

**CITY OF NORWALK
ZONING COMMISSION
May 19, 2021**

PRESENT: Louis Schulman, Chair; Rod Johnson; Galen Wells; Richard Roina and Josh Goldstein

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Hiram Peck; Mark Vertucci; Atty Adam Blank; Andy Soumelidis; Neil Olinski; Mike Barbis; Kevin Conroy; Sharon Kiely; John Igneri; Vanessa Valadares; Jeff Olszewski; Mike Mahoney; Ken Hughes; Jody Sattler; John Cross; Daniel DeForte; Melissa Aragona; James Wehrle; Morgan Lister; Jenny Plath; Matthew Smith; Trisha Edwards; Robert Du Bree; Mr. Santos

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:02 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 discussed the rules for the public hearings.

III. REVIEW AND ACTION ON NEW APPLICATIONS

a. #2021-18 R/SPR/CAM – 25 Van Zant Street Condominium - 25 Van Zant Street – Building zone text amendment to create a “vocational/trade (workforce training center) school” use and to allow the use as a principal use in the Industrial #1 Zone in conjunction with a proposed vocational/trade school within an existing structure– Preliminary review

Before the presentation began, Ms. Wells recused herself and would join the Zoom meeting again after it was completed. Hiram Peck, representing the owner of 25 Van Zant, introduced the project team. He then went over the Zoning Department’s memo to the commissioners. He then discussed the text amendment which was acceptable to the applicant, as written. He gave a brief history of the building. He explained the governor’s mandate that there is a need for vocational schools in the state. The applicant believed that the use they were proposing for the workforce training center would meet those needs. There was a discussion about the square footage of the building and other uses of the space. There was a discussion about the landscape plan and would make any changes necessary. Mr. Peck said the same would apply to their exterior lighting plan. The HVAC would be screened according to zoning regulations. He also discussed exterior modifications but he did not have a date for

completion. There was a discussion about the school hours but did not have any specifics at this point. The staff had suggested researching other vocational schools in the state which the applicant would do. There was a discussion about the parking for these types of uses.

Mr. Schulman noted that this project had been before the Zoning Commission before and noted that they liked the idea of the school. However, they had not received any particulars in the past as well as at this meeting. He asked Mr. Peck to provide more materials to the Zoning Department staff for review as well as to the Zoning Commissioners.

Mark Vertucci, the traffic engineer on the project, continued the presentation with a brief overview of the parking and traffic study. He noted that the traffic study had been done in 2020 but since it was during the pandemic they would not apply. However, they did use traffic counts from 2016 with some adjustments made to them. There was a discussion about the amount of driveways on the property. There was a discussion about the curb cuts as well as the Walk Bridge project. There was also a discussion about the nearby train station.

There was then a discussion about scheduling a public hearing. Mr. Kleppin said that the applicant should appear before the commissioners one more time before that.

At this point, Ms. Wells returned to the Zoom meeting. Mr. Schulman explained the process for the public hearing. He noted that members of the public only had 1 opportunity to speak.

IV. PUBLIC HEARINGS

a. #2021-13 CAM – Sixth Taxing District of Norwalk – 2 Wilson Avenue – Reconfiguration and expansion of existing public parking lot

Mr. Schulman opened the public hearing. Atty Adam Blank explained that he had submitted the certified, return receipts cards to the Zoning Dept. staff as evidence of the noticing of the public hearing. He then oriented the commissioners as to the location of the property on an aerial map. He then described the project on how they would be expanding the public parking lot. He explained what the Zoning Commission's purview is on this application. He then showed them the site plan for the project. He said they had received all the necessary sign-offs.

Andy Soumelidis, the engineer on the project, continued the presentation by showing the commissioners the drainage plan. He noted that most of the work would be in the northwest area of the parking lot. He noted that there was an easement with some modifications because of the resolution. He described the current drainage system. He described the circulation of the parking lot. He then described the proposed drainage system. He also explained that a couple of trees would be removed and some islands would be reconfigured. He explained how they could be able to provide more spaces. There would be minimal disturbance to the wetlands on

the property. There was a discussion about the proposed sidewalks. There was then a discussion about the parking spaces in the current space.

