

**DRAFT
CITY OF NORWALK
PLANNING COMMISSION
February 21, 2017**

PRESENT: Frances DiMeglio, Chair; Walter McLaughlin; David Davidson;
William Dunne; Nora King; George Tsiranides; Steve Ferguson

STAFF: Steven Kleppin; Michael Wrinn; Frank Strauch

OTHERS: Atty Elizabeth Suchy; Tom Quinn; Fred Schweizer; Rob Fraser;
Michael Manion; Carmelo Tomas

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 7:50 p.m.

II. ROLL CALL

Mr. Kleppin called the roll.

III. PUBLIC HEARINGS

**a) Subdivision #3644 - NTST Real Estate Mgmt. – 56 Winfield Street – 2
Lots**

Mr. Tsiranides opened the public hearing. Atty Suchy introduced the project team and then showed the commissioners pictures of the current property. She explained how the property currently had a single family residence on it which would be converted to a 2 family residence. She explained the proposed subdivision and oriented them to the location of it on a site plan. She then discussed the parking spaces and the recent Zoning Board of Appeals decision. She then discussed the drainage and the concrete drywells. She also discussed the types of homes that were currently in the area which were on a color coded map which she had provided to the Planning Department staff. The owner of the property was able to show the commissioners the map when they realized that they had not received a copy of it. She explained that Tod Bryant, a member of the Historical Commission, had reached out to the applicant because they would like the news houses on the property to be constructed in a style similar to the house currently on the property.

At this time, Atty Suchy handed in the certified, return receipt cards, evidencing notice of the public hearing to the neighbors. No members of the public spoke in support or against the application. Ms. DiMeglio closed the public hearing.

b) Subdivision #3645 - Carmelo Tomas – 37 Witch Lane – 2 Lots

Atty Suchy began the presentation by introducing the applicant and giving the commissioners a background of the property. She then oriented them as to the location of the property on an aerial map and showed them pictures of the current property which is in a single family residence zone. She showed them the site plan and the proposed subdivision. She explained that both lots are compliant with the regulations. She showed them where a new house would be constructed. The applicant was requesting waiver of sidewalks since there were none in the area would not connect to any. A footpath would work in the area. Atty Suchy noted that properties which had structures on them that would be torn down did not require a sidewalk. However, if it was a subdivision a sidewalk could be required. She had also checked with the Police Department about accidents in the area. She noted that one bicyclist had been hit by a vehicle and a couple of bike riders had accidents. At this time, Atty Suchy handed in the certified, return receipt cards, evidencing notice of the public hearing to the neighbors.

Tom Quinn, the engineer on the project, continued the presentation by discussing the drainage and how the wetlands would be protected. He also discussed the drainage for the proposed house. There was also a discussion of the trees on the property. One would be removed for the construction of the driveway while others would remain. Also, three new ones would be planted.

Fred Schweizer, 35 Witch Lane, continued the presentation, by asking questions about the trees. He also questioned whether there could be another subdivision and if it could be allowed. He also wondered about the setback formula. He was also concerned about the additional run-off.

Rob Fraser, 158 Highland Avenue, the Chair of the 6th Taxing District, Pathways Committee, thought it would be necessary to have footpaths so that people could have a place to walk in this area. Since the property is on a curve, it would make sense to have someplace for people to walk on when vehicles drive around it. This would be an improvement to what was there now.

Michael Manion, 11 Bittersweet Trail, said that his property was side of the applicant's property. He explained that the road has become a cut-through and is dangerous because the street is narrow. He also suggested that the road become a 1 way street. He had concerns that there were other lots that could be subdivided which would create more traffic.

Atty Suchy began the rebuttal with a discussion about the trees that were remaining and ones that were being taken down. She then also mentioned that if there were to be footpaths, they would then have to go around the trees. She said that the other lot could only be subdivided if the property owner purchased land from a neighbor

or went before the Zoning Board of Appeals (“ZBA”). However, the ZBA would probably deny the application since there was no hardship.

