."

a. Policy: "Support mixed-use redevelopment along commercial corridors."

3. Chapter 12, Goal 3: "The user-friendly zoning ordinance is consistent with the future land use map and achievement of the vision and goals of the POCD."

a. Policy: "Support revision of the zoning ordinance to promote desired development and design patterns."

b. Policy: "Support permit streamlining for projects with desired characteristics."

i. Strategy A: "Modernize the zoning ordinance and the development approval process to achieve the goals of the POCD."

1. Action i: "Rewrite the zoning ordinance to reflect contemporary best practices in administration and user-friendliness and to be consistent with the POCD."

BE IT FURTHER RESOLVED that it is the intent of this action to resolve minor inconsistencies in the Zoning Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action shall be December 5, 2025.

Ms. Jordan-Byron seconded.

At this point, Mr. Baker made changes to the resolution as had been discussed with the commissioners. Ms. Langalis and Ms. Jordan-Byron confirmed that the changes were acceptable to them.

Chapin Bryce; Diana Lenkowsky; Louis Schulman; Tammy Langalis; Richard Roina; Harvey Jones; Galen Wells; Darius Williams approved.

No one opposed.

No one abstained.

At this point, the commissioners took a break and returned to the meeting at 8:20 pm.

IV. REVIEW AND ACTION ON APPLICATIONS

A. #2025-80 SPR - Heather McWilliam & Victor Autore - 129 West Norwalk Road - Site plan review application for the construction of a detached Accessory Dwelling Unit - Report & recommended action

Victor Autore began the presentation and said that he would like to add a detached accessory unit. It would be a miniature version of the main house. He noted that the plans met the zoning requirements and shared the elevations with the commissioners.

**** MS. WELLS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2025-80 SPR – Heather McWilliam & Victor Autore – 129 West Norwalk Road (District 5, Block 62, Lot 223) – Site plan review application for the construction of a detached Accessory Dwelling Unit be **APPROVED** subject to the following conditions:

1. That the site shall be developed in accordance with the following plans:
 - a. Per architectural drawings entitled “; and
 - b. Per site plans entitled “
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 Certificate of Zoning Compliance, 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 Zoning Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action shall be December 5, 2025.

Mr. Schulman seconded.

Chapin Bryce; Galen Wells; Diana Lenkowsky; Louis Schulman; Tammy Langalis; Harvey Jones; Ana Tabachneck; Richard Roina approved.

No one opposed.

No one abstained.

B. #2025-78 CAM – Charles Cove Condominium Association – 119 Gregory Boulevard – Construct a Shoreline Flood and Erosion Control Structure (slurry wall) in Charles Cove - Report & recommended action

Cory Attra, the professional engineer for this application, began the presentation by noting that he had worked on the condo's bulkhead projects for 15 years. He showed them the area that would be worked on in an aerial photo, as well as site plans. They would work on this in phases. He explained the slurry walls. He said that they had been before other agencies including the Department of Energy and Environmental Protection (DEEP). Mr. Baker said that DEEP did not have any comments on this application. There were no comments from the commissioners.

**** MR. JONES MOVED: BE IT RESOLVED** that application #2025 – 78 CAM – Charles Cove Condominium Association – 119 Gregory Boulevard – Construct a Shoreline Flood and Erosion Control Structure (slurry wall) in Charles Cove be **APPROVED** subject to the following conditions:

That the building and site will be occupied in accordance with the following plans:

1. Per plan set dated 10/2/2025 prepared by Gap Mountain Engineering, Jaffrey, NH; and
2. That any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and
3. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
4. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and
5. 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 all applicable sections of the Zoning Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that these preceding conditions and modifications of this application are integral to the Commission's approval because, if not for those conditions and modifications, the Commission would have denied this application.

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 1st, 2025.

You must obtain a zoning approval prior to any work on the site.

Ms. Langalis seconded.

Chapin Bryce; Galen Wells; Diana Lenkowsky; Louis Schulman; Tammy Langalis; Harvey Jones; Ana Tabachneck; Richard Roina approved.

No one opposed.

No one abstained.