Neil Olinski, the traffic engineer for the project, continued the presentation about the Wilson AVenue exit as well as the circulation in the parking lot.

Mike Barbis, a commissioner on the board of the 6th Taxing District, gave a brief history of the property. He also explained why the 6th Taxing District was expanding the parking lot right now.

Kevin Conroy, the owner of the nearby property, explained how this expansion was necessary for the area. He noted that it was dangerous to have just one entrance.

Atty Blank then explained that they had received letters of support which were in the file. He also noted that a neighbor did not believe they received a timely notice of the public hearing. He also said that they would be adding a sidewalk. He acknowledged that the applicant would make the buffer aesthetically pleasing. He also noted that the commissioners would have to vote on whether this application would affect coastal resources.

Sharon Kiely, who lived near the parking lot, said that she had sent a letter to the commissioners which was in the file. She said she was focused on the traffic in the area. She had concerns about the safety of the area near the roundabout. She had concerns about the egress and ingress of the parking lot.

John Igneri, a commissioner of the 6th Taxing District, spoke in support of the parking lot.

Atty Blank addressed the comments from members of the public. He noted that the project was tweaking the flow of traffic. Mr. Olinski addressed the concerns about vehicles that do not stop. He said that they had made suggestions to the city's Department of Public Works, such as advisory signage.

Mr. Schulman closed the public hearing.

b. #2021-07 SP – Department of Public Works – 288 and 300 Highland Avenue - Install new lights and athletic field conversion at Brien McMahon High School

Mr. Schulman opened the public hearing.

Ms. Valadares, one of the engineers for DPW, began the presentation with an introduction of the project team. She noted that they addressed the neighbors concerns that they had not received notification of the first public hearing. She said that they had sent more notifications to about 60 homeowners. She also noted that the project was part of the Capital

Budget process which had received public support. She said that they were not expanding the size of the field, just re-orienting the field. There is a similar project at West Rocks which should be completed in the next few weeks. They would be addressing privacy concerns so they would be adding more trees for buffers.

Jeff Olszewski continued the presentation by orienting the commissioners as to the location of the property on an aerial map. He then showed the proposed design and how the field would be re-oriented. He described the current vegetative buffer. He then showed them another plan which showed where the light poles would be and where the cut-offs would be.

Mike Mahoney, Musco Lighting, continued the presentation with a brief history of his company. He then described the proposed lighting plan. He also described the types of bulbs that would be used as well as the meaning of candela.

Mr. Schulman asked Mr. Hughes for the start and end of softball season. There were other questions but Mr. Hughes suggested that he make his presentation which would probably address those questions. They also showed the commissioners a picture of the lighting at the Nathan Hale fields, which had slightly older technology and was working.

Ken Hughes, acting director of Recreation and Parks, noted that there is a 9 pm curfew, whether there is an ongoing game or not. He noted that there would not be an adult league on this field. He had asked other leagues about night games which would be controlled by Recreation and Parks. He did not anticipate traffic changing since there were no new leagues. Parking should not change since Brien McMahon has a larger parking area. He also noted that on the Nathan Hale site, there was a bit more lighting to discourage vandalism which had been a problem there. He said that the main uses were softball and field hockey.

There was a discussion about the warranty on the lighting from Musco Lighting.

Jody Sattler, 17 Highland Avenue, said that she will have 3 children at Brien McMahon next year. She noted that there is more lighting on the parking lot which stays on year round, and will be on longer. She spoke in support of the lighting.

John Cross, Athletic Director at Brien McMahon High School, spoke in support of the lighting at this field. He noted that he supported equity for both male and female athletes. He briefly discussed the programming on the field. Girls teams would be able to host tournaments like the boys do.

