

**CITY OF NORWALK  
PLANNING COMMISSION  
November 9, 2010**

**I. CALL TO ORDER**

Torgny Astrom called the meeting to order at 8:01 p.m.

**II. ROLL CALL**

**PRESENT:** Torgny Astrom, Chair; Walter McLaughlin; Victor Cavallo; Fran DiMeglio; Don Nelson; Anthony Aitoro; Joel Zaremby

**STAFF:** Mike Greene; Frank Strauch

**OTHERS:** Elizabeth Suchy, Esq.; Dolores Hawley; Grace Donovanich; Steven Kerschner; Dean Martin; John Vezendy; Michael Corsello; Stan Skoronski

**III. PUBLIC HEARINGS**

**a) Subdivision #3617 – Prime Development Group, LLC– 149-163 Westport Avenue – 2 Lots –**

Mr. Astrom opened the public hearing.

Ms. Suchy, who represented the applicant, began the presentation by turning the green cards over to Mr. Strauch. She gave background of the application and went over where the property was. Nothing else on the properties would change. All sign-offs have been provided to staff. Mr. Cavallo asked what the access points to the lots were which Ms. Suchy showed to him. Wendy's would have to come back to the zoning Commission if it was to construct access elsewhere which would then be a change to the subdivision. Mr. Cavallo was concerned about safety issues but Ms. Suchy thought that the current access point was the safest. Mr. Greene stated that only if the Zoning Commission and the Traffic Authority thought it was safe to have access elsewhere would it be done. If the subdivision would be approved, it would give Wendy's the opportunity to have a ground sign on their property.

Mr. Astrom asked if there were any comments from the public. Dolores Ramsey, an abutting neighbor, of 7 Hawley St., Norwalk, CT, asked why they would want to subdivide the property. Grace Donovanich, who spoke on behalf of Mr. and Mrs. Lefcowich, another abutting neighbor across the parking lot from Wendy's, asked who was going to maintain the hillside. She presented pictures which showed weeds on the hillside.

Ms. Suchy presented the rebuttal for the hearing. Her client, Prime Development, was at the hillside looking over the landscaping, some of which had not survived. They were now in the process of determining what had to be re-planted. Wendy's has a 40 year ground lease. Wendy's would be able to operate its own site more efficiently and would receive its own tax bill. Mr. Leo Fields, as a principal of Prime Development, stated that the hours of operation of the 2 buildings on the site were different and required different maintenance. Wendy's wanted to take on the burden of maintaining their property, if it was to be subdivided. Mr. Fields asked when the pictures were taken and was told they were taken on the previous Saturday. He was under the impression that the landscaper had completed the work but would look at the property again the next day.

Mr. Astrom closed the public hearing.

**b) Subdivision #3618 – Steven N. Kerschner – 23 Cranbury Road – 2 Lots –**

Mr. Astrom opened the public hearing.

Mr. Kerschner presented at the public hearing. He turned in the green cards to Mr. Strauch. They have received all sign-offs for the property. Dean Martin of Grumman Engineering continued the presentation. He discussed the drainage issues. Mr. McLaughlin asked whether the front of the house would face Cranbury Road. Mr. Martin said that as of now, it would not.

Mr. Astrom asked if there were any comments from the public. Mr. John Vezendy of 18 Cranbury Road, Westport, CT was concerned about the run-off from Lisa Lane and Cranbury Road. Michael Corsello, an abutting neighbor, was concerned about the construction vehicles that would be using the easement through his property. His next concern was about the site lines at the entrance to the property. His greatest concern was about the aesthetics of the property and that the front of the houses would not be facing Cranbury Road. The front of the houses would be facing his backyard.

Mr. Martin presented the rebuttal. He stated there would be no additional run-off going down to Cranbury Road. Run-off water from the roofs and driveways would be put back into the ground. The site lines off Lisa Lane would not encroach on any neighboring properties. The driveway would only have construction vehicles going to one of the lots. The other lot would be accessed from another driveway and not through the easement. Mr. Kerschner said that they were not looking to cut down trees. Mr. Astrom asked about having access to the lots from Cranbury Road. Mr. Kerschner said there have been discussions as to changing the orientation of the houses. Mr. McLaughlin asked whether the driveway could be moved off of the easement so that it would not be a shared driveway. The garages may then end up on the side of the house. Stan Skoronski of 25 Cranbury Road, Norwalk, Connecticut was concerned about the orientation of the houses and that the houses would not face Cranbury Road. In his rebuttal, Mr. Kerschner said that they would try to work with the neighbors.