C. #2025-74 CAM – Joanne Smith – 281 East Avenue – Retain a Flood and Erosion Control Structure that was constructed without permits - Report & recommended action

Tessa Jucaite, the engineer on the project, began the presentation by explaining that although the applicant had approved additions to the house, there were certain aspects of the project that were not approved. Some fill had also been added. She also discussed construction to a retaining wall that never happened. She said that the contractor did not have access to the back of the house and the slopes are extremely

steep. She explained the reason for the fill. She also discussed the rip wrap slope stabilization. Ms. Jucaite shared pictures of pre-existing conditions on the slope. She noted that the house had been constructed in the 1930s. She then discussed environmental conditions and where plantings would be done.

Ms. Jucaite showed them pictures of the current conditions. She discussed how the soil testing was done. After an inspection, it was noted that there were no permits for work being done. Ms. Jucaite confirmed that this house is also on the market to be sold. She noted that DEEP was concerned about the rip wrap stabilization which would be necessary for the addition. She said that her involvement was storm water management, soil erosion controls and grading.

Ms. Jucaite claimed that there was no intention in 2024 to have the rip wrap stabilization. None of the engineers or architects were involved in the contractor's decision to do this. There was a discussion about who should have known that permits were necessary for the rip wrap stabilization. There was also a discussion about the original presentation before the commission. There was a discussion about the consequence of denying the application. Mr. Baker explained the next steps if it was denied.

Mr. Bryce made some suggestions about how to move this application forward, including a peer review. There were other non-compliance issues which Ms. Jucaite believed were corrected. Mr. Kleppin confirmed that the landscaping and the wall are outstanding. Ms. Jucaite discussed plantings and the driveway extension. There was also a discussion about having a peer review of this application. Ms. Jucaite shared a few other recommendations on how the slope could be stabilized. She provided references to the Connecticut Soil and Erosion Manual.

There was further discussion about having a peer review for this application. It was also suggested that the staff speak with the owner of the property or they could deny the application.

**** MS. TABACHNECK MOVED: BE IT RESOLVED** that application #2025 – 74 CAM – Joanne Smith – 281 East Avenue – Retain a Flood and Erosion Control Structure that was constructed without permits as shown on the as-built survey dated 7/11/2025 prepared Advanced Surveying, LLC, Westport, CT, be **DENIED WITHOUT PREJUDICE** subject to the following reasons:

1. The proposal is inconsistent with CCMA goals and policies to
 1. Discourage uses which do not permit continued natural rates of erosion [CGS Section 22a-92(b)(2)(A)].

2. Promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect infrastructural facilities, water-dependent uses, commercial and residential structures and substantial appurtenances attached or integral thereto constructed as of January 1, 1995, or a cemetery or burial grounds [CGS Section 22a-92(b)(2)(F)].
3. Maintain the natural relationship between eroding and depositional coastal landforms [CGS Section 22a-92(b)(2)(J)].
4. Minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures [CGS Section 22a-92(b)(2)(J)].

The structure must be removed, and the property shall be made compliant with CAM approval #2024-36, including installation of the vegetative buffer and restoration to the approved grading and slope conditions. The shoreline should be restored as nearly as reasonably possible to its condition prior to the violation, and any debris must be removed from the tidal wetland in coordination with Staff.

BE IT FURTHER RESOLVED that the effective date of this denial shall be December 1st, 2025.

Mr. Jones seconded.

There was a discussion about what happens since they could be denying the application, which Mr. Kleppin explained. He also suggested continuing the presentation and if the application was not fixed, the commission could deny it. Mr. Kleppin said that he did think a peer review was necessary. They discussed adding denying without prejudice so that the applicant could resubmit an application.

Chapin Bryce; Galen Wells; Diana Lenkowsky; Louis Schulman; Harvey Jones; Ana Tabachneck; Richard Roina approved.

No one opposed.

Tammy Langalis abstained.

