

**CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
September 4, 2024**

PRESENT: Louis Schulman, Chair; Nick Kantor; Richard Roina; Diana Lenkowsky; Hector Pachas; Darius Williams; Ana Tabachneck; Galen Wells; Jacquen Jordan-Byron (arrived at 6:16 pm)

STAFF: Bryan Baker; Michelle Andrzejewski

OTHERS: Ken Hughes; Benjamin Zachs; Atty John Hall; Estefania _____; Jeff Wilkins

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:03 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. Baker called the roll. Mr. Schulman said that he would seat all the alternates until other commissioners appeared at the meeting. They would all be necessary for the first item on the agenda.

III. REVIEW & ACTION ON APPLICATIONS

a. #2024-47 8-24 Referral – Recreation & Parks Department – 360 Grumman Avenue – Construction of new storage barn for Gallaher Mansion – Report & recommended action

Ken Hughes, Superintendent of Parks & Public Property, began the presentation by explaining that the Department of Recreation and Parks had received a state grant which included the replacement of a garage on the property, which is used for maintenance at Cranbury Park. It would remain on the footprint of the current garage. There was a discussion about adding solar panels to the roof but they decided against it since many trees would have to be removed.

**** MS. WELLS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2024-47 - 8-24 Referral – Recreation & Parks Department – 360 Grumman Avenue – Construction of new storage barn for Gallaher Mansion be **APPROVED**.

Mr. Williams seconded.

Louis Schulman; Nick Kantor; Richard Roina; Diana Lenkowsky; Hector Pachas; Darius Williams; Ana Tabachneck; Galen Wells approved.

No one opposed.

No one abstained.

**b. #2024-46 CAM – Ferrandino Enterprises LLC – 5 Shorehaven Road
(District 3, Block 78, Lot 38) – Construction of deck at single-family residence –
Report & recommended action**

Mr. Schulman explained that once again all alternates would be able to vote on this matter since no other members of the commission had appeared at the meeting. The applicant had not been invited to the meeting since Mr. Baker believed that the application was a basic application for the commission to review with no additional criteria to review. Under the previous regulations the commission would not have reviewed the application. The Planning & Zoning Department staff was supportive of the project.

**** MR. WILLIAMS MOVED: BE IT RESOLVED** that application #2024 - 46 CAM – Ferrandino Enterprises LLC – 5 Shorehaven Road – Construct two flood complaint 11x17' decks, with steps to grade, on either side of an existing in-ground pool at a single family residence within 50' of a tidal wetland be **APPROVED** subject to the following conditions:

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

a. Per the survey dated 10/3/2023 prepared by All Seasons Land Surveying, Wallingford, CT

b. Per architectural plans dated 6/17/2024 prepared by John Clements Architect, Bethel, CT

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

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

4. That any changes to the plans be reviewed by Staff prior to implementation; 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 coastal resource and use policies 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 approval shall be September 13th, 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 CAM approval automatically becomes null and void.

Mr. Pachas seconded.

Mr. Roina asked if going forward that the applicant could appear at the meeting, even if it is a small project.

Louis Schulman; Nick Kantor; Richard Roina; Diana Lenkowsky; Hector Pachas; Darius Williams; Ana Tabachneck; Galen Wells approved.

No one opposed.

No one abstained.

c. #2021-16 R/SP – Workforce Partners, LLC – 132 Flax Hill Road – Request for bond release – Report & recommended action

Mr. Schulman explained that once again all alternates would be able to vote on this matter since no other members of the commission had appeared at the meeting. He explained that this applicant develops middle housing by taking over old buildings, and converting them into rental buildings with lower rents than others in Norwalk. The staff did not have any reason not to release the bond since all the work had been completed.

**** MR. PACHAS MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2021-16 R/SP – Workforce Partners, LLC – 132 Flax Hill Road – the request for the bond release be **APPROVED**.

Mr. Roina seconded.

Louis Schulman; Nick Kantor; Richard Roina; Diana Lenkowsky; Hector Pachas; Darius Williams; Ana Tabachneck; Galen Wells approved.

No one opposed.

No one abstained.

d. #2023-13 SP – FFDC DJV, LLC – 191 Main Street (District 1, Block 92, Lot 14) – Request to modify conditions of approval for previously approved Cannabis Retailer – Report & recommended action

Mr. Schulman noted that the commission had requested for solar panels to be placed on the roof and above the parking. The applicant was now requesting those conditions be removed.

