

**CITY OF NORWALK
PLANNING COMMISSION
May 21, 2019**

PRESENT: Frances DiMeglio, Chair; David Davidson; Tammy Langalis; Nora King; Steve Ferguson; Michael Mushak; Mary Peniston (after the roll call)

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Tom Hamilton; James Giuliano; William Hodel Angela Fogel; Atty Liz Suchy

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 7:08 p.m.

II. ROLL CALL

Mr. Kleppin called the roll.

III. DISCUSSION AND/OR DECISION

a) Special Capital Appropriation – Board of Education – Appropriation for major construction projects - Report and recommended action

Mr. Wrinn said that Alan Lo would not be able to speak on this matter but that several members of the Board of Education could. He noted that some projects were not completed and that the Board of Education was “giving up” others. There was a discussion about how some of these projects would be reflected in next year’s Capital Budget requests and whether projects would be replaced equally. There was then a discussion about which memos in the packet were applicable. There was a discussion about the priority projects and that there was a detailed list from which they picked these projects. Mr. Hamilton further explained Angela Fogel’s May 6 memo. He also noted that there were schools that they would have to come back to the Planning Commission for monies later on. With project close-outs, most of the new projects would be covered. He noted that there would be a new name for the Norwalk Global Academy project because they could not use the International Baccalaureate (IB) program designation yet. There was also a discussion about the 13th school which would actually be a K-8 campus. There was a discussion about the possibility of losing funds from Hartford if applications have not been filed by June 28. He said that this filing was for being on the priority list for funding. Mr. Giuliano said that legislation in Hartford could reduce the reimbursement rate.

Mr. Hamilton then spoke about the new school vs. renovation as new of the existing building for the IB Elementary School. He also gave out a hand-out of pros and cons regarding this issue. He also addressed an email that had been handed out at the beginning of the

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Planning Commission meeting. Mr. Hamilton noted that traffic circulation was usually improved as opposed to renovation which had the traffic remain the same. Mr. Giuliano said that the architect had been asked to do a renovation as new. He noted that the square footage would be more which would then reduce the reimbursement. He also noted that since the building was built prior to 1950, there was much inefficiency. There was a discussion about the site circulation; however, there is no site plan yet. There was also a discussion about applying suburban standards, from the state, to a school that urban standards may work better. There was then a discussion about what the Planning Commission should be reviewing. The Common Council would be deciding whether it should be a new or renovate as new construction. There was also a discussion about why capital budget accounts had not been closed during the last Capital Budget cycle. There was also a discussion about savings in operating costs in utilities, etc. There was also a discussion about how commissioners would vote. There was also a discussion about the savings from keeping old buildings. Mr. Mushak did not want to vote to demolish the Columbus School. Ms. King suggested voting for the funding and then moving this matter to the Common Council. She thought the public and Common Council should decide whether the school be new or renovated like new. There was then a discussion about the closeout of capital budget accounts. Mr. Mushak then noted that there were reasons why historical buildings such as Columbus School should be saved based on the National Trust of Historical Preservation's research. There was then a discussion about receiving a list of what projects were being cut. Mr. Hamilton noted that there could be cost overruns on a renovate to new project such as environmental remediation which would not be an issue with a new building. There could be greater financial burdens with this. There was then a discussion about the Cranbury school project which a few commissioners thought should be a new school.

Mr. Wrinn then discussed the special appropriations and then the separate items. Mr. Davidson said he would vote against the first 5 resolutions and would not vote for the \$12,447,000 which would increase the debt service and then other departments would receive less money each year for the next five years. Ms. King said that she would be voting for all the resolutions except the 4th one. Based on the lack of information and level of expertise, she wanted to make it clear that she would not be rendering an opinion as to new or renovated to new construction. She believed this should be decided after the public had made comments to the Common Council There was a discussion about what the next steps would be. Mr. Wrinn said all resolutions would be sent to the Common Council. Ms. DiMeglio asked the other commissioners if they had questions or how they would vote in order to get a sense as to what would be sent to the Common Council. Ms. Peniston was concerned about the funding increases. Mr. Hamilton noted that they could not guarantee that there would not be cost overruns. Mr. Mushak did not see the reasons for building a new school, rather than renovating Columbus School. Ms. King thought there should be a public hearing to let them decide about this school. Mr. Ferguson noted that he had 3 kids in different schools in the city. He thought there should be a more accurate accounting for appropriations especially that the Planning Commissioners had made cuts in other departments' budgets during the Capital Budget process last year to support its major projects.

