

**CITY OF NORWALK  
PLANNING COMMISSION  
April 16, 2019**

**PRESENT:** Frances DiMeglio, Chair; David Davidson; Brian Baxendale; Tammy Langalis; Michael Mushak (left at 10:24 p.m.); Mary Peniston

**STAFF:** Steve Kleppin; Mike Wrinn

**I. CALL TO ORDER**

Ms. DiMeglio called the meeting to order at 7:04 p.m.

**II. ROLL CALL**

Mr. Kleppin called the roll.

Ms. DiMeglio asked that everyone take a moment to remember Frank Strauch, a member of the Planning and Zoning Department, who had recently passed away.

**III. DISCUSSION AND/OR DECISION**

**a) Subdivision #3637 – 35 Meeker Court LLC – 35 Meeker Court – 4 lots – Status report of sedimentation & erosion controls**

Mr. Wrinn began his monthly review by saying that the erosion controls have been settled. There have been complaints about the noise. He also noted that there was a noise ordinance being addressed at the Common Council, that same evening. He also mentioned that there was still a problem with dust control because they are breaking up rocks. He also asked why the applicant was not blasting since it would be quicker. They were also working on a foundation but it was creating dust. There was a discussion about the timeline to completion. Ms. Langalis noted that she hoped the Planning Commission could help them more. She also noted that the applicant seemed to continue to push the envelope and was hoping that the ordinance committee could resolve the noise problem.

**b) Subdivision #3645 – C. Tomas – 37 Witch Lane – 2 lots – Request for release of surety – Report and recommended action**

Mr. Wrinn said that the homes had been built so it was recommended that the surety be released which was \$5,000. Mr. Mushak asked if this Tomas owned a building on Fairfield Avenue and said he would continue the discussion with Mr. Wrinn later.

**\*\* MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the surety held on Subdivision #3645 – Carmelo Tomas – 37 Witch Lane – 2 Lots for sedimentation and erosion controls be released as they are no longer required; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be April 26, 2019.

**Mr. Davidson seconded.**

**Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Michael Mushak; Mary Peniston approved.**

**No one opposed.**

**No one abstained.**

Ms. Langalis noted that 37 Witch Lane was a 2 lot subdivision which requested a waiver of sidewalks. However, there could have been sidewalks if it had been denied.

**c) Update on coastal buffers**

Mr. Kleppin noted that there had been a graduate student who had started working on this project. However, he had not continued the project but his outline had been given to a staff member to complete. She would also look at other municipalities in New York, Massachusetts, and New Jersey. Mr. Kleppin also noted the timeline of the project. There should be a map in May.

**IV. DISCUSSION OF PLAN OF CONSERVATION & DEVELOPMENT (POCD)**

**a) Review/action on 2019 - 2029 POCD - Report and recommended action**

Mr. Kleppin said that Stantec should have the final draft by mid-May. He also noted the timeline for the referral and public hearing by the Common Council. Ms. DiMeglio said she would like to see it before sending it to the Common Council and the Mayor. She did not want to change it again after those bodies saw it. It was suggested that there could be an additional meeting in May to complete it.

**b) Update on East Avenue TOD study**

Mr. Kleppin noted that the meeting had been in March which was mostly positive. There would be another survey for those that missed that event. There would be a survey at the East Norwalk Train station, including those in vehicles parking at the station. It was suggested that the survey should be online so that people could do it on their phones. Mr. Baxendale also commented about what he had observed at the meeting. There were some comments about the economic activity in the area and that others had not wanted apartments there. Mr. Mushak also noted that there were some fallacies being circulated in the city about renters. To him, some people thought that apartments were bad. There was a discussion about data regarding how many students are generated from the apartment complexes in the city. Mr. Kleppin noted that his staff had met with the Board of Education about this data.

Mr. Baxendale noted that the POCD was for good management of the city. The city should be taking actions on this plan. It was noted that the last POCD was advisory. For the operational part of the plan, he wanted to ask the Mayor that if he was not going to follow parts of it, then what was he suggesting to replace it. There was also a discussion about how to avoid this plan from being another item a shelf. It was noted that there should be a meeting with the Mayor to ensure that did not happen.