D. #2025-59 R - RMS Real Estate Group, LLC - Zoning Regulation Text Amendment to Article 7 (Sign Standards) to create a "Cornice Sign" sign type and permit Cornice Signs within the CD-3C and CD-4 zones - Report & recommended action

Mr. Bryce opened the presentation. Mr. Baker said that he had reviewed the discussion from the last meeting and made some changes to the language, including whether it should be a special permit or an over the counter permit. There was a

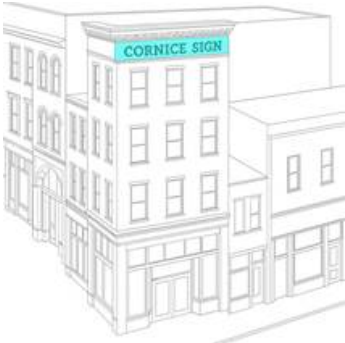
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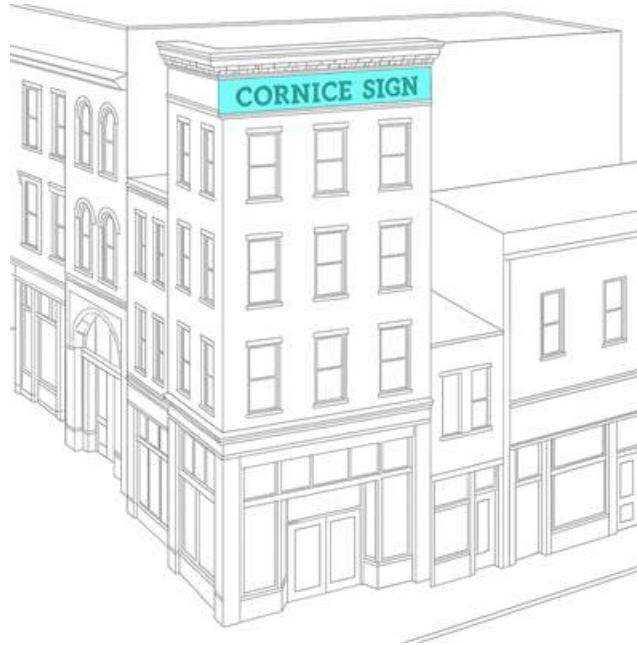
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discussion about the old regulations for cornice signs. Mr. Bryce asked whether Mr. Schulman and Mr. Roina could accept these changes since they had made the motion at the last meeting. There was a discussion about adding an amendment to the resolution. There was a discussion as to whether this should be an over the counter permit or a special permit. Since they were undecided, Mr. Bryce decided to poll the commissioners.

**** MR. SCHULMAN MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2025-59 R – RMS Real Estate Group, LLC – Zoning Regulation Text Amendment to Article 7 (Sign Standards) to create a “Cornice Sign” sign type and permit Cornice Signs within the CD-3C and CD-4 zones be **APPROVED** with the following changes:

Table 7.1.2.B-1 SIGN TYPES - SUMMARY		
Specific Sign Type	Illustration	Districts
Cornice Sign A sign placed horizontally or vertically at or near the roofline of Structure(s) containing four (4) or more Stories, identifying the name of the Building to which it is attached or, in the alternative, the name of a corporate tenant within the Building.		CD-3C and CD-4

CORNICE SIGN – Table 7.1.2.B-2 Sign Types – Specific Standards



Permitted Districts

CD-3C CD-4

General Description		Additional Standards
A sign placed horizontally or vertically at or near the roofline of Structure(s) containing four (4) or more Stories, identifying the name of the Building to which it is attached or, in the alternative, the name of a corporate tenant within the Building.		In addition to all other applicable standards, each Cornice Sign allowed under this Article: a. Shall be applied to the top Story Façade and not project vertically above the roof line;
		b. Shall have letters individually attached to the wall or printed or etched on
Dimensions		

Quantity (max)	One (1) per Street Frontage, not to exceed a total of two (2)		the same surface as the background; c. May be backlit or externally illuminated (See Section 7.1.8.B for more details); and
Area	1sf per linear foot of Facade		d. If backlit, shall be subject to a Special Permit in accordance with Section 8.4.8; and
Width/Height	If horizontal: 50% of the Façade width not to exceed 30 feet/48 in. max. height If vertical: 48 in. max width/20 feet maximum from top of the sign to bottom of the sign		e. Shall not obscure any architectural element of the Building
Depth/Projection	Max 12 in.		
Illumination	Max 200 nits		