At 8:23, the commissioners decided a 10 minute break was necessary and returned at 8:33 p.m. Ms. DiMeglio noted that each of the 7 resolutions would be sent to the Common Council. No action would be considered an approval. The Common Council would need a supermajority to override a Planning Commission denial.

**** MS. DIMEGLIO MOVED:** RESOLUTION: Authorize special capital appropriation totaling \$3,488,000 to increase the available balance in Board of Education account 09-18-5010-5777-C0607 to fund construction budget shortfalls for the Columbus at Ely Project and authorize the issuance of \$3,488,00 General Obligation Bonds of the City to fund said appropriation.

Mr. Ferguson seconded.

Frances DiMeglio; Tammy Langalis; Nora King; Steve Ferguson; Michael Mushak;

Mary Peniston approved.

David Davidson opposed.

No one abstained.

**** MS. DIMEGLIO MOVED:** RESOLUTION: Authorize special capital appropriation totaling \$5,453,000 to increase the available balance in Board of Education account 09-19-5010-5777-C0619 to fund construction budget shortfalls for the Jefferson School and authorize the issuance of \$5,453,000 General Obligation Bonds of the City to fund said appropriation.

Ms. King seconded.

Frances DiMeglio; Tammy Langalis; Nora King; Steve Ferguson; Michael Mushak;

Mary Peniston approved.

David Davidson opposed.

No one abstained.

At the 3rd resolution, there was a discussion about allowing the commissioners to see what the increases are for in the budget. There was also a discussion about the naming of the projects but there seemed to be some confusion over that since they could not use the IB designation. Ms. Fogel said they could make it consistent.

**** MS. DIMEGLIO MOVED:** RESOLUTION: Authorize special capital appropriation totaling \$4,653,000 to increase the available balance in Board of Education account 09-19-5010-5777-C0618 to fund construction budget shortfalls for the Columbus School and authorize the issuance of \$4,653,000 General Obligation Bonds of the City to fund said appropriation.

Mr. Mushak seconded.

Frances DiMeglio; Tammy Langalis; Nora King; Steve Ferguson; Michael Mushak;

Mary Peniston approved.

David Davidson opposed.

No one abstained.

The commissioners decided to skip the 4th resolution and come back to it at the end.

**** MS. DIMEGLIO MOVED:** RESOLUTION: Authorize the reduction in appropriations for the following projects: 09-18-5010-5777-C06010, Facilities Master Plan by \$2,444,574; 09-19-5010-5777-C0610, Facilities Master Plan by \$7,423,426; 09-20-5010-5777-C0610, Facilities Master by \$2,000,000; and 09-17-5010-57777-C0585, Facilities Assessment Study IM by \$579,000.

On this 5th resolution, there was a discussion as to the changes in the plans which would be at Cranbury and Fox Run. Mr. Giuliano was not sure about Fox Run and in Cranbury it would be air conditioning and windows, and the separation of the cafeteria from the gymnasium.

Mr. Mushak seconded.

Frances DiMeglio; Tammy Langalis; Nora King; Steve Ferguson; Michael Mushak; Mary Peniston approved.

David Davidson opposed.

No one abstained.

**** MS. DIMEGLIO MOVED:** RESOLUTION: Authorize the closure of the following Board of Education projects: 09-16-5010-5777-C0565, District Building Management System with available balance of \$500,000; 09-17-5010-5777-C0610, District Building Management System with available balance of \$500,000; 09-16-5010-5777-C0567, District Fire Alarm System with available balance of \$50,000; 09-05-5010-5778-C0237, Schools for the New Millennium with available balance of \$84,000; 09-04-5010-5778-C0237, Schools for the New Millennium with available balance of \$13,000.

Mr. Davidson seconded.

Frances DiMeglio; Tammy Langalis; Nora King; Steve Ferguson; Michael Mushak; Mary Peniston; David Davidson approved.

No one opposed.

No one abstained.

On the 7th resolution, Ms. DiMeglio asked that the closeout table in the next resolution be at the beginning of the Capital Budget books in the next cycle.

**** MS. DIMEGLIO MOVED:** RESOLUTION: Authorize the closure of the City projects outlined in the following table totaling \$2,484,369.

