

**CITY OF NORWALK
PLANNING COMMISSION
August 20, 2019**

PRESENT: Frances DiMeglio, Chair; Tammy Langalis; Mary Peniston; Brian Baxendale;
John Lesko; Steven Ferguson

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Atty Liz Suchy; Andrew Kilbourn; Xander Simunek; Angela Fogel;

I. CALL TO ORDER

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

II. ROLL CALL

Mr. Kleppin called the roll.

III. DISCUSSION AND/OR DECISION

a) Zoning Commission referral - #7-19R – Marco C. Perry – Proposed amendments to allow artist live/workspace as a new use in the SoNo Station Design District (SSDD) - Report and recommended action

Mr. Kleppin began with a brief overview of the proposed amendments.

Atty Suchy began the presentation by handing out a photo of the current property. She also showed them pictures of art done by her client's father. Her client would like to create a live/workspace in a building which Mr. Perry's father had used as an artist workspace. She explained that this was a referral from a Zoning Commission application. She also explained that in order for the change they had to make applications to several other commissions. All neighbors had been notified of the public hearings. She asked them to see the benefit of this use and perhaps more would occur in the South Norwalk area. The existing structure would remain the same. There would not be access to the roof or use of the roof. There was a discussion of a pergola that would be constructed. There was also a discussion of the history of the building, including being a fire house at some point. Sail boat masts had also been repaired in the building. Currently it had been a commercial use, especially since it is in the Industrial 1 zone. There was a discussion of similar projects in the city. There would be 3 units in the building, one of which would be a live/work space. There was a discussion about the parking.

“

***** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled “**#7-19R** – Marco C. Perry - Proposed amendments to Sec. 118-506 to permit artist live/workspace as a new principal use in the SoNo Station Design District” and dated July 8, 2019, be **approved**;

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

- 1) To implement the Plan of Conservation and Development E.2.2.5 to "Consider designating a redevelopment area at the South Norwalk Station to help achieve goals for transit enhancements and transit-oriented development here" (p. 37); and
- 2) To implement the Plan of Conservation and Development A.2.1.2 to “Pursue mixed income development when renovating, rebuilding, or developing new public housing units” (p. 11); and

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

Mr. Ferguson seconded.

Frances DiMeglio; Tammy Langalis; Mary Peniston; Brian Baxendale; John Lesko; Steven Ferguson approved.

No one opposed.

No one abstained.

b) Subdivision 3601 - Andrew Kilbourn & Xander Simunek (formerly William Edgerton) – 246 West Norwalk Road – 2 lots – Request to modify conditions of approval - Report and recommended action

Mr. Kleppin began the presentation by explaining reasons for removal of a condition to the previous approval on the property. He suggested that a new public hearing would have to be held in order to remove the condition from the subdivision approval. There was a discussion of the configuration of the property.

One of the property owners, Andrew Kilbourn, began a history of the property. Mr. Simunek showed the commissioners a picture of the house on the property. He noted there is a guest cottage on the property as well, which they would have to connect it to the house. They also have a garage but they would like to change that. It would also become one structure. Mr. Kilbourn said they wanted to bring the property to its former beauty. There was a discussion of the electrical and septic on the property. It would all be brought up to code. They wanted to have it as an accessory apartment but it had to be connected to the main structure. Mr. Simunek had created the renderings but would work with an architect to have it approved. They would also meet with the Conservation Department to begin the application process. There was a discussion of the plumbing as well as the fact that some old field cards had been missing from the files.

***** MS. DIMEGLIO MOVED:** to remove a condition of approval and send the application to a public hearing on September 17, 2019.

Mr. Baxendale seconded.

Frances DiMeglio; Tammy Langalis; Mary Peniston; Brian Baxendale; John Lesko; Steven Ferguson approved.

No one opposed.

No one abstained.

c) Discussion of capital budget process and POCD coordination

Mr. Kleppin began the discussion with a brief overview of how this item came to be on the Planning Commission agenda.

Ms. Fogel, from the Finance Department said that her research indicated that a charter change would be necessary for any changes to the capital budget process. It could be informal. Currently, if the Mayor adds a new project, it would have to go back to the Planning Commission.

David Davidson was allowed to speak and gave a brief review of a Redevelopment Agency project, as part of the Capital Budget process. He further explained that any Capital project that requires funds from multiple accounts should be reviewed by the Planning Commission. There was a discussion about how funds from prior projects could be used.

Ms. Fogel said that the new procedure would not allow the movement of funds from one account which is unrelated to the project that is being worked on. A project would be closed and a new appropriation would be opened. Mr. Davidson made recommendations to the commissioners as to how the procedure could work. He then noted that the previous Finance Director and the Mayor did not have the authority to make the appropriations for the Redevelopment Agency project. He believed that authorizations should come back to the Planning Commission and that a charter change would not be necessary.

Ms. Fogel explained that some contracts went back to specific departments. Mr. Davidson believed that there should be a procedural change, not a charter change. There was a discussion about this specific example of what happened in the Redevelopment Agency, how to change the procedure if there are multiple accounts to be closed out and whether some departments are exempt from this procedure.

Ms. Fogel made a distinction between spending and appropriations. She explained the procedure of closing out accounts, especially if the funding had been bonded. There was also a discussion about the Capital Budget process. The only time the Capital Budget would come back to the Planning Commission would be if a project was added to the proposed Capital Budget. However, in this example, the Redevelopment Agency had made the appropriations and then came to the Planning Commission. Ms. Fogel noted that there were no project numbers in the 2003 Capital Budget book. There was a further discussion about the procedure for re-appropriating funds. She said that this could not happen now since there were specific budget numbers.

