

PLANNING COMMISSION MINUTES

**CITY OF NORWALK
PLANNING COMMISSION
MAY 13, 2008**

PRESENT: Torgny Astrom, Chair; Walter McLaughlin; Walter Briggs; Lee Levey; Leigh Grant; Don Nelson; Frances DiMeglio; Steven Ferguson

STAFF: Frank Strauch; Lindsay McCurran

OTHERS: Wayne DaVanzo; Gary Grandin; Gabriella Capo; Marianne Holowinko; Lucy Gilley; Mark Suda; Mrs. Suda; Rosemary Andres; Keith Andres; Marcy Capo

I. CALL TO ORDER

Mr. Astrom called the meeting to order at 7:46 pm.

II. ROLL CALL

Mr. Strauch took the roll call.

III. PUBLIC HEARINGS

a) Subdivision #3608—11 Ox Yoke Lane—Mark Suda—2 Lots

Mr. McLaughlin read the legal notice.

Mr. Astrom read the ground rules of a public hearing.

Mr. DaVanzo turned in the receipts. He showed the lot line on the site plan and discussed the septic system. He indicated that the applicant was requesting a waiver of curbs and sidewalks.

Mr. Grandin, of 5 Ox Yoke Lane, stated that he was concerned about the added traffic that additional housing would create; he also said that the house would detract from the neighborhood and expressed concern about the continuation of subdivisions in the area.

Ms. Gabriella Capo, of 16 Ox Yoke Lane, recited aloud a letter from her family, objecting to the proposal. The letter expressed concern about wildlife, blasting at the site, traffic, and the potential domino effect of subdivisions in the area.

Ms. Holowinko, of Ox Yoke Lane, stated that the subdivision does not meet the acre requirement.

Ms. Gilley, of 2 Ox Yoke Lane, expressed concern about the value of the other properties in the area, citing that there had been one residence on each acre of land for at least 50 years.

Mr. Suda, the applicant, stated that he was dividing the property for his own family. He also said that additional traffic in the area is not a major concern. He also stated that the property does not contain wetlands and has no drainage problems currently. He added that the proposed 3200 square foot home is of a moderate size. He described the upkeep of other homes on the street as “not great,” adding that the existing house and the proposed one on his property would improve the neighborhood.

Mrs. Suda reiterated that she and her husband bought the house three years ago and made the property value go up. He added that she and Mr. Suda want to remain in Norwalk.

Ms. Andres stated that she was concerned about the value of her own property, adding that the new house would be directly across from her own home.

Mr. Andres said that Mr. and Mrs. Suda fixed up their property and have been good neighbors. He added, however, that he was also concerned about area houses becoming knock-downs.

Ms. Marcy Capo expressed concern that the character of the neighborhood would change, adding that one “McMansion” on the street currently also looks out-of-place.

Mr. DeVanzo stated that the area had half-acre zoning and that he was aware of no deed restrictions. He added that any house would need to meet the zoning regulations. He also said that blasting is unlikely to be needed at the site. He said that drainage was not a problem at the property. He also said that a single-family home would not generate a big increase in traffic volume.

Mr. Astrom asked Mr. Strauch to clarify the half-acre zoning. Mr. Strauch stated that the area was re-zoned in the 1980s and was indeed half-acre zoning. There was a discussion of deed restrictions in the area.

Mr. Astrom closed the public hearing.

**** MS GRANT MOVED TO ADJOURN THE MEETING IN ORDER TO RETURN TO THE LAND USE COMMITTEE MEETING.**

**** MR. BRIGGS SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Astrom adjourned the Planning Commission at 9:10 pm, stating that it would reconvene later.

The meeting was reconvened at 9:30 pm.

IV. REPORT OF SUBDIVISION COMMITTEE—Leigh Grant, Chair

a) Action on Items III (a) Subdivision #3608—11 Ox Yoke Lane—Mark Suda—2 Lots

** MS. GRANT MOVED TO SEND THE ITEM BACK TO COMMITTEE.

** MR. BRIGGS SECONDED.

** MOTION PASSED UNANIMOUSLY.

b) Subdivision #3602—12 Oakleigh Court—Margenot—2 Lots—Extension of approval time

** MS. GRANT MOVED: RESOLVED by the Norwalk Planning Commission that the approval time on Subdivision #3602-12 Oakleigh Court – Margenot – 2 Lots – Extension of approval time be approved for an extension of a period of 90 days; and BE IT FURTHER RESOLVED that the new deadline to file the approved resubdivision map is September 3, 2008.