ACCOUNT	Description	Balance
09066410C0281	DREDGING	58,275
09096410C0460	NORWALK HARBOR DREDGING	278,579
09074021C0409	INTERSTATE 95 WIDENING 102-278	12,664
09144021C0349	CITY BUILDING SIDEWALK	50,000
09094027C0395	KEELER BROOK DRAINAGE IMPROVE	423,444

09154021C0405	WASHINGTON ST., WATER, MLK	25,358
09104031C0037	GEOGRAPHIC INFO SYSTEM	6,834
09114021C0481	CRESCENT ST WALL REHAB	13,832
09096030C0454	TESTA FIELD	259
09116030C0487	NATHAN HALE FIELDS	219
09126030C0499	50 WASHINGTON ST PLAZA	956
09166030C0366	CRANBURY PARK/GALLAHER ESTATE	247
09166030C0575	ROWAYTON COMMUNITY DOCKS	4,992
09186030C0367	VET PARK	317,823
09143010C0107	PRISONER VAN	15,052
09133010C0436	REPLACEMENT OF FIREARMS	566
09163010C0559	TACTICAL EQUIPMENT	551
09123110C0466	NEW FIRE HEADQUARTERS	644
09133110C0510	STATION REPAIR STUDY	210
09183110C0385	BUILDING REPAIRS VARE STA	318
09127100C0147	ROOSEVELT SENIOR CENTER	3,744
09127100C0266	NATHANIEL ELY	432
09157100C0543	VAR BLDG: ENVIRONMENTAL REMED	140
09167100C0137	POLICE HEADQUARTERS	1,203,353
09177100C0594	ALTERNATIVE ENERGY INSTALLATION	20,000
09176210C0590	LIBRARY NORTH ENTRYWAY	45,838
09156210C0548	NORWALK NEWSPAPER DIGITIZATION	40
Total		2,484,369

Mr. Davidson seconded.

Frances DiMeglio; Tammy Langalis; Nora King; Steve Ferguson; Michael Mushak; Mary Peniston; David Davidson approved.

**No one opposed.
No one abstained.**

**** MS. DIMEGLIO MOVED: RESOLUTION:** Authorize special capital appropriation totaling \$1,518,000 to increase the available balance in Board of Education account 09-19-5010-5777-C0618 to fund additional costs related to new construction at the Norwalk Global Academy site and authorize the issuance of \$1,518,000 General Obligation Bonds of the City to fund said appropriation.

However Ms. King moved an amendment to the resolution to fund up to \$1,518,000 additional costs based on the Common Council and the public determination at the meeting. It would be the outcome of that meeting that determines how the funds are spent. However, there was the discussion about the wording of the resolution and the confusion of the naming of the schools. This funding would be in addition to the funding in Resolution #3 if the school was to be newly constructed. There was a discussion as to why this amount was separate. They only need this resolution if the public decides they would like a new building. Ms. King believed that the public needed to weigh in on whether the school should be a new school or a renovated like new building.

**** MS. KING MOVED: that based on a determination of the Common Council finding that a new building is the most desirable construction method.**

**Ms. DiMeglio seconded.
Frances DiMeglio; Tammy Langalis; Nora King; Steve Ferguson approved.
David Davidson; Michael Mushak and Mary Peniston opposed.
No one abstained.**

The amendment did not pass.

Now they returned to the original resolution.

**** MS. DIMEGLIO MOVED: RESOLUTION:** Authorize special capital appropriation totaling \$1,518,000 to increase the available balance in Board of Education account 09-19-5010-5777-C0618 to fund additional costs related to new construction at the Norwalk Global Academy site and authorize the issuance of \$1,518,000 General Obligation Bonds of the City to fund said appropriation.

**Mr. Mushak seconded.
Frances DiMeglio; Tammy Langalis; Nora King; Steve Ferguson approved.
David Davidson; Michael Mushak and Mary Peniston opposed.
No one abstained.**

The commissioners took no action on this resolution.

**b) 8-24 Referral – Board of Education – Capital School Improvement Projects
– Report & recommendation**

Before this began, Mr. Davidson asked why this was coming to the Planning Commission since he had never seen this from the Board of Education before. Mr. Wrinn explained that 8-24s have come before the Planning Commission before. Ms. DiMeglio said that it was a timing issue that had to start by July 1, 2019. Mr. Hodel said that all had been approved by the Common Council and were out to bid already. They have been budgeted for the next fiscal year. There was a discussion about an email from Alan Lo but that these could not wait until the June Planning Commission meeting. Ms. DiMeglio said that if Mr. Lo could not be at the meeting next time, it would not be on the agenda because the commissioners could not ask questions.