Daniel DeForte, 285 Highland Avenue, noted that he was across from the softball field. He had sent emails to the commissioners of pictures which he had taken of the tennis courts. He had concerns about the brightness of the lights as well as the cost of the lighting since it would not be used for many night games. He thought they should upgrade the field but it was not necessary to upgrade the lighting.

Melissa Aragona, 295 Highland Avenue, had concerns about the lighting. As the last speaker had said, she believed they should upgrade the field but not the lighting.

James Wehrle, 287 Highland Avenue, showed the commissioners a view of the current softball field from his home. He said he was concerned about the lighting. He then let his wife speak about their concerns. She noted that she had sent a letter to the commissioners. They also believed they should upgrade the field but not the lighting. Mr. Wehrle also had concerns about the cost of the lighting.

Morgan Lister, 285 Highland Avenue, said that he lived across the street from the softball field. He appreciated that the applicant had addressed his concerns from the last public hearing. He spoke in support of the project.

Jenny Plath, 297 Highland Avenue, said that she lived diagonally from the field. She also supported the field upgrade but did not support the proposed lighting. She thought that other areas of the city could host a larger, lighted field.

Matthew Smith, Trolley Place, spoke to the equity of the situation. He noted that lighting was part of this. It is necessary for equal playing times.

Trisha Edwards, Witch Lane, spoke in support of the application because she had a daughter playing softball who would be attending Brien McMahon.

Robert Du Bree, 284 Highland Avenue, shared a picture of lights on at Brien McMahon showing that it was on after 9 pm. He also noted that this field was one of the smallest in the city. He noted the differences between this field and Nathan Hale. He was concerned about the bleeding outside of the field area. He discussed the regulations that residents would have to follow but he did not believe the city was following. He was in support of the upgrade of the field.

Mr. Santos, 184 Boughton Street, said that he lived behind Brien McMahon. He noted that there is a drainage issue that flows off the fields onto his property. He was not opposed to the project.

Jeff Olszewski addressed the concerns of the public, starting with the drainage issues. He then addressed some of the lighting concerns. Mr. Hughes then clarified that about the number of games played on the field. He also addressed Title 9 issues that could come into play if there are not the same conditions for boys and girls games. Mr. Mahoney continued about the spill and glare from the lighting.

There was a discussion about the height of the lighting poles. There was then a question about the 9 pm curfew and the lights being turned off. There was also a discussion about the timing of practice sessions. Mr. Mahoney also noted that the lights had different

levels. Ms. Valadares thanked the commissioners for their time. She noted that they tried to listen to the concerns of the neighbors.

Mr. Schulman closed the public hearing.

V. REVIEW AND ACTION ON PENDING APPLICATIONS

a. Action on items IV. a. and b.

iii. #2021-13 CAM – Sixth Taxing District of Norwalk – 2 Wilson Avenue – Reconfiguration and expansion of existing public parking lot

Mr. Roina spoke about his visit to the parking lot that day. He thought that the Wilson Avenue entrance/exit was necessary. He also noted that this parking lot was not completely full at lunchtime but hoped that the additional spaces were a good idea.

**Whereas a public hearing was held on May 19, 2021;*

**** MR. ROINA MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that application #2021-13 CAM - Sixth Taxing District of Norwalk - 2 Wilson Avenue & 140 Rowayton Avenue - Reconfiguration and expansion of existing public parking lot be **APPROVED** subject to the following conditions:

1. That the site will be developed in accordance with the following plans:
 - a. Site Plans entitled “Proposed Site Improvements for an Existing Parking Lot” (C-1 - C-5) prepared by LandTech dated 2/16/21 and revised to 3/17/21 and 4/15/21 and 5/18/21; and
2. That an easement granting the owner the right to access certain parking spaces from an adjoining property be submitted for approval by Corporation Counsel, prior to filing on the land records; and
3. That all CEAC sign-offs be submitted prior to the issuance of a zoning permit; and
4. That an Operations & Maintenance Plan be submitted for the parking lot and the pervious pavement in particular prior to the issuance of a zoning permit; and
5. 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
6. 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