Carmelo Tomas, the applicant, discussed installing sidewalks vs. footpaths. He said that it would not be possible because of the amount of space on the property. There was also a discussion about backing out of the property.

Ms. DiMeglio closed the public hearing.

IV. REPORT OF SUBDIVISION COMMITTEE, George Tsiranides, Chair

- a) Action on III. a. and b.**
 - i. Subdivision #3644 - NTST Real Estate Mgmt. – 56 Winfield Street – 2 Lots**

There were some questions about the resolution. Mr. Strauch said that he would correct the errors.

**** MR. TSIRANIDES MOVED: BE IT RESOLVED** that subdivision application #3644 submitted by NTST Real Estate Mgmt. at 56 Winfield Street and as shown on a plan entitled “Property Survey and Resubdivision Map Prepared for NTST Real Estate Mgmt., LLC, 56 Winfield Street, Norwalk Connecticut,” Scale 1” = 10’, dated 8/18/08 and Revised to 10/5/16 and certified "Substantially Correct" by Brautigam Land Surveyors, PC, Paul A. Brautigam Land Surveyor – Connecticut Registration No. 15166 be **APPROVED** subject to the following conditions:

1. That all required soil and sedimentation controls be in place prior to any site work; and
2. That any additional soil erosion and sedimentation controls deemed necessary by the staff be installed at the direction of the staff; and
3. That a financial guarantee, in an amount to be determined by staff, be submitted to guarantee the installation of all erosion and sedimentation controls; and
4. That a financial guarantee, in an amount to be determined by staff, be submitted to guarantee the installation of the required public improvements prior to the certificate of occupancy being issued on the construction of any new dwelling; and
5. That the proposed drainage system, when installed, be maintained to work at full capacity; and
6. That the maintenance of the proposed drainage system be noted on the final subdivision map; and

7. That the maintenance of the proposed drainage system be noted on all zoning permits; and

BE IT FURTHER RESOLVED that conditions do not warrant the installation of sidewalks; and

BE IT FURTHER RESOLVED that conditions do not warrant the installation of new street curbs; and

BE IT FURTHER RESOLVED that the street tree requirement not be waived and that three (3) street trees be installed and that where practical, any existing street trees which meet the street tree requirements, be retained, be protected during construction, and utilized towards the street tree requirement; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 3, 2017.

Mr. McLaughlin seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; Nora King and George Tsiranides; David Davidson voted in favor.

No one opposed.

No one abstained.

ii. Subdivision #3645 - Carmelo Tomas – 37 Witch Lane – 2 Lots

**** MR. TSIRANIDES MOVED: BE IT RESOLVED** that subdivision application #3645 submitted by Carmelo Tomas at 37 Witch Lane and as shown on a plan entitled "Topographic Survey Prepared for CJT Builders, LLC, Norwalk Connecticut," at 37 Witch Lane, Scale 1" = 20', dated 11/23/16 and Revised to 1/5/17 and certified Substantially Correct" by Ryan and Faulds, Douglas R. Faulds, Land Surveyor – Connecticut Registration No. 13292 be **APPROVED** subject to the following conditions:

1. That all required soil and sedimentation controls be in place prior to any site work; and

2. That any additional soil erosion and sedimentation controls deemed necessary by the staff be installed at the direction of the staff; and

3. That a financial guarantee, in an amount to be determined by staff, be submitted to guarantee the installation of all erosion and sedimentation controls; and

4. That a financial guarantee, in an amount to be determined by staff, be submitted to guarantee the installation of the required public improvements prior to the certificate of occupancy being issued on the construction of any new dwelling; and

5. That the proposed drainage system, when installed, be maintained to work at full capacity; and

6. That the maintenance of the proposed drainage system be noted on the final subdivision map; and

7. That the maintenance of the proposed drainage system be noted on all zoning permits; and

BE IT FURTHER RESOLVED that conditions do not warrant the installation of sidewalks; and

BE IT FURTHER RESOLVED that conditions do not warrant the installation of new street curbs; and

BE IT FURTHER RESOLVED that the street tree requirement not be waived and that three (3) street trees be installed and that where practical, any existing street trees which meet the street tree requirements, be retained, be protected during construction, and utilized towards the street tree requirement; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 3, 2017.

