

**CITY OF NORWALK  
PLANNING COMMISSION  
MARCH 9, 2010**

**I. CALL TO ORDER**

Mr. Astrom called the meeting to order at 7:48 pm.

**II. ROLL CALL**

Mr. Greene took the roll call.

**PRESENT:** Torgny Astrom, Chair; Fran DiMeglio; Joel Zaremby; Victor Cavallo; Steve Ferguson; Don Nelson; Walter McLaughlin

**STAFF:** Mike Greene

**OTHERS:** Atty. Liz Suchy; Bill Spielman; Bethany Oleynick; Robert Mpukuk; Tom Gusman

**III. PUBLIC HEARING**

**a. Subdivision #3616 - Spielman – 103 Dry Hill Road – 2  
Lots**

Mr. Astrom opened the public hearing.

Atty. Liz Suchy, representing the applicant, turned in the green cards and described the proposal for a two-lot subdivision. She gave details about the property's frontage. Atty. Suchy stated that the project would benefit these residents and also add another residence. She said that the proposal met all requirements and that Mr. Spielman was present to answer questions.

Mr. McLaughlin said that the tree near the road should be a shade tree to keep the sight lines safe. Atty. Suchy agreed.

There was a brief discussion about reducing the height of the fence in order to keep it below the sight line.

Mr. Bill Spielman described adjustments intended for the trees on the property.

Ms. Bethany Oleynick stated that she had met with DPW regarding a resolution to fix the fence in order to comply with sight lines. She stated her concerns with the proposal, including the impact of drainage and excess water in the area. Ms. Oleynick also discussed concern with traffic safety at the intersection. She also asked whether the Spielmans would continue to live on the property or

whether they would rent it out. She added that she had had a reasonable expectation that the property would not be further subdivided.

Mr. Tom Gusman discussed his concerns with water problems in the area, pointing out that he had already had problems with flooding in his basement. He added that the extension of the back yard remained a concern. Mr. Gusman described his attempt to purchase land on a neighboring property to avoid allowing another house to be built behind his own. He discussed his conversations with a surveyor about the property. He asked the applicant to explain what had changed in order to allow another house to be built.

Atty. Suchy explained that the applicant's surveyor had been signed and that the lots were fully compliant. She added that the Planning Commission did not have jurisdiction to decide on neighborhood character. Atty. Suchy added that the project would need to follow regulations of 2 ½ stories or 35 feet for building height.

Mr. Astrom closed the public hearing.

#### **IV. REPORT OF SUBDIVISION COMMITTEE**

##### **a. Action on Items III (a)**

**\*\* MR. ZAREMBY MADE A MOTION TO MOVE THE ITEM BACK TO COMMITTEE.**  
**\*\* MR. FERGUSON SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

#### **IV. REPORT OF LAND USE COMMITTEE, Fran DiMeglio, Chair**

##### **Referrals – Report & recommendation**

- a. Zoning Commission referral - #1-10R – Zoning Commission – Proposed amendments to the Building Zone Regulations to revise Section 118-1100 Flood Hazard Zone to comply with new FEMA regulations and related technical amendments**

**MS. DIMEGLIO MOVED: RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#1-10R – Zoning Commission – Proposed amendments to the Building Zone Regulations to revise Section 118-1100 Flood Hazard Zone to comply with new FEMA regulations and related technical amendments" and dated February 12, 2010 be approved.**

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

- 1) To adopt the revised minimum requirements of the Federal Emergency Management Agency (FEMA) so that Norwalk will remain eligible to participate in**

**the National Flood Insurance Program (NFIP); and**

**2) To implement the Plan of Conservation and Development policy to " Maintain the Federal Flood Insurance Program which provides insurance for property owners in flood hazard areas, but encourage development (especially higher density) to be located outside flood-prone areas wherever possible, including increased setbacks to account for sea level rise" (B.3.1.8 . p.17); and**

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

**\*\* MR. ZAREMBY SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

**b. Zoning Commission referral - #2-10R – Zoning Commission – Proposed amendments to non-conforming sign regulations**

**\*\* MS. DIMEGLIO MOVED: RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#2-10R - Zoning Commission - Proposed amendments to Section 118-1292 General requirements regarding conformity of signs" and dated January 26, 2010 be approved.**

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

**1) To implement the Plan of Conservation and Development policy to "Minimize variance requests to the Zoning Board of Appeals" (F.2.1.7, p. 42); and  
2) To permit new tenants to change names on existing signs; and**

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

**\*\* MR. ZAREMBY SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

**c. DEP/USACE—5 Cudlipp Street—Removal of derelict structure and install new dock**

**\*\* MS. DIMEGLIO MOVED: RESOLVED that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200701727-TS—5 Cudlipp Street—Removal of derelict structure and install new dock; and**

**That the Commission supports water-dependent uses, such as the construction of docks, in tidal, coastal, or navigable waters of the state; and**

**BE IT FURTHER RESOLVED that this proposal is consistent with coastal resource and use policies.**

**\*\* MR. MCLAUGHLIN SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

**d. DEP/USACE—132 Water Street—Install floats for marine commercial use**

**\*\* MS. DIMEGLIO MOVED: RESOLVED that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200203648-SJ—132 Water Street—Install floats for marine commercial use; and**

**BE IT FURTHER RESOLVED that a zoning permit with the City of Norwalk will be needed for this work and that additional parking will need to be provided by the applicant; and**

**BE IT FURTHER RESOLVED that the Commission supports water-dependent uses, such as the construction of docks, in tidal, coastal, or navigable waters of the state; and**

**BE IT FURTHER RESOLVED that this proposal is consistent with coastal resource and use policies.**

**\*\* MR. ZAREMBY SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

**e. DEP/USACE—30 Shorehaven Road—Existing dock—Modify to increase size of floating dock**

**\*\*MS. DIMEGLIO MOVED: RESOLVED that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200700249—SB-30 Shorehaven Road—Existing dock—Modify to increase size of floating dock; and**

**That the Commission supports water-dependent uses, such as the construction of docks, in tidal, coastal, or navigable waters of the state; and**

**BE IT FURTHER RESOLVED that this proposal is consistent with coastal resource and use policies.**

**\*\* MR. ZAREMBY SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

- f. **DEP/USACE—100 Water Street—Retain and modify existing floats for marine commercial use**

**\*\* MS. DIMEGLIO MOVED: RESOLVED that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200300134—SJ-100 Water Street—Retain and modify existing floats for marine commercial use; and**

**That the Commission supports water-dependent uses, such as the construction of docks, in tidal, coastal, or navigable waters of the state; and**

**BE IT FURTHER RESOLVED that this proposal is consistent with coastal resource and use policies.**

**\*\* MR. CAVALLO SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

**V. APPROVAL OF MINUTES: February 9, 2010**

**\*\* MR. ASTROM MADE A MOTION TO APPROVE THE MINUTES.  
\*\* MR. NELSON SECONDED.  
\*\* MOTION CARRIES, 6-0-1 (CAVALLO ABSTAINING).**

**VI. COMMENTS OF THE DIRECTOR**

There were none tonight.

**VII. COMMENTS OF COMMISSIONERS**

There were none tonight.

**VIII. COMMENTS FROM SWRPA**

There were none tonight.

**IX. ADJOURNMENT**

**\*\* MR. MCLAUGHLIN MADE A MOTION TO ADJOURN.  
\*\* MR. NELSON SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:15 pm.

Respectfully submitted by Charlene Smith.