

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
May 3, 2023

PRESENT: Louis Schulman, Chair; Mike Mushak; Ana Tabachneck; Nick Kantor; Tammy Langalis; Hector Pachas; Darius Williams; Galen Wells; Chapin Bryce; Jacquen Jordan-Byron (arrived after roll call and left the meeting at 7:52 pm)

STAFF: Steven Kleppin; Michelle Andrzejewski

OTHERS: John Schmitz; Dan McCabe; Brad Yonkers; Atty Liz Suchy; Nick McLay; Sam Gardner; Nevil Patel; Carl Giordano; Gillian Marshall; Barry Lupchin (sp?); Elizabeth Kanifsky (sp?); Chris Bruneau;

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 participants calling in, separately.

II. ROLL CALL

Mr. Kleppin called the roll.

III. SEATING OF MEMBERS

Mr. Schulman asked how many vacant slots there were at this meeting, before seating anyone to the commission. He assumed that Ms. Jordan-Byron would be arriving shortly. Once he was informed, he then said he would seat Ms. Tabachneck, Mr. Pachas and Mr. Bryce until such time as Ms. Jordan-Bryon appeared at the meeting. He also told Mr. Bryce that he could ask questions and participate even if Mr. Schulman had to unseat him. Mr. Schulman explained to everyone that Mr. Bryce had recently been appointed to the Planning & Zoning Commission as its third alternate.

IV. REVIEW & ACTION ON APPLICATIONS

a. #13-18 SP – HP Newtown LLC – 19 Newtown Turnpike – Bond release for completed work for a museum in existing Westport Arts Center building – Report & recommended action

Mr. Kleppin noted that there was no one appearing for the applicant. The work had been completed a while ago. He said that everything was in compliance and they had not received any complaints. The staff recommended release of the bond.

At this point, Ms. Jordan-Byron arrived at the meeting. Mr. Schulman then said that they would have to unset Mr. Bryce who would no longer be able to vote on this or other applications at this meeting.

**** MS. LANGALIS MOVED: THEREFORE BE IT RESOLVED** that application #13-18 SP – HP Newtown LLC – 19 Newtown Turnpike – the Bond release for completed work for a museum in the existing Westport Arts Center building be **APPROVED**.

Mr. Pachas seconded.

Louis Schulman; Mike Mushak; Nick Kantor; Tammy Langalis; Hector Pachas; Darius Williams; Galen Wells; Jacquen Jordan-Byron approved.

No one opposed.

No one abstained.

b. #2023-18 SPR – Equity One LLC – 680 Connecticut Avenue (District 5, Block 69, Lot 56) – Modification of existing site plan for existing retail use – Report & recommended action

John Schmitz, representing the applicant, began the presentation with an explanation of the changes. He gave a brief overview of the current site. He said that they had received the Planning & Zoning Department's staff memo. He then showed them the site plan. The loading dock would be on the back of the property. They would be creating two new ones and the trash compactor had moved.

There was then a discussion about having plantings to mitigate the view of the parking lot. There was also a discussion about where the current loading docks were. There was a discussion about the parking spaces in the back of the building. There was also a discussion about the footpath on Richards Avenue. Mr. Mushak asked for a sidewalk to be constructed there instead. He suggested other places to add trees or even a mural on the wall facing Richards Avenue. Mr. Schulman reminded him that they did not have that authority on this modification of the site plan and said it would be up to Transportation, Mobility and Parking (TMP) to require a sidewalk. It was not clear to Mr. Kleppin whether they could make this request. Mr. Schulman said they could pass these concerns to TMP. Mr. Schmitz said that this was the first he had heard of this request but that there was a sidewalk on the other side of Richards Avenue. He also noted that Target is not the owner of the property, but rather the tenant.

There was a discussion about solar panels on the roof. There was also a discussion about the number of parking spaces. Mr. Schmitz noted that the applicant met the requirements for parking. There was also a discussion about connecting a sidewalk to Stonewood and having the city make a better bus stop at that corner.