Ms. DiMeglio asked if there was any discussion on this resolution. There was a discussion about sidewalks vs. footpaths. Ms. King noted that she had not been for the subdivision but was willing to vote for it if sidewalks were constructed. Some of the commissioners thought that a sidewalk did not make sense if it was the only one as well as that it would cause an imposition to the applicant to build it. Since there is an advocacy group for sidewalks in the area, this issue should be worked on by the task force.

Mr. Ferguson seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; and George Tsiranides; David Davidson voted in favor.

Nora King opposed.

No one abstained.

At this point in the meeting, the commissioners decided to return to the Land Use meeting in order to hear from, Bob Barron, the city's Finance Director. The time was 8:50 p.m.

The commissioners returned to the Planning Commission meeting at 10:10 p.m.

V. REPORT OF LAND USE COMMITTEE, Steven Ferguson, Chair

Referrals – Report & recommendation

a) Special Capital Appropriation – Request from the Norwalk Parking Authority to appropriate \$200,000 from the Fee In Lieu of Parking Fund (Acct. #03-0000-2604) for conducting a study of the City of Norwalk’s parking capacity needs

**** MR. FERGUSON MOVED: BE IT RESOLVED** by the Planning Commission that the capital project appropriation request from the Norwalk Parking Authority, to appropriate \$200,000 for conducting a study of the City of Norwalk’s parking capacity needs be **APPROVED** provided that the Law Department concurs with Corporation Counsel, Peter Nolin’s 2006 opinion regarding the use of Fee In Lieu Funds for a parking study; and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council and other appropriate agencies.

Mr. Davidson suggested language to be added that the resolution be approved subject to clearance from Corporation Counsel that it is an appropriate expenditure for a study rather than for the acquisition as indicated by the prior Corporation Counsel.

Ms. DiMeglio asked Mr. Wrinn to suggest some language. His suggestion was that the “funds were correctly used for an appropriation for a study.”

Mr. Davidson seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; and George Tsiranides; David Davidson voted in favor.

No one opposed.

No one abstained.

b) 8-24 Review Department of Public Works – Raymond and Day Streets Improvement Project (related to the Trinity / Washington Village Redevelopment)

**** MR. FERGUSON MOVED: BE IT RESOLVED** by the Norwalk Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes, the referral made by the Department of Public Works – Raymond and Day Streets Improvement Project (related to the Trinity / Washington Village Redevelopment) be **APPROVED** with the following comments:

BE IT FURTHER RESOLVED that the reasons for this action are:

1) To implement the Plan of Conservation and Development goal to "Provide for the creation and continuation of diverse housing opportunities." (A.2.1. p. 11); and

2) To implement the Plan of Conservation and Development goal to "Advance current redevelopment plans." (A.6.2. p. 13); and

3) To implement the Plan of Conservation and Development goal to "Prevent flooding and threat to health and property." (B.3.1. p. 17); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Mr. Davidson seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; and George Tsiranides; David Davidson voted in favor.

No one opposed.

No one abstained.

c) Zoning Commission referral - #10-16R - Zoning Commission – Proposed amendments to Articles 111 and 140 regarding fees for various applications and adoption of new fee schedule

This item was postponed to the March Planning Commission agenda.

d) Zoning Commission referral - #11-16R - Zoning Commission – Proposed amendments to Article 140 regarding technical review of various applications

**** MR. FERGUSON MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#11-16R - Zoning Commission – Proposed amendments to Article 140 regarding technical review of various applications" and dated December 28, 2016, be **APPROVED**.

BE IT FURTHER RESOLVED that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development to "establish and maintain an efficient system of zoning enforcement..." (F.6.1.1, p. 45); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Norwalk Zoning Commission.

Mr. Davidson seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; and George Tsiranides; David Davidson voted in favor.

No one opposed.