Article 9 – Definitions

Cornice Sign: the Sign Type described as such in Table 7.1.2.B-1 (Sign Types – Summary) and Table 7.1.2.B-2 (Sign Types – Specific Standards)

BE IT FURTHER RESOLVED that the application be **APPROVED** to implement the following goals, strategies, and actions of the Norwalk Plan of Conservation and Development:

1. Chapter 3, Goal 1: “Norwalk has the right policies, infrastructure, and leadership for business growth and development.”
2. Chapter 3, Goal 2: “Norwalk has a diversified economy with a larger business tax base and more high-quality, good jobs for residents.”
 - a. Policy: “Seek to retain, grow and attract a wide range of businesses to increase Norwalk’s competitiveness and the grand list.”
3. Chapter 12, Goal 2: “Neighborhood and corridor activity centers have urban design standards that promote walkability.”
 - a. Policy: “Support mixed-use redevelopment along commercial corridors.”
4. Chapter 12, Goal 3: “The user-friendly zoning ordinance is consistent with the future land use map and achievement of the vision and goals of the POCD.”
 - a. Policy: “Support revision of the zoning ordinance to promote desired development and design patterns.”

BE IT FURTHER RESOLVED that the effective date of this action shall be October 31, 2025.

Mr. Roina seconded.

Chapin Bryce; Galen Wells; Diana Lenkowsky; Louis Schulman; Harvey Jones; Ana Tabachneck; Richard Roina; Tammy Langalis approved.

No one opposed.

No one abstained.

E. #2025-49 SP – Enrico R. Costantini, Esq. – 284 New Canaan Avenue – Request to modify Special Permit #12-16 to expand the area of the previously approved contractor's yard and change the stormwater management — Report & recommended action

Mr. Bryce noted that there had been a motion to approve at the last meeting. He also said that Mr. Jones could not participate in the deliberation. Ms. Jordan-Byron would not vote on this application either.

Mr. Kleppin summarized the outstanding issues, one of which was the noise ordinance being applicable to the site or the site of the emergency. He said that they made changes to the resolution due to this confirmation from Corporation Counsel. There was a discussion about tracking violations and complaints. Mr. Kleppin said that there are police reports. There was a discussion about other changes to the resolution. There was a discussion about the rock crusher. There was a discussion about the placement of storage bins.

Mr. Bryce asked Ms. Wells if she was fine with the changes which she was.

WHEREAS, the Commission finds the applicant's vehicles are not Emergency Vehicles as defined in the Noise Ordinance;

WHEREAS, the Commission finds that the Noise Ordinance definition of Emergency Work provides exemption from the Noise Ordinance at the site of the Emergency in Norwalk, not at 284 New Canaan Avenue;

WHEREAS, the "sifter" was not permitted as part of the applicant's initial approval.

**** MS. WELLS MOVED: BE IT RESOLVED** that application #2025 - 49 SP – Enrico R. Costantini, Esq. – 284 New Canaan Avenue – Request to modify Special Permit #12-16 to expand the area of the previously approved contractor's yard and change the stormwater management be **APPROVED** subject to the following conditions:

1. That the site be developed in accordance with the following plan:
 1. Per the site plan set titled "Site Development Plan" dated 12/18/2024 and revised 10/9/2025 prepared by LANDTECH, Westport, CT with the Eastern boundary of the yard area to remain as is, without expansion, and a barrier installed along the edge of pavement.
2. That a certificate of special permit and mylar map of the approved Site Plan (as revised by any conditions of approval) be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. That all departmental sign-offs are submitted prior to the issuance of a Zoning Permit; and
4. That all required soil sedimentation and erosion controls are in place prior to the start of any construction and maintained until the project is completed and stabilized; and
5. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and
6. That a surety, in an amount to be determined by Staff, be submitted to guarantee installation of the required soil sedimentation and erosion controls; and