**** MS. DIMEGLIO MOVED: RESOLVED** by the Norwalk Planning Commission, that, in accordance with Section 8-24 of the Connecticut General Statute, the referral made by the City’s Building and Facility Manager on behalf of the Board of Education for capital improvements at various locations throughout the school system be **APPROVED:**

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

Chapter 5, 1. A.i: Continue implementation of NPS Strategic Plan and develop subsequent plans; and

Chapter 5, 2.A, iv: Support sustained maintenance and renovation of all schools. Implement the plan to air condition all schools

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

Mr. Ferguson seconded.

Frances DiMeglio; Tammy Langalis; Nora King; Steve Ferguson; Michael Mushak; Mary Peniston approved.

No one opposed.

David Davidson abstained.

**c) Zoning Commission referral - #3-19R – Malta House, Inc. 139 West Rocks Road – Proposed home for 15 expectant mothers in former daycare center building –
Report and recommended action**

Mr. Wrinn began the presentation with a brief history of the previous use of the building. He said that Malta House was being run elsewhere in the city until being approved by the city.

Atty Suchy gave a brief overview of the project as well as Malta House. It would preclude new construction at the site. She noted that they had filed applications with the Zoning Commission and that various city departments had reviewed it as well. She noted that it would be used as a long term opportunity for women over 18 years who had no other place to go. Mr.

Ferguson thanked Atty Suchy for taking this application and appreciated what Malta House did. Although Ms. King said she supported the program, she questioned the location of the program near a school with impressionable young children. She preferred that the structure be in another location. Atty Suchy said it should be looked as a way to help others less fortunate than themselves. She noted that the students may not even know they were there which Mr. Ferguson confirmed was the case at their present location. There was a discussion about the definition of the use as well as the owner of the property. Ms. DiMeglio said that she supported it and that they did great work. She did not think that it would be impressionable to other children. Atty Suchy recommended additional language to the resolution if the commissioners deemed it necessary.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled “#3-19R – Malta House, Inc. – Proposed amendments to Sec. 118-100 and 118-330 to define maternity home and permit maternity homes in the A Residence zone” and dated April 24, 2019, revised to May 8, 2019, be approved;

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

- 1) To implement the Plan of Conservation and Development goal to "Examine and modify existing zoning where necessary to achieve the goals of this plan" (F.2.1, p. 42); and
- 2) To implement the Plan of Conservation and Development goal to "Preserve and enhance the character of residential neighborhoods"(F.2.2 p. 42); and
- 3) To implement the intent of CGS Section 8-2 Zoning, including that "Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality."; and
- 4) On parcels of 20,000 acres or more.

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

Mr. Ferguson seconded.

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

No one opposed.

No one abstained.

d) Zoning Commission referral - #2-19R – Norwalk Arts Commission – Proposed amendments to Article 121 Sign Regulations to amend the regulations to clarify that wall murals are not signs, to reduce the number of off-premise signs and related technical amendments – Report and recommended action

Mr. Kleppin said that the Arts Commission would not be at the meeting this evening. He explained that this amendment would put the regulation in the hands of the Arts Commission and removing it from the Zoning Commission. Mr. Kleppin said that since the art was not promoting products, etc. it should not be considered a sign, therefore, it could not be regulated

by zoning regulations. Ms. King asked to see the CT Supreme Court language that stated that. Several commissioners believed that the Planning and Zoning Commission did not need to review the art while others thought that they should still regulate the artwork. There was a discussion about artwork by Jason Milligan which had not been approved. Many other cities don't regulate art. There was then a discussion about the specific verbiage in the proposed amendments. The Arts Commission would be regulated by the Common Council. There then a discussion about maintenance of the murals. There was then a discussion about murals on public and private property.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled “**#2-19R – Norwalk Arts Commission – Proposed amendments to Article 121 Sign Regulations to amend the regulations to clarify that wall murals are not signs, to reduce the number of off-premise signs and related technical amendments**” and dated Revised Draft April 17, 2019, be **APPROVED**;

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

- 1) To implement the Plan of Conservation and Development goal to “Encourage and support all music, art, and cultural programs” (D.7.1.1, p.33); and
- 2) To implement the Plan of Conservation and Development goal to “Continue to review and improve sign regulations” (F.4.1.4, p. 43)
- 3) To implement the Plan of Conservation and Development goal to “Preserve the character of neighborhood businesses and neighborhood businesses districts” (A.4.1.4, p.13); and
- 4)

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

Mr. Davidson seconded.

