

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
December 8, 2022

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

STAFF: Steve Kleppin; Bryan Baker; Michelle Andrzejewski

OTHERS: Atty Jason Klein; Todd McClutchy; Craig Flaherty; Atty Liz Suchy; Derek Daunais; Seelan Pather; Tracey Diehl; Michael Zolnik; Richard Bonenfant; John Levine; Larry Katz; Benjamin Hanpeter; Diane Lauricella; Diane Keith; Nora Niedzielski

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 all participants calling in, separately.

II. ROLL CALL

Mr. Kleppin called the roll. Mr. Shulman said anyone not with the first and second applications should stop their video.

III. REVIEW & ACTION ON APPLICATIONS

a. #05-20 SPR/#07-20 CAM – Wall Street Recap Associates LLC and Municipal Holdings LLC – 61 Wall Street – Extension of time request for approved coastal site plan review application – Report & recommended action

Atty Jason Klein, the attorney for the applicant, introduced the project members and noted that the second item was related to this application. He said that there had been an appeal on the application which the applicant had won. It was the reason for the delay and thus, the request for an extension.

There was a discussion about when work could begin on the project. Todd McClutchy, a representative of Wall Street Place, said that their goal was to start in 2023. There was also a discussion about the safety of the building since work had stopped. Mr. McClutchy said that they had their engineers monitoring it and that it has been fine for now. Mr. Mushak said he was looking forward to it starting and increasing foot traffic in the area, as the city had seen in other areas such as in South Norwalk.

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #05-20 SPR/#07-20 CAM – Wall Street Recap Associates LLC and Municipal Holdings LLC – 61 Wall Street – 1 year extension of time request for approved coastal site plan review application be **APPROVED**.

Ms. Wells seconded.

Louis Schulman; Jacquen Jordan-Byron; Tammy Langalis; Darius Williams; Mike Mushak; Richard Roina; Nick Kantor; Galen Wells; Steven Ferguson approved.

No one opposed.

No one abstained.

b. #06-20 SPR/#08-20 CAM – Wall Street Recap Associates LLC and Municipal Holdings LLC – 17 Isaacs Street – Extension of time request for approved coastal site plan review application – Report & recommended action

Atty Klein noted that this application was related to the first item on the agenda and had also gone to an appeal. However, this building had been demolished.

Mr. Mushak said that several seats had been recovered from the theater before it was demolished. They would be used as a memorial across the street from the new building when it was completed.

**** MR. PACHAS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #06-20 SPR/#08-20 CAM – Wall Street Recap Associates LLC and Municipal Holdings LLC – 17 Isaacs Street – 1 year extension of time request for approved coastal site plan review application be **APPROVED**.

Mr. Musahk seconded.

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

No one opposed.

No one abstained.

c. #2022-50 CAM – NHRG V LLC – 41 North Main Street – Modification to #8-95 CAM approval to convert existing second-floor office space to five (5) residential dwelling units – Report & action

Craig Flaherty, the representative for the applicant as the engineer, began the presentation with a brief history of the building. He oriented the commissioners as to the location of the property on an aerial map. He then described the proposed work on the 2nd

floor which would be 5 residential units. Two more windows would be added on the back of the building. He discussed comments from various city departments.

The windows would match the current ones. There was a discussion about the amount they would be rented for as well as why they were being changed. Ms. Langalis said she appreciated the applicant for preserving the building. There was also a discussion about the utilities in the unit. There was then a discussion about the ADA accessibility in the back parking lot, most importantly the lighting. Mr. Flaherty said that the property owner would maintain the lighting. They would have someone look at the situation.

Ms. Andrzejewski said that they had received some late comments from TMP (?) which she had forwarded to the commissioners. She discussed the conditions that had been revised in the resolution. Mr. Schulman said he would have preferred having these issues resolved before this meeting. He suggested that they could hold this matter over until the next meeting. He asked the commissioners which they preferred. The applicant would have to return to the commission if they did not come to an agreement with TMP.

