

**CITY OF NORWALK
ZONING COMMISSION
April 4, 2019**

PRESENT: Nathan Sumpter, Chair; Michael Witherspoon; Louis Schulman; Nicholas Kantor;
Richard Roina; Rod Johnson; Galen Wells; Frank Mancini

STAFF: Steve Kleppin; Michael Wrinn

OTHERS: Atty John Malin; Michael Alcott; James Elkins; Atty John Bove; Seelan Pather; Matt
Everson; Atty Jackie Kaufman

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7 p.m.

II. ROLL CALL

Mr. Kleppin called the roll.

III. RECEIPT/REVIEW OF NEW APPLICATIONS

a. #1-19M - Zoning Commission – West Avenue/Wall Street/North Av/Belden Av & vicinity - Proposed changes to the Building Zone Map from Central Business Design District (CBDD), Industrial #1 and Neighborhood Business (NB) to Central Business District (CBD) and Central Business District West (CBD-W) – Discussion & next steps and #1-19R - Zoning Commission – Proposed amendments to Section 118-504 Central Business Design District (CBDD), Section 118-100 Definitions, Section 118-1050 Workforce Housing Regulation, Section 118-1220 Off Street Parking and Commercial and Industrial Schedule Part 1 and related technical amendments – Discussion & next steps

Mr. Sumpter opened the meeting. Mr. Kleppin began the presentation with a discussion of the revisions that were received from February 25 joint public hearing as well as feedback from other departments. He noted additions and changes from the first set of modifications. Mr. Sumpter asked commissioners to ask questions of the staff. There was a discussion about the microunits. Mr. Schulman noted that there was nothing in the regulations that prohibits them. Mr. Kleppin thought that it would be beneficial to regulate them as to how many could be developed and where. These regulations are for historical and existing buildings. There were concerns that the language was clear which could lead to lawsuits. There was a discussion about the definition of family. There was also a discussion about additions to historical buildings. There was a discussion about the maximum height and whether there should be more sustainable initiatives in the regulations. There should be green incentives in the regulations, especially since this is also discussed in the Plan of Conservation and Development (“POCD”). Mr. Kleppin discussed next steps for this matter.

IV. PUBLIC HEARINGS

a. #14-18SP – Home Depot – 600 Connecticut Ave – Modification of seasonal outdoor storage and sales – Continue hearing from March 7, 2019

Mr. Sumpter noted that this was a hearing that was being continued and reminded the public of the rules of the hearing.

John Mallin, representing Home Depot, began the presentation by addressing any open items that had been left from the previous meeting. He began with the seasonal sales area and noted that plastic barriers are available and showed them pictures of what is being proposed. He then showed

them pictures of bollards being proposed and explained where they would be placed. There was a discussion on how they worked. He noted that they had met with the neighbor that lived behind Home Depot and explained that a fence would be built and what it looked like. He then discussed the lighting as well as the eastern boundary where the trees had died. They would replace the trees with pine trees on Home Depot property. He believed they had addressed the concerns of the neighbors. There was a discussion about maintenance of the fence, which was pressure treated wood. It was not intended to be painted.

Michael Alcott, 99 Keeler Avenue, noted that what Home Depot proposed was more than he expected. He thought it was well thought out, was happy and hoped it would be done. It had been a long time coming.

Atty Mallin was happy to hear that Mr. Alcott was pleased with the outcome. He said that it could be done between 90 – 180 days. There was a discussion about when it could be completed.

James Elkins, the store manager of Home Depot, said that the materials could be brought in tomorrow and that he hoped the whole project could be done by the fall. Mr. Wrinn suggested it be done by September 15, 2019 and that was accepted by everyone.

