

CITY OF NORWALK
PLANNING & ZONING COMMISSION MINUTES
April 19, 2023

PRESENT: Louis Schulman, Chair; Mike Mushak; Galen Wells; Ana Tabachneck; Jacquen Jordan-Byron; Darius Williams; Richard Roina; Nick Kantor; Tammy Langalis

STAFF: Steven Kleppin (arrived at 6:30 pm); Michelle Andrzejewski

OTHERS: Atty Liz Suchy; Atty Adam Blank; Jerry Effren; Benjamin Zachs; Hillary Donald; David Sullivan; Elena Sclafani

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:05 p.m. It should be noted that this meeting was held on Zoom.com with participants calling in, separately.

II. ROLL CALL

Ms. Andrzejewski called the roll. Mr. Shulman said that he would allow Ms. Tabachneck to vote on matters at this meeting.

III. SEATING OF MEMBERS

Mr. Schulman said this item was added so that it would not be forgotten. He seated Ms. Tabachneck for this meeting.

IV. REVIEW & ACTION ON APPLICATIONS

a. #2022-13 SP – The Associated Food Distributors Company, Inc. – 16 Muller Avenue – Extension of time request for previously approved Special Permit for warehouse and manufacturing building – Report & recommended action

Mr. Schulman noted that the application had been approved for a special permit awhile back.

Atty Liz Suchy began the presentation. She said that the special permit had been approved before the combination of the Planning & Zoning Commission. She gave a brief history of the permit approvals. She said that the building permit has not been approved and that the extension was to protect the underlying approvals.

**** MR. MUSHAK MOVED: THEREFORE BE IT RESOLVED** that application #2022-13 SP – The Associated Food Distributors Company, Inc. – 16 Muller Avenue – a request for an extension of time for previously approved Special Permit for warehouse and manufacturing building for six (6) months be **APPROVED**.

Ms. Langalis seconded.

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

No one opposed.

No one abstained.

b. #2021- 17 SP – FRAP, LLC – 40 Fullin Road – Modification to plans to add additional basements – Report & recommend action

Atty Adam Blank, attorney for the applicant, began the presentation by giving a brief history of the approved application. He said that 10 of the units would have full basements while many of the units would be built on slabs. They were requesting 4 more full basements for the units. He said that many clients liked the full basements.

There was a discussion about whether the basements would be finished or unfinished. Jerry Effren said that many of the clients needed the basement for storage especially when they were downsizing from larger homes. He said that the ideal would be for the basements to be half finished and half unfinished. There would be a window well and exterior access. There was a discussion about whether there were elevators in the units. Mr. Effren said that some other projects do have elevators but they were not well liked by elderly people. There was a discussion about the accessibility of the 1st floor.

**** MS. LANGALIS MOVED: THEREFORE BE IT RESOLVED** that application #2021- 17 SP – FRAP, LLC – 40 Fullin Road – Modification to plans to add additional basements be **APPROVED**.

Mr. Mushak seconded.

There was a discussion about whether there would be a bathroom in the basement. Mr. Effren said that if the basement is finished, there would be a bathroom.

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

No one opposed.

No one abstained.

c. #2021-10 SP – Norwalk Housing II, LLC – 1 Elmcrest Terrace – Extension of time request for previously approved historic preservation development to rehabilitate

existing historic buildings and construct a six unit residential addition – Report and recommend action

Atty Adam Blank, the attorney for the applicant, gave a brief overview of the original approval. He showed them the renderings on the property which has three structures on it. He said that permits had not been pulled yet. However a similar historic rehabilitation had begun but the applicant did not have the resources to do both at the same time. This was the basis for their request for a one year extension.

There was a discussion about the number of workforce housing units as well as the rental amount for the market units.

**** MR. ROINA MOVED: THEREFORE BE IT RESOLVED** that application #2021-10 SP – Norwalk Housing II, LLC – 1 Elmcrest Terrace – a request for an extension of time for previously approved historic preservation development to rehabilitate existing historic buildings and construct a six unit residential addition for one (1) year be **APPROVED**.