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning & Zoning Commission that application #2023-18 SPR – Equity One LLC – 680 Connecticut Avenue (District 5, Block 69, Lot 56) – Modification of existing site plan for existing retail use be **APPROVED** subject to the following conditions:

1. That the site shall be developed in accordance with the following plans:
 - a. Per civil site plans provided by BL Companies, LLC. dated 3/24/23 and revised to 4/26/23; and
2. That prior to the issuance of a zoning permit the applicant shall provide a signage package that complies with all applicable sections of the Norwalk Building Zone Regulations for review and approval by the Commission's Staff (Staff)
3. That any changes to the approved plans shall be submitted to the 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
4. 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 Staff; and
5. That the applicant install rooftop solar panels on the entire building to the greatest extent possible. If solar cannot be installed the applicant shall provide Planning and Zoning Commission Staff with a feasibility report, indicating why solar panels could not be installed, prior to obtaining COZC; and
6. That the applicant explore possibility of adding trees in front of the building and facing Richards Avenue; and
7. That any and all conditions required by Norwalk Transportation, Mobility & Parking (TMP), including the possibility of adding a sidewalk along Richards Avenue, are applicable to this approval; and
8. That any and all conditions required by Norwalk Health Department are applicable to this approval; and
9. That any and all conditions required by Norwalk WPCA are applicable to this approval; and
10. That any and all conditions required by Norwalk DPW are applicable to this approval; and
11. That a Connecticut licensed engineer shall certify that all the required improvements, including any required off-site improvements, were installed to City standards prior to the issuance of a Certificate of Zoning Compliance (COZC); and

BE IT FURTHER RESOLVED that 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 May 12, 2023.

Ms. Langalis seconded.

Louis Schulman; Mike Mushak; Ana Tabachneck; Nick Kantor; Tammy Langalis; Hector Pachas; Darius Williams; Galen Wells; Jacquen Jordan-Byron approved.

No one opposed.

No one abstained.

V. PUBLIC HEARINGS

Mr. Schulman noted that the third application, which was supposed to have been a public hearing, had been withdrawn. He then explained the rules of the public hearing for members of the public.

a. #2023-11 SP/MV – Thomas J. Telesco – 151 Main Street (District 1, Block 87, Lot 1) – Proposed new building (5,440sf – 2 story) for motor vehicle repairer use

Mr. Schulman opened the public hearing and noted that this property had been a car rental lot.

Dan McCabe introduced the members of the project team. He then explained the application which would be a vintage car repair shop. He briefly described the landscaping and noted that they would consider solar panels on the roof.

There was a discussion of the landscaping plan as well as a review of the site plan. There was also a discussion about the three garage doors facing the side street, rather than the main street which also faces a residential condominium. Mr. Kleppin explained that there was a deed restriction on the property. Ms. Andrzejewski explained that under the proposed regulations they might be able to change it but Mr. Schulman noted that this application was brought under the current regulations. Mr. McCabe said that once they found out the deed restriction, they realized that there was no choice on which way the building would face. He also noted that moving the cars on a street would be more challenging than in a parking lot.

There was also a discussion about pulling the eaves out on all sides of the building to soften it. There was also a discussion about the lighting plan. Mr. Mushak suggested some landscaping planters to soften the facade. Brad Yonkers explained that pulling the eaves could not work on one side because it would go over the property line, but they could consider it on the other 3 sides. There was also a discussion about the windows so the building did not look like a warehouse. Chapin Bryce made some suggestions. Atty McCabe said the windows were

to add more light to the work areas and that this was a basic design. There was also a discussion about the number of curb cuts.

Ms Andrzejewski explained how members of the public could access the meeting. No members of the public spoke.

Dan McCabe said that this use was for high end cars and that he, along with one other person, would be working in the building.

Mr. Schulman closed the public hearing.

i. Action on #2023-11 SP/MV

**** MS. JORDAN-BYRON MOVED: THEREFORE BE IT RESOLVED** that application #2023-11 SP/MV – Thomas J. Telesco – 151 Main Street – Proposed new building (5,440sf – 2 story) for motor vehicle repairer use be APPROVED with the following conditions:

