

CITY OF NORWALK
PLANNING COMMISSION - SPECIAL MEETING
October 20, 2020

PRESENT: Fran DiMeglio, Chair; Brian Baxendale; Tamara Shockley; Mike Mushak; John Lesko; Steve Ferguson and Tammy Langalis arrived after the roll call.

STAFF: Steve Kleppin (left early but returned at the end of the meeting); Bryan Baker

OTHERS: Atty Anthony Schwartz; Jeff Brown; Atty Bill Hennessey; Michael Weissbrod; Atty Liz Suchy; Atty Al Vasko; Tina Mangold

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 6:34 p.m.

II. ROLL CALL

Mr. Kleppin called the roll. It should be noted that this meeting was held on Zoom.com with all participants calling in, separately.

III. PUBLIC HEARING

A. Subdivision #3651 - Maria Mora and Bernal Mora-Acuna - 18 and 20 Katy Lane - Proposed two lot subdivision - Report & recommended action

Anthony Schwartz, attorney for applicants, began the presentation by explaining the subdivision on Katy Lane. He noted that fulfills all Zoning requirements and they have all sign-offs. The neighbors have also been notified of the public hearing. He also said they have 6 of 7 of the return receipts evidencing notice of the public hearing to the neighbors. He then continued by orienting the commissioners as to the location of the property on a site map. He also noted that Katy Lane is a private road so they have requested waivers for sidewalks and street trees. There are no sidewalks currently there. There was also a discussion about a fire hydrant but there is one nearby.

There was a discussion about the sidewalk waiver since it is a private road and whether there was any liability to the city without sidewalks especially during snow storms, etc. The city was not responsible for that since it was a private road.

Jeff Brown asked about another zoning application which was not on the Planning Commission agenda.

No other members of the public had any comments.

Ms. DiMeglio closed the public hearing.

IV. DISCUSSION AND/OR DECISION

A. Action on item III. A - Subdivision #3651 - Maria Mora and Bernal Mora-Acuna - 18 and 20 Katy Lane - Proposed two lot subdivision

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that subdivision application #3651 submitted by Maria and Bernal Acuna, at 18-20 Katy Lane and as shown on a plan entitled "Preliminary Subdivision Map of a Property Prepared for Maria Abbagnara & Bernal Mora Acuna, 18 & 20 Katy Lane, Norwalk, Connecticut," Scale 1" = 10', dated 5/26/2020 and certified "Substantially Correct" by Arcamone Land surveyors, LLC, Norwalk, CT, Wayne Arcamone Land Surveyor - Connecticut Registration No. 15773 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 determined by Staff, be submitted to guarantee the installation of all erosion and sedimentation controls; and
4. That a financial guarantee, in an amount 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 the proposed drainage system be noted on all zoning permits; and
8. That a Connecticut licensed engineer submit an engineering certificate that all required drainage and utility improvements were properly installed prior to issuance of a certificate of zoning compliance; and

BE IT FURTHER RESOLVED that the waiver requested for the installation of sidewalks be **APPROVED**; and

BE IT FURTHER RESOLVED that the waiver requested for the installation of curbs be **APPROVED**; and

BE IT FURTHER RESOLVED that the waiver requested for the installation of street trees be **APPROVED**; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be October 30, 2020.

Mr. Lesko seconded.

Fran DiMeglio; Brian Baxendale; Tamara Shockley; Mike Mushak; John Lesko; Steve Ferguson and Tammy Langalis approved.

No one opposed.

No one abstained.

B. Zoning Commission Referral - #4-20R - Wall Street Recap Associates LLC - Wall Street Place - Proposed amendments to revise schedule for Central Business District - Report & recommended action

Mr. Kleppin began with a discussion of the referral. He noted that there were modifications which he had shown to the peer review architect. He saw no issue with the change. There was a discussion about Mr. Kleppin's memo.