**a) Zoning Commission referral - #1-19M - Zoning Commission – West Avenue/Wall Street/North Av/Belden Av & vicinity - Proposed changes to the Building Zone Map from Central Business Design District (CBDD), Industrial #1 (I#1) and Neighborhood Business (NB) to Central Business District (CBD) and Central Business District West (CBD-W) – Report and recommended action and b) Zoning Commission referral - #1-19R - Zoning Commission – Proposed amendments to Section 118-504 Central Business Design District (CBDD), Section 118-100 Definitions, Section 118-1050 Workforce Housing Regulation, Section 118-1220 Off Street Parking and Commercial and Industrial Schedule Part 1 – Report and recommended action**

Mr. Kleppin began with a discussion of the Proposed CDB Rezoning map. It was noted that he referred back to the POCD when he wrote the proposed regulations. Ms. Peniston asked for a brief summary since she had missed the February 25 meeting so she could understand how they had gotten to this point. There was a discussion about a list from Paxton Kinol at the February 25 meeting which Ms. DiMeglio said that she did not remember seeing.

The commissioners decided to begin their discussion on the memo first. There was then a discussion of the micro-units from the historic properties on Wall St. They are incentivizing the regulations to restore these historic properties. Mr. Kleppin showed them the historic buildings on Wall Street on an overhead. There was a discussion about maintaining the historic preservation of the buildings in exchange for micro-units. The Parking Authority had approved of the proposed parking regulations. There was a concern about the restrictions in the regulations. Mr. Kleppin thought they had loosened them up. He also said that at the moment there was nothing to stop a developer from buying a building and then knocking them down. There was a discussion about the peer review architecture which was done in conjunction with the Planning and Zoning Department as well as the Redevelopment Agency. It was noted that the number of people in a microunit could not be regulated but that the landlord could monitor it. There was a discussion of parking in lieu of fee and that there should be an additional parking deck in the area. Mr. Mushak said that the parking in the Wall Street area would be at an angle to add more and slow people down. He noted it would be temporary. There was also a discussion about a parking lot near Wall St. It was also noted that there was a train station in the area which had originally been there in the early 1900s. Some citizens wanted to see a train station again in this area. The commissioners thought that this might be unlikely. There also was a discussion about the Merritt 7 train station. There was a discussion about a feasibility study for the Wall Street train station but no one seemed to know when it would be completed. There was also a discussion about Metro-North adding new trains stations in other towns. There were other comments on the memo as well including eminent domain and whether there were any restraints on it. There was also a discussion about the Riverview Plaza and 50 Washington St. which several Federal agencies then moved out of because of the condition of the buildings. There was a discussion about 28 Wall St. and what would happen to those businesses while the buildings were being changed. Some of the commissioners noted that the Wall Street area was vibrant about 50 years ago. Ms. DiMeglio noted that the theater should be allowed to keep their lights on to help it look vibrant. Mr. Kleppin noted that once the streetscape was changed it could help this area because there is so much asphalt in the area. There here was also a discussion about how to make businesses look like there was someone in there. There was also a discussion about the buildings on West Avenue which have inner esplanades but are not activating the streets. There was a discussion about the vibe on

Wall Street which seems more artsy so that they had added incentives to continue this. There was a discussion about day care centers in the area. It could be an asset especially if they were trying to increase density. It would be added back into the proposed regulations. There was a discussion about a green incentive such as a green roof.

There was also a discussion about the water dependent uses in the area. A walkway for public access was required by Zoning regulations. There was a discussion about how to incentivize the area to develop water dependent development such as stand up paddle boarding, etc. Mr. Davidson noted that his objection would be to 2 areas that would be expanded but neither were involved in the 5 Redevelopment areas. There was then a discussion about the eastern side of the Norwalk River which Mr. Kleppin said those property owners had visited him to ask that they remain as residential zones. Ms. Langalis thought that the area should not be condominiums. Once the waterfront access was gone, it was gone. There was a discussion about how to incentivize it.

