

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
November 20, 2024

PRESENT: Nick Kantor, Chair; Louis Schulman; Tammy Langalis; Diana Lenkowsky; Richard Roina; Hector Pachas; Darius Williams; Ana Tabachneck; Jacquen Jordan-Byron; Galen Wells

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Jona Godoi; Atty Adam Blank; Jason Milligan; Atty Liz Suchy; Erik Lindquist; Matt Popp; James Loeffler; David Genovese; Atty Lisa Feinberg

I. CALL TO ORDER

Mr. Kantor called the meeting to order at 6:06 p.m. It should be noted that this meeting was held on Zoom.com with participants calling in, separately.

Mr. Baker noted that the public hearing for 5 Blackberry Lane would not be heard at this meeting. The commission had received an extension of time so that it would now be heard in January, 2025.

II. ROLL CALL & SEATING OF MEMBERS

Mr. Kleppin called the roll. Mr. Kantor said that he would seat Diana Lenkowsky and Ana Tabachneck for the first item on the agenda.

III. REVIEW & ACTION ON APPLICATIONS

a. #2024-53 SPR – Jona Godoi – 3 Raymond Terrace (District 3, Block 13, Lot 48) – Site plan review for detached accessory dwelling unit within existing garage – Report & recommended action

Jona Godoi, the applicant, said that she had submitted the application for the accessory dwelling unit (ADU). The square footage is within the requirements and that it needs a kitchen since it has a bathroom. She showed them the floor plan. There were no plans for the exterior. She also said that the neighbors had received notice about the application.

There was a discussion about the parking as well as the pool in the backyard. She said that there is an alarm on the phone, alerting them to anyone going into the

pool. There was a discussion about the garage and whether it was being used. There was also a discussion about the ventilation in the apartment

**** MS. TABACHNECK MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2024-53 SPR – Jona Godoi – 3 Raymond Terrace (District 3, Block 13, Lot 48) – Detached accessory dwelling unit within existing garage be **APPROVED** subject to the following conditions:

1. That the site shall be developed in accordance with the following plans:
 - a. Per the floor plans submitted as part of the application, dated October 2, 2024, by Jona Godoi; and
2. 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
3. That any and all conditions required by Norwalk Health Department are applicable to this approval; and
4. That any and all conditions required by Norwalk WPCA are applicable to this approval; and
5. That any and all conditions required by Norwalk DPW are applicable to this approval; 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 November 29, 2024.

Ms. Wells seconded.

There was a discussion about the number of residents in the ADU. Mr. Baker said that there could be no more than 3 unrelated people.

**Nick Kantor; Louis Schulman; Tammy Langalis; Diana Lenkowsky;
Richard Roina; Darius Williams; Ana Tabachneck; Jacquen Jordan-Byron;
Galen Wells approved.
No one opposed.
No one abstained.**

b. #2024-55 M/SP – Mary Grace Vona and RVCV, LLC c/o Carlo Vona – 127, 131 and 135 Richards Avenue (District 5/Block 70/Lot(s) 28, 3A and 20) – Zoning Map change and special permit application for the construction of an elderly housing development – Preliminary review

Atty Adam Blank, the attorney for the applicant, noted that some of the project team were at another meeting at the same time as this one. He then introduced the project team. He continued the presentation by orienting the commissioners as to the location of the property on an aerial map. He noted that the map is a little outdated since there were some developments that were not being shown on it. He noted that this project had previously been approved and showed them the approved plans. They acquired another piece of property so they added another 3 units and made some changes requested by the Planning & Zoning Department. The original approval was under the prior zoning regulations. He noted the changes.

There was a discussion about whether the residents at 139 Richards Avenue had been notified about the development. There was a discussion about the services offered at this development as well as the age limitations. Atty Blank said that there is a demand for these types of units.

Mr. Baker again noted that the Blackberry application would not be held at this meeting.

c. #2024-64 CAM/SPR – IJ Group, LLC – 24 Belden Avenue (District 1/Block 38/Lot 8) – Coastal site plan review application for the construction of two fivestory additions to an existing structure to add a 96-room hotel and 100-unit multifamily use to the existing office/retail use(s) – Preliminary review and approval of a third-party architectural peer review

Atty Adam Blank, the attorney for the applicant, introduced the project team. He then oriented the commissioners as to the location of the property on an aerial map. He then showed them the exterior plans for the project. It would be a traditional hotel with approximately 96 rooms. There would also be residential units and office space.