7. That any changes to the plans be reviewed by Staff prior to implementation; and
8. That all plantings be maintained, and any dead plantings must be replaced in accordance with the approved planting plan; and
9. That no work, storage or expansion, temporary or permanent, is allowed into any areas of the site, beyond what is shown on the above referenced plans; and
10. That the hours of operation be generally Monday - Friday from 6:30 AM - 5:30 PM; although the facility may operate later seasonally or on weekends (during utility emergencies) be made part of this approval; to
11. That SH Acoustics is engaged to ensure the acoustical barrier is built pursuant to specifications and recommendations, to perform a new sound test on a prototypical day after all improvements are completed and report back to the Commission within three months after the approved site plan is implemented, and to evaluate the trucks themselves to determine whether the metal-to-metal impact points can be acoustically-damped in any safe manner that does not impede vehicle operations. Any practical findings must be implemented by Penna Construction; and
12. That the applicant comply with the Noise Ordinance; and
13. That no noise amplifying devices shall be utilized on site; and
14. That a log be kept of call types noting date, time, location, and duration of emergencies; and
15. That the Operations and Maintenance Plan dated August 15th, 2025, be adhered to; and
16. That training be implemented for employees and subcontractors to educate on how to operate within the site without tailgate slamming (i.e., avoiding creating an impulse noise, as defined under the Norwalk Noise Ordinance); and
17. That the employee manual be updated with a "No Tailgate Slamming" policy that includes training, warning, suspension, and termination provisions; and
18. That subcontractor agreements be updated with a "No Tailgate Slamming" policy that includes training, warning, suspension, and termination provisions; and
19. That a phone number be provided for neighbors to call if and when there is a noise complaint, at any hour of the day. The number must be monitored 24 hours a day, 7 days

a week. All complaints must be immediately dispatched to the on-call supervisor so that the complaint can be properly addressed; and

20. That the employee manual be updated with a policy that vehicles returning from completed emergency calls outside of standard operating hours shall park and offload equipment and materials during standard operating hours (6:30 a.m. – 5:30 p.m.) only; and

21. That cameras be installed, with audio event capabilities and microphone capable of detecting and logging impulse noise events, to monitor gate slamming in locations approved by Staff; and

22. That the tenant provide quarterly reports/affidavits of operational compliance for the first year after issuance of COZC and thereafter by request of Staff; and

a. That such reports shall detail the calls reported to the dedicated call log as part of this approval, including the number of calls and what the calls were regarding and the log of impulse noise events recorded; and

23. That other than in the designated outdoor storage bins there be no storage of earth materials outside; and that the bins have sprinklers to control any dust, as shown on the submitted plan; and

24. That the volume of storage bins not be increased greater than 150% the volume indicated on the initial Site Plan (SP #12-16) and that all earth materials be stored only within the bins; and

25. That the modified bin design be implanted per AKRF's recommendation, including extending the perpendicular bin to further provide sound attenuation to the Carter Street neighbors, including the installation of the 8' acoustic fence; and

26. That a light indicating noise level be installed and implemented on site so that site workers are aware when the noise levels are acceptable (green light), approaching unacceptable levels (yellow light), and exceeding acceptable levels (red light); and

27. That tonal backup alarms will be replaced with broadband, self-adjusting backup alarms on all site-dedicated vehicles including subcontractors who regularly are on site; and