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7. 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
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 any and all conditions required by the Norwalk Conservation Commission permit #S21-566 shall be applicable to this approval; and
10. That any and all conditions required by Norwalk DPW shall be applicable to this approval; and
11. That any and all conditions required by Norwalk TMP shall be applicable to this approval; and
12. That any and all conditions as required in a memo from Norwalk WPCA dated 4/13/21 shall be applicable to this approval; and
13. That this approval is subject to Section 118-1460 C. of the Norwalk Building Zone Regulations; and
14. That a building permit must be issued within one (1) year from the effective date or this CAM application 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 all applicable Coastal Area Management goals, policies and regulations; and

BE IT FURTHER RESOLVED that this application complies with Section 118-530 and all other applicable sections of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action is May 28, 2021.

Ms. Wells seconded.

Louis Schulman; Rod Johnson; Galen Wells; Richard Roina and Josh Goldstein approved.

No one opposed.

No one abstained.

ii. #2021-07 SP – Department of Public Works – 288 and 300 Highland Avenue - Install new lights and athletic field conversion at Brien McMahon High School

Mr. Goldstein said that he was in favor of upgrading the field but did not feel that the lighting was not as important of an upgrade. He would like to take the concerns of the neighbors seriously. Mr. Schulman felt that it would have a slight impact on the neighbors but the other factors of Title 9 outweighed it. Mr. Roina said that he would like to see Musco Lighting fix any lighting issues if the neighbors complained. Mr. Kleppin said that they could require testing to be done by Musco Lighting. If it doesn't meet the standards of what they proposed, they would have to fix it. Mr. Goldstein said the Zoning Commissioners should re-affirm that the lighting would be off at 9 pm. He believed that many students had been in support of the project which were sent in writing.

**Whereas \$1,000,000 in funding for turf softball fields was approved in the FY 2020-21 capital budget; and*

**Whereas \$620,000 in funding for the conversion of the grass softball field to turf at Brien McMahon High School was approved in the FY 2021-22 capital budget; and*

**Whereas public hearings were held by the Norwalk Planning Commission on the capital budget requests on February 5, 2020 and February 3, 2021; and*

**Whereas public hearings were held by the Norwalk Zoning Board of Appeals for a variance to exceed the maximum allowed lighting levels for athletic fields at the property lines on January 21, 2021 and February 18, 2021; and*

**Whereas the variance request was approved by the Norwalk Zoning Board of Appeals; and*

**Whereas the 8-24 request for the athletic field conversion and installation of lights was approved by the Norwalk Planning Commission at their March 10, 2021 meeting; and*

**Whereas the Norwalk Zoning Commission held a public hearing on April 8, 2021 and May 19, 2021;*

**** MR. GOLDSTEIN MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Zoning Commission that application #2021-07 SP - DPW/Rec & Parks - 288 Highland Avenue - Install new lights and athletic field conversion at Brien McMahon High School be **APPROVED** subject to the following conditions:

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

a. Per engineering, grading and drainage, utilities and sediment and erosion control plans (L-01-L12) prepared by STANTEC Consulting Inc., submitted to the Planning & Zoning Office on 2/25/2021; and

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b. Per field striping plan (ST-01) prepared by STANTEC Consulting Inc., submitted to the Planning & Zoning Office on 2/25/2021; and

c. Per photometric plan (SK-01) entitled "Sports Lighting Photometric - Preferred Plan" prepared by STANTEC Consulting Inc., submitted to the Planning & Zoning Office on 2/25/2021; and

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 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

4. That any revisions to the approved plans be submitted to the Zoning Commission for their review and approval; and

5. That a follow up photometric study be submitted to the Commission after installation to verify that lighting levels are acceptable and within the levels as shown on the approved plans; and

6. That the lights are to be shut off by 9:00pm, per condition of variance approval; and

7. That all audio systems shall be limited to the broadcast of athletic field events and half-time shows only; no pre-game or post-game music shall be permitted; and

BE IT FURTHER RESOLVED that this application complies with Section 118-1450 Special Permits and with all applicable sections of the Building Zone Regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the effective date of this action is May 28, 2021.