Mr. Astrom closed the public hearing.

IV. **REPORT OF SUBDIVISION COMMITTEE**, Joel Zaremby, Chair

a) Action on III. a. and b.

**IIIa. Subdivision #3617 – Prime Development Group, LLC– 149-163 Westport Avenue – 2 Lots –**

**\*\* MR. ZAREMBY MOVED: BE ITRESOLVED** that subdivision application # 3617 submitted by Prime Development Group, LLC for a 2 lot subdivision at 149-163 Westport Avenue and as shown on a plan entitled "Resubdivision Prepared for Wendys of Westport Avenue, Scale 1" = 30', dated 9/1/2010 and certified "Substantially Correct" by Ryan and Faulds Land Surveyors, Douglas R. Faulds, Land Surveyor – Connecticut Registration No. 13292 be **APPROVED** subject to the following reasons:

1. That all required soil and sedimentation controls be in place prior to any site work; and
2. That any additional soil erosion and sedimentation controls deemed necessary by the staff be installed at the direction of the staff; and
3. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements (street trees); and
4. That the declaration of easements granting reciprocal parking / driveway easements in favor of both Parcel B1 and B2 be placed on the Land Records prior to the recordation of the subdivision map; and

**BE IT FURTHER RESOLVED** that conditions **do not** warrant the installation of sidewalks; and

**BE IT FURTHER RESOLVED** that conditions **do not** warrant the installation of new street curbs; and

**BE IT FURTHER RESOLVED** that the street tree requirement **not be waived** and that new street trees be Installed as required by staff, and that where practical, any existing street trees which meet the street tree requirements, be retained and utilized towards the street tree requirement; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be November 19, 2010.

**\*\* MR. MCLAUGHLIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**IIIb. Subdivision #3618 – Steven N. Kerschner – 23 Cranbury Road – 2 Lots** –This item was sent back to committee to be discussed in December.

- b) **Subdivision #3488 – Dry Hill Road, LLC (Snellman) – 107 Dry Hill Road - Request for return of maintenance bond** – Before the vote, Mr. Aitoro recused himself and left the room. There was no further discussion on this matter.

**\*\* MR. ZAREMBY MOVED: BE IT RESOLVED** that the request to release the maintenance surety held on Subdivision #3488-Dry Hill Road, LLC (Snellman) – 107 Dry Hill Road - Request for return of maintenance bond be **APPROVED** for release as the required improvements have been properly installed, certified, and maintained; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be November 19, 2010.

**\*\* MR. MCLAUGHLIN SECONDED.**

**\*\* MOTION PASSED 6-0 (MR. AITORO ABSTAINED).**

#### **V. REPORT OF LAND USE COMMITTEE, Fran DiMeglio, Chair**

a) **Redevelopment Agency – Mill Hill Master Plan**

**\*\* MS. DIMEGLIO MOVED: BE IT RESOLVED** that the Planning Commission accepted the letter as written by staff which was to be sent to Timothy Sheehan, Executive Director of the Redevelopment Agency, dated November 9, 2010.

**\*\* MR. ZAREMBY SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

b) **Zoning Commission referral - #11-10R – Zoning Commission – Proposed amendments to Village District sign regulations for East Avenue and Golden Hill**

**\*\* MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “#11-10R - Zoning Commission – Proposed amendments to Section 118-1295 to revise East Avenue Village District sign regulations and to establish new Golden Hill Village District sign regulations” and dated November 5, 2010, be **APPROVED**.

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

1. To implement the Plan of Conservation and Development goal to "Maintain...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..." (F.4.1.5, p. 43); and

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

**\*\* MR. MCLAUGHLIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

c) **Zoning Commission referral - #12-10R Wave Hill Bread – Proposed amendments to add boutique manufacturing as a permitted use in Neighborhood Business zones**

There was no further discussion on this matter.