Ms. Jordan-Byron seconded.

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

No one opposed.

No one abstained.

V. PUBLIC HEARINGS

a. #2023-12 SP – Shangri-La CT Inc. – 430 Main Avenue (District 5, Block 22B, Lot 11) – Cannabis Retailer use within existing building

Mr. Schulman opened the public hearing but noted that it would be continued to the Planning and Zoning Commission's May 3, 2023 agenda.

Atty Liz Suchy explained that one of the principals of the company would not be available at this meeting. There was also a concern about the notification to the abutting neighbors.

i. To be continued to May 3rd, 2023 Regular Meeting at 6:00PM

**** MR. ROINA MOVED: THEREFORE BE IT RESOLVED** that application #2023-12 SP – Shangri-La CT Inc. – 430 Main Avenue (District 5, Block 22B, Lot 11) – Cannabis Retailer use within the existing building be continued to May 3rd, 2023 Regular Meeting at 6:00PM.

Mr. Williams seconded.

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

No one opposed.

Ana Tabachneck abstained.

b. #2023-13 SP – FFDC DJV, LLC – 191 Main Street (District 1, Block 92, Lot 14) – Cannabis Retailer use within existing building with an 800sf addition

Mr. Schulman opened the public hearing.

Atty Blank began the presentation by explaining that the certified, return receipt cards evidencing notice of the public hearing had been sent to the neighbors. He then oriented the commissioners as to the location of the property on an aerial map. He said that when the regulations had been proposed, he had spoken about this property as well. He then gave a brief overview of the application. He also introduced the project team. He showed them the landscaping plan which included the current structure on it. He noted what areas of the building would be active. The applicant had received the proper licenses from the state of Connecticut, as well as signoffs from some departments. However, they were waiting for comments and approvals from other departments. He also discussed the curb cuts on the property. He gave a brief description of how the business would be handled, most of it being online. He noted that they met all the requirements for cannabis retailers. He said that the applicant had other establishments, both in Connecticut and out of state. He said that the staff memo described the project accurately.

Benjamin Zachs, the chief operating officer of Fine Fettle, explained the other establishments that they operated in Connecticut. They also operated in Massachusetts and have had no infractions. The team is operated in Connecticut. There was a discussion about the licensing process. There was also a discussion about changing the look of the exterior of the building.

Hillary Donald, the architect on the project, showed the exteriors of the building. She also explained the current landscaping as well as what was planned, along the building and around the dumpster area. There was a discussion as to whether the applicant had looked into solar panels on the roof. Mr. Kantor said he would request this to be a condition of the approval. There was a discussion about the number of parking spots, as compared to their Stamford location. Mr. Zachs said that there had been no problems at the Stamford location. There are 25 proposed parking spots, although the required are 16 spots. There was also a discussion about the number of employees and whether they would recruit from the city. Mr. Zachs said that they recruited from minority and LGBTQ+ communities which was good for business.

There was a discussion about the traffic coming out of the property and making a left onto New Canaan Avenue. It was suggested to make it a right turn only out of the property. Atty Blank said that it was ultimately TMP's decision. Mr. Schulman said that Mr. Mushak's comments would be passed onto TMP.

David Sullivan, the traffic engineer on the property, who described the traffic study. He also described the driveway as well as the alternate driveway. He suggested going back to TMP after the business was up and running. Mr. Mushak said that once there was an exit on Route 7 for the Merritt North, there may be less traffic on New Canaan Avenue.

Atty Blank shared a picture of the interior of the Stamford location. There was a discussion about whether there were more online orders as compared to walk-in orders and how quickly each is handled.

Mr. Williams said he had driven by the Stamford site and that Norwalk would be more attractive.

Ms. Andrzejewski explained how members of the public could address the commission.