Frances DiMeglio; Tammy Langalis; Steve Ferguson; Michael Mushak; Mary Peniston approved.

No one opposed.

Nora King abstained.

e) Zoning Commission referral - #4-19R – Marcus Partners – Proposed amendment to Section 118-503 Executive Office zone to allow an increase in FAR for common areas in an existing non-conforming building - Report and recommended action

Mr. Kleppin gave a brief overview about the applications. There is no increase in the building office space but rather adding amenity to the Merritt 7 buildings. This would help attract tenants. They would lose part of the property due to the Metro-North taking some for the new train station. There was a discussion about the proposed regulations and whether they could be applied to other office spaces around the city. They also discussed the staff comments.

Atty Bill Hennessey continued the presentation with a brief history of the Merritt 7 office park. He explained the differences in what tenants were asking for as compared to when they were first built in the 1980s. Tenants were requesting gyms, etc. The goal is to help the property

owner lease to tenants. He also said that these proposed amendments addressed the taking of the property by Metro-North.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled “**#4-19R** – Merritt 7 Venture LLC (Marcus Partners) – Proposed amendments to Section 118-503 to revise Lot and Building requirements to exempt floor area devoted to lobbies, common areas or tenant amenities from gross floor area and FAR limitations” and dated **May 8, 2019**, be **approved**;

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

1. To implement the Plan of Conservation and Development goal to "Examine and modify existing zoning where necessary to achieve the goals of this plan" (F.2.1, p. 42); and
2. To implement the Plan of Conservation and Development goal to "Encourage development that seeks to provide maximum returns to the City in the Grand List tax revenue consistent with public purpose" (A.1.1.9, p. 10); and

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

Mr. Davidson seconded.

Frances DiMeglio; Steve Ferguson; Michael Mushak; Mary Peniston; Nora King approved.

No one opposed.

Tammy Langalis abstained.

There was a discussion about what other properties would be affected by this text amendment.

f) Subdivision #3637 – 35 Meeker Court LLC – 35 Meeker Court – 4 lots – Status report of sedimentation & erosion controls - Report and recommended action

Mr. Wrinn said that the status was the same. There is a second foundation on the property. There is no erosion and no water coming off the site. They are breaking rock which is a noise problem but they are hoping that this is over soon.

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

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

Mr. Kleppin began the presentation by stating he was hoping to get the final revised draft the next day. He said he would make any necessary edits. Ms. DiMeglio said she would like a special meeting for the commissioners to review it.

b) Update on East Avenue TOD study

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Mr. Kleppin began the presentation about the summary report from the consultant. He would send the commissioners a link. He explained the next steps for public comments.

V. APPROVAL OF MINUTES: April 16, 2019

Ms. DiMiglio noted that the minutes were not in the packets they received at home so would postpone the vote.

VI. COMMENTS OF DIRECTOR

There were no comments from the Director.

VII. COMMENTS OF COMMISSIONERS

Mr. Davidson handed out a memo to the commissioners regarding the Washington Street Plaza Park Improvements Award from Susan Sweitzer to the Norwalk Redevelopment Agency. He noted that funds were taken from various accounts including one from 2003. They had received authorization from the Finance Department. He recommended a procedure that any time monies being used above the other amounts in a project, it should be reviewed by the Planning Commission. He thought the Planning Commission should be part of the procedure and be in control of the Capital Budget funds. He suggested they should discuss how to set this up with the Finance Department and the Planning and Zoning Department. They decided to add this to the June Planning Commission meeting agenda. Ms. King said that the Redevelopment Agency had been doing this for years. Angela Fogel explained the procedure for the Board of Education. Ms. DiMiglio explained how a member of the Board of Estimate and Taxation (BET) had suggested a similar procedure.

Ms. DiMiglio asked if Mr. McGuire could be brought in to speak to the Commissioners about the Wall Street train station. Mr. Kleppin said that the governor had made an announcement about tolls but had not included Wall Street as a new train station, although other cities would get a new one. Ms. DiMiglio also asked to meet the new heads of departments.

VIII. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.

Ms. Peniston seconded.

Frances DiMiglio; David Davidson; Tammy Langalis; Nora King; Steve Ferguson; Michael Mushak; Mary Peniston voted in favor.

No one opposed.

No one abstained.

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The meeting was adjourned at p.m.

Respectfully submitted,

Diana Palmentiero