V. REVIEW AND ACTION ON PENDING APPLICATIONS

a. Action on Item IV. a. #14-18SP – Home Depot – 600 Connecticut Ave – Modification of seasonal outdoor storage and sales – Continue hearing from March 7, 2019

**** MR. SCHULMAN MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that the proposal to amend permit # 14-18 SP, Home Depot, 600 Connecticut Avenue in order to allow seasonal outside storage as shown on plans prepared by LRC Group, Cromwell, CT, as revised to 3/30/19 be **APPROVED**, subject to the following conditions:

1. That this approval is for the 2019 season only, which ends September 15th. At the end of that period, all seasonal outdoor storage under the parking garage must be removed. The applicants may then come back to the Commission with a status report regarding any traffic and safety issues which may have arisen. The Commission will at that point make a determination that the outdoor storage under the deck may continue on
2. All other changes shown on the above referenced plan would not need to be reviewed by the Commission; only the 3 storage areas under the deck (4,794 SF live goods, 1,024 SF outdoor pickup area and the 1,025 SF outdoor display area under the ramp)
3. That the seasonal outdoor storage shall operate only between March 15 and September 15; and
4. That all proposed directional and safety signage be in place and fully operation during hours of operation and for the duration of the sales period; and
5. That the rear parking lot be modified to add additional 3,715 SF of outdoor storage with stacking not to exceed 6' in height along the rear property line; and
6. That 3,500 SF behind the outdoor garden area be used for storage and enclosed with a temporary fence; these 2 changes (conditions #5 and #6) require the installation of specific protection methods for the adjacent neighbors, which are conditions #7, 8 and 9 as follows); and
7. That 195 feet of a 12' tall solid board fence with sound attenuation at the rear be installed; and
8. The existing berm be extended a distance of 70 ' to provide a solid visual barrier at the fence line; and

9. The free standing light fixtures at the rear be replaced to allow the installation of light shields; and
10. Add replacement trees for those that have died; and
11. The work for the fence has to be completed by September 15, 2019.

BE IT FURTHER RESOLVED that the effective date of this approval shall be April 12, 2019.

Mr. Johnson seconded.

Nathan Sumpter; Michael Witherspoon; Louis Schulman; Nicholas Kantor; Richard Roina; Rod Johnson; Galen Wells; Frank Mancini voted in favor.

No one opposed.

No one abstained.

b. #14-86SP – Oak Knoll Co-op – 554 Connecticut Av – Convert office to additional unit (from 42 to 43 residential units) - Report and recommended action

Mr. Wrinn oriented the commissioners as to the location of the property on an aerial map. Atty Bove began the presentation by noting that it had never been used as an office and had been vacant. He said that they would like to convert it to a 1 bedroom unit. The others in the building were 2 and 3 bedrooms. Mr. Wrinn said they were in compliance.

**** MR. SCHULMAN MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that application # 14-86 SP, submitted by 554 Navcapman LLC for the conversion of an existing office space into 1 (one) additional apartment unit at 554 Connecticut Avenue for a total of 43 apartments be **APPROVED**; and

BE IT FURTHER RESOLVED that the effective date of this approval is April 12, 2019.

Mr. Witherspoon seconded.

Nathan Sumpter; Michael Witherspoon; Louis Schulman; Nicholas Kantor; Richard Roina; Rod Johnson; Galen Wells; Frank Mancini voted in favor.

No one opposed.

No one abstained.

c. #11-17SP/#29-17CAM - 230 East Avenue, LLC – 230 East Ave/3 Rowan St/Osborne Av – New 5-6 story, 276,408 sf mixed use development with 189 multifamily dwelling units (215,025 sf), 39,492 sf office, 4,260 sf gross (2,130 sf active) restaurant, 5,550 sf gross (4,163 sf active) retail and 15,939 sf Pooch Hotel (existing) in 4 separate buildings with 311 parking spaces (207 spaces in below grade garage) – Proposed modifications to approved plans – Report and recommended action

Mr. Kleppin introduced the project which had been approved in 2018. Some modifications required them to come back to the Zoning Commission.

Seelan Pather, the architect on the project, began the presentation by showing the commissioners the changes which related to Building B. There was a discussion about setting back the upper floors to reduce the scale of the building. Another change was to create a pedestrian friendly feel at the courtyard. He also oriented the commissioners on the site plans. There was a discussion about the square footage of the courtyard space which is considered private space. He noted that there is another programmed public space. Matt Everson, Spinnaker Properties, noted that the private space would not have a fence to restrict people and they would see how things go, once

built. Mr. Pather then discussed the modifications to the part of the building that faced the train, in order to break up the façade. Some of the apartments had balconies. He then showed them the approved plan and the one with the changes. On the original approved plan, he noted that on the top of the building there was a restaurant and public space. However, there was not enough egress under the code with the amount of stairs that were to be constructed. He explained what the new space would look like. He noted that there was also an elevator to the top. Access would be regulated to special events. There was a discussion about the parking requirements. Mr. Everson noted that with people living at the train station, they would not need a vehicle. There was a discussion about the public getting into a private building. There was a discussion as to next steps since they are about ready to start building.