There was also a discussion about special appropriations. Ms. Fogel said the monies are never transferred. Special appropriations had to come to the Planning Commission. The Redevelopment Agency's project did not come to Planning Commission and this was the problem. There would be a definitive procedure to be implemented by the Finance Department. There was also a discussion about the BET process which she suggested that the commissioners review to see Capital projects and what has been spent.

At this point, Ms. DiMeglio asked Ms. Fogel to discuss the POCD so they jumped to item IV. (a)

d) Subdivision #3637 – 35 Meeker Court LLC – 35 Meeker Court – 4 lots – Status report of sedimentation & erosion controls - Report and recommended action

Mr. Wrinn began the presentation explained that the 2nd house has been framed. There is no more excavation happening at the site. There was a discussion as to whether it should remain on the agenda which the commissioners agreed to leave it on.

IV. DISCUSSION OF PLAN OF CONSERVATION & DEVELOPMENT (POCD)

a) Update on 2019 - 2029 POCD – This item was taken out of order so that Ms. Fogel could answer questions after her discussion about the capital budget process. Mr. Kleppin explained that there would be bi-annual reviews to make sure that the POCD was being followed. He was not sure what months these would be held. Ms. Fogel said that she would send out the Capital Budget packets on October 11 which was a whole month earlier than last year. There would also be more time for departments' budgets to be reviewed. She then suggested that with more time, they could review the POCD in December. The less formal review could be in June, in order to tie it back to the POCD. There was a discussion about whether to notify the departments about the new procedure in one memo or two. It was noted that priorities would have to be a bit more specific than the POCD.

There was a discussion about the new heads of departments as well as the reorganization of City departments. The commissioners would look for the new organization chart on the City's website.

Mr. Kleppin said there would be a special public hearing on August 28 before the Planning Committee of the Common Council. He said that Councilman Hempstead had many comments when he met with the Common Council. Most of the rest of the Council members thought it was well done. He also discussed the comments from the State which included some negative ones. There were concerns about sea levels rising from the Dept. of Energy and Environmental Protection (D.E.E.P.) He would also have a conference call with D.E.E.P. to go over the comments. He explained that the POCD was more detailed than surrounding coastal towns. He also discussed the comments from WestCog.

There was a discussion about when it would be completed. The Mayor had a Zero Vision initiative. Mr. Kleppin was hoping that it would be on the October agenda for approval but no later than November.

b) Update on East Avenue TOD study

Mr. Baxendale began the presentation by explaining that the committee had been able to get feedback from the East Avenue residents. Mr. Kleppin said that there was also going to be conversations about why people were not taking the train from East Avenue. Mr. Baxendale said that the consultants understood TOD well. There was a discussion about the July 26 public meeting which was well attended.

There was a discussion about the poster put out by CNNA which Mr. Kleppin had addressed at the July 26 meeting. He said that the building on the poster was not representative of what could be built. However, they did note that it brought people out to the meeting. Mr. Baxendale said that what the consultants get from the residents is good. Mr. Kleppin discussed the timeline for the study. Mr. Baxendale noted that it was probably about 3 months behind.

There was then a discussion about the payments for the study. Mr. Kleppin noted that there was still money left from the POCD but that would be used for printing it. There would also be references to the TOD in the POCD.

V. APPROVAL OF MINUTES: July 16, 2019

***** MS. DIMEGLIO MOVED** to accept the July 16, 2019 Planning Commission meeting.

Mr. Lesko seconded.

Frances DiMeglio; Mary Peniston; Brian Baxendale; John Lesko approved.

No one opposed.

Tammy Langalis and Steven Ferguson abstained.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin said his staff had selected a consultant to review the Zoning regulations who would give them a budget. The analysis would take 3 months but not be the actual re-write of the regulations. They would meet with contractors, attorneys, developers, etc. for feedback on the Zoning process. A joint meeting could be held with the Zoning Commission to hear the report from the consultant.

Mr. Kleppin informed everyone that Bryan Baker had been promoted to Land Use Planner. He would also handle subdivisions as well as the commissioners' contact. He would be focusing on environmental issues since there was a need.

Mr. Kleppin also discussed other departments moving around City Hall and where the Zoning Department would be located in it. He said that they would be in the space currently

used by the Recreation and Parks Department. They would move in 2 weeks and once that is done, the space could be renovated for the Zoning Department. There was then a discussion about where the Planning Commission's meetings would be held. The Zoning Department's space would need a lot of space because offices would have to be built.

VII. COMMENTS OF COMMISSIONERS

Mr. Ferguson noted that when he was on Everly, he watched a man in a wheelchair who had problems with the sidewalks. The man then came to the City Hall and has been seen around. Mr. Kleppin noted that DPW would fix sidewalks when they repaired the roads.

Ms. DiMeglio discussed the procedure of letting the staff know whether they would be attending Planning Commission meetings.

Ms. Peniston asked about the sewage pipes breaking in Westport and how it affected Norwalk.

VIII. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.

Mr. Ferguson seconded.

Frances DiMeglio; Tammy Langalis; Mary Peniston; Brian Baxendale; John Lesko; Steven Ferguson voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 9 p.m.

Respectfully submitted,

Diana Palmentiero