

**CITY OF NORWALK
PLANNING COMMISSION
December 11, 2018**

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

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Atty Liz Suchy; Wayne D'Vanzo; Valerie Horn; Erma O'Brien; Jeff Mangan; Pam Nielson; Patrick Sikorsky; Jim Kousidis; Paul Sotnik; Alan Lo; Tami Strauss;

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 7:00 p.m.

II. ROLL CALL

Mr. Kleppin called the roll.

III. PUBLIC HEARING

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

Ms. DiMeglio reminded the public that they were allowed to speak once and there were no back and forth conversations.

Atty Suchy began the presentation with a brief description of what had happened since the prior meeting in November. A temporary mitigation plan for the drainage had been devised which was reviewed by Planning and Zoning and Public Works.

Mr. D'Vanzo then described the mitigation plan in further detail. He noted that there were three phases and explained how it would work. He also showed the commissioners some photos of the site that were taken the previous day. There was a discussion about how long it would take for the plan to be completed and what materials would be used. There was also a discussion as to who would be handling the project. There was a discussion about the frozen ground situation.

Valerie Horn, 20 Meeker Court, explained that the water seems to be mitigated for now but this could change. She also had questions about the delays in the building of the other three houses in connection with the sale of the first house.

Erma O'Brien, 22 Meeker Court, spoke about her recent move to the neighborhood. She said that she was told about the houses being built but now her property value has declined, and not

increased. She asked when the completion date for the building of the remaining houses would be. She also wondered whether the city could step in to help with obtaining a completion date.

Jeff Mangan, 18 Meeker Court, asked about the drain pipes and whether they had all been removed. He also acknowledged that this was a temporary plan and wondered for how long. He asked what would happen when the next houses would be built. Would the problems start again? He wondered about the materials being used and why there were no storm drains on the street. Paul Sotnik of the Department of Public Works (“DPW”) said that anyone could call their customer service number, which he gave them, for these types of questions. He also wanted to know when this would be over.

Pam Nielson, 32 Briar Street, also asked when the project would be completed. She also thought that the temporary plan was a band-aid fix.

Patrick Sikorsky, 20 Meeker Court, explained that he had been before the Planning Commission at the first public hearing 3 years ago. He said that he had known that what was happening would.

Atty Suchy noted that she had not been at the original Planning Commission meeting 3 years before. All that she knew was that the subdivision had been approved. She also noted that DPW was looking at Meeker Court as a project to be done but it would depend on when DPW received the funding to do it. She also explained that Mr. D’Vanzo was charged with coming up with a temporary mitigation plan which he had. As for the materials, they decided to use different ones, rather than wait for the ones that they wanted to use to become available. She mentioned that the temporary plan should take 4 weeks. Mr. D’Vanzo then spoke about the retention system. There was a discussion about what could be done to protect what has already been done. Mr. Davidson believed they should continue the public hearing until the following month to confirm that all had been completed as well as having new site plans prepared to deal with the issues from 2015. There was a discussion about whether there was still continuing erosion. Mr. Wrinn said that what was out there now was a huge difference from what had been there. Atty Suchy noted that the plan that was requested for that meeting had been achieved. There was a discussion about the surety bond as well as what the Planning Commission’s process was in this matter and advice from the city’s Corporation Counsel. There was also a discussion about the subdivision approval in 2015 and whether it could be revoked. Ms. DiMeglio asked that someone from Corporation Counsel be at the next Planning Commission meeting on January 15, which would start at 6 p.m. Later that night there would also be a hearing on the Plan of Conservation and Development (“POCD”). There was also a discussion about the timing of these systems which were supposed to have been installed when all the houses were completed. There should have been an interim plan since the houses still have not been built.

IV. DISCUSSION AND/OR DECISION

a) Action item on III a) This item was continued until January 15, 2019 at 6 p.m.

b) Subdivision #3650 – Kousidis Engineering, LLC – 31 Nolan Street – 2 Lots – Preliminary review

Mr. Wrinn began the presentation noted that they would like this application to be moved to a public hearing in January.

Jim Kousidis, the engineer on the project, continued the presentation by orienting the commissioners on an aerial map as to the location of the property. The existing house is no longer on the property. They have had some preliminary feedback from various city departments. There was a discussion about a prior subdivision on this property. There was a question about the address on the application, whether it was 31 or 31 1/2. There was also a discussion about the date of the public hearing which was set for January 15. There was a discussion about cutting some trees on the property for the driveway.