No one abstained.

e) Zoning Commission referral - #1-17R – Meadow Street Partners, LLC – 6 & 30 Meadow St – Proposed amendment to Industrial #1 zone to allow storage of empty solid waste containers and refuse collection receptacles associated with an approved solid waste transfer station as a contractor's storage yard

Before a resolution was put forth, there was a discussion about how to handle this resolution because there were concerns among the commissioners as to the timing of this application. Some thought that they did not have enough time to review environmental concerns. The options were to deny the resolution and then having the Zoning Commission approve it with a two thirds vote. They discussed a second option to hold the application over for 1 month to allow them to time for due diligence. There was a discussion about whether this would legalize containers around the city. The commissioners discussed the scenarios about if they denied the resolution. The applicant could take the Zoning Commission to court. The commissioners then decided on reasons to deny the application.

**** MR. FERGUSON MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#1-17R – Meadow Street Partners, LLC – Proposed amendment to Industrial #1 zone to allow use of a contractor’s storage yard for storage of empty containers and refuse collection receptacles associated with an approved solid waste transfer station by Site plan review**" and dated **January 4, 2017**, be **DENIED**.

BE IT FURTHER RESOLVED that the reason for this action is:

- 1) That the amendments are *not consistent* with the Plan of Conservation and Development to “Protect residential neighborhoods from incompatible development” (A.1.1.6, p. 10); and
- 2) That the amendments are *not consistent* with the Plan of Conservation and Development to “Update Restricted Industrial Zones, Industrial 1 Zones, and Industrial 2 Zones, to allow on a case-by-case basis certain types of *office and multifamily residential uses*, to reflect current economic trends in Norwalk provided they are compatible with the surrounding neighborhoods” (A.5.1.1, p.13); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Norwalk Zoning Commission.

Mr. McLaughlin seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; and George Tsiranides; David Davidson voted in favor.

No one opposed.

No one abstained.

VI. APPROVAL OF MINUTES: Subdivision: January 17, 2017; Land Use: January 17, 2017, January 25, 2017 & January 26, 2017; Planning: January 17, 2017 & February 1, 2017

**** MS. DIMEGLIO MOVED** to approve the Subdivision minutes of January 17, 2017, as amended.

Mr. Davidson seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; Nora King; David Davidson and George Tsiranides voted in favor.

No one opposed.

No one abstained.

**** MS. DIMEGLIO MOVED** to approve the Land Use minutes of January 17, 2017.

Mr. Davidson seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; Nora King; David Davidson and George Tsiranides voted in favor.

No one opposed.

No one abstained.

**** MS. DIMEGLIO MOVED** to approve the Land Use minutes of January 25, 2017.

Mr. Davidson seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; Nora King; David Davidson and George Tsiranides voted in favor.

No one opposed.

No one abstained.

**** MS. DIMEGLIO MOVED** to approve the Land Use minutes of January 26, 2017, as amended.

Mr. Davidson seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; Nora King; David Davidson and George Tsiranides voted in favor.

No one opposed.

No one abstained.

**** MS. DIMEGLIO MOVED** to approve the Planning Commission minutes of January 17, 2017, as amended.

Mr. Davidson seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; Nora King; David Davidson and George Tsiranides voted in favor.

No one opposed.

No one abstained.

**** MS. DIMEGLIO MOVED** to approve the Planning Commission minutes of February 1, 2017.

Mr. Davidson seconded.

Frances DiMeglio; Walter McLaughlin; Steven Ferguson; William Dunne; Nora King; David Davidson and George Tsiranides voted in favor.

No one opposed.

No one abstained.

VII. COMMENTS OF THE DIRECTOR

Mr. Kleppin said that he would have more information on the fee schedule application for Thursday night's meeting. Mr. Wrinn and Mr. Strauch did not have any information for the commissioners either.

VIII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

IX. ADJOURNMENT

Mr. McLaughlin made a Motion to Adjourn

Mr. Dunne seconded.

Fran DiMeglio; Walter McLaughlin; William Dunne; Steven Ferguson; Nora King, George Tsiranides and David Davidson voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 10:36 p.m.

Respectfully submitted by,

Diana Palmentiero