Mr. Roina seconded.

The commissioners made changes to the lighting curfew language.

Louis Schulman; Rod Johnson; Galen Wells; Richard Roina and Josh Goldstein approved.

No one opposed.

No one abstained.

VI. DISCUSSION OF OTHER ITEMS

a. Industrial zones study status report

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The consultants will be sending Mr. Kleppin a draft which will then go to the committee. The study would be expanded to include the waterfront. Mr. Schulman stated that since Mr. Roina could not attend meetings during the day, he would have to be replaced on the committee. Mr. Kleppin said he would check with the consultants about changing the meeting time. Mr. Roina decided that he would stay on the committee.

b. South Norwalk TOD study status report

Mr. Schulman reported that this committee had met that day. The consultants presented various scenarios including a bus lot at the train station. Mr. Kleppin said that there were concerns about the area being too built up. Development rights could be sold to a developer in an area more appropriate.

c. Zoning Regulations rewrite status report

Mr. Kleppin said that he had scheduled meetings with the consultant. There would be meetings with all of the Zoning and Planning Commissioners in either June or July.

d. Discussion of Chick-fil-A traffic update

Mr. Baker said that they would be sending in a new plan so the Zoning Department staff could sign off on this matter.

e. Discussion of Housing Bills

Mr. Schulamn contacted Bob Duff. Several of the Zoning Commissioners would meet with Mr. Kleppin, Jessica Casey, and a representative from the Mayor's office on Friday on zoom. He was hoping it was not too late for the Zoning Commission to have input on these matters.

f. Discussion of East Norwalk TOD

Mr. Kleppin noted that he had sent out the draft regulations to the commissioners. He also had edits on the design guidelines. He would be happy to address the commissioners' concerns.

g. Discussion of combining the Planning & Zoning Commissions

Mr. Schulman noted that the Ordinance Committee of the Common Council is considering recombining the Planning and Zoning Commissions. One of his concerns was the workload during the Capital Budget process. The Chair of the Planning Commission said she was in favor of the merger. Mr. Schulman would not state his opinion at this time. Mr. Kleppin was in favor as well. Mr. Schulman would be on the committee that would be assessing the

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feasibility. Mr. Kleppin said he sent the commissioners the Mayor's memo to review. There was a discussion about the increase in workload especially in the Capital Budget review process. There was also a discussion about the term limits on the Zoning Commission but not on the Planning Commission. There was a discussion about how many members there would be on the combined Planning/Zoning Commission.

VII. APPROVAL OF MINUTES: May 3, 2021

**** MR. GOLDSTEIN MOVED to approve the May 3, 2021 meeting minutes.**

Mr. Wells seconded.

Louis Schulman; Rod Johnson; Galen Wells; and Josh Goldstein approved.

No one opposed.

Richard Roina abstained.

VIII. COMMENTS OF DIRECTOR

Mr. Kleppin said he would get them a 2nd document about the East Norwalk TOD study. He also noted that City Hall would be open the following day.

IX. COMMENTS OF COMMISSIONERS

Mr. Schulman was frustrated that the project team for 25 Van Zant had not provided any more information then the last time they had applied.

X. ADJOURNMENT

Mr. Roina made a Motion to Adjourn.

Mr. Wells seconded.

Louis Schulman; Rod Johnson; Galen Wells; Richard Roina and Josh Goldstein approved.

No one opposed.

No one abstained.

The meeting was adjourned at 9:44 p.m.

Respectfully submitted,

Diana Palmentiero