1. That the building and site will be developed in accordance with the following plans:
 - a. Per Zoning Location Survey dated 7/7/2014 revised through 12/2/2022 prepared by Robert Hamilton Professional Land Surveyors, LLC, Stamford, CT
 - b. Per architectural plans dated 2/18/2022 revised through 3/12/2023 prepared by JHT Architecture , LLC, Norwalk, CT
 - c. Per engineered plans dated 10/3/2022 prepared by Wayne J. D'Avanzo, Fairfield County Engineering LLC, Norwalk , CT
2. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
3. That any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and
4. That any and all conditions from WPCA are applied to this approval; and
5. That any and all condition from DPW are applied to this approval; and
6. That all repairs be conducted within the building; and
7. That the applicant maintain the landscaping and striping in accordance with the approved plan; and
8. That there be no outdoor storage of parts or auto carcasses; and

9. That there shall be no on-street parking of repaired vehicles or vehicles pending repair; and
10. That there shall be parking only in the designated parking spaces; and
11. Should any building façade material become damaged or deteriorated, the applicant and future owners shall repair the damage or deterioration within thirty (30) days' notice from the City; and
12. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
13. 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
14. That all signage, existing, and proposed, be in compliance with the Zoning regulations; and
15. That a special permit certificate and mylar of the approved Site Plan be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
16. 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
17. 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
18. That the applicant's proposed lighting be fully shielded from neighboring property; and
19. That the applicant considers potted planters between the bays and front facade on the proposed building; and
20. That the applicant install larger caliper trees at the front that are acceptable street trees for screening; and
21. That the applicant install rooftop solar panels on the entire building to the greatest extent possible; and
22. That the applicant explore a 2' overhang for the proposed building; and
23. That the applicant install a variety of windows where possible to make the building more aesthetically attractive; and

BE IT FURTHER RESOLVED that this proposal complies with Section 118-522, Section 118-1450, and Section 118-1460 of the Zoning Regulations; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 12th, 2023.

Mr. Pachas seconded.

Louis Schulman; Mike Mushak; Ana Tabachneck; Nick Kantor; Tammy Langalis; Hector Pachas; Darius Williams; Galen Wells; Jacquen Jordan-Byron approved.

No one opposed.

No one abstained.

b. #2023-12 SP – Shangri-La CT Inc. – 430 Main Avenue (District 5, Block 22B, Lot 11) – Proposed retail cannabis store within portion of existing 3 story building

Mr. Schulman opened the public hearing.

Atty Liz Suchy, the attorney for the applicant, began the presentation by welcoming Chapin Bryce and noting that she had been before the commission for over 30 years. She also introduced the project team and then gave a brief history of the filing of the application. The return receipt cards, evidencing notice of the public hearing to neighbors, had been delivered to the Planning & Zoning Department. She then gave a brief description of the property as well as existing conditions. She oriented the commissioners as to the location of the property. She also noted the hours of operation, and discussed the business operations. She said that the applicant had received all sign-offs and had been reviewed by the Norwalk Police Department.

Nick McLay of Nafis and Young, the engineer on the project, explained how he had measured to confirm that the applicant would be in compliance with the regulations. He also checked the area for in-home/residential daycare centers.

Atty Suchy said that there are no additions for the exterior of the building and that there were tenant fit-ups planned for the interior. There was a discussion about how long before the business would open. She noted that they would like to be the first business to open, perhaps within 3 months. There was a discussion about the Tutor Time located on Main Avenue, which is outside of the 1,000 feet from the front door.

Sam Gardner, the architect on the project, continued the presentation with a photo of the outside of the building to show which units the applicant would occupy. Two were on the lower floor and they would also be connected to the upper level through a staircase. He then explained where the entrance would be, as well as the interior of the unit. He showed them where the product would be received.

Nevil Patel, the CEO of Shangri-La CT Inc. discussed the IT closet which would be used for security purposes. There was also a discussion about the business model for this business. Atty Suchy explained that a person would be met at the door and taken into the business to make a purchase.

Carl Giordano, the traffic engineer on the project, continued the presentation with a discussion of the traffic study. He explained that parking was not part of the traffic study. Atty Suchy confirmed the parking requirements and said that there was excess parking available.