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 23, 2008.

** MR. LEVEY SECONDED.

** MOTION PASSED UNANIMOUSLY.

V. REPORT OF LAND USE COMMITTEE—Fran DiMeglio, Chair

a) Mayor's Office—Capital Project Close-out of the Rogers-Ritch-Merritt House project

** MS. DIMEGLIO MOVED: RESOLVED by the Norwalk Planning Commission that, in accordance with Section 8-24 of the Connecticut General Statutes, the referral made by the Mayor's Office in regards to the close-out of \$115,000 from the Rogers-Ritch - Merritt House project be approved; and

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

** MR. BRIGGS SECONDED.

** MOTION PASSED UNANIMOUSLY.

b) Mayor's Office—Special Capital Appropriation in the amount of \$115,000 for various Historical Commission projects

** MS. DIMEGLIO MOVED: RESOLVED by the Planning Commission that the Special Appropriation in the amount of \$115,000 for various Historical Commission projects be approved and

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

**** MR. LEVEY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

c) 8-24 Review—Recreation and Parks—Fodor Farm—Installation of a farmer’s market

Ms. DiMeglio asked how the plan connected to the Plan of Conservation and Development. Mr. Strauch agreed to research the question.

**** MS. DIMEGLIO MOVED: RESOLVED** by the Norwalk Planning Commission that, in accordance with Section 8-24 of the Connecticut General Statutes, the referral made by Recreation and Parks in regards to the installation of a farmers market in Fodor Farm be approved, and

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

**** MR. BRIGGS SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

d) 8-24 Review—Department of Public Works—Andrews Field, County Street—Norwalk High School band building replacement project

**** MS. DIMEGLIO MOVED: RESOLVED** by the Norwalk Planning Commission that, in accordance with Section 8-24 of the Connecticut General Statutes, the referral made by Department of Public Works in regards to Norwalk High School band building replacement project at Andrews Field be approved; and

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

**** MR. LEVEY SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

e) 8-24 Review—Department of Public Works—Proposed license agreement between the City of Norwalk and the Norwalk Transit District for use of a permanent easement on Burnell Boulev

Mr. Levey asked for further information about the site. Ms. Grant asked that the Commission review the SWRPA comment about the item. Mr. Strauch stated that the core issue is whether or not the Commission is allowing the NTD to lease the property from the City.

**** MR. ASTROM MOVED: RESOLVED** by the Norwalk Planning Commission that, in accordance with Section 8-24 of the Connecticut General Statutes, the referral made by Department of Public Works in regards to the proposed license agreement between the City of Norwalk and the Norwalk Transit District for use of a permanent easement on Burnell Boulevard be approved; and

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

- ** MR. FERGUSON SECONDED.
- ** MS. GRANT OPPOSED.
- ** MR. NELSON OPPOSED.
- ** MR. LEVEY OPPOSED.
- ** MOTION CARRIED, 5-3.

f) Zoning Commission referral--#4-08R/#1-08M—Zoning Commission—Proposed amendments to Article 121 regarding signs and banners for special events in commercial and industrial zones

The Commission agreed to add language to the resolution to indicate the following: that signs and banners for special events may be displayed no more than thirty days before an event, may stay up for the duration of the event, and may remain in place for no more than seven days after the conclusion of the event.

** MS. DIMEGLIO MOVED: RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#4-08R - Zoning Commission - Proposed amendments to Article 121 regarding signs and banners for special events in commercial and industrial zones" and dated May 8, 2008, be approved. BE IT FURTHER RESOLVED that the reasons for this action are:

- 1) To implement the Plan of Development goal to "review and improve sign regulations" (p. 55); and
- 2) That the banners be installed no more than 30 days prior to the event, for the duration of the event and for no more than 7 days after the event.