Atty Hennessey, the attorney for the applicant, introduced the team. He then explained the upper story facade. He noted that everyone is expecting for this project to go forward since it has been stalled for so long. He then oriented the commissioners as to the location of the project on an aerial map. He explained the original project and how it began in 2015. It stopped abruptly in 2016. It then explained the new application to the commissioners. There was a discussion about the affordable housing in the project. There would be 10% of the units at affordable rates, which Mr. McClutchy spoke to.

Michael Weissbrod, architect on the project, began by describing the two buildings including the exterior. He also explained what was not being changed from the original application. There was a variety of retail uses although some could be used as art and cultural space. He also discussed the parking. He said that there would be some minor changes. The balance of the parking would be at the east building. He showed them the renderings of the buildings as well as the plans for them. He also explained the setbacks of the massing.

There was then a discussion about the design of the buildings and the parking structure. There was a concern that all of the designs look the same. There was a discussion about the aesthetics of the buildings. Mr. Weissbrod said that since the building had been started it was difficult to deal with the massing. This would not be the final design and were open to changes. Mr. Kleppin noted that the city has an architectural firm that handles peer review. There was also a discussion about having the design of the buildings enhance the historic character of the neighborhood. There was a discussion about a nearby park and tying the design of the buildings into the older buildings on the street. There was also a discussion about how to make the buildings look nicer as well as making the sites greener. There was a further discussion about the parking spaces and whether there was enough for theater goers. The city's design review consultants would work with the applicant to enhance the designs.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#4-20R – Wall Street Recap Associates LLC - Wall Street Place - Proposed amendments to revise schedule for Central Business District - and dated October 15, 2020, be **APPROVED**.

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

- 1) To implement the Plan of Conservation and Development to "Continue to meet or exceed the state's 10% goal for affordable housing." (Ch. 4.F.1.D.ii, p. 77); and
- 2) To implement the Plan of Conservation and Development to "Adopt guidelines and standards, with required findings, as part of the zoning ordinance, to guide decision making that will help achieve the vision and goals of the plan." (Ch. 12.H.1.A.i, p. 242); and

3) To implement the Plan of Conservation & Development to “Include place-making and functional design standards in the requirements for non-residential and mixed-use development.” (Ch. 12.H.3.A.iii, p. 250); and

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

Mr. Lesko seconded.

Fran DiMeglio; Brian Baxendale; Tamara Shockley; Mike Mushak; John Lesko; Steve Ferguson and Tammy Langalis approved.

No one opposed.

No one abstained.

Atty Hennessey said that they would take their comments into consideration especially about the design, the park and parking issues.

C. Subdivision #3647 - Westmere Ave - Release of surety bond for completed subdivision - Report & recommended action

Mr. Baker explained that the subdivision has been completed and the house has been constructed. The applicant is requesting release of the surety bond.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that request for the release of the soil erosion and sedimentation control surety bond be **APPROVED**.

BE IT FURTHER RESOLVED that the effective date of this approval shall be October 30, 2020.

Mr. Baxendale seconded.

Fran DiMeglio; Brian Baxendale; Tamara Shockley; Mike Mushak; John Lesko; Steve Ferguson and Tammy Langalis approved.

No one opposed.

No one abstained.

D. Subdivision #3652 - Brant Behr - 25 and 29 Bouton Street - Proposed two lot subdivision - Preliminary review

Atty Suchy began the presentation with an introduction of the project team. She also gave a brief history of the area which was called Whistleville because of the train’s whistle. She also noted that the neighbors had been notified about the application. It is vacant land to subdivide into 2 lots. It met the regulations for a subdivision and would have homes constructed on them. She had not received all signoffs but would continue to follow up with them. She showed them a picture of the current property. She then showed them the proposed subdivision.

Mr. Ferguson noted that this land had had a previous application for 11 units. However, this proposal was for less units.