There was a discussion about the parking which Atty Blank said was complicated. There was also a discussion about whether there was a demand for more hotel rooms. Jason Milligan said that the studies that had been done were proprietary and he would not share them with the commission. Mr. Milligan said that he had some demand for office space in the downtown area. Mr. Milligan said that the units were affordable and that they would comply with the regulations for the required number.

There was also a discussion about the occupancy in the office building. He thought it was necessary to support the restaurants in the area during lunch time. There was a discussion about whether any existing structures would be leveled or displaced. ATty Blank noted that by preserving the building, it is better for the environment than putting solar on the roof of a new building. There was a discussion about retail activating the street. There was a discussion about the use of cars. There was also a discussion about student housing. Mr. Milligan said that he was working with colleges. He also said that they would be filing another application in the next few weeks.

**** MR. SCHULMAN MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that a peer review consultant be hired for application #2024-64 CAM/SPR – IJ Group, LLC – 24 Belden Avenue (District 1/Block 38/Lot 8) – Coastal site plan review application for the construction of two fivestory additions to an existing structure to add a 96-room hotel and 100-unit multifamily use to the existing office/retail use(s).

Mr. Roina seconded.

Nick Kantor; Louis Schulman; Tammy Langalis; Diana Lenkowsky; Richard Roina; Darius Williams; Ana Tabachneck; Jacquen Jordan-Byron; Galen Wells approved.

No one opposed.

No one abstained.

d. #2024-60 CAM/SPR – The Three Hundred Eighty-One Connecticut Avenue Corporation, Inc. – 0 & 4 Duke Place (District 5, Block 82, Lot(s) 247 and 235 – Coastal site plan review application for the construction of a one-story, +/- 5,500sf structure for a warehouse use – Preliminary review

Atty Liz Suchy, the attorney for the applicant, who introduced the project team that was present at the meeting, began the presentation. She gave a brief history of the filing of the application and the notification of the neighbors about this. She then showed pictures of the lots. She then showed them the site plans.

Erik Lindquist, the project manager on the application, continued the presentation and discussed the site plans. He reviewed the parking and driveway entrances. He also noted that the building would have to be raised to meet zoning requirements.

There was a discussion about accessibility to the building.

Matt Popp, the landscape architect for the project, continued the presentation with a description of the landscape plan which included the types of plants and lighting that they were recommending.

James Loeffler, the area vice president for Airgas, described the business for the commissioners. He explained how they had outgrown their current location.

There was a discussion about whether there would be any new jobs in South Norwalk.

David Genovese discussed the history of the building and showed them the picture of it. He described how it had been used in the last few years. It has been difficult to rent. He also discussed the new zoning regulations and thought they were a bit complicated.

The applicant asked for approval as soon as possible. Atty Suchy noted that they did not think a public hearing would be necessary. Mr. Kantor asked the other commissioners if they wanted a public hearing but they said they did not.

e. Pre-Application Review – Glazer Group, LLC and Glazer Inn Condominiums, LLC c/o Andrew Glazer – 1 River Road and 193 and 194 Perry Avenue (District 5/ Block(s) 44, 43 and 39/Lot(s) 18, 16 and 19) – Discussion/confirmation of uses permitted by Special Permit # 16-13SP

Ms. Lenkowsky and Mr. Pachas were seated for this application.

Mr. Kleppin gave a brief overview of the project. He discussed what was approved previously in 20214. He explained that as part of the application there was a barn on the property that was not authorized to allow events in it. He suggested that there be an amended special permit application process with a public hearing.

Atty Lisa Feinberg, the attorney for the applicant, began the presentation by noting that the applicant was seeking confirmation of the use of the barn under the current approval. She oriented the commissioners as to the location of the property on an aerial map and gave a brief history of the Silvermine Tavern/Gray Barns. She showed them pictures of the Silvermine Tavern through the years and described the application process in 2014 of the Glazers. She then explained their interpretation of the regulations for the use of the barn. She also discussed the application materials that spoke about the use of it. She noted that there was an approved valet plan that referenced the barn being used as an event space which has been done for a decade.

She said that they were asking the commission to reconfirm the accessory use of the barn.