Mr. Patel continued the presentation by introducing himself and explaining the security measures. He said that there would be 6 facilities in Connecticut, one of them a growing facility. He explained that this facility was more secure than banks and explained how secure it was. There was a discussion about any security incidents at other facilities and what the procedures were for handling customers who use cannabis on site. There was then a discussion about whether they would hire from Norwalk, as well as whether pipes, etc. for use would be sold on premises. There was a discussion about online ordering and that most of their clients would purchase this way. He also explained how they would make lines go quicker so that in store time was short. There was also a discussion about reservations especially in cases where it may not have been picked up. There was also a discussion about a battery backup for the security system. Mr. Patel explained the dropbox system which was very secure.

Ms Andrzejewski explained how members of the public could access the meeting.

Gillian Marshall, Valley View Road, spoke in opposition to the application. She had concerns about the number of parking spaces.

Barry Lupchin (sp?), president of 442 Main Avenue Condominium Association, said he wanted to clarify some information that he had heard during the presentation. He also asked about foot traffic into the store. He asked the commissioners to hold off on a decision on this application until the condominium's board met in June.

At this time, Ms. Jordan-Byron left the meeting and Mr. Schulman seated Mr. Bryce to replace her.

Elizabeth Kanifsky (sp?), 442 Main Avenue, had concerns about the property value for the condominiums that she lived in. She also had comments about the noise levels.

Mr. Patel addressed the concerns about property values and noise levels. Mr. Schulman said that the question seemed to be about the noise level during construction. There was also a discussion about consumption of cannabis which Chris Bruneau said was the same as smoking cigarettes. There was also a discussion about the notification of the neighbors.

Atty Suchy said that a second round of notifications had been sent. There was also a discussion about delaying the decision would not be possible because of state and city deadlines. She then stated why the parking use satisfied the requirements. She also described the signage for the business, as well as noise levels. She also described the regulations that the application met, including the cannabis regulations.

i. Action on #2023-12 SP

Mr. Schulman addressed the concerns about the notification process. He did not think it would be fair to the applicant to delay the vote since the public hearing had been re-noticed. He also said he was happy that the use of marijuana had been decriminalized since it had harmed many people, particularly minorities. He, himself, did not support the use of marijuana. Mr. Mushak agreed with Mr. Schulman and said that he did not think they should delay the vote since the application met the requirements.

**** MR. KANTOR MOVED: THEREFORE BE IT RESOLVED** that application #2023-12 SP – Shangri-LA CT Inc. – 430 Main Avenue – Proposed retail cannabis store within portion (2,200sf +/-) of existing 3 story building be **APPROVED** with the conditions:

1. That the building and site will be developed in accordance with the following plans:
 - a. Per architectural plans dated 2/27/2023 Sheet T-1.0 – A2 prepared by Gregg Wies & Gardner Architects, LLC, New Haven, CT
2. That all department sign-offs are obtained prior to issuance of any Zoning Permit; and
3. That any modifications to the approved plan be reviewed and approved by City Staff prior to implementing; and
4. Retailers shall operate only between the hours of Monday through Saturday 9:00 AM to 8:00 PM, and on Sundays from 9:00 AM to 5:00 PM; and
5. Refuse areas for Cannabis Establishments shall be screened from view and shall be locked to prevent unauthorized access; and
6. If there is a change in operator or licensee, the new operator or licensee shall provide the new State license to the Commission; and
7. The applicant, at its sole expense, shall ensure that there is additional and adequate traffic control, using Norwalk Police Department, available during its grand opening and if deemed necessary by Norwalk Police and Staff for a minimum of fourteen (14) days thereafter. After 14 days, the applicant shall confer with Planning and Zoning Staff, regarding the need to extend

the presence of the Norwalk Police Department for an additional sixteen (16), provided total fees do not exceed fifty thousand dollars; and

8. Prior to issuance of a Zoning Permit for a Cannabis Establishment, a copy of the final Cannabis Establishment license for the Cannabis Establishment use issued to the applicant by the State of Connecticut Commissioner of the Department of Consumer Protection or other department or licensor as may be sanctioned by the State of Connecticut shall be provided to the Zoning Enforcement Officer. The applicant for the Cannabis Establishment use shall be the licensee; and

9. That all signage shall comply with Article 121 of these Regulations and the requirements of the State of Connecticut Department of Consumer Protection, as amended; and