It was noted that this would bring more housing near to the train station and this would be an improvement to the storm drainage in the area. There was a discussion about the height and whether parking would be underneath. There was also a discussion about whether the Planning Commission was putting a contractor’s yard out of business. Mr. Baker said that they are not allowed in this zone and are

probably not permitted. There was also a discussion about whether there were architectural renderings at this time. Atty Suchy said they would be available at the public hearing.

There was a discussion about whether the public hearing could be scheduled in November.

E. Subdivision #3653 - Davis and Tina Mangold - 33 Yarmouth Road - Proposed two lot subdivision - Preliminary review

Atty Al Vasko began the presentation with a description of the proposed lots as well the current lot. The existing house will be moved to one of the lots and a new one will be built on the other. The property is not in a flood zone but it is in a Coastal Area Management (CAM) zone. He discussed the sidewalks in the area and they would provide and fix the existing sidewalks. It also follows all zoning regulations.

There was a discussion that the new owners would preserve the historical house since it was built in 1908. There was concern about moving it and what would be done with the old foundation. There was a discussion about the new houses on the property that would comply with Zoning regulations. There was also a discussion about the sidewalk size.

Tina Mangold, the owner of the property, explained what trees that would remain on the property as well as how the house would be moved. She also explained that they were interested in preserving the house and would use the stone from the foundation somewhere else on property. There was a further discussion about the plan for moving the current house which would be currently non-conforming.

Mr. Lesko thought it was a worthwhile project and that the move of the house is successful.

It was scheduled for a public hearing on the Planning Commission's November agenda.

The commissioners took a brief recess at 8:38 pm and returned at 8:42 pm

V. DISCUSSION OF OTHER ITEMS

A. Industrial Zones Study Update

Mr. Baker did not have any updates and neither did Ms. Langalis. She said that they had not met since the first one. There was another one scheduled on October 27, 2020.

VI. APPROVAL OF MINUTES: October 6, 2020

***** MS. DIMEGLIO MOVED** to accept the **October 6, 2020** Planning Commission minutes, as revised.

Mr. Baxendale seconded.

Fran DiMeglio; Brian Baxendale; Tamara Shockley; Mike Mushak; Steve Ferguson and Tammy Langalis approved.

No one opposed.

John Lesko abstained.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin said that he had left to attend another meeting but that he had no updates for the commissioners. There was a discussion about why the Industrial Zones study was moving slowly.

VIII. COMMENTS OF COMMISSIONERS

There was a discussion about how to deliver materials to the commissioners. Since materials were posted online so that the public could access them, the commissioners could print from there. Ms. DiMeglio did not think it was necessary for someone to drop off materials to her. There was also a discussion about whether there was too much paper. Ms. DiMeglio asked if it was okay for the commissioners to receive a link for the materials. They asked if Mr. Baker could send a link more than once to remind them that the materials had been sent.

Mr. Baxendale noted that he had been interested in the house at 33 Yarmouth Road and was concerned about moving the house. He was pleased to hear that it would be saved. He also began discussing the Wall Street project but Ms. DiMeglio reminded him he could not since they had voted on the application. There were pictures but Mr. Baker could not share them with the commissioners.

Mr. Mushak referenced some of his comments earlier in the evening. He also congratulated Alexis Cherichetti for her promotion to Assistant Director of the Planning and Zoning Department. He also thanked other staff members of the Zoning Department, Dori Wilson, Aline Rochefort and Brenda Hratnak for their years of service to the Department who had recently retired from their positions. Mr. Kleppin explained Ms. Cherichetti's new role in the Zoning Department, as well as Mr. Baker's position.

Ms. DiMeglio said that there would be nominations from the floor next month for the nomination of officers for the Planning Commission.

IX. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.

Mr. Baxendale seconded.

Fran DiMeglio; Brian Baxendale; Tamara Shockley; Mike Mushak; John Lesko; Steve Ferguson and Tammy Langalis approved.

No one opposed.

No one abstained.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Diana Palmentiero