Ms. Andrzejewski noted that the staff had received documents from the applicant about the feasibility of solar, but they did not seem to be responsive to the conditions of approval. She explained that the applicant has tried to find solar companies to prepare a report but have only received anecdotal letters that say it is not feasible. At this point, the staff asked that the applicant return to the commission.

Benjamin Zachs, began the presentation by explaining what documents had been sent and that they had shown the numbers to the staff. He said that they did not want to add solar panels to the parking lot because it would take up a parking space which they could not afford to lose. He also noted that since they did not own the property, they could not make changes to its site plan. He said that some solar companies did not want to send a bid because they knew it wasn't feasible.

There was a discussion about the location of the tree on the property, as well as selling back energy to the grid. Mr. Zachs explained how the business was run. There was also a discussion about using a neighbor's parking lot when necessary. There was a discussion about the meaning of feasibility and whether the applicant could do an analysis about using the parking lot. There was a discussion of the next steps with Mr. Zachs.

IV. PUBLIC HEARINGS

a. #2024-45 SP – Limas Tire Shop LLC – 318 Strawberry Hill Avenue (District 5, Block 17, Lot 144) – Motor vehicle body shop use within existing building

Mr. Schulman opened the public hearing and explained the process, including how members of the public could speak on the application.

Atty John Hall, the attorney for the applicant, thanked Mr. Baker and the staff for their input on this application. He then discussed the location of the property. There was a discussion about hours of operation. There was also a discussion about the business' operations. The work would be done inside the building and Atty Hall did not think parking would be a problem. There was also a discussion about parking if the building housed another tenant.

Mr. Baker explained how the members of the public could speak at the hearing.

Estefania _____, 329 Strawberry Hill, had concerns about traffic from 7 am - 9 am because of the nearby schools during the week.

Jeff Wilkins, 211 Strawberry Hill, had concerns about the air conditioning business that was also in the building and whether they would be using the parking spots. He also asked whether the business was licensed by the state of Connecticut.

Atty Hall said that the business did not need a license for the sale of tires. He said that there is no other business but that the landlord still allows them to use the spaces. Mr. Baker said that they did not have records which would grandfather the three parking spaces and suggested that they become landscaped. There was a further discussion about there being a condition in the resolution about those parking spaces. There was a discussion as to whether they should defer this action until the next meeting. There was also a discussion as to whether this was a zoning violation on this property. Mr. Baker reminded them that a notice of violation had not been issued.

Atty Hall then made final comments including that the applicant would like to get an approval as quickly as possible so that they could open their business.

i. Action on #2024-45 SP

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that the resolution for application **#2024-45 SP** be **APPROVED** to begin review.

Mr. Williams seconded.

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

No one opposed.

No one abstained.

At this point, the commissioners began to review the resolution. There was a discussion about the definition of the use. Mr. Baker said that there is not a definition for tire shop. He also said that they could also revise the language in the regulations as they were making changes. There was also a discussion about adding language about the hours of operation, as well as adding a stop sign before anyone goes out onto Strawberry Hill.

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2024-45 SP – Limas Tire Shop LLC – 318 Strawberry Hill Avenue (District 5, Block 17, Lot 144) – Motor vehicle body shop use within existing building be **APPROVED** subject to the following conditions:

1. That the site shall be developed in accordance with all the site plans included as part of the application, dated April 21, 2024, as further modified by the Commission:
 1. That the three parking spaces located in front of the existing building, along Strawberry Hill Avenue, are not included as part of this approval; and
2. That any additional changes to the approved plans shall be submitted to 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 work shall be done within the building; and
4. That the vehicle maintenance doors shall be closed at all times while vehicles are being repaired or worked on; and
5. That a stop sign shall be installed at the end of the driveway as one exits onto Strawberry Hill Avenue; and
6. That the approved use per this special permit approval is a Motor Vehicle Body Shop; and
7. That any and all conditions required by the Norwalk Health Department are applicable to this approval; and
8. That any and all conditions required by the Norwalk Fire Marshal are applicable to this approval; and
9. That any and all conditions required by the Norwalk Department of Public Works are applicable to this approval; and
10. That any and all conditions required by the Norwalk Department of Transportation, Mobility, and Parking are applicable to this approval; and

BE IT FURTHER RESOLVED that, with the Commission's modifications to the site plan, this application complies with all applicable sections of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action shall be September 13, 2024.