**\*\* MS. DIMEGLIO MOVED: BE IT RESOLVED**that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#12-10R – Zoning Commission – Proposed amendment to Article 50 to permit boutique manufacturing in Neighborhood Business zones" and dated October 14, 2010, be **APPROVED.**

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

1. To implement the Plan of Conservation and Development goal to "Preserve the character of neighborhood businesses and neighborhood businesses districts" (A.4.1.4, p. 13); and

2. To promote the inclusion of artisans, producing items such as ceramics, furniture, artwork and custom made food items, as an accessory use in Neighborhood business zones; and

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

**\*\* MR. NELSON SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

d) **Zoning Commission referral - #13-10R – Zoning Commission - Amend Flood Hazard zone regulations regarding definition of substantial improvement –**

Mr. Cavallo asked how much this had to do with rising and falling market values. Mr. Greene answered that the regulation was originally tied to assessed value and then later it became tied to market value.

**\*\* MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#13-10R – Zoning Commission – Proposed amendment to the Building Zone Regulations to amend Section 118-1100 Flood Hazard Zone to revise the substantial improvement definition" and dated October 14, 2010 be **APPROVED**.

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

1) To adopt the revised minimum requirements of the Federal Emergency Management Agency (FEMA) so that the City of Norwalk will remain eligible to participate in the National Flood Insurance Program (NFIP); and

2) To implement the Plan of Conservation and Development policy to "Maintain the Federal Flood Insurance Program which provides insurance for property owners in flood hazard areas, but encourage development (especially higher density) to be located outside flood-prone areas wherever possible, including increased setbacks to account for sea level rise" (B.3.1.8 . p.17); and

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

**\*\* MR. ZAREMBY SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

e) **DEP / USACE – 55 Rowayton Avenue – Construct new dock, ramp, and float**

There was no further discussion on this matter.

**\*\* MS. DIMEGLIO MOVED: BE IT RESOLVED** that the staff be directed to contact the Connecticut DEP and Army Corp. of Engineers with the following comments regarding #201005394SJ – 55 Rowayton Avenue – Construct new dock, ramp and float; and,

1. That there are no zoning issues with this application; and,

**BE IT FURTHER RESOLVED** that this proposal is consistent with coastal resources and use policies.

**\*\* MR. AITORO SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**VI. APPROVAL OF MINUTES**

Mr. Zaremby asked that his name be corrected in the minutes.

**MR. ASTROM MOVED** to approve the minutes with the corrections to Mr. Zaremby's name.

**\*\* MR. AITORO SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

## **VII. ANNUAL MEETING SCHEDULE:**

There was a lengthy discussion on the scheduling of the Capital Budget meetings and the public hearing. In the previous year, there were problems with what data the Commission had as compared to what the finance director received. Mr. Strauch stated the various departments would have to get their information in sooner. The Commission discussed not accepting new information from departments during their budget meetings. They also discussed calling the finance department the day before to make sure their information was the same as the Finance Department's information. Some of the forms were not filled out correctly.

**MR. ZAREMBY MOVED** to accept the 2011 Meeting Schedule.

**\*\* MR. AITORO SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

## **VIII. COMMENTS OF THE DIRECTOR**

Mr. Greene stated that his department was having meetings with a consultant regarding the bikeway pedestrian study citywide. They have received information from the public. However, they felt the first batch of information was for show and they would like substance. They need a good map of the city with the prioritized sidewalks and bikeways. They should have a first draft of a report by the beginning of 2011.

## **IX. COMMENTS OF COMMISSIONERS**

Mr. Cavallo asked whether the Commission could go into executive session. Mr. Greene stated that it was only to discuss personnel matters, negotiations and if it is a settlement of a court case. His concern was when counsel that represented the applicants came before the Commission and stated that they were to act in an administrative capacity. Mr. Greene stated that this was upheld by court cases. He would have Mr. Maslin come to the next meeting to discuss it.

There was a discussion about sidewalks and the beginnings of site plan review in Norwalk. The Wendy's on Connecticut Avenue in the Kohl's parking lot was discussed.

Mr. Astrom and Ms. DiMeglio discussed an e-mail they received from Karen DelVecchio about the Norwalk website. They asked the other commissioners to look at the updated

website and bring their comments about it to the next meeting. There was a question as to who was responsible for the editorial content on the website, IT or the various departments.

#### **X. COMMENTS FROM SWRPA**

Mr. Cavallo had no comments.

#### **XI. ADJOURNMENT**

- \* **MR. MCLAUGHLIN MADE A MOTION TO ADJOURN.**
- \*\* **MR. ZAREMBY SECONDED.**
- \*\* **MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:54 p.m.

Respectfully submitted by,

Diana Palmentiero