CITY OF NORWALK
PLANNING COMMISSION
January 15, 2019

PRESENT: Frances DiMeglio, Chair; David Davidson; Brian Baxendale; Tammy Langalis; Mary Peniston; Steve Ferguson; Nora King; Mike Mushak

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Jim Kousidis; Cory Roland; Geri Roland; Atty Suchy; Atty McCann; Patrick Sikorsky; Valerie Horn; Pam Nielsen

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 6:02 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

III. PUBLIC HEARING

a) Subdivision #3650 – Kousidis Engineering, LLC – 31 Nolan Street – 2 Lots

Ms. DiMeglio opened the public hearing and explained the rules. Jim Kousidis began the presentation. He noted that they did not need any variances and all the appropriate sign-offs to move forward. He briefly spoke of the water retention and runoff from impervious surfaces. Ms. DiMeglio noted that she had seen Mr. Kousidis earlier but they had not discussed this application at that time.

Cory Roland, 28 Nolan St., had questions about the traffic study and construction times. He also asked whether there were any renderings of the structures to be constructed on the property.

Geri Roland, 28 Nolan St., also asked how tall the structure would be and how many units.

Mr. Kousidis noted that there were no actual plans but that there would be single family homes like the rest of the neighborhood and would be as high as the regulations allowed. He explained the sewer. He then explained the lots and that there would be the existing lot as well as the subdivision. There would be no gas lines coming to the property. Mr. Roland noted that a neighbor said that a tree's roots were wrapping around a water main. There was a discussion about whether it was market rate or affordable housing that was going to be constructed.

b) Subdivision #3637 – 35 Meeker Court, LLC – 35 Meeker Court – 4 Lots – Calling of surety (CONTINUED)

Ms. DiMeglio noted that this had been continued for 3 months. Atty Suchy explained what had happened in the last 3 months. She said that hay bales had been kept in place and that all has been installed as of the meeting date.

There was a discussion about some issues that neighbors felt had not been addressed. Mr. Wrinn said that there had been some water before the project. He said that the erosion control plan, phase 1 had been completed. The Department of Public Works (DPW) has been at the site for separate issues. Mr. Wrinn said that the Planning Department had spoken to the DPW about neighbors' issues. There was a discussion about leaving the public hearing open but they decided to do that. Atty McCann addressed the Planning Commission request as to whether they could rescind the subdivision approval. He said that although he agreed with Atty Suchy's letter that expressed that state statute did not allow it, they did have some recourse. The bond could be recalled or the approval could expire, especially if conditions were not met. They could expect compliance for each stage. He also explained other measures the City could take. There was a discussion about raising the bond because they thought it was insufficient. Atty McCann did not think they could. There was a follow-up discussion about whether the law specifically granted the right of rescission. Atty McCann recommended asking for additional monies under the bond and use it to make repairs, etc. and then ask the developer to do the remaining work. Atty McCann said that there is recourse for the Planning Commission. There was also a discussion about the phases of the subdivision and what conditions had to be met. There was then a discussion about the expiration date of a subdivision which is 5 years. This subdivision was approved 3 years ago. There was a further discussion about adding conditions. There was a discussion about getting monthly or quarterly updates from the Planning Department staff. There was a discussion about approving an extension. Mr. Davidson noted that the Planning Commission had an obligation to check that the developer was getting the job done. Atty McCann said that whatever action needed to be completed to make sure that the developer was working on this, Corporation Counsel would do it. Mr. Mushak asked if there could be additional conditions like plantings; however, he understood that those conditions would have to be added at the 5 year expiration if the developer wanted an extension.

Patrick Sikorsky, 20 Meeker Court, noted that he had been at the Planning Commission hearing when it was approved. He explained easements on the property and explained what had been discussed at that meeting. He noted that he had thought that the oak trees should have remained. He then noted what was working on the property at this time such as a berm. He explained what was happening on the property. He also noted that the City was revaluating the property and that they may receive tax abatements because the property values had gone down. There was a discussion about the driveways that were going to be constructed.

Valerie Horn, 20 Meeker Court, explained what DPW was trying to do. She also said that the water had now flooded her backyard and she did not think that it would ever evaporate.

She wondered how long it would take for the other houses to be built, if the first house had taken 3 years to be built.

Mr. Wrinn noted that perhaps this item should be continued to the following month since the Planning Commission had to be at the Special Meeting of the Planning Commission for the Plan of Conservation and Development (“POCD”)

Pam Nielson, 32 Briar Street, said she agreed that new trees may help. She asked about a time line for the construction of the other houses. She also had questions about the retaining wall. She pointed to some pictures that the commissioners had received as well.

