CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
October 16, 2024

PRESENT: Nick Kantor, Chair; Louis Schulman; Diana Lenkowsky; Darius Williams; Ana Tabachneck; Chapin Bryce and Jacquen Jordan-Byron (arrived at 6:17 pm)

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Rick Costantini; Mike Oz; Atty Liz Suchy; Miranda DePoi;

I. CALL TO ORDER

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

II. ROLL CALL & SEATING OF MEMBERS

Mr. Kleppin called the roll. Mr. Kantor said that they would to start with the 50 Washington Street application as they did not have enough commissioners for the Norwalk Country Club application, especially since Ms. Lenkowsky had said she would have to recuse herself on the application.

III. REVIEW & ACTION ON APPLICATIONS

a. Site Plan Modification – 50 Washington Street – Request to revise conditions of approval for use of the existing rooftop terrace to include public events – Report & recommended action

Mr. Kleppin began the presentation by explaining that 50 Washington Street has a rooftop area which they wanted to use for events. He noted that there were certain requirements such as a sound study, Police and Health Department sign-offs. Although the Health Department did sign off on the application the Police Department did not. The alternative was to have the Police Department signoff removed as a condition of the permit.

Atty Rick Costantini, the applicant's attorney, said that Mr. Kleppin had explained the application status correctly. He said that they had met two of the three conditions of the approval. He then read a letter into the record part of a letter from the Norwalk Police Chief. He explained the status of the sound study.

There was a discussion about the approval by the police department and whether there was something in the zoning regulations. Mr. Kleppin said that the Planning and Zoning Commission had put this condition on the approval so that everyone would be aware of the music on the rooftop. Mr. Schulman explained why he did not think there was any reason not to approve the application. Mr. Williams said he agreed with Mr. Schulman. There was a further discussion about the noise complaints that the Police Department anticipated from this project. Atty Costantini reminded the commissioners that the applicant must be in compliance with the city's noise ordinance.

Mike Oz, the applicant, continued the presentation about the police department consent on this application. He said that the rooftop has been used for a specific type of events and is sensitive to the neighbors. They have not had any complaints and would make changes if there were any.

**** MR. WILLIAMS MOVED: THEREFORE, BE IT RESOLVED** that the application for 50 Washington Street – A request to revise conditions of approval for use of the existing rooftop terrace to include public events be **APPROVED**.

Ms. Lenkowsky seconded.
Nick Kantor; Louis Schulman; Darius Williams; Ana Tabachneck; Diana Lenkowsky approved.
No one opposed.
Chapin Bryce and Jacquen Jordan-Byron abstained.

b.#2024-44 CAM – The Norwalk Country Club Company and Shore & Country Club, Inc. – 220 Gregory Boulevard – New addition to existing marina building to be used as an electrical room

Before the presentation, Diana Lenkowsky recused herself from deciding on this application**.** Atty Liz Suchy, the attorney for the applicant, began the presentation by explaining the current property site. She noted that this application was a proposal for the existing marina building to allow them to bring additional power to the property. She noted that they had received a variance from the ZBA for the height.

**** MS. JORDAN-BYRON MOVED: THEREFORE, BE IT RESOLVED** that application #2024 - 44 CAM – The Norwalk Country Club Company and Shore & Country Club, Inc. – 220 Gregory Boulevard – New addition to existing marina building to be used as an electrical room be **APPROVED** subject to the following conditions:

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

a. Per architectural plans dated 12/12/2023 and revised 6/10/2024 prepared by Crozier Gedney Architects, P.C., Rye, NY

b. Per the site plan dated 6/12/2024 and revised 9/10/2024 prepared by Landtech, Westport, CT

2. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and

3. That a permit is obtained from the Department of Public Works regarding City storm-water management requirements; and

4. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and

5. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

6. That any changes to the plans be reviewed by Staff prior to implementation; and

7. That no changes to the seawall are permitted without City review and DEEP approval; and

8. 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 coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be October 25th, 2024.

The 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.

You must obtain a zoning approval and a building permit prior to any work on the site. A building permit must be obtained within one year of the effective date or this CAM approval automatically becomes null and void.

Ms. Wells seconded.
Nick Kantor; Louis Schulman; Darius Williams; Ana Tabachneck; Chapin Bryce and Jacquen Jordan-Byron approved.
No one opposed.
Diana Lenkowsky abstained.

c. #2021-06SPR – G & T Norwalk LLC – 93 Winfield Street – Request for bond release – Report & recommend action

Mr. Baker explained that the project had received their Certificate of Occupancy so the applicant has requested that the bond be released.