**** MS. WELLS MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-50 CAM Modification – NHRG V LLC – 41 North Main Street – Modification to CAM approval (08-95CAM) to convert existing office space to 5 residential units be **APPROVED** subject to the following conditions:

1. That the building and site will be developed in accordance with the following plans:
 - a. Per zoning site plan dated 10/12/2022 prepared by Craig J. Flaherty from Redniss and Mead, CT
 - b. Per architectural plans dated 9/16/2022 prepared by Kenneth Boroson Architects, LLC, CT
2. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
3. That all City storm-water management requirements are met; and
4. That any and all conditions required by Norwalk DPW shall be applicable to this approval; and
5. That any and all conditions required by Norwalk WPCA shall be applicable to this approval; and
6. That any and all conditions required by Norwalk TMP shall be applicable to this approval; and
7. That any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and

8. That the parking easement remain in place; and

9. That the applicant pay the inclusionary zoning fee of ten dollars \$10.00 per one thousand dollars \$1,000 of residential construction cost, to be paid into a fund to be used to construct rehabilitate or repair affordable housing for individuals or families of lower income levels, whose annual income does not exceed 60% of the state median income.; and

10. That this proposal complies with all Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action shall be December 16th, 2022.

Mr. Mushak seconded.

Louis Schulman; Jacquen Jordan-Byron; Tammy Langalis; Darius Williams; Mike Mushak; Richard Roina; Nick Kantor; Galen Wells; Steven Ferguson approved.

No one opposed.

No one abstained.

d. #2022-55 SP/CAM – 31-35 South Main Street – Eight (8) story addition to existing Marriott SoNo Residence Inn hotel to add 48 rooms and 45 off-street parking spaces – Preliminary review and approval of third-party design review

Atty Liz Suchy began the presentation by introducing the project team. She then gave a brief history of the building. She oriented the building for the commissioners and then gave a description of the project which is an addition to the existing building. The applicant has requested comments from various city departments.

Derek Daunais, the engineer on the project, continued the presentation by sharing the site plan with the commissioners. He discussed the current site and explained the boundaries. He noted that the site is almost completely impervious. He also explained the storm water treatment system. He then explained the proposed site design which would include improvements to the impervious surfaces.

Seelan Pather, the architect on the project, continued the presentation, by showing the commissioners the design for the proposal. He noted that the materials would be similar to what is there today. He showed them how the buildings would be connected.

There was a discussion about adding solar to the original building since they were adding it to the addition. There was a discussion about the ground floor. Mr. Ferguson noted that Norwalk needed more event space. There was a discussion about the building which was being demolished that Ms. Jordan-Byron noted it was an historical building. Atty Suchy said that they would be going before the Historical Commission in a few weeks to discuss this. Ms. Jordan-Byron would like to see aspects of the building become part of this one. There was also

a discussion about the parking. There was a discussion about employment for the new building. There was also a discussion about where the parking lot was located. There was a discussion about the view of the building from the railroad.

Atty Suchy said that they would work through the comments from the other agencies. There was also a discussion about the dissimilarity between the addition and the existing building. Mr. Pather said that they believed the building would be too wide if it was too similar.

There was then a discussion about having a peer review on this substantial project. The consultant was aware of the historical implications and that the application would go before the Historical Commission as well. Mr. Schulman said that it would be a few meetings before the application would be heard at a public hearing. There was a request for economic impact on the neighborhood as well as the impact with additional event space.

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2022-55 SP/CAM – 31-35 South Main Street – Eight (8) story addition to existing Marriott SoNo Residence Inn hotel to add 48 rooms and 45 off-street parking spaces - be submitted for third-party design review be **APPROVED**.

Mr. Williams seconded.

Louis Schulman; Jacquen Jordan-Byron; Tammy Langalis; Darius Williams; Mike Mushak; Richard Roina; Nick Kantor; Galen Wells; Steven Ferguson approved.

No one opposed.

No one abstained.

e. #2022-53 – Norwalk Hospital Association – 34 Maple Street – Modification to Norwalk Hospital Sign Manual – Report & recommended action

Tracey Diehl, a representative for the hospital regarding signage, said that she had a 45 page presentation. Mr. Schulman asked that she share the highlights. She gave an overview of the proposed changes. She explained how the existing signage would be replaced with the new ones. She also discussed the illuminated and non-illuminated signs. She explained the rebranding of the hospital to Nuvance Health which was happening in both New York and Connecticut.

There was a discussion about why there was dual language in some areas and not in others. John ____ said he thought it was only in areas that are for emergencies as well as the main entrance. There was then a discussion about the size of the font, which Ms. Langalis thought was too small. Ms. Diehl explained that if they make the font larger, the sign would have to be larger as well. Ms. Langalis had concerns that when people were arriving at the hospital, they were already under stress and might not be able to see the signs clearly. Ms. Diehl said they would take her comments under advisement. There was a suggestion that

some signs seemed blank so that Nuvance could add a wellness quote and have text on both sides. There was also a discussion about having more signage in the area indicating that there is a hospital nearby.

