

**CITY OF NORWALK
PLANNING COMMISSION
September 17, 2019**

PRESENT: Frances DiMeglio, Chair; Mary Peniston; John Lesko; Steven Ferguson; Mike Mushak; Nora King (arrived after roll call); Tammy Langalis (arrived at 8:45 p.m.)

STAFF: Steve Kleppin; Mike Wrinn; Michelle Andrzejewski

OTHERS: Andrew Kilbourn; Susan Slama; Fritz Chery; Mark Nieto; Thomas Orofino; Paul Sotnick; Atty Adam Blank

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 7:04 p.m.

II. ROLL CALL

Mr. Kleppin called the roll.

III. PUBLIC HEARINGS

a) Subdivision #3601 – 246 West Norwalk Road – (formerly William H. Edgerton) – District 5, Block 61, Lot 35 – Conditions to be modified on previously approved subdivision by the Planning Commission

Ms. DiMeglio opened the public hearing. Mr. Wrinn began a brief discussion about the application to help explain how the applicant would bring the lot into compliance.

Andrew Kilbourn began the presentation by explaining that there are architectural drawings which are not yet in compliance. They are working with the Zoning and Conservation Commissions. They have also begun work with a civil engineer. They have also contacted neighbors without a negative response. They would like to use the cottage that has been on the property since 1919.

Ms. DiMeglio explained the rules of the public hearing.

Susan Slama, 25 Princes Pine Road, noted that she had lived on her property since 1977. She discussed the previous owners of 246 West Norwalk Road and their use of the cottage. She spoke in support of the application.

Ms. DiMeglio closed the public hearing. Mr. Wrinn said he had no other comments. Ms. DiMeglio said that she liked the application. There was a discussion about whether there were

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sidewalks. Mr. Wrinn said that the approval was dated 2007 and that the sidewalks had been waived so it would remain. There are no other sidewalks in the area. There was a discussion about not waiving sidewalks in the future.

***** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the conditions of previously approved subdivision #3601 be modified to remove the condition that the existing cottage/accessory structure not be used for sleeping quarters or as an accessory apartment, as shown on the proposal provided by Andrew Kilbourn be APPROVED subject to the following reasons:

1. That the proposal to connect the existing accessory structure to the existing single-family dwelling complies with the Zoning Regulations; and
2. That all other conditions of approved Subdivision #3601 remain; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be September 27, 2019

Mr. Ferguson seconded.

Frances DiMeglio; Mary Peniston; John Lesko; Steven Ferguson; Mike Mushak; Nora King approved.

No one opposed.

No one abstained.

IV. DISCUSSION AND/OR DECISION

a) Zoning Commission Referral - #6-19R – 25 Van Zant Street Condominium, Inc. (Workforce Training Center) – Proposed amendments to permit colleges, universities, and schools, including business and trade schools as a principal use in Industrial #1 zone – Preliminary review - Report & recommended action

Ms. DiMeglio began the presentation. Mr. Kleppin began a brief discussion of the application including that there were still issues that needed to be resolved. There was a discussion about the current tenants.

Fritz Chery began the presentation with a vision of the project and then said he would answer questions. It was an industrial site converted to office space which is not being utilized. He explained that there would be trade schools, vocational schools and other types of centers of learning to re-train adults. He said that there were 10 or more schools that were interested in the building. He explained that current tenants are on a month to month lease but would be replaced by the schools as they began to sign leases. He said that the owner of the building is working on a private project in the building as well. There would not be any dormitory style rooms in the building.

Mr. Chery explained when students would be in the building. There would also be 24/7 concierge front desk for students. They are working with Right-Tech in Stamford but that school

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does not teach adults, only students up to 18 years of age. The Workforce Training Center is not a school but rather, a landlord for the schools. There will be many schools that will be part of the Workforce Training Center. Mr. Chery explained how the concept would work with an automotive school in the building, as an example for the commissioners. There was a discussion about the fit-out for each space for the schools. Mr. Chery said that they had their own building management team. There was a discussion about the type of ownership in the building. There was also a discussion about where certain types of schools would be in the building. Mr. Chery noted that there was very little work for them to fit-out the spaces. The leases would be 10 year leases. There was a discussion about permits for education purposes. This would be incumbent on the tenant, since the applicant is a landlord.

There was a discussion about the class schedules and how that would affect traffic. Mr. Chery said that many of the schools only meet a few times a week while others only meet once a week. Many students will also take mass transit. The building is an office condominium and is not a school. They would not be looking for tax abatements as a university. There was a discussion about local tax abatement programs. There was also a discussion about whether this business model had been used elsewhere. Mr. Chery said this building could become a model in other states for workforce training centers.

There was a discussion about the sports training center that is in the basement of the building. They were on a month to month lease as well. Mr. Chery said that no new leases had been signed because the applicant had not received any approvals from the Planning or Zoning Commissions.