28. That sifter/screening operations be limited to occur between the hours of 8 a.m. through 5 p.m. Monday-Friday; and

29. That the sifter be relocated into the largest bin or located as close to the largest bin as possible; and
30. That a barrier be installed along the existing edge of pavement; and
31. That the applicant shall work with abutting property owners, over a period of time not to exceed 12 months from the issuance of a COZC, to provide vegetative screening within reason, if desired, on their property(s), in consultation with Staff; and
32. That the applicant work with Staff on providing alternate locations for additional storage bins utilized during emergency calls, which would provide additional relief to the neighbors; and
33. That all stockpiles be covered or a sprinkler run to prevent any erosion or sedimentation; and
34. That any activity, horn blowing, idling of trucks, and exhaust discharge be in compliance with Chapter 68 [§68-6 Prohibited Activities] - Noise Ordinance of the City Code of Norwalk; and
35. That all lighting shall be fully shielded and shall not trespass on adjacent properties; and
36. That parking of vehicles shall only occur in the locations designated on the approved Site Plan; and
37. That the total number of vehicles (pickup trucks, dump trucks, box trucks, etc.) on the site (inside and outside) not exceed forty-five (45); and
38. That deliveries, garbage pickup and recycling pickup be restricted to the hours of 7:00AM 6:00 PM; and
39. That any graffiti on the site, now or in the future, be removed immediately; and
40. That there be only one tenant on the site and that the site not be rented for storage of any kind nor any additional occupants of the buildings; and
41. That no snow plowing services shall be conducted out of the site, except for what is necessary to clear the approved tenant's site; and
42. That a licensed Connecticut engineer certify that all of the required improvements were installed in accordance with City standards prior to the issuance of a Certificate of Zoning Compliance; and

43. That the plans comply with the terms and conditions contained in the Inland Wetland Agency (IWA) Permit # S16-499B, dated May 13, 2025, and that these permits be made part of this approval; and

44. Any verified and documented violation of these conditions shall be reported to the Commission, who shall determine the appropriate action, as outlined in Article 8.5 of the Zoning Regulations; and

45. 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 all applicable sections of the Zoning Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that these preceding conditions and modifications of this application are integral to the Commission's approval because, if not for those conditions and modifications, the Commission would have denied this application.

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 1st, 2025.

You must obtain a zoning approval prior to any work on the site.

Mr. Roina seconded.

Chapin Bryce; Galen Wells; Diana Lenkowsky; Louis Schulman; Harvey Jones; Ana Tabachneck; Richard Roina; Tammy Langalis approved.

No one opposed.

No one abstained.

V. DISCUSSION

A. Approval of 2026 Meeting Calendar

There was a discussion about the Planning & Zoning Commission calendar for 2026.

**** MS. WELLS MOVED** to calendar for 20266 of the Planning & Zoning Commission.

Ms. Langalis seconded.

Chapin Bryce; Galen Wells; Diana Lenkowsky; Louis Schulman; Harvey Jones; Ana Tabachneck; Richard Roina; Tammy Langalis approved.

No one opposed.

No one abstained.

VI. ACCEPTANCE OF MINUTES

A. Regular Meeting: October 8, 2025, November 5, 2025

**** MS. LANGALIS MOVED** to approve the October 8, 2025 minutes.

Ms. Tabachneck seconded.

Chapin Bryce; Galen Wells; Diana Lenkowsky; Louis Schulman; Tammy Langalis; Harvey Jones; Richard Roina; Darius Williams; Ms. Jordan-Byron approved.

No one opposed.

Harvey Jones abstained.

**** MR. SCHULMAN MOVED** to approve the November 8, 2025 minutes.

Ms. Langalis seconded.

Chapin Bryce; Galen Wells; Diana Lenkowsky; Louis Schulman; Tammy Langalis; Harvey Jones; Richard Roina; Darius Williams approved.

No one opposed.

Ms. Jordan-Byron abstained.

VII. COMMENTS OF DIRECTOR

There were no comments from Mr. Kleppin.

VIII. COMMENTS OF COMMISSIONERS

Mr. Schulman asked if they could meet with the zoning hearing officers because they are too lenient. Mr. Kleppin suggested that they send them a letter. There was a discussion about the role of the zoning hearing officers. Mr. Bryce suggested not to disparage them during the review of applications.

IX. ADJOURNMENT

Ms. Tabachneck made a Motion to Adjourn.

Ms. Langalis seconded.

Chapin Bryce; Galen Wells; Diana Lenkowsky; Louis Schulman; Tammy Langalis; Harvey Jones; Richard Roina; Jacquen Jordan-Byron; Ana Tabachneck approved.

No one opposed.

No one abstained.

The meeting was adjourned at 10:14 p.m.

Respectfully submitted,

Diana Palmentiero