There was a discussion about the structural integrity of the barn which Mr. Glazer had found in upstate New York. Atty Feinbeg said that the barn was an integral piece of the business of the Gray Barns.

There was a discussion about the language for a resolution. Mr. Kleppin explained that it was staff's opinion that since the use had not been specifically described, it had not been meant to be what it was at this point in time. He also noted that there were no permits with other city departments to use the barn as an event space. There was a discussion about the noise ordinance but was unaware of a specific violation.

Andy Glazer noted that they had hired their own police officers for events and conformed to the city's ordinances for noise and parking. He said that it was always going to be an event space. He said that there was one neighbor who complained and that they were losing money by not being able to run events in the barn.

Atty Feinberg explained that there are many event spaces that are an accessory to the principal use, such as the Maritime Aquarium that runs events, but that is not the main use. She also explained how the barn was used in conjunction with the tavern when there are events. She noted that there were parts of the original approval that contemplated that the barn would have been an event space. Mr. Kleppin said that no departments, at the time, gave sign-offs for the use of the barn as an event space. He also noted that this is not in a commercial zone, but rather, a residential area.

Mr. Glazer explained that the previous Silvermine Tavern had live music for decades. He also said that the barn does not use the septic because it uses port-a-potties, so they would not need a permit from the Health Department. He had also spoken with the Building Department that had signed off on permits. He noted that the barn was not approved for storage. He then explained what notice they had received from the Planning & Zoning Department. He also believed that they were before the commission because of a complaint from one neighbor. He did not think they should have to codify something that had already been approved. Mr. Kleppin said that there was not one neighbor complaining and that there are no approvals from the Fire Department, Police Department and Health Department.

There was a discussion about whether Mr. Glazer would need permits to hold functions such as weddings in the barn. Mr. Kleppin said there had been a text

amendment application submitted but it was withdrawn.

Mr. Schulman suggested that Mr. Glazer submit an application that the commission could review and vote on. Mr. Glazer explained why they withdrew the text amendment application. that the staff prepare a resolution that they could vote on. He wanted to see a formal process. Mr. Glazer said that they have reinvigorated the area. Mr. Roina said that since he was on the commission when this was first approved in 2014, he did remember that they contemplated that the barn would be used as an event space.

There was a discussion about whether other event spaces have signoffs from the various city departments. Mr. Kleppin said that he assumed they did. There was also a discussion about listening to the tapes from 2014. Mr. Kleppin said they did not have them. Mr. Glazer said that they would not hold events until this matter was settled.

There was the discussion of a new application process. Mr. Glazer also noted that they had been requesting crosswalks but had received no help from the Mobility, Traffic and Parking Department. There was a discussion about how Mr. Glazer had been handling events without using the barn. There was further discussion about the new application. Atty Feinberg read into the record one of the conditions from 2014. Mr. Kleppin said that he would pull the permits to write a comprehensive memo. He also did not think there were weddings in the barn 6-7 years ago. He did not think the use was in the zoning regulations. Mr. Glazer had concerns about the survival of the Gray Barns business if they were not allowed to use the barn for events.

There was a discussion about whether this use could be grandfathered, but Mr. Kleppin did not think it was possible.

Mr. Schulman made a motion to move this to a public hearing.

Mr. Roina then suggested a different alternative. He noted that the Silvermine Tavern was unique in Norwalk. He did not want this to go to a public hearing. Ms. Jordan-Byron said she would like to hear from neighbors and businesses. Ms. Langalis said that she had concerns for the survival of Gray Barns. Ms. Wells said that she also was on the commission when this was approved and that it was a valuable property. Ms. Tabachneck asked if they could write conditions that seemed to be missing from the original approval. Mr. Kantor believed that the commissioners had to decide on the original intent and noted that there was a motion on the floor. Mr. Schulman explained that he did not feel comfortable making a decision without more information. Mr. Glazer did not think there was much more information that could be submitted.

There was also a discussion about how many people there would be in the barn. Mr. Glazer noted that when the property was used for an event in both the barn and restaurant area, it reduced the density and traffic. Mr. Kleppin said that he did not think live music was allowed in the zone. There was a discussion about the previous Silvermine Tavern which had live music. There was also a discussion about the liquor permit which would indicate whether they had permission to do live music. Mr. Glazer explained the liquor permit that they had which did not include the barn. He also compared the use of the barn to having a tent for every event which he believed needed the same permits.