10. That a special permit certificate be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and

11. That the applicant install rooftop solar panels on the entire building to the greatest extent possible and solar covered parking to the greatest extent possible. If solar cannot be installed the applicant shall provide Planning and Zoning Commission Staff with a feasibility report, indicating why solar panels could not be installed, prior to obtaining COZC; and

12. Should any building façade material become damaged or deteriorated, the applicant and future owners shall repair the damage or deterioration within thirty (30) days' notice from the City; and

13. That any dead street trees on site be replaced in kind prior to COZC; and

14. That any and all conditions required by Norwalk Transportation, Mobility & Parking (TMP) are applicable to this approval; and

15. That the applicant work with the neighboring condominium owners to provide more insight on the proposal ; and

BE IT FURTHER RESOLVED that this proposal complies with Section 118-1041, Section 118-1450, Section 118-1460 and any other applicable section in the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that the effective date of this action shall be May 12th, 2023.

Mr. Pachas seconded.

There was a discussion about the conditions in the resolution which were the same as the previous cannabis facility application. There was a discussion about the solar panels on the roof which Mr. Patel said that they would discuss with the landlord one more time. There was a

discussion about dead trees and the applicant meeting with the neighboring condominium association.

Louis Schulman; Mike Mushak; Nick Kantor; Hector Pachas; Darius Williams; Galen Wells approved.

Ana Tabachneck opposed.

Tammy Langalis and Chapin Bryce abstained.

c. #2023-06 SP/CAM – 49 Van Zant Street, LLC – 49 Van Zant Street (District 3, Block 34, Lot 7) – Construction of mixed-use, multifamily development with 13 dwelling units and ground floor commercial space - This application had been withdrawn.

Mr. Schulman asked to speak on this application. Mr. Kleppin said it would be fine since it is on the agenda. Mr. Schulman's concern was that the applicant was trying to squeeze in too much into too small of a space. He was also concerned that there would be a legal challenge. Mr. Kleppin had said that they had recommended to the applicant in February that they should withdraw it. There was a discussion of the peer review which stated why it did not meet the standards. Mr. Kleppin explained how the staff worked with applicants as well as how they worked with this applicant. There was a discussion about having evidence in the resolution when there is a denial of the application.

i. Action on #2023-06 SP/CAM

Since this application had been withdrawn, there was no action.

VI. APPROVAL OF MINUTES: April 25, 2023.

**** MR. PACHAS MOVED to approve the April 25, 2023 minutes, as amended.**

Mr. Mushak seconded.

Louis Schulman; Mike Mushak; Ana Tabachneck; Nick Kantor; Tammy Langalis; Hector Pachas; Darius Williams; Galen Wells approved.

No one opposed.

Chapin Bryce abstained.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin discussed the outreach to the public at various meetings. Attendance has been spotty. The department may send out postcards to residents, depending on cost. There would be a second public meeting in June. The staff would go over substantive comments in July and August. There are more upcoming meetings throughout May and early June. He asked the commissioners to look at their calendar for June 28. They also discussed a time limit for speakers during the public meetings. He suggested that after they were adopted in the fall, an effective date to be January 1, 2024. There was also a discussion about the quality of the

YouTube videos. Mr. Kleppin said that the videos would be on the website page for this project and not just on the city's YouTube channel. There was a discussion about the question/comment database.

VIII. COMMENTS OF COMMISSIONERS

Mr. Schulman said he had appointed Mr. Kantor to the sustainability committee and Ms. Tabachneck would sit on the affordable housing committee. He asked them both to keep the commission apprised of how the study is going.

Mr. Kleppin said that WestCog had asked for support from the city's Planning & Zoning Commission for a grant that they are applying for. The grant was for municipalities that had watercourses that emptied into the Long Island Sound.

Mr. Kantor gave a brief update on the sustainability committee that he was a part of.

At this point, there was a show of hands to write a letter of support for WestCog to apply for a grant. Everyone agreed.

IX. ADJOURNMENT

Mr. Pachas made a Motion to Adjourn.

Mr. Williams seconded.

Louis Schulman; Mike Mushak; Ana Tabachneck; Nick Kantor; Tammy Langalis; Hector Pachas; Darius Williams; Galen Wells; Chapin Bryce approved.

No one opposed.

No one abstained.

The meeting was adjourned at 9:01 p.m.

Respectfully submitted,

Diana Palmentiero