**** MS. WELLS MOVED: BE IT RESOLVED** that the request to modify the approved plans for special permit application #11-17SP and coastal site plan application #29-17CAM - 230 East Avenue, LLC – 230 East Avenue/3 Rowan Street/Osborne Avenue, for a new 5-6 story, 273,423 sf mixed use development with 189 multifamily dwelling units (215,025 sf), 39,492 sf office, 2,500 sf gross (2,000 sf active) restaurant, 4,500 sf gross (3,420 sf active) retail and 15,939 sf Pooch Hotel (existing) in 4 separate buildings with 321 parking spaces (218 spaces in below grade garage) as shown on a set of plans entitled "230 EAST AVENUE" by Beinfield Architecture PC, McChord Engineering, Eric Rains Landscape Architecture et al, dated March 21, 2018 as revised by a set of plans entitled "Site Layout Plan for 230 East Ave LLC" dated 3-29-19, be APPROVED, subject to the following conditions:

1. That the original conditions of approval remain in effect; and
2. That a revised certificate of special permit and mylar of the approved site plan (as revised by any conditions of approval) be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and

BE IT FURTHER RESOLVED that the effective date of this action be April 12, 2019.

Mr. Witherspoon seconded.

Nathan Sumpter; Michael Witherspoon; Louis Schulman; Nicholas Kantor; Richard Roina; Rod Johnson; Galen Wells; Frank Mancini voted in favor.

No one opposed.

No one abstained.

d. #7-15SPR/#20-15CAM - Highpointe Holding, LLC – 74-76, 78, 80, 82-84, 86 and 88 Main St; 6 and 8 North Av; 37, 41 & 45 High St - Highpointe West: 6 story, 284,788 square foot mixed use development with 212 units and 12,730 sf retail and 304 space parking facility with wider sidewalk and through block arcade amenities – Request for extension of approval time - Report and recommended action and e. 8-15SPR - Highpointe Holding, LLC – 42, 46 and 48 High Street - Highpointe East: 6 story, 91,174 square foot mixed use development with 66 units and 4,320 sf retail and 94 space parking facility with wider sidewalk amenity – Request for extension of approval time - Report and recommended action

Mr. Sumpter noted that the presentation would be for both of these applications.

Atty Jackie Kaufman began the presentation by explaining that the previous violations on the property had been resolved. There was a discussion about who the property owners were since her clients controlled some of the property. Mr. Schulman said that a single family residence would be converted to a 2 family residence. She explained that all property owners were in agreement. The commissioners did not understand why this conversion was taking place. She noted that her client would own the property. They also noted that it would be difficult to remove 2 lessees from the property. All of the property owners agreed to request the extension. She explained that the owners of

all the property owners had brought the original application as well as this request for an extension. There was a discussion about what would happen if the extension was not approved. There had been 2 other extensions on this application. Mr. Schulman proposed a 1 month extension and then have all of the owners come to the Zoning Commission to explain what is happening. There was also a discussion as to what would happen if the applicant had to re-apply under the new proposed regulations in this area.

**** MR. SCHULMAN MOVED: BE IT RESOLVED** that a one year extension of approval time for site plan application **#7-15SPR** and coastal site plan application **#20-15CAM** - Highpointe Holding, LLC – 74-76, 78, 80, 82-84, 86 and 88 Main Street; 6 and 8 North Avenue; 37, 41 and 45 High Street - **Highpointe West** - 6 story 284,130 square foot mixed use development with 212 units (22 workforce housing units and 190 market-rate units), 12,730 sf retail and 304 space parking facility with wider sidewalks and through block arcade amenities as shown on a set of plans entitled "Highpointe West Norwalk, CT. prepared for Highpointe Holding, LLC" by Redniss and Mead Engineers dated January 7, 2016 and various related plans by Gooding Architecture and Eric Rains Landscape Architects, LLC, as modified be approved, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That evidence of ownership and/or the control of the properties in this development be maintained for the duration of the extension period; and
3. That the original conditions of approval remain in effect; and
4. That the new approval deadline for obtaining permits will be **May 2, 2019**; and
5. That the subject properties remain clear of all violations for the duration of the extension period; and

BE IT FURTHER RESOLVED that the effective date of this action be **April 12, 2019**.