Mr. Wrinn said that phase 1 of the erosion control plan had been implemented. He said water was going into the soil now.

Mr. Mushak said that the water tables are extremely high at this time of year because of the amount of rainfall that Fairfield County had received in the last year. Mr. Baxendale said they would need some input from the Corporation Counsel to move the application forward. There was a discussion about how many reports to the Planning Commission that the applicant should do. They agreed he should come before the Planning Commission quarterly so they would be before them again in March. There was a discussion about whether the Planning Commission could have answers about construction schedules, etc.

This meeting was going to be continued until February. Mr. Kleppin said that he would inform members of the public that the meeting for the Plan of Conservation and Development would not start at 7 p.m.

There was a further discussion again about how to move the application forward. Atty Suchy asked that this matter be closed.

IV. DISCUSSION AND/OR DECISION

a) Action on Items III. a.

Subdivision #3650 – Kousidis Engineering, LLC – 31 Nolan Street – 2 Lots

Ms. King said that she did not want to move this item without sidewalks on the application. Mr. Wrinn noted that trees would be removed for the sidewalks. There was then a discussion about moving the public hearing to February. The commissioners agreed that they would add sidewalks.

**** MS. KING MOVED** to require the addition of curbs and sidewalks on Nolan St. only.

Mr. Mushak seconded.
Frances DiMeglio; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King.
No one opposed.
David Davidson abstained.

**** MR. MUSHAK MOVED: BE IT RESOLVED** that subdivision # 3650 – Kousidis Engineering, LLC – 31 Nolan Street – 2 lots as shown on a survey entitled "Resubdivision Map Prepared For Mario Lombardi, Norwalk CT, Scale 1" = 20', dated February 3, 2018 ", and certified substantially correct by Dennis A. Deilius, CT Land Surveyor and a site development plan by Kousidis Engineering, LLC, dated 11/02/18 be **APPROVED** subject to the following conditions:

1. That all required CEAC signoffs are submitted; and

2. That the water line on Springdale Court be extended by the applicant as required by the District to serve the new building lot; and

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

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

5. 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

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

7. That the proposed drainage system for future development, when installed, be maintained to work at full capacity; and

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

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

BE IT FURTHER RESOLVED that 4 street trees meeting the specification of the subdivision regulations be installed and that, where practical, any existing street trees which meet the street requirement be retained and protected during construction and utilized towards the street tree requirement; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be January 25, 2019.

Mr. Baxendale seconded.
Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King.
No one opposed.
No one abstained.

V. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.
Mr. Davidson seconded.
Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King voted in favor.
No one opposed.
No one abstained.

The meeting was adjourned at 7:09 p.m.

Respectfully submitted,

Diana Palmentiero

CITY OF NORWALK
PLANNING COMMISSION – SPECIAL MEETING
January 15, 2019

PRESENT: Frances DiMeglio, Chair; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Larissa Brown; Nancy Rosett; Steve Bartush; John Pinto; John Romano; Lisa Briton; Donna Smirniotopoulos; Mike McGuire; Jason Milligan; Adolph Neidermyer

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 7:17 p.m.

II. INTRODUCTION

Mr. Kleppin gave introductions and then a brief review of how the draft of the Plan of Conservation and Development ("POCD") progressed including the oversight committee, neighborhood meetings and workshops. He explained the matrix of comments. He also noted that there would be a second meeting the following week.

III. PRESENTATION OF NORWALK CITYWIDE PLAN: 2019-2029

Larissa Brown discussed the state requirements, through a PowerPoint presentation, and how it was different from the last plan. She said that it was much thinner and a list of projects. She also discussed the vision and what the city hoped to accomplish. It was the big picture and trends that the city saw happening. She discussed the strengths which included its proximity to New York City, the waterfront and private development. The weaknesses included the fragmentation and traffic congestion. She noted the opportunities including the mixed use and TOD developments, and tourism economy. She discussed what the oversight committee had prioritized which included rewriting the zoning regulations, establish an economic development office and the city website more customer friendly. She noted the top priorities for the 10 year plan which included industrial zones, retail and open spaces plan. She also discussed transportation problems and noted that Norwalk could fix the problems within their boundaries. She then made reference to a handout that had left for the members of the public to review. She also discussed that Norwalk did not have strong economic development leadership. She spoke about enhanced transportation and connectivity throughout the city as well as the school system. The draft plan noted that the zoning regulations should be on line and more user friendly. It also noted that there should be a better plan for open spaces and enhanced protection of environmental resources. The housing plan should be revamped. The Climate Action Plan should be implemented. There are opportunities for the he Historic Preservation

Plan which included tourism. There were also opportunities for higher education activity in downtown Norwalk. She also suggested that there be an annual public review of implementation progress.