Mr. Pachas seconded.

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

No one opposed.

No one abstained.

V. DISCUSSION

a. Zoning Regulations Revisions per Staff Recommendations

Mr. Baker began the presentation by noting that he had sent the commissioners a revised memo dated August 30, 2024 which included additional staff changes and revisions based on the previous meeting's discussion. The first item was about absent elements which meant that developers were required to add items such as sidewalks, street trees, etc. However, language would be added to allow for the Department of Public Works (DPW) and/or Transportation, Mobility and Parking (TMP) to waive this requirement if the city has no plans to continue adding these elements.

Mr. Baker noted that there is an ad hoc committee that is reviewing daycare/pre-school/child care centers but that the revisions were not meant to prevent those revisions. He discussed the changes to the Use Table. It was also noted that some of the revisions were addressing typos. Also, some of the caps on the number of students would be changed or removed.

There was a discussion about the architecture requirements of mixed-use and apartment buildings. One of the items was about whether the setbacks should be on the 4th or 5th floors. Developers would prefer it to be the fifth floor so they don't lose rentable space.

The next item was to delete the requirement that facade windowsill heights be a minimum of 30 inches above the floor which limits the types of windows that can be used. Mr. Baker said that they could provide pictures for future discussions.

The next item was to have the marine commercial zone match up with the rest of the zones by increasing the finished floor to finished floor to 13 ft. and for the first floor to increase to 25 ft. Mr. Baker also explained how the requirements for facade articulation would change for buildings over 100 ft. in length.

Mr. Baker discussed a change to personal service establishment which deleted health clubs that had a separate definition.

The next item Mr. Baker discussed certain portions of the zoning regulations that could not go before the Zoning Board of Appeals for a variance. Some items would be deleted. The items being deleted were those under the revised regulations. Mr. Baker then discussed how the regulations regarding vessels, boats and ships would be amended, including on the accessory use tables. The storage of shops would require a special permit application. Mr. Baker also discussed proposed changes for the removal of trees or walls to clarify the regulation. There was a discussion about the spotted lantern flies and the tree of heaven. Mr. Baker said they could also speak with Ms. Cherichetti.

Mr. Baker began a discussion about Mr. Kleppin's memo about the changes to height determinations. He discussed the changes to the definition of a basement, lowest floor and a story. He also said that they had to be more specific on height in relation to where it was measured from. There was also a discussion about adding fill to the property.

VI. APPROVAL OF MINUTES: August 21, 2024

**** MR. ROINA MOVED to approve the August 21, 2024 minutes.**

Mr. Pachas seconded.

Louis Schulman; Richard Roina; Diana Lenkowsky; Hector Pachas; Galen Wells; approved.

No one opposed.

Nick Kantor; Ana Tabachneck; Jacquen Jordan-Byron and Darius Williams abstained

VII. COMMENTS OF DIRECTOR

There were no comments from Mr. Baker.

VIII. COMMENTS OF COMMISSIONERS

Mr. Schulman said that he had received a letter from the Mayor about a policy about not requiring parking in most urban districts in the city. He said that they would discuss it on their next agenda. He asked Mr. Baker to invite Jim Travers at TMP to the meeting. He also asked Mr. Baker to send copies of the letter to all the commissioners.

Mr. Schulman then appointed a nominating committee for recommendations of officers for the first meeting in October. He explained that he would no longer be eligible

to be the chair of the Planning and Zoning Commission. He said that if anyone was interested in being Chair, Vice Chair and Secretary to let him know. Mr. Schulman said he would appoint himself on the committee. He asked Mr. Roina and Mr. Williams to be on the nominating committee. He would prefer to have the meeting face to face. Anyone on the nominating committee cannot serve as an officer.

Mr. Kantor asked if they could add regulations about vape shops. There was a discussion about how many and when they came into effect, as well as whether the changes from the revised regulations had taken effect yet. They would also get data from the police as to whether some of the shops are selling marijuana. Mr. Baker said that Ms. Williams had been reviewing these shops. Mr. Williams had asked if liquor stores could also be a part of this discussion.

Mr. Roina asked to have a discussion about feasibility. There was also a discussion as to the condition on a tenant vs. an owner of a property.

IX. ADJOURNMENT

Ms. Jordan-Byron made a Motion to Adjourn.

Mr. Pachas seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Diana Palmentiero