At this point, Ms. Jordan-Byron made a motion to approve. However, there was then a discussion about postponing the vote on the resolution since there had been comments to improve the sign language, and then move this item to the next meeting. Ms. Jordan-Byron withdrew her motion.

**** MS. LANGALIS MOVED: THEREFORE BE IT RESOLVED** to postpone the approval until the applicant comes back to the Planning & Zoning Commission with feedback on the suggestions made by them at this meeting.

Mr. Ferguson seconded.

Before the vote, Ms. Diehl asked if the commission could approve the original application and then make the additional suggestions conditional so that the applicant could return to them. Several commissioners spoke on whether they would be voting for or against postponing the approval of the resolution.

**Jacquen Jordan-Byron; Tammy Langalis; Steven Ferguson approved.
Mike Mushak; Galen Wells; Hector Pachas; Louis Schulman opposed.
Richard Roina; Nick Kantor abstained.**

**** MS. WELLS MOVED: THEREFORE BE IT RESOLVED** that the request to revise the sign manual for Norwalk Hospital by the Norwalk Planning & Zoning Commission for application #2022- 53 – Norwalk Hospital Association – 34 Maple Street – Modification to Norwalk Hospital Sign Manual be **APPROVED** subject to the following conditions:

1. That all exterior signage will be installed in accordance with the following manual:
 - a. Per sign manual developed by Stratus for Nuvance Health at 34 Maple Street dated 1/21/2021 revised through 5/23/2022.
2. That a zoning permit is obtained prior to installation; and
3. That further revisions the commission requested including, increase lettering size on post and panels signs and-utilize all areas of post and panel signage that may have blank backs, if implemented Norwalk Hospital shall go back to the Commission for approval; and
4. The applicant shall consult with the Norwalk Department of Public Works and CT DOT regarding the adequacy of the hospital signage and whether any additional wayfinding signage is needed.”

BE IT FURTHER RESOLVED that the effective date of this action shall be December 16th, 2022.

Mr. Mushak seconded.

Mr. Kleppin made a suggestion for an amendment to the resolution regarding the signs that would have to be changed, which Ms. Wells and Mr. Mushak accepted before the vote.

Louis Schulman; Hector Pachas; Mike Mushak; Richard Roina; Galen Wells approved.

Tammy Langalis; Steven Ferguson; Jacquen Jordan-Byron opposed.

Nick Kantor abstained.

IV. PUBLIC HEARINGS

a. #2022-52 R – Planning & Zoning Commission – Zoning regulation amendment(s) to Article 100, Supplementary Regulations for Business and Industrial Zones, to permit various cannabis uses with associated standards, limitations and requirements as indicated in the draft regulations

Mr. Schulman explained how the public hearings would be conducted.

Mr. Kleppin began the presentation with a brief review of the application. He explained that the state had legalized cannabis sales in the state. Municipalities could vote whether they would allow sales. Norwalk opted to do so. This application is for the regulations for the city. He explained those proposed regulations for the various uses. The hours would be similar to liquor stores. He also explained that he had not prepared a resolution for this evening's meeting. He shared the map of eligible parcels for retail cannabis stores in various scenarios.

Mr. Baker noted that the application had been referred to other towns. He also read comments from DEEP into the record. He then explained how members of the public could make comments at the meeting.

Richard Bonenfant, 17 Park Hill Avenue, noted that once a cannabis store has been permitted in a building, future uses would not be allowed.

John Levine asked how many liquor stores there were in Norwalk and whether there were similar regulations regarding setbacks, etc.

Mr. Kleppin addressed the speakers' comments. He did not know how many liquor stores were in Norwalk.

At this point, Larry Katz, 4 Baskings Lane, asked to speak about some stores selling THC illegally.

There was a discussion about the drive-thru element. Some commissioners thought it would be fine, similar to the ones at CVS. However, these questions would be addressed during the special permit process.

This item would be on the next month's agenda but it has been closed to public comment. Mr. Schulman said that the public could still comment by sending an email to the Planning and Zoning staff. There was a discussion about whether any other Connecticut towns had already passed regulations. Mr. Kleppn said that he did not think so but that there may be a few towns in Massachusetts.

i. Action on application #2022-52 R

There was no action at this time.

b. #2022-30 R – Planning & Zoning Commission – Zoning regulation amendment(s) to Article 42, Accessory Dwelling Units to revise the Accessory Dwelling Unit (ADU) regulations per recommendations from the Economic & Community Development Committee and as indicated in the draft regulations

Mr. Schulman opened the public hearing and noted that Mr. Williams would be voting on this application.