There was a discussion about bicycle storage and for charging stations for vehicles in apartment buildings. This was in line with the POCD. There was a discussion about having a wider sidewalk as an amenity. Mr. Kleppin said that the regulations would require developers to construct a wider sidewalk. There was also a discussion about the art amenity bonus. Ms. DiMeglio asked to add the Planning Commission as a referral, as well. There was then a discussion about citizens being impacted which Mr. Kleppin said there were not a lot of residential buildings. It was more businesses but industrial areas were left out. There was a discussion about the workforce housing fund to be used and who would control those funds. Mr. Kleppin said that the Planning and Zoning Department had set up the account. There was also a discussion about who would have a say about the funds which most likely be through the Common Council. Mr. Kleppin did not think it should be in the proposed regulation. The commissioners thought that since the fund was set up there should be a mechanism on how the funds were paid from it.

The commissioners then began with a review of the proposed regulations. There was a discussion about the use of halfway houses. Mr. Kleppin noted that it was already in the regulations but could not discuss it further, due to the Quintard Ave. litigation. There was a discussion about the micro-units and single room occupancies (SRO). The commissioners made some changes to the language. There was a discussion about how developers learned about these proposed regulations. There was then a discussion about listing uses that were not already in the regulations. There was also a discussion about an accessory use language which could not be retail. There was a discussion about food trucks which the Health Department inspects and gives a permit to. There was a discussion about sustainability requirements which were regulated by the Redevelopment Agency. There was also a discussion about a street activating use. There was also spelling and grammatical changes made to the proposed regulations. There was also a discussion about the public realm and traditional New England look. There was then a discussion about public access to the water which could count toward an amenity. There was also a discussion about recreational areas and water fountains.

There was then a discussion about the amount of work force housing in Norwalk. Although they met the State requirements, the city may not be meeting the need of enough affordable housing for its residents. Mr. Kleppin noted that parking fee in lieu had never been used in Norwalk. There was a discussion about the parking for microunits. There was also a discussion about automated parking

which takes the vehicle and parks it for the owner. There was a discussion about language about an escrow account, who is holding it and what it is for. The commissioners asked about language that seemed to be deleted but had been moved to another section. There was then a discussion about green technology. There was a discussion about window signs and digital signs around town. Ms. DiMeglio noted that it is illegal. There was a discussion about how some of these were enforcement issues.

**Zoning Commission referral - #1-19M - Zoning Commission – West Avenue/Wall Street/North Av/Belden Av & vicinity - Proposed changes to the Building Zone Map from Central Business Design District (CBDD), Industrial #1 (I#1) and Neighborhood Business (NB) to Central Business District (CBD) and Central Business District West (CBD-W)**

Ms. DiMeglio noted that she would move the resolution with the changes that they had discussed. Prior to the seconding of the motion, Mr. Davidson said he would be voting against this resolution because of his opposition to the expansion of the redevelopment area for both on the eastern end to the waterfront and on the western end to the hospital area. He said there were two reasons for this, (1) that the major redevelopment pods identified by the Redevelopment Agency are not in those areas and (2) his opposition to any expansion of the authority of the Redevelopment Agency.

**\*\* MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the Zoning Commission referral - #1-19M - Zoning Commission – West Avenue/Wall Street/North Av/Belden Av & vicinity - Proposed changes to the Building Zone Map from Central Business Design District (CBDD), Industrial #1 (I#1) and Neighborhood Business (NB) to Central Business District (CBD) and Central Business District West (CBD-W), in their entirety be **APPROVED**.

**BE IT FURTHER RESOLVED** that the reasons for this action are to implement the Plan of Conservation and Development to:

- 1) “Encourage diversity in commerce and industry” (A.1.1.2); and
- 2) “Protect water-dependent uses and encourage additional uses in appropriate locations along the waterfront that maximize public enjoyment of the harbor” (A.1.2.7); and
- 3) “Allow a wide range of housing opportunities to ensure that the housing needs of all segments of the labor force are met” (A.1.2.3, p.10); and
- 4) “Encourage the expansion of the number of affordable housing units through innovative methods such as incentive programs” (A.2.2.6, p.12); and
- 5) "Encourage new development around transit access and allow new development which does not exceed the capacity of infrastructure systems (roads, sewers, water, etc)” (B.1.1.2, p. 16); and
- 6) “Strengthen the revitalization of the West Avenue area by encouraging mixed-use development.....” (A.3.1.2, p.12); and
- 7) “Allow for the future needs of Norwalk to be met as identified in this Plan (i.e. housing, economic growth, community facilities, etc.)” (F.1.1.6, p. 40).