At 8:24 the commissioners took a 5 min. break and returned to the meeting at 8:29 p.m.

c) 8-24 Review – Department of Public Works – Stevens Street Abandonment at #340 and #350 West Avenue

Paul Sotnik, from the city's Department of Public Works, began the presentation by explaining that Norwalk Hospital would like to acquire #340 and 350 West Avenue and orienting the commissioners as to the location of the property on an aerial map. It would be for an assisted living facility. He gave a brief history of the property from the 1980s. Although the abandonment process had previously been started, it had never been completed. It was noted that the Planning Commission had been directed by Corporation Counsel that on applications of abandonment they were not to address values.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission in accordance with Section 95-35 of the City Code under an 8-24 Review regarding the street abandonment of a portion of Stevens Street be **APPROVED** ; and

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

- 1) To implement the Plan of Conservation and Development goal to "Seek private investment within the community." (A.1.1.1. p. 10); and
- 2) To implement the Plan of Conservation and Development goal to "To protect property values." (A.1.1.5. p. 10); and
- 3) To implement the Plan of Conservation and Development goal to "Provide creation and continuance of diverse housing opportunities." (A.2.1. p. 11); and
- 4) To implement the Plan of Conservation and Development goal to "Use publicly owned land to provide long-term affordability." (A.2.4. p. 12); and

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

Mr. Davidson seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King.

No one opposed.

No one abstained.

d) 8-24 Review – Land Use and Building Management Committee of the Common Council – Disposition of the West Avenue Parking Lot (#340 and #350 West Avenue)

Alan Lo, Building and Facilities Manager for the city, began the presentation with a handout for the commissioners. He gave a brief history of the property which had been leased to the YMCA for a long time and then was purchased by the Norwalk Hospital Association. There had been some interest in the property for its historical value. He then discussed the property value. There was a discussion about the taxes and tax abatements on the property. Mr. Davidson asked whether the property would be on the tax rolls for the city.

Atty Suchy continued the presentation with a further explanation of the tax exemptions. She said that part of it would be tax exempt because it was owned by the hospital and that part of it would pay taxes by Maplewood who would run the assisted facility center. There was a discussion about other assisted facilities in the area that were paying taxes as well. However, their taxes seemed to be lower than those that the Maplewood would pay. Mr. Lo also discussed an easement from the state that would be on the property. He also there was some interest in having a display which showed the history of the area. There was a discussion about possible environmental issues since it was noticed that there had been a Gulf gas station on the property. Mr. Lo then explained the 99 year lease agreement between the city and the hospital and the parking in the area. Ms. King noted that it seemed there was not enough parking in the area.

Ms. DiMeglio commented that the building in the rendering seemed very modern. She did not like it. There was then a discussion about the steps in this process. There was then a further discussion about the lease of the property by the Maplewood from the hospital. The commissioners also discussed a condition to add to the resolution. There was a discussion about some missing documentation which Mr. Lo said that he could get for them the next day. There was also a discussion about whether the commissioners should be concerned about the value of the land. Although they had been advised by Corporation Counsel that they should not be, Ms. King did not agree with that and requested all documents on this matter. Mr. Lo then went to his office to get a copy of the documents for Ms. King. At this point, they decided to vote on IV.(c).

At approximately 9:30 p.m., the commissioners returned to this discussion. Mr. Lo returned with documents for Ms. King to review. There was a further clarification of the ownership of the various properties and which were owned by the city and which owned by the state. There was also a discussion about the title report and the tax exemption of the property. Ms. King finished her review of the documents and was pleased with how the appraisal had been done.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes, the referral made by Land Use & Building Management Committee of the Common Council – The conveyance of 340 and 350 West Avenue (Tax Lots 1-8-15 & 39) to the Norwalk Hospital Association for purposes of a mixed use development known as “Center for Healthy Living” be **APPROVED** and

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

1) To implement the Plan of Conservation and Development to “Strengthen the revitalization of the West Avenue, Wall Street, and Reed Putnam areas by encouraging mixed-use development (i.e. offices, stores, services, restaurants and theaters together with housing, parks and cultural facilities).” (A.3.1.2. p. 12); and

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

Mr. Ferguson seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King.

No one opposed.

No one abstained.

e) West Avenue/Wall Street Redevelopment Plan – Determination of Consistency with the Plan of Conservation and Development

Tami Strauss began the presentation by giving a brief status of the plan since the last time she had been before the Planning Commission. She explained how the gateway to the area would be where Norwalk Hospital is planning to develop. She then showed the other 4 areas that would be redeveloped. There was also an economic analysis of what was being proposed. There was a discussion as to why certain areas were included in the plan if they were not going to be redeveloped. Some of the commissioners thought it was necessary to have them included. Mr. Davidson expressed his objection to that determination. There was also a discussion about how the borders are decided. There was also a discussion about connectivity and extending Butler. There was a discussion about the flood zone changes.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the draft Wall Street - West Avenue Redevelopment Plan is consistent with the 2008 Plan of Conservation and Development.