Atty Feinberg showed some memos from the original application. There was a discussion about the purpose of holding a public hearing. There was a discussion about possible solutions and whether to hold the public hearing. There was also a discussion about having events in tents on the property. Atty Feinberg then showed them a consultant's report, written at the time of the application, referencing the community barn being used for community events, as well as the conditions from the approval. There was also a discussion about live music being allowed. Atty Feinberg showed them references to special events on the valet plan.

There was a review of some emails from Planning & Zoning Department staff, claiming the barn could only be used for storage and not for weddings. Mr. Glazer said that it was not a wedding venue. Mr. Kleppin thought that if the permit for the barn was incorrect that someone from Mr. Glazer's team would have notified the zoning staff. He suggested that they review the building permit at the next meeting.

At this point, Ms. Lenkowsky seconded Mr. Schulman's motion. Mr. Kantor asked for a roll call vote but before that happened, Ms. Tabachneck suggested a different motion. However, the commissioners knew they had to deal with Mr. Schulman's motion first. There was a discussion about Mr. Glazer suggesting conditions but Mr. Kleppin said that should be part of a modified application process. Atty Feinberg said that under the zoning regulations, they were requesting advice from the commission and interpretation of the regulations. The commissioners discussed how this worked. Mr. Roina questioned why the permit said that the barn was to be used for storage. There was a clarification of the definition of "community events." There was a discussion about filing for a new zoning permit. There was also a discussion about the difference between weddings and special events. Mr. Kleppin did not think that the applicant had permission for special events at this time. There was also a discussion about requesting a text change amendment.

At this point, Mr. Glazer said that he would speak with his attorney about requesting a text change amendment. He did say that Mr. Kleppin had spoken with him about this.

IV. PUBLIC HEARINGS

a. #2024-32 SP – Angela Valenton – 5 Blackberry Lane (District 5, Block 45, Lot 134) – Special permit for a rest home use

This item was not heard as it would be on the commission's January agenda. They had received an extension letter allowing them to do so.

i. Action on #2024-32 SP

V. APPROVAL OF MINUTES: November 6, 2024; October 16, 2024

**** MS. JORDAN-BYRON MOVED to approve the November 6, 2024 minutes. Mr. Pachas seconded. Nick Kantor; Louis Schulman; Tammy Langalis; Diana Lenkowsky; Richard Roina; Hector Pachas; Ana Tabachneck; Jacquen Jordan-Byron; approved. No one opposed. Galen Wells and Darius Williams abstained.**

**** MR. WILLIAMS MOVED to approve the October 16, 2024 minutes. Mr. Schulman seconded. Nick Kantor; Louis Schulman; Diana Lenkowsky; Richard Roina; Hector Pachas; Darius Williams; Ana Tabachneck; Jacquen Jordan-Byron; approved. No one opposed. Galen Wells and Tammy Langalis abstained.**

VI. COMMENTS OF DIRECTOR

Mr. Kleppin said that the draft of the affordable housing plan would be before the committee the following Monday. He thought they could have a meeting in January with the Common Council to review it. There would be an amendment to the POCD.

Mr. Kleppin said that he would try to set up a training session with Atty Mario Coppola in January. He was not sure if it would be one session or two and whether it would include the Zoning Board of Appeals and the Conservation Commission.

VII. COMMENTS OF COMMISSIONERS

Mr. Schulman said that The Pearl had received special consideration for a waterfall but it had not been working for over a year. Mr. Kleppin said he would look into it. He said that the mall had requested permission for a small ice skating rink but then they were granted permission for a different feature that would light up when stepped on. He thought that if the applicant had said they would do this, it should be done. He asked Mr. Kleppin to report back to the commission.

Ms. Langalis said that she had gone on a tour of Manresa and recommended others to take a tour in the spring. Mr. Pachas said he had pictures of it as well. There was also a discussion about a possible application. The commissioners wanted to tour it together but they did not think that it would be allowed.

VIII. ADJOURNMENT

Ms. Wells made a Motion to Adjourn.

Ms. Jordan-Byron seconded.

**Nick Kantor; Louis Schulman; Tammy Langalis; Diana Lenkowsky;
Richard Roina; Hector Pachas; Darius Williams; Ana Tabachneck;
Jacquen Jordan-Byron; Galen Wells approved.**

No one opposed.

No one abstained.

The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Diana Palmentiero