

**CITY OF NORWALK  
LAND USE COMMITTEE  
September 19, 2017**

- PRESENT:** David Davidson; Brian Baxendale; Steven Ferguson; Fran DiMeglio; Michael Mushak; George Tsiranides; Nora King; Tamsen Langalis (arrived at 7:17p.m.)
- STAFF:** Steve Kleppin; Mike Wrinn
- OTHERS:** Paul Sotnick; Brian Candela; Bob Barron; Peter Yaskey; Atty Jackie Kaufman;

The meeting was opened at 7:05 p.m. by Mr. Ferguson.

**I. REFERRALS: Review and recommendation**

**a) 8-24 Review – Department of Public Works – 60 South Smith Street - Request to review and approve Walk Bridge Project easements**

Paul Sotnick began the presentation by orienting the commissioners as to the location of the Walk Bridge Project on a plan and showed them the aerial photo as well. It would be a construction easement which would be temporary and return to the city. Another easement would be permanent in order to maintain the bridge. There was a lengthy discussion as to whether this was a taking or not. Mr. Sotnick said it was not because nothing would be built on it. The city would have rights to it and could not sell it to the state. There would be no storage of equipment permanently. The valuation was still being prepared and negotiated by Corporation Counsel. There was a discussion about a pile of sediment that was in the area but Mr. Sotnick said that it would not be moved, as far as he was aware. He thought it was owned by the Norwalk Department of Public Works (“DPW”).

**b) Special Capital Appropriation – Law Department – Amendment to prior appropriation from \$1.2 million to \$1.65 million for an inverse condemnation judgment (related to the new Police Headquarters)**

Brian Candela began the presentation by explaining the history of the parking lot to the Police Headquarters. The judgments were included in the cost of the project. Mr. Barron explained reverse condemnation. The building across the street lost valuation because there was no parking lot for it. He explained how the case was settled. He explained why they were requesting this to be a capital budget item. There was a discussion as to how this was a burden to future taxpayers. Mr. Davidson believed that the valuation should be paid out of the capital budget but not the interest and other fees which he believed should have been paid by the operating budget. Mr. Mushak noted

that the value of the building may have gone up because of the Police Headquarters being built in the area.

**c) Zoning Commission referral: #1-17M - Cumberland Farms, Inc. – 2-4 West Main St./125-131 Main St. – Proposed change to Building Zone Map from D Residence in part & Business #2 in part to entirely Business #2 zone and d) Zoning Commission referral: #7-17R - Cumberland Farms, Inc. – Proposed amendments to the Building Zone Regulations to remove text regarding a minimum distance of two thousand (2000) feet between gas stations**

Mr. Kleppin began by explaining the existing text amendment, and then explained the proposed amendment. He said that not many other municipalities have one that is similar. The existing amendment seemed to have been written for safety concerns. He explained that the Zoning Commission did not seem to like the proposed amendment from the applicant. There was a discussion as to what the benefit was to the city if this application was approved. Ms. DiMeglio explained what the application would accomplish. Mr. Kleppin showed the site plan of the new gas station to the commissioners. There was a discussion as to the reaction of the neighbors. Mr. Kleppin said that they had not heard from any.

Peter Yaskey explained what the applicant would do on the site in order to get it ready to be sold. They did not want to be in competition with each Cumberland location. He explained why they were moving to the larger location with a larger convenience store and more gas pumps. There was a discussion as to whether this use was appropriate in this area and whether the applicant could look in other areas of the city including South Norwalk, which had no gas stations. There was a discussion as to the scale of the project and whether there would be more traffic in the area because West Main St. was a two lane street. There was also a discussion as to whether some of the older homes should be demolished because it would change the character of the residential neighborhood.

**e) Zoning Commission referral: #8-17R – Wall Street Theater Company, Inc – Proposed amendments to Article 121 to revise Signs in Central Business Design District to permit theater marquee signs with digital changeable copy and related technical amendments**

Mr. Kleppin began by explaining how the Wall Street Theater had no signs and showed old photographs of signs on the theater. He then showed the plans for the new signs. Mr. Wrinn passed out letters from the Chamber of Commerce in support of the signage. There was a discussion as to whether there should be digital signs in the area because some commissioners were concerned about other businesses requesting it. Atty Kaufman clarified the size of the panels. There was a concern about the signs blocking the windows but Atty Kaufman said they would not. There was also a concern that the proposed amendment be restricted to this theater only. Mr. Mushak showed a photo of changeable copy sign on a theater in Providence, RI. There was a concern about the size of the letters for a possible sponsor, the Bank of America. There was a

discussion about the digital changeable copy on the marquee sign. Different messages would not be constantly flashing on the sign. The lights on the sign will be low wattage because the building will be Leadership in Energy and Environmental Design (“LEED”) certified. There was a discussion as to how high the signage should be above the roof.

The meeting was suspended at 8:17 p.m. and went to the Subdivision meeting. They returned to this meeting at 8:46 p.m.

## **II. Proposed By-Law changes – Discussion**

Mr. Kleppin explained the reasons for the changes. He said that once the application has been received by the Zoning Department, there should be no discussion of it, outside of the public hearing. There would be a Planning Commission agenda but no longer be separate committees. Committees would be used as a task function. He noted that there are red-lined changes in the by-laws. How commissioners were elected was added to the by-laws because it was not incorporated. There were discussions about how the process would look. Mr. Kleppin said that sometimes when the staff presented an application looked as if they were approving the application. Instead, the applicant would make the presentation, with staff submitting a memo. There was a discussion about notice to the public which several commissioners were not comfortable with. There was a discussion about titles for the commissioners and the staff. Some commissioners thought that the Planning and Zoning Commissions should be together. There would be one set of minutes for the Planning and Zoning Commissions which the commissioners thought would be helpful. There was a discussion about whether there should be more commissioners. Mr. Kleppin then suggested a change to Section 4 about the order of business. The commissioners agreed this would be on the October Planning Commission agenda.

## **III. Redevelopment Plan Updates – Wall Street, West Avenue, and Washington Street**

Mr. Kleppin said that there had been a meeting the prior week with the Redevelopment Agency. There are still people that they wanted to meet with. There was a discussion about a compromise about giving waterfront access to the public.

## **IV. Plan of Conservation and Development (POCD)**

### **a) Status report**

Mr. Kleppin said that the first public outreach meeting would be scheduled for November 18, 2017. He is hopeful that packets would be sent to neighborhood groups soon so that they could start their review. He also attended a lunch event at the Merritt 7 Office Park to do a survey of those that work there. There would be another survey done at a Touch A Truck event later in the month. There was a discussion about who handled the data from these surveys.

Ms. DiMeglio explained that she would like to have Common Council members be interviewed for the Plan of Conservation and Development (“POCD”). The goal is to have the POCD be done a few months after the expiration of the last one. Ms. DiMeglio said that she did not want the city to lose any discretionary funds from the state of Connecticut and asked that Mr. Kleppin had that in writing. He would like to have it done in Fall of 2018. Ms. DiMeglio suggested having food at the event on November 18.

Mr. Sotnick said that the Touch of Truck event had been changed to October 7, 2017.

The meeting was adjourned at 9:12 p.m.

Respectfully submitted by,

Diana Palmentiero