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

1) To implement the Plan of Conservation and Development to "Allow a wide range of housing opportunities to ensure that the housing needs of all segments of the labor force are met" (A.1.2.3, p. 10); and

2) To implement the Plan of Conservation and Development to "Encourage quality housing for a variety of tenures, family sizes, incomes, the elderly, and persons with special needs" (A.2.1.1, p. 11); and

3) To implement the Plan of Conservation and Development to “Strengthen the revitalization of the West Avenue area by encouraging mixed-use development.....” (A.3.1.2, p.12); and

4) To implement the Plan of Conservation and Development to "Enhance pedestrian experience to support related economic revitalization and encourage transit use" (F.4.2.1. p.42); and

5) To implement the Plan of Conservation and Development to “Allow for the future needs of Norwalk to be met as identified in this Plan (i.e. housing, economic growth, community facilities, etc.)” (F.1.1.6, p. 40).

BE IT FURTHER RESOLVED by the Norwalk Planning Commission that the draft Wall Street - West Avenue Redevelopment Plan is consistent with the Draft 2019 Citywide Plan (POCD).

BE IT FURTHER RESOLVED that the Redevelopment Plan is consistent with the following principles within the Draft Citywide Plan:

- 1) Chapter 3, Prosperity and Opportunity, Goal 3: Strengthen Norwalk’s urban core with a mix of uses to attract residents, visitors and businesses.
- 2) Chapter 4, Housing Choice and Healthy Lifestyles, Goal 1: Norwalk has a neighborhood and housing strategy that maintains a variety of neighborhood types and housing choices through a variety of mechanisms.
- 3) Chapter 6, Preserving and Promoting our Historic Heritage, Arts and Culture, Goal 1: Norwalk protects its most important historic resources and encourages adaptive reuse of historic sites to maintain and enrich the City’s character.
- 4) Chapter 7, Enhancing Open Space, Park, Trail and Recreation Systems, Goal 1: Norwalk has a connected green and blue network of parks, open space and trails.
- 5) Chapter 8, Coastal Resources and Resilience, Goal 1: Continue to support the implementation of Norwalk’s Harbor Management Plan.
- 6) Chapters 10, Transportation and Mobility Networks, Goal 1: Norwalk has a comprehensive and balanced transportation system, with safety and multimodal accessibility the top priority of citywide transportation planning.
- 7) Chapter 11, Public Facilities, Services and Infrastructure, Goal 1: Norwalk’s infrastructure and public facilities are resource-efficient, well-maintained, cost-effective, sustainable and resilient.
- 8) Chapter 12, Future Land Use, Zoning and Urban Design, Goal 2: Neighborhood and corridor activity enters have urban design standards that promote walkability.

Ms. King seconded.

Frances DiMeglio; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King.

No one opposed.

David Davidson abstained.

Mr. Davidson noted that he had abstained based upon the fact that the expansion of the areas which were not going to be included in the plan, were going to be redeveloped, to the west of Route 7 and to the east to the waterfront. Ms. DiMeglio noted that this was consistent with the current Plan of Conservation and Development, not the draft Plan of Conservation and Development. She also thanked Ms. King and Mr. Ferguson for their work on this plan with the Redevelopment Agency.

At this time, the commissioners continued the discussion in Item IV(d).

f) East Avenue TOD update

Mr. Kleppin explained that the attorneys for the city and the consultant are still negotiating the contract.

g) POCD update

Mr. Kleppin said that he had still not received a revised draft but expected it the next day. He would email it to them and have hard copies available the following week. Ms. DiMeglio reminded the commissioners to re-read the draft, comment and ask questions. There public hearings on January 15 and January 22, 2019. Mr. Kleppin noted that the Planning Commission's charter required 2 public hearings. Comments from the public hearing and written comments would be put together so that the commissioners could review them. They would have to decide what edits would have to be made to the draft. After the Planning Commission's comments are added, the draft goes to the Common Council. They could also make edits but the Planning Commission is the governing body. Mr. Kleppin suggested that they wait until after January 22 for a final review. The commissioners could then see if they needed more or less time for the review, depending upon the amount of comments they received.

V. APPROVAL OF MINUTES: November 13, 2018

**** MS. DIMEGLIO MOVED to approve the November 13, 2018 Planning Commission minutes, as amended.**

Ms. Langalis seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mary Peniston; Steve Ferguson; Nora King.

voted in favor.

No one opposed.

Mike Mushak abstained.

VI. COMMENTS OF THE DIRECTOR

Mr. Kleppin discussed the terms of the Planning Commissioners as well as the charter. He said he would put it on the January agenda.

VII. COMMENTS OF COMMISSIONERS

Mr. Mushak discussed an email that Dori Wilson had sent regarding the 5 year Capital Budget process of other towns around the county. There was a lengthy discussion about whether to vote on a 1 year cycle or 5 years. Some city departments provide a 5 year budget, but some do not. Ms. King asked for an update on the Washington St. park.

VIII. 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 10 p.m.

Respectfully submitted,

Diana Palmentiero