Mr. Witherspoon seconded.

Nathan Sumpter; Michael Witherspoon; Louis Schulman; Nicholas Kantor; Richard Roina; Rod Johnson; Galen Wells; Frank Mancini voted in favor.

No one opposed.

No one abstained.

**** MR. SCHULMAN MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application **#8-15SPR** - Highpointe Holding, LLC – 42, 44 and 48 High Street -**Highpointe East** - 6 story, 91,174 square foot mixed use development with 66 units (7 workforce housing units and 59 market-rate units), 4,320 sf retail and 94 space parking facility with wider sidewalk amenities as shown on a set of plans entitled "Highpointe East Norwalk, CT. prepared for Highpointe Holding, LLC" by Redniss and Mead Engineers dated January 7, 2016 and various related plans by Gooding Architecture and Eric Rains Landscape Architects, LLC, as modified be approved, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That evidence of ownership and/or the control of the properties in this development be maintained for the duration of the extension period; and
3. That the original conditions of approval remain in effect; and
4. That the new approval deadline for obtaining permits will be **May 2, 2019**; and
5. That the subject properties are clear of all violations for the duration of the extension period; and

BE IT FURTHER RESOLVED that the effective date of this action be **April 12, 2019**.

Mr. Witherspoon seconded.

Nathan Sumpter; Michael Witherspoon; Louis Schulman; Nicholas Kantor; Richard Roina; Rod Johnson; Galen Wells; Frank Mancini voted in favor.

No one opposed.

No one abstained.

f. #3-18CAM – Johnson – 69 Bluff Ave – Single family residence - Request for extension of approval time - Report and recommended action

Mr. Wrinn began the presentation and noted that there were new owners. This is the first request for an extension which Zoning Department staff did not see as a problem.

**** MR. SCHULMAN MOVED: BE IT RESOLVED** by the Norwalk Zoning Commission that application # 3-18 CAM, submitted by G. & B. Johnson for the construction of a new single family dwelling at 69 Bluff Avenue be granted a ONE YEAR extension of the approval time, with all conditions of the original approval staying in place; and

BE IT FURTHER RESOLVED that any substantial changes to the plans must receive ZC approval; and

BE IT FURTHER RESOLVED that the new deadline for obtaining a building permit is April 13, 2020.

Mr. Witherspoon seconded.

Nathan Sumpter; Michael Witherspoon; Louis Schulman; Nicholas Kantor; Richard Roina; Rod Johnson; Galen Wells; Frank Mancini voted in favor.

No one opposed.

No one abstained.

VI. APPROVAL OF MINUTES: March 7, 2019

**** MR. WITHERSPOON MOVED** to approve the March 7, 2019 Zoning Commission minutes.

Mr. Johnson seconded.

Mr. Witherspoon seconded.

Nathan Sumpter; Michael Witherspoon; Louis Schulman; Nicholas Kantor; Richard Roina; Rod Johnson voted in favor.

No one opposed.

Galen Wells and Frank Mancini abstained.

VII. COMMENTS OF DIRECTOR

There were no comments.

VIII. COMMENTS OF COMMISSIONERS

Mr. Mancini said that he would not be in attendance at the May 2 meeting and would have voted against the High Pointe applications.

IX. ADJOURNMENT

Mr. Witherspoon made a Motion to Adjourn.

Mr. Sumpter seconded.

Nathan Sumpter; Michael Witherspoon; Louis Schulman; Nicholas Kantor; Richard Roina; Rod Johnson; Galen Wells; Frank Mancini voted in favor.

**No one opposed.
No one abstained.**

The meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Diana Palmentiero