There was a discussion about the drainage report. There was also a discussion about the look of the building in the brochure as well as other content in it. There was a discussion about the road in front of the building which was a state owned road. Mr. Sotnick of the Department of Public Works (“DPW”) noted that there would be a crosswalk in the future.

Mark Nieto noted that exterior and façade changes had been approved and were being made to the exterior of the building. There was a discussion about the parking and whether it conformed to the current square footage of the building.

There was a discussion about the training center concept and how it was appropriate for Norwalk. There was also a discussion about how this relates to the Transit Oriented Development (“TOD”) study in East Norwalk and whether some uses would be special permit uses. There was also a discussion about tenants who would have run-off from their schools. All tenants would need a permit and would need approvals from all other necessary departments. There was a concern that there was many different uses in the building and that the language was broad. There was a discussion about whether every tenant should obtain a special permit.

There was a discussion about whether the Planning Commission should have been advised about this application before this meeting. There was also a discussion about when the Planning Commission could vote on this item. Mr. Kleppin suggested that they could vote on it

at the next meeting. However, he said that there was the possibility of changing the date of the next Planning Commission meeting, which he would like to discuss later in the meeting.

There was a discussion about the parking and the different ways to get to the building. Mr. Chery addressed some questions that the commissioners had. He noted that there would only be approximately 900 students in the building since it is a different use than Norwalk Community College. The renovations are going to upgrade the property including security. There had been more people in the building when it was an office building.

There was also a discussion about the reputations of the schools that would be tenants. There was also a discussion about Electric Boat, a submarine builder, and other businesses that are looking for employees that are trained. Some have offered to provide scholarships to those students. There was a concern about the number of students increasing if this becomes a popular concept. There was a discussion about the parking analysis and how it should be analyzed on a worst case level.

There was a discussion about whether the commissioners would vote on this referral at this meeting. Some commissioners thought that there should be tighter language on the parking which they discussed. There was also a discussion about personal property taxes on the items inside the building. It was also noted that these students add to the tax base through going to Norwalk restaurants, etc. There was continued discussion about whether the referral should be voted on at the current Planning Commission meeting. Some commissioners thought they could refer it with questions or concerns. Ms. DiMeglio asked the commissioners how they wanted to proceed. There was also a discussion about postponing the vote for the referral. There was a discussion about adding another point from the POCD, D.3.1.3., to the referral.

There was a discussion about how the referral process should work. There was also a discussion about the other uses that could be in the current building. There was a discussion about issues that had not been addressed in the referral. There was a discussion about whether Zoning Commission has had public hearings without a Planning Commission referral. There was also a discussion about the process of referrals. They would also add "share the concerns of the staff articulated in the memo dated today" as well to the referral.

There was a discussion about whether Ms. Langalis could vote on this item but Mr. Kleppin suggested that she should not since she had arrived late and missed the whole presentation. Mr. Thomas Orofino, 151 Hills Point Road, noted that the building is a taxable entity. He also said that some marketing of the building had been done but no leases had been signed.

At this point, Ms. DiMeglio told the commissioners that she would put forth the motion to approve with the added language that had been discussed during the meeting.

***** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled "#6-19R – 25 Van Zant Street

Condominium, Inc. (Workforce Training Center) – Proposed amendments to permit colleges, universities, and schools, including business and trade schools as a principal use in Industrial Zone No. 1 and related technical amendments" dated **August 28, 2019**, be **approved**.

BE IT FURTHER RESOLVED That the Planning Commission share the concerns of the staff as articulated in the memo dated Sept 17, 2019 and that the Zoning Commission should consider the following prior to taking action on the proposed amendment: Request more details on the proposed trade school use including what type of training will be offered; consider adding a parking requirement for the new use, requiring additional limits (minimum lot size, building size) to ensure adequate controls or requiring a special permit to accommodate training for motor vehicle or equipment repair uses.

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

- 1) To implement the Plan of Conservation and Development to "Seek private investment within the community (A.1.1.1, p. 10); and
- 2) To implement the Plan of Conservation and Development to "Pursue excellence in education (D.3.1.1, p. 30)"; and
- 3) To implement the Plan of Conservation and Development to "Examine and modify existing zoning where necessary to achieve the goals of this plan" (F.2.1, p. 42); and
- 1) To implement the Plan of Conservation and Development to "Continue to support , by legislative action and other means, quality academic, academic, technical, and vocational training in Norwalk with emphasis on satisfying local labor needs and employment opportunities; post high school and other public and non-profit educational programs are encouraged" (D.3.1.3, p. 30); and

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

Mr. Ferguson seconded.

Frances DiMeglio; Mary Peniston; John Lesko; Steven Ferguson; Mike Mushak; approved.

Nora King opposed.

Tammy Langalis abstained.

The commissioners decided to take a 5 minute break at 8:53 p.m. and returned at 8:59 p.m.