**** MR. SCHULMAN MOVED: THEREFORE, BE IT RESOLVED** that application #2021-06SPR – G & T Norwalk LLC – 93 Winfield Street – a request for the bond to be released be **APPROVED.**

Mr. Williams seconded.
Nick Kantor; Louis Schulman; Darius Williams; Diana Lenkowsky; Ana Tabachneck; Chapin Bryce and Jacquen Jordan-Byron approved.
No one opposed.
No one abstained.

IV. PUBLIC HEARINGS

a. #2024-53 SP – 19 Willard Road, LLC – 19 Willard Road (District 5, Block 17, Lot 4B) – Animal Care Center within existing building for cat hotel

Miranda DePoi, the owner of Happy Cat Hotel, began the presentation with a slide presentation, with a brief background of her experience and that she and her husband loved cats. She said that it was part of the Happy Cat Hotel Franchise. There were two other nearby locations in East Granby and Scarsdale, NY. She explained how the hotel would work and that it was not the same as a dog hotel. She also said that the cats would not be heard from outside. She showed them the floor plans as well as pictures from the Scarsdale location. She also explained how the rooms would be kept clean.

She described the zoning concerns but noted that if a person didn't know that it was a cat hotel, they would not know there are cats there. One room would be for cat rescues.

There was a discussion about the lease of the building. Ms. DePoi said it would be shared with other businesses. The cat hotel is not an overnight one where humans would be there. There was a discussion about the daily interaction between the cats and staff. Cleaning litter boxes happens on the go as well as being cleaned multiple times a day. There would be 36 cats on the premises and the number of employees for them.

There were no comments from the public. There was also a discussion about working with a nearby veterinarian.

Mr. Kantor closed the public hearing.

i. Action on #2024-53 SP

**** MR. BRYCE MOVED: THEREFORE,THEREFORE BE IT RESOLVED** that application #2024-53 SP – 19 Willard Road, LLC – 19 Willard Road (District 5, Block 17, Lot 4B) – Animal Care Center within existing building for cat hotel be **APPROVED** subject to the following conditions:

1. That the building and site be used in accordance with the following plans and as amended per staff comments:

a. Per existing survey dated 2/18/19, prepared by Richard Bennett & Associates, LLC of Westport, CT.

b. Per floor plans dated 8/8/24, prepared by Fairlie Architecture of Granby, CT.

2. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and

3. That this action shall be the date of filing of the Special Permit Certificate with the Town Clerk prior to issuance of zoning permit; and

4. 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 Special Permit and CD-3C Regulations and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be October 25th, 2024.

You must obtain a zoning approval and a building permit prior to any work on the site. A building permit must be obtained within one year of the effective date or this SP approval automatically becomes null and void.

Ms. Jordan-Byron seconded.

At this point, the commissioners reviewed the resolution. There was a discussion about adding air filtration but it was decided that this was already addressed in the applicant's lease.

Nick Kantor; Louis Schulman; Darius Williams; Diana Lenkowsky; Ana Tabachneck; Chapin Bryce and Jacquen Jordan-Byron approved.
No one opposed.
No one abstained.

V. DISCUSSION

a. Zoning Regulations Revisions per Staff Recommendations

Mr. Kleppin said that they would be reviewing the changes from the special meeting. Mr. Kantor reminded them that if the revisions were ready to be referred to other agencies, they would do so.

Mr. Baker shared a memo and noted that anything that was highlighted was a change from the last time they had reviewed it. There was a discussion about commercial vehicles being parked on a resident's property and on the street.

Another change was about lowering building height which Mr. Baker explained. He also discussed changes about the width of driveways. Another change was about window alignment. He also discussed frontage in the CD-4 zone. He discussed parking spaces and where they should be located. Another change to the regulations would be to corner lots which would reference Department of Public Works (DPW) standards for sight lines. Owners would have to check with DPW. It is approved by them, it is approved by Planning & Zoning. He also explained the changes to ADUs which seemed to prohibit those that were built off-site which was not the intention. There was a discussion about the different types of ADUs. Some residents did not like the looks of some of these types. Mr. Baker said that they had changed the size of boats and ships. There was a discussion about houseboats.