Elena Sclafani, 188 Main Street, the owner of the chiropractic building across the street said that it is difficult to get into her driveway at times. She was concerned about whether there would be more traffic.

Mr. Sullivan addressed Ms. Sclafani's comments about the driveway. He said that the traffic would not be exacerbated with this new use as compared to the old use. At this point, they were shown a map of Ms. Sclafani's property. It was noted that a DO NOT BLOCK THE BOX would not be recommended in front of her property.

There was a discussion about whether employees would be trained to recognize if anyone is visibly impaired. Mr. Zachs said they would not fulfill their order if that was the case. He also said there is no consumption on site, including cigarettes. There are internal and external cameras. There is also an outside greeter to make sure that no one stays on site. The proposed hours of operation are in compliance with the regulations which are 9 am - 8 pm except on Sundays which would be until 5 pm. There was also a discussion about the signs of addiction which Mr. Zachs said it was part of the training. There was also a discussion about resale of the products. Mr. Zachs said it was difficult to know. There was a discussion about advertising which Mr. Zachs said was strictly regulated by the state.

i. Action on #2023-13 SP

**** MS. TABACHNECK MOVED: THEREFORE BE IT RESOLVED** that application #2023-13 SP – FFDC EJV, LLC – 191 Main Street – Proposed retail cannabis store within existing building (1,630sf – 2 stories) with an 800sf addition be **APPROVED** with the conditions:

1. That the building and site will be developed in accordance with the following plans:
 - a. Per Zoning Location Survey dated 4/12/2023 prepared by D’Andrea Surveying & Engineering, P.C., Riverside, CT
 - b. Per architectural plans dated 3/1/2023 prepared by LARC Architects, LLC, Farmington, CT
 - c. Landscape plan dated 3/1/2023 prepared by LARC Architects, LLC, Farmington, 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. Six months after the applicant obtains a final certificate of occupancy the applicant shall perform a parking analysis report and if the results show the required parking of 16 spaces is

adequate, parking spaces #23 and #24 shall be removed and the applicant shall submit a landscape plan for staff approval and implement the plan within 90 days from the approval date of the landscape plan; and

10. 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

11. That a surety bond be submitted to guarantee the completion and maintenance of the site plan and any modifications to the plan and all work required as a condition of approval under this special permit review prior to the issuance of a COZC; and

12. That this action shall be the date of filing of the Special Permit Certificate and mylar map of the approved site plan with the Town Clerk prior to issuance of zoning permit.

13. That the applicant work with TMP to implement and address the department's comments made on 4/18/2023; and

14. 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 any zoning permits; and

15. 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

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 April 28th, 2023.

Ms. Jordan-Byron seconded.

There was a discussion about several conditions including the landscaping plans, solar panels and that the applicant should work with TMP. There was also a discussion about having a further discussion with a solar expert for the commissioners to learn more about it.

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

Before Mr. Schulman voted to approve, he made a statement about his vote.

Mr. Roina said that he agreed with him and that is why he had abstained.

No one opposed.

Richard Roina abstained.

VI. APPROVAL OF MINUTES

Since the commissioners had not received a copy of the minutes to review, this item would be on their next agenda.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin showed the commissioners the schedule for public outreach of the proposed zoning regulations which was on the city's website. He said that questions would be handled by staff or the consultants. He suggested that commissioners attend any public outreach meetings that they could. He said that they hold public hearings at the end of June to hear comments from the public, but not for adoption. They would then review all of them over the summer and an adoption public hearing at the end of September. There was a discussion about the meetings being held on Zoom.

VIII. COMMENTS OF COMMISSIONERS

Mr. Mushak spoke about an Earth Day celebration on Saturday on the Green.

Mr. Williams said that he hoped to see commissioners at the Mayor's event on Friday.

Ms. Langalis asked for a larger proposed zoning map. Mr. Kleppin said that they would print maps for the commissioners.

IX. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.

Mr. Williams seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Diana Palmentiero