V. DISCUSSION OF OTHER ITEMS

a) 8-24 Referral – DPW – Easement at corner of South Main St. & Elizabeth St. – Report & recommended action

Paul Sotnick, from DPW, and Atty Adam Blank, who represented the applicant, began the presentation. Mr. Sotnick began the presentation by orienting the commissioners as to the location of the property on an aerial map. He showed them the existing as well as the proposed construction. Atty Blank noted that the easement for the current sidewalk was not needed because a larger sidewalk would be built. Mr. Sotnick explained that a crosswalk would be constructed. He noted what other items would be constructed as well as the planting of trees. There was a further discussion about the crosswalk. Mr. Kleppin explained that there would be some utility renovations for underground lines. The staff was working on the logistics with the applicant.

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***** 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 the City’s Department of Public Works for an 8-24 Review by the Planning Commission for the recommendation of an 8-24 Review – Release of City owned easement at the corner of South Main St. and Elizabeth St. be **APPROVED** subject to the following reasons:

1. To implement the Plan of Conservation and Development goal to "Enhance pedestrian experience to support economic revitalization and encourage transit use" (F.4.2.1 pg.44); and
2. To implement the Plan of Conservation and Development goal to "Preserve architectural qualities of South Main Street and Washington Street" (F.5.1.11 p.45); and
3. To implement the Plan of Conservation and Development goal to "Create design standards for all street lights which are appropriate for the neighborhood" (F.7.2.2 pg.46); and

BE IT FURTHER RESOLVED that in exchange for the easement being released the following improvements be made:

1. Widening the sidewalk at the southeast corner of the intersection of South Main Street and Elizabeth Street and install new crosswalk; and
2. Replace all of the curbing and sidewalk on the south side of Elizabeth Street to the intersection of Day Street; and
3. Replace the existing Cobra Head on wood utility pole street lights on the south side of Elizabeth Street with the standard South Norwalk style twelve (12) foot tall Historic Street lights; and

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

Mr. Lesko seconded.

Frances DiMeglio; Mary Peniston; John Lesko; Steven Ferguson; Mike Mushak; Nora King; Tammy Langalis approved.

No one opposed.

No one abstained.

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

Mr. Wrinn explained that the developer was working on the second house. He also recommended that the Planning Commission asked the developer and their engineer to come back to update them on their future strategy. The commissioners said it would be okay to contact the developer and have them return.

c) Coastal buffers discussion with Planning & Zoning

Michelle Andrzejewski, a member of the Planning and Zoning Department, began the presentation with a definition of vegetated buffer. She also noted that there had been a proposed amendment a few years prior, before it had been withdrawn. There was a discussion about the history of why the amendment had been proposed. Many houses in Farm Creek, Harborview and other developments seemed to be getting closer to the water. The Zoning Commissioners had worked on it to protect the wildlife in the area. However, it had never been passed. There was further discussion of the history of the proposed amendment through the Planning and Zoning Commissions.

Ms. Andrzejewski gave an overview of what they should be working on. She studied other states including Massachusetts, New York and Rhode Island. She then discussed existing Norwalk regulations. She showed them a map of Norwalk and what it would look like under the proposed regulations. She also showed a map of the areas that have bulkheads. She gave examples of houses and showed pictures of where the line would be. There was a discussion about whether it would be retroactive. There was a discussion about the use of the vegetative buffer and how it filtered run-off before it went into the sea.

There was then a discussion of the pros and cons of submitting an application. There was a discussion about a coastal buffer which would be a park, in New York City. There was also a discussion about the process of this item being a referral from the Zoning Commission.

d) Discussion of performance metrics

Mr. Kleppin said that he would like to move this to next month's agenda.

e) Update on 2019-2029 POCD

Mr. Kleppin said that this item had moved to the full Common Council with some changes from the Planning Committee's suggestions. There would be another meeting the following week. One item was about sea level rising maps. He explained other changes that had been added. Some comments also came from the Harbor Commission. There were positive comments from the Department of Energy and Environmental Protection (D.E.E.P.).

f) Update on East Avenue TOD study

Mr. Kleppin said that the East Avenue committee would meet on October 10. He did not think that the consultant could turn around changes quickly. There was a discussion about the date of the next Planning Commission meeting. There was also a discussion about having a special meeting for the TOD study. They decided to have the meeting on October 15 and have the consultant present whatever information they had available. Ms. King said that she had met with the new Director of Recreation and Parks and did not believe there was any conflict.

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VI. APPROVAL OF MINUTES: August 20, 2019

This item would be moved to the next Planning Commission meeting because the commissioners had not received the minutes in their packets at home.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin did not have any other comments.

VIII. COMMENTS OF COMMISSIONERS

Mr. Ferguson and Ms. King welcomed Mr. Lesko. They thanked Ms. Andrzejewski for attending the meeting and presenting the information about vegetative buffers to the commissioners. Ms. DiMeglio said that she would like to have a further discussion about processes in the future. There was also a discussion about the Van Zant application since the applicant does not have an attorney. There was also a discussion about receiving updates from the staff so they could see what would be on the agenda in the next 3-4 months.

IX. 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 10:19 p.m.

Respectfully submitted,

Diana Palmentiero