**BE IT FURTHER RESOLVED** by the Norwalk Planning Commission that the draft Wall Street - West Avenue Redevelopment Plan is consistent with the Draft 2019 Citywide Plan (POCD).

**BE IT FURTHER RESOLVED** that the Redevelopment Plan is consistent with the following principles within the Draft Citywide Plan:

- 1) Chapter 3, Prosperity and Opportunity, Goal 3: Strengthen Norwalk’s urban core with a mix of

uses to attract residents, visitors and businesses; and

- 2) Chapter 4, Housing Choice and Healthy Lifestyles, Goal 1: Norwalk has a neighborhood and housing strategy that maintains a variety of neighborhood types and housing choices through a variety of mechanisms; and
- 3) Chapter 9, Coastal Resources and Resilience, Goal 1: Use of harbor and coastal resources is balanced with environmental resource protection; and
- 4) Chapter 9, Coastal Resources and Resilience, Goal 3: Water-dependent uses continue to operate and expand in Norwalk Harbor and on the coast; and
- 5) Chapter 12, Future Land Use, Zoning and Urban Design, Goal 2: Neighborhood and corridor activity centers have urban design standards that promote walkability.

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

**Mr. Mushak seconded.**

Before the vote, there was another discussion as to why Mr. Davidson would vote “no” on this resolution which he explained further was his loss of confidence in the management of the Redevelopment Agency. It was also explained that if there was no action from the Planning Commission then the Zoning Commission would have to pass the proposed regulations with a 2/3 vote.

**Frances DiMeglio; Brian Baxendale; Tammy Langalis; Michael Mushak; approved.**

**David Davidson and Mary Peniston opposed.**

**No one abstained.**

The resolution did not pass and would go to the Zoning Commission as no action by the Planning Commission.

**Zoning Commission referral - #1-19R - Zoning Commission – Proposed amendments to Section 118-504 Central Business Design District (CBDD), Section 118-100 Definitions, Section 118-1050 Workforce Housing Regulation, Section 118-1220 Off Street Parking and Commercial and Industrial Schedule Part 1**

**\*\* MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled **#1-19R - Zoning Commission – Proposed amendments to Section 118-504 Central Business Design District (CBDD), Section 118-100 Definitions, Section 118-1050 Workforce Housing Regulation, Section 118-1220 Off Street Parking and Commercial and Industrial Schedule Part 1** dated April 25, 1994, revised to February 26, 2016 be **APPROVED**, with the following recommended modifications:

- 1) Any amendment considered for a property listed on a local, state or national register should contain a provision that the application be forwarded to the Historical Commission for consideration; and
- 2) Do not remove childcare as an amenity eligible for additional floor area and building height; and
- 3) Include the Planning Commission to the list of agencies that determines whether proposed public art is appropriate (page 12 (f)); and

- 4) Revise page 4 t.ii to state: “they are part of a rehabilitation, preservation and may include a potential addition to an existing structure listed on a local, state or national historic inventory”.

**BE IT FURTHER RESOLVED** that the reasons for this action are to implement the Plan of Conservation and Development to:

- 8) “Dedicate a portion of funds raised from the fee-in-lieu provision of the Workforce ordinance to efforts by other housing providers to create mixed-income communities” (A.2.1.7); and
- 9) “Allow a wide range of housing opportunities to ensure that the housing needs of all segments of the labor force are met” (A.1.2.3, p.10) and to “Encourage the expansion of the number of affordable housing units through innovative methods such as incentive programs” (A.2.2.6, p.12); and
- 10) “Encourage quality housing for a variety of tenures, family sizes, incomes, the elderly, and persons with special needs” (A.2.1.1, p. 11); and
- 11) “Strengthen the revitalization of the West Avenue area by encouraging mixed-use development.....” (A.3.1.2, p.12); and
- 12) “Encourage new development around transit access and allow new development which does not exceed the capacity of infrastructure systems (roads, sewers, water, etc)” (B.1.1.2, p. 16); and
- 13) “Encourage and support all music, art, and cultural programs” (D.7.1.1); and
- 14) “Allow for the future needs of Norwalk to be met as identified in this Plan (i.e. housing, economic growth, community facilities, etc.)” (F.1.1.6, p. 40); and
- 15) “Create an engaging urban landscape and architectural setting in the West Avenue area through the adoption and implementation of West Avenue planning, as amended” (F.4.1.10); and
- 16) “Enhance pedestrian experience to support related economic revitalization and encourage transit use” (F.4.2.1. p.42); and
- 17) Use historic preservation as a tool for economic revitalization and to promote tourism (F.5.1.4).