Mr. Baker began the presentation with a brief overview of the application. He discussed the revisions suggested by the Economic & Community Development Committee (ECD) of the Common Council. The first were changes that were requested for side and rear setbacks in residential zones. The second were changes to the landscape buffer. The ECD had also requested making these applications a site plan review which had not been included in the proposed regulations.

There was a discussion about the setbacks which Mr. Baker said were more restrictive in the A zones. There was also a discussion about previous voting on these regulations, especially on setbacks and whether applicants should submit an application for a site plan review or special permit.

Benjamin Hanpeter, 262 East Avenue, said that he thought he would have liked to speak on all of the regulations but since the commissioners were only addressing the amendments at this meeting, he would speak to those. He thought the city should be encouraging ADU construction and was disappointed that the regulations were restrictive. With these restrictions, less ADUs would be built. He hoped the Common Council would not opt out of the state regulations.

Diane Lauricella, 21 Little Fox Lane, said she thought this issue should go back to the drawing board. She thought they should have more progressive regulations.

John Levine, _____, agreed with the two prior speakers.

Diane Keith, Mr. Levine's wife, also spoke about this matter.

Richard Bonenfant, 17 Park Hill Avenue, thought that there should be restrictions because the zones are different in different areas.

Nora Niedzielski, 7 Outer Road, said she would be voting no on opting out when it comes before her on the Common Council the following week. She said that Norwalk had to find ways to increase the number of affordable units that are needed. She would like to see the less restrictive law that had been passed by the state.

Mr. Baker said that in some ways the city is less restrictive than the state and in others, the proposed regulations are not. He made several comparisons of the city's regulations to the state's regulations. He also explained that if the city did not opt out, ADUs could not be designated as affordable. There was a discussion about converting space in their home that they don't need. He discussed permitting issues and addressed not allowing trailers. There was also a discussion between opting into the state requirements and not opting into them.

There was a discussion about voting on the two proposed changes separately.

Mr. Baker noted that this application had been referred out to other agencies and neighboring communities and read those comments into the record.

There was a discussion about the lack of feedback from DEEP on the mobile units which the city was not allowing, with respect to sanitation.

i. Action on application #2022-30 R

**** MR. WILLIAMS MOVED TO APPROVE THE FOLLOWING LANGUAGE:**

§ 118-420. Accessory Dwelling Units. [Amended effective 1-27-1984; 9-26-1986; x-xx-2022]

C. Location and yards.

a. The location of a **detached accessory dwelling unit shall be as follows:**

ii. ~~Side and rear setback: 10' minimum, except that detached accessory structures in existence prior to the effective date of these regulations that are within the side and/or rear setback are permitted to~~

~~be used as an accessory dwelling unit provided that all other standards under Article 42, Accessory Dwelling Units, are met.~~ Side setback:

1. AAA Zone: 30 feet minimum.
 2. AA Zone: 20 feet minimum.
 3. All other zones: 10 feet minimum.
- iii. Rear setback: 10 feet minimum.

Mr. Ferguson seconded.

Louis Schulman; Tammy Langalis; Darius Williams; Mike Mushak; Richard Roina; Steven Ferguson approved.

Galen Wells; Jacquen Jordan-Byron; Nick Kantor opposed.

No one abstained.

**** MR. ROINA MOVED TO APPROVE THE FOLLOWING LANGUAGE:**

§ 118-420. Accessory Dwelling Units. [Amended effective 1-27-1984; 9-26-1986; x-xx-2022]

F. Design and landscape standards.

- c. For detached accessory dwelling units, a buffer, consisting of fencing and/or vegetative screening that includes a mix of evergreen and deciduous trees as well as foundation plantings, shall be required between the accessory dwelling unit and the nearest side and rear property lines. The final determination on the location of the screening and the required materials shall be determined by the Zoning Enforcement Officer, based on the proposed location of the detached accessory dwelling unit and its proximity to the neighboring properties.

Ms. Jordan-Byron seconded.

Louis Schulman; Jacquen Jordan-Byron; Tammy Langalis; Darius Williams; Mike Mushak; Richard Roina; Nick Kantor; Galen Wells; Steven Ferguson approved.

No one opposed.