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

- ** MR. BRIGGS SECONDED.
- ** MOTION PASSED UNANIMOUSLY.

g) Zoning Commission referral--#1-08R/#1-08M—Zoning Commission—192-194 Perry Avenue/Silvermine Ave & 1 River Road—Proposed amendments to establish a new Silvermine Tavern Village District and proposed map change from AA and A Residence to Silvermine Tavern Village District

** MS. DIMEGLIO MOVED: RESOLVED that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#1-08R - Zoning Commission - Proposed amendments to Article 50 to establish a new Section 118-531 Silvermine Tavern Village District" and dated revised to May 5, 2008, be approved. BE IT FURTHER RESOLVED that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development goal (as adopted effective March 14, 2008) to "maintain and expand Village Districts to preserve the character of the districts, to improve the design of buildings and their relationship to the streetscape,

and to protect resources of historical and architectural significance..." (p. 43); and 2) To preserve the unique character of the historic Silvermine Tavern properties; and 3) To implement the Plan of Conservation and Development goals to increase public access to the waterfront by encouraging "public walkways as part of developments" (p.22); and 4) To "retain the character of existing neighborhood commercial centers" (p. 19) and to ensure that future development is compatible with the surrounding residential neighborhood; and 5) To implement the Plan of Conservation and Development goal to "minimize the number of non conforming uses" (p.17); and BE IT FURTHER RESOLVED that notice of this action be forwarded to the Norwalk Zoning Commission.

RESOLVED that the proposed changes to the Building Zone Map as shown on a certain document entitled "#1-08M - Zoning Commission - 192-194 Perry Avenue/Silvermine Ave & 1 River Road - Proposed change to the Building Zone Map from AA & A Residence to Silvermine Tavern Village District" and dated March 31, 2008, be approved.

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

- 1) To implement the Plan of Conservation and Development goal (as adopted effective March 14, 2008) to "maintain and expand Village Districts to preserve the character of the districts, to improve the design of buildings and their relationship to the streetscape, and to protect resources of historical and architectural significance..." (p. 43); and
- 2) To preserve the unique character of the historic Silvermine Tavern properties; and
- 3) To ensure that future development is compatible with the surrounding residential neighborhood; and
- 4) To implement the Plan of Conservation and Development goal to "minimize the number of non conforming uses" (p.17); and

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

** MR. LEVEY SECONDED.

** MR. MCLAUGHLIN ABSTAINED.

** MOTION CARRIED, 7-1.

h) DEP Referral—Rowayton Seafood—89 Rowayton Avenue—Change use of a deck from marine commercial to public access and retain a section of exiting deck

** MS. DIMEGLIO MOVED: RESOLVED that the staff be directed to contact the Connecticut DEP and Army Corp of Engineers with the following comments regarding #200800067-SJ – Rowayton Seafood – 89 Rowayton Avenue - Permit to change use of a deck from marine commercial to public access:

That the Commission supports water-dependent uses, such as the construction of public accessways, in tidal, coastal, or navigable waters of the state; and

BE IT FURTHER RESOLVED that this proposal is consistent with coastal resource and use polices.

** MR. BRIGGS SECONDED.
** MOTION PASSED UNANIMOUSLY.

VI. APPROVAL OF MINUTES: APRIL 8, 2008

There was a brief discussion of changes to the minutes.

** MR. FERGUSON MOVED TO APPROVE THE MINUTES AS WRITTEN.
** MR. MCLAUGHLIN SECONDED.
** MOTION PASSED UNANIMOUSLY.

VII. COMMENTS OF THE DIRECTOR

Mr. Strauch apologized for any lapses on his part during the meeting. The Commission saw none.

Ms. McCurran introduced herself to The Commission.

VIII. COMMENTS OF COMMISSIONERS

There was a brief discussion of when the full Council would take up the Plan of Conservation and Development. It was stated that this would occur next month.

IX. COMMENTS FROM SWRPA

Ms. Grant stated that she would send the SWRPA comments to the Commissioners. She briefly discussed her attendance at an affordable housing summit.

X. ADJOURNMENT

** MR. MCLAUGHLIN MOVED TO ADJOURN.
** MR. BRIGGS SECONDED.
** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 9:55 pm.

Respectfully submitted by Charlene Smith.