**BE IT FURTHER RESOLVED** by the Norwalk Planning Commission that the draft Wall Street - West Avenue Redevelopment Plan is consistent with the Draft 2019 Citywide Plan (POCD).

**BE IT FURTHER RESOLVED** that the Redevelopment Plan is consistent with the following principles within the Draft Citywide Plan:

- 6) Chapter 3, Prosperity and Opportunity, Goal 3: Strengthen Norwalk’s urban core with a mix of uses to attract residents, visitors and businesses; and
- 7) Chapter 4, Housing Choice and Healthy Lifestyles, Goal 1: Norwalk has a neighborhood and housing strategy that maintains a variety of neighborhood types and housing choices through a variety of mechanisms; and
- 8) Chapter 6, Preserving and Promoting our Historic Heritage, Arts and Culture, Goal 1: Norwalk protects its most important historic resources and encourages adaptive reuse of historic sites to maintain and enrich the City’s character; and
- 9) Chapter 9, Coastal Resources and Resilience, Goal 1: Use of harbor and coastal resources is balanced with environmental resource protection; and
- 10) Chapter 9, Coastal Resources and Resilience, Goal 3: Water-dependent uses continue to operate and expand in Norwalk Harbor and on the coast; and

- 11) Chapters 10, Transportation and Mobility Networks, Goal 1: Norwalk has a comprehensive and balanced transportation system, with safety and multimodal accessibility the top priority of citywide transportation planning.
- 12) Chapter 12, Future Land Use, Zoning and Urban Design, Goal 2: Neighborhood and corridor activity enters have urban design standards that promote walkability.

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

**Mr. Baxendale seconded.**

**Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Michael Mushak; Mary Peniston approved.**

**No one opposed.**

**No one abstained.**

There was a discussion about the voting on the resolution for the proposed map. Ms. DiMeglio reminded everyone that the vote by the Zoning Commission would have to be 2/3 of the commissioners. Mr. Davidson believed that his opposition would not have an impact on the Zoning Commission's vote.

Mr. Mushak left at this point in the meeting.

#### **V. APPROVAL OF MINUTES: March 19, 2019**

There was a discussion about whether Mr. Mushak moved a resolution for the 8-24 referral and how long the lease extension was for. The recording of those minutes would be listened to and corrected, if necessary.

**\*\* MS. DIMEGLIO MOVED to approve the minutes of March 19, 2019, as amended.**

**Mr. Davidson seconded.**

**Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mary Peniston approved.**

**No one opposed.**

**No one abstained.**

#### **VI. COMMENTS OF DIRECTOR**

Mr. Kleppin had no comments.

#### **VI. COMMENTS OF COMMISSIONERS**

Ms. DiMeglio that there were new staff members in City Hall that they should all meet the Planning Commission. Mr. Davidson suggested that they receive a copy of the POCD before they come to meet the commissioners.

She also discussed the West Avenue Opportunity Zone and what it meant. Mr. Kleppin thought that it had meaning for developers and the tax advantages for them.

There was a discussion about the new laundromat on West Avenue. The vents are an eyesore and quite large. She wanted a status update.

**VII. ADJOURNMENT**

**Ms. Peniston made a Motion to Adjourn.**

**Mr. Baxendale seconded.**

**Frances DiMeglio; David Davidson; Mary Peniston; Brian Baxendale; Tammy Langalis; Michael Mushak; Steve Ferguson voted in favor.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Diana Palmentiero