No one abstained.

**** MR. ROINA MOVED TO ADD THE REQUIREMENT FOR SITE PLAN REVIEW FOR DETACHED ADUs in the following language:**

§ 118-420. Accessory Dwelling Units. [Amended effective 1-27-1984; 9-26-1986; x-xx-2022]

I. Procedure for approval.

- a. Applications for attached accessory dwelling units shall be permitted subject to approval by the Zoning Enforcement Officer.

- b. **Applications for detached accessory dwelling units shall be permitted subject to Section 118-1451. Site plan review.**

At this point, Mr. Roina clarified his position on ADUs. He had concerns about some areas of the city that had restrictive covenants which would only allow a single dwelling on a lot, the possibility of these ADUs becoming condos. He also wondered how these regulations would affect Norwalk since the city has exceeded the affordability percentage for affordable housing. He thought that they were changing the zones to multifamily even though they were not. He thought that there should be a site plan review so that neighbors can be involved in the process.

Mr. Mushak seconded.

Mr Mushak explained his view on site plan vs. special permit applications for ADUs. The Planning and Zoning Commission had the ability to decide whether to allow a public hearing. He said that he supported site plan review but that the commission could review the regulation later if it does not increase the number of ADUs.

Ms. Wells did not think the Common Council as a body had an opinion on site plan review, but rather, a committee of the Common Council. She said that some Common Council members would be voting not to opt out because of the site plan review. She thought that by requiring a site plan review, it would not help increase the number of affordable units. She also further explained that since a survey was necessary, adding a site plan review would make the process more difficult for some people.

Ms. Jordan-Byron noted that the ADUs would bring value to the city by allowing seniors to remain as well as to the . She thought this would make Norwalk more attractive to people looking to move into the city. She said that they will not know how the regulations work until they try them.

Mr. Roina made clarifications about the number of parking spaces. Mr. Kantor said he agreed with Ms. Wells and Ms. Jordan-Byron. Mr. Baker said that the state said the city could require a site plan review. Mr. Mushak did not think it would be onerous to require site plan review because it would be decided by the commission whether it would be necessary to hold a public hearing. Mr. Ferguson reminded the commissioners to consider affordability, flexibility which would bring people to Norwalk. Ms. Langalis asked about the difference between detached and attached ADUs which Mr. Baker explained. He also explained that the old regulations were restrictive so more people had not used them. He also said that since the revision in September more people have inquired about ADUs.

Louis Schulman; Tammy Langalis; Darius Williams; Mike Mushak; Richard Roina; approved.

Steven Ferguson; Galen Wells; Jacquen Jordan-Byron; Nick Kantor opposed.

No one abstained.

Mr. Schulman reminded the commissioners that the regulations could be changed if it is determined that ADUs are not being built because of the site plan provision. There was a discussion about whether there should have been a public notice. Mr. Kleppin explained when it is necessary and when it is not.

V. APPROVAL OF MINUTES: November 16, 2022

**** MS. JORDAN-BYRON MOVED to approve the November 16, 2022 minutes.**

Ms. Langalis seconded.

Louis Schulman; Jacquen Jordan-Byron; Tammy Langalis; Darius Williams; Mike Mushak approved.

No one opposed.

Richard Roina; Nick Kantor; Galen Wells; Steven Ferguson; Hector Pachas abstained.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin said that there would be a secondary legal review of the proposed rewrite of the zoning regulations.

He also thought that everyone was very respectful during their conversation on the ADUs.

VII. COMMENTS OF COMMISSIONERS

Mr. Kantor asked what the process would be to remove the site plan review from the ADU regulations. Mr. Kleppin said that any members of the public could file an application. In this case, one commissioner could not represent the entire Planning and Zoning Commission. Mr. Kantor asked if he could make a motion and then voted on. Mr. Kleppin said that they would need a new public hearing process. The commission would have to vote amongst themselves and it would have to be a majority vote.

Mr. Schulman agreed with Mr. Kleppin about the discussion for the ADUs.

VIII. ADJOURNMENT

Mr. Williams made a Motion to Adjourn.

Ms. Langalis seconded.

Louis Schulman; Jacquen Jordan-Byron; Tammy Langalis; Darius Williams; Mike Mushak; Richard Roina; Nick Kantor; Galen Wells; Steven Ferguson approved.

No one opposed.
No one abstained.

The meeting was adjourned at 9:53 p.m.

Respectfully submitted,

Diana Palmentiero