IV. PUBLIC COMMENT

Ms. DiMeglio then began to read names of anyone that had signed the sheet to speak.

Nancy Rosett, a member of the Bike/Walk Commission. She read from a letter that had been previously submitted. She asked that there be a definition of complete streets in the POCD. She also suggested that the city allow streets to be closed off from motorized vehicles for biking and walking events. She also asked to incorporate the increase of the use of walking routes.

Steve Bartush, a member of the Norwalk Shellfish Commission, felt that the sea had been omitted from the plan and it didn't equally support the sea. He noted that the Department of Energy and Environmental Protection ("D.E.E.P.") agreed with the Shellfish Commission and quoted from a letter sent to them and the Planning and Zoning Department. He said that he had not received a response from the Planning and Zoning Department. He also requested that the Shellfish Commission help draft language for the POCD. Mr. Kleppin said that some of their comments had been addressed in a revised version of the POCD which Mr. Bartush did not have.

John Pinto, Norwalk Harbor Commission, requested that there be no action on the POCD until proposed amendments is reviewed to make sure it is consistent with the Harbor Management Plan. He explained the Harbor Commission's input in the draft. He said that the Harbor Management Plan is similar to the POCD but was approved by the state of Connecticut. They have to complement one another. They must review all proposals that affect the harbor. He noted that there should have been a separate section for the Harbor Management Plan and because there is not one, then it is not adequate. It was noted by D.E.E.P. as well as in letters to the Planning and Zoning Department and the consultant. He also said that the Harbor Commission would review the draft before it was adopted and then explained that the POCD had to be consistent with the Harbor Management Plan once it was final.

John Romano, Harbor Management commissioner, noted that the POCD did not seem to reflect comments that were given to the consultant and Mr. Kleppin over the many months of drafting. He also thought that the schedule for the POCD to be finalized seemed aggressive and he urged them not to rush.

Lisa Briton, 24 Highland Ave., had comments about the public school system. She noted that the school system is growing faster than the city is. She reminded everyone why they were revising the POCD. If it is not done, then the city is ineligible for state funds. She was concerned about the development of the water. She also noted that jobs were leaving the city and that funds sent to the state were not re-distributed back to Norwalk.

Donna Smirniotopoulos noted that while people were in this important meeting, there were city council members in the ordinance meeting. She also noted that she had been impacted by bad land use decisions. She said that the POCD or People's Plan, as she called it, should be a plan for making all neighborhoods better for everyone. She also thought that there was more time needed for the POCD. She thought there was no vision or single focus. She said that the Coalition of Neighborhoods did not hear from any Planning Commissioners when they sent them a letter several months prior. She was concerned that the amount of rentals was growing to the detriment of the growth of property taxes.

Mike McGuire agreed with the previous speaker, and owner of 64 Wall Street. He thought that the Wall Street was growing with small businesses. He noted that the small offices are empty because of the owners. He also wondered why there was no train station at Wall St. He said the Wall Street area was large and that the gig industry would be helped with a train station. He also noted that there would be more apartments coming in the area. He said that the new Wall Street Plan was not necessary and let the market decide.

Jason Milligan said he was encouraged by the goals of the POCD. He attended several of the POCD meetings and they were engaging. He discussed the themes especially the Wall Street area since it was so unique. He thought that the Wall Street should be looked at as one area as a village district, with its own rules. He thought that some regulations made it harder to develop. He thought that certain projects could be fast tracked. He also thought that the Planning and Zoning Department should be separate from the Redevelopment Agency. He thought their role in the POCD was a conflict. He also noted that it seemed like the Redevelopment Agency was also putting out a plan, simultaneously to this plan. He thought it was the wrong time for it. He believed that the Redevelopment Agency was running the city. He thought the plan looked good but thought that the city should take some "smaller wins".

Ms. King asked Mr. McGuire for his input on page 191 of the Plan as it discussed re-opening the Wall Street train station. She asked him to submit his comments.

Adolph Neidermyer said that he thought the plan was reasonably good but what was missing was where to start. He was concerned that there had been 2 important meetings happening at City Hall that evening. He noted that everything should follow this plan and that the Wall St. plan should not be approved before the POCD.

V. COMMISSION ACTION

Ms. DiMeglio noted that there would be another meeting next Tuesday at 7 p.m.

VI. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.
Mr. Mushak seconded.
Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King voted in favor.
No one opposed.
No one abstained.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Diana Palmentiero