Mr. Baker continued with child daycare centers by noting that language had been added that was proposed by the committee, as well as some tweaks he had made. Ms. Tabachneck said that there had been a subgroup including Ms. Wells, Ms. Langalis, and Mr. Bryce that had been reviewing the regulations and now would like to review with the commission. She said that she was not sure about the outdoor play areas if it had to be screened. They thought it might be covered in the state's regulations. Mr. Schulman noted that they may want the screening to prevent neighbors from filming the children. Mr. Baker recommended that the commission would have to use discretion. There was a further discussion about the screening. There was also a discussion about the type of business it should be, owner occupied house vs. a building that is only occupied during the day. There was a discussion about adult group homes. There was also a discussion about whether it should be a site plan review or special permit. There was a discussion about the number of children to be allowed, but part of that is determined by the state agency. Mr. Kantor suggested a maximum of 18 children but realized that this could change.

Mr. Baker then discussed waterfront clubs but noted that the commissioners had seen some of the revisions before. He also began to discuss additional back-up or parking spaces within the front yard but Mr. Kleppin recommended reviewing it later. He then discussed the available parking reductions. He said that some language from the previous regulations would be used for mixed use developments for different parking metrics. The next item was about EV capable parking spaces which he said that according to a developer was expensive. The regulations would try to meet in the middle. Another revision was that going forward on a busier arterial, homeowners would not be allowed to back out of driveways. They must build a turnaround. The next revision was about the number of parking spaces at waterfront clubs. There was a discussion about workforce housing, specifically about the calculations for affordable housing developments. Another revision would be what residents can ask for as a variance from the Zoning Board of Appeals. Mr. Baker explained that two would be removed. He discussed the boat definition change. He also discussed raising the grade and how the structure would be measured.

At this point, Mr. Kleppin discussed base flood elevations and what should be counted as a story. He thought the changes would be acceptable to residents. He then discussed minor upzoning and what would be allowed. He said that some of the changes made it difficult for 2 families to be built. He described two ways to allow it to be constructed. He discussed dropping the number of feet for the side setbacks. There would be a bigger lot behind the building for parking. Mr. Kleppin said that he understood that many residents had complaints about not being allowed to have garages in the front on a two-family house. He spoke about alternatives. He discussed if the commission allowed a garage in the front there should be a tandem parking space. There was also a discussion about what tandem parking is. There was a discussion about comments from residents who spoke at the previous meeting. There was also a discussion about what the regulations in other towns were.

At this point, the commission discussed voting

**** MR. SCHULMAN MOVED that the Zoning Regulations Revisions be sent for referrals to the appropriate agencies.**

Mr. Bryce seconded.
Nick Kantor; Louis Schulman; Darius Williams; Diana Lenkowsky; Ana Tabachneck; Chapin Bryce and Jacquen Jordan-Byron approved.
No one opposed.
No one abstained.

Mr. Kleppin said that they could still modify the regulations at the public hearing. There was also a discussion about vape shops and what defines them. There was then a discussion about researching two family housing in surrounding towns such as Stamford, Danbury, Milford, etc.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin had no comments.

VII. COMMENTS OF COMMISSIONERS

Ms. Tabachneck discussed vape shops and principal and accessory uses in businesses. Mr. Kantor said that there could be a problem with enforcement.

Mr. Bryce noted that he had been at a bar/restaurant which had a decibel reader which was visible to all. He thought that they could require those to be used. Mr. Schulman noted that they would have to re-calibrated so as not to be questioned to the accuracy.

Ms. Jordan-Byron congratulated Mr. Kantor and those that had won an appointment. She also said that she would be attending a training on Saturday but Mr. Kleppin said that he didn't think there were handouts. She would share any materials that she received through email.

Ms. Tabachneck noted that other revisions were requested at the previous meeting but was not sure when they would be reviewe, including homes for the disabled and vocational schools. Mr. Schulman said that the staff should research these issues so they could be discussed at a later time. Mr. Bryce also said that a discussion on the parking letter they had received could be discussed at a later time as well.

VIII. ADJOURNMENT

Mr. Williams made a Motion to Adjourn.
Ms. Tabachneck seconded.
Nick Kantor; Louis Schulman; Darius Williams; Diana Lenkowsky; Ana Tabachneck; Chapin Bryce and Jacquen Jordan-Byron approved.
No one opposed.
No one abstained.

The meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Diana Palmentiero