

**CITY OF NORWALK
ZONING COMMISSION
May 2, 2019**

PRESENT: Nathan Sumpter, Chair; Michael Witherspoon; Louis Schulman; Nicholas Kantor; Richard Roina; Galen Wells; Stephanie Thomas; Rod Johnson (after roll call)

STAFF: Steve Kleppin; Michael Wrinn

OTHERS: Atty Jackie Kaufman; Atty Tom Vetter; Paxton Kinol; Antonio Gourdet; Melissa Matuska; Marc Alan; Atty Jay Klein; Joanne McGrath, Jason Enters

I. CALL TO ORDER

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

II. ROLL CALL

Mr. Kleppin called the roll. Before the meeting, Mr. Sumpter introduced a new Zoning Commissioner, Stephanie Thomas.

III. REVIEW AND ACTION ON PENDING APPLICATIONS

a. #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

Mr. Sumpter opened this application. Atty Jackie Kaufman began the presentation for the developer. She noted that the commissioners were looking for the intention of both parties about this development and that they were at the meeting to give reassurance of this.

Atty Thomas Vetter, who represents the seller of the property, 34 Wall Street, confirmed Atty Kaufman's assurances. His clients were still interested in selling the property. He also noted that this deal was not going to fall apart. There was a discussion about converting a single family residence to a 2 family residence. He indicated that if the sale did not go through the property owner then would be behind in fixing up the property. The commissioners still did not understand why the property was being converted, especially if it was to be demolished. Atty Kaufman explained that her client was still interested in purchasing the property. Atty Vetter said he was not quite clear as to why this was happening either. He said that parts of the property were in disrepair. There was a discussion as to having two Zoning approvals on the property. Mr. Kleppin was not sure if that could be the case and whether it could invalidate the other approval. Atty Kaufman thought that Atty Vetter's client was looking for an interim use of the property. She also explained that it is critical to maintain this application. There was a discussion about how long before the contracts would be completed. Mr. Kinol then continued the presentation by asking about the extension process on the applications. He also noted that this would be their last request because they would like to start construction on this project. He then noted that these properties have had problems for about 20 years. The property is an opportunity zone and rental properties are doing well. Mr. Kinol said that he felt discriminated against to which Mr. Kleppin replied that there have been other violations on the property and the commissioners had given Mr. Kinol leeway by not denying it. Mr. Roina thought that although it was annoying for Mr. Kinol to speak to the Zoning Commission as he just had done, he admired the work his company was doing in the city. Mr. Roina also noted that Mr. Kinol had been given a 1 month

extension to find out what was going on with this application since it had been confusing when the request was presented.

Mr. Sumpter asked if Mr. Kleppin had other remarks but he did not. Mr. Schulman said he had a question about #8-15SPR. Atty Kaufman said that this presentation was only for #7-15SPR. Mr. Roina said that he was pleased to hear from Atty Vetter and noted that he had an excellent reputation in Norwalk. He said that he would vote for the resolution and then moved it as well.

**** MR. ROINA 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, be modified and **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 **February 26, 2020**; 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 **May 10, 2019**

Mr. Schulman seconded.

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

No one opposed.

Stephanie Thomas abstained.

b. #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. ROINA 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, be modified and **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 **February 26, 2020**; 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 **May 10, 2019**.

Mr. Witherspoon seconded.

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

No one opposed.

Stephanie Thomas abstained.

V. DISCUSSION/ACTION ON NEW APPLICATIONS

a. #1-19MV – AG Auto Services – 211 East Ave – Replacement auto repair in Citgo Gas station – Report & recommended action

Mr. Sumpter opened the application. Antonio Gourdet, of 31 Isaac Street, began the presentation by explaining his other businesses which were similar to this one and requesting the commissioners grant the ownership change. Mr. Schulman noted that the resolution was a typical one for an ownership change.

**** MR. ROINA MOVED: BE IT RESOLVED** that application #1-19MV submitted by AG Auto Services for a replacement motor vehicle repair facility at 211 East Avenue be **APPROVED** with the following conditions:

1. That all CEAC sign-offs be submitted prior to receiving a zoning permit;
2. That a signoff be submitted prior to a zoning approval confirming that the onsite drainage meets DPW drainage standards; and
3. That all repairs be conducted within the building; and
4. That there be no outdoor storage of parts or auto carcasses; and
5. That there be no on-street parking of vehicles; and
6. That there shall be storage only in designated areas as shown on the approved site plan; and
7. That there be no temporary signs erected at the site; and
8. That no off-premise signs are permitted; and
9. That any graffiti on the site, now or in the future, is to be removed immediately; and
10. That a proper screened dumpster enclosure be installed as shown on the landscaping plan and be properly maintained; and
11. That the existing shed and fenced in area at the SE corner of the property be removed and restored to parking; and
12. That all signage, existing and proposed, be in compliance with the Zoning Regulations; and
13. That the drainage system be maintained yearly and installed prior to occupancy; and
14. That landscaping as shown on the landscaping plan be properly maintained; and
15. That the parking as shown on the landscaping plan be available at all times and one of the spaces be used as storage space; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 10, 2019.

Mr. Witherspoon seconded.

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

No one opposed.

No one abstained.

b. #2-19R – Norwalk Arts Commission – Proposed amendments to Article 121 Sign Regulations to amend the regulations to clarify that wall murals are not signs, to reduce the number of off-premise signs and related technical amendments – Review of proposed amendments – Report & recommended action

Mr. Sumpter opened the application. Ms. Matuska, the Chair of the Norwalk Arts Commission, opened the presentation and explained that she was asked by the Mayor to start the process of removing murals as signs from the Zoning regulations. The Norwalk Arts Commission would then oversee them. She then explained the process of how that would happen. Mr. Schulman noted that there be similar regulations to those used for the signage at bus stops. Ms. Matuska noted that various departments would approve pieces of the regulations, including Planning and Zoning. Existing historical murals would stay intact. There was a discussion about what were murals and were signs. Ms. Thomas suggested that “services rendered” should be added to the language, as well as suggesting language for “obscenities.” There was a discussion about fees for the murals which the Planning and Zoning Department currently rendered because they were considered signs. There was then a discussion about the maintenance of murals. Marc Alan, 71 Aiken Street, continued the presentation, and noted that a mural on a building would be something that the Department of Building would address. There was a discussion about where the murals would be, either public or private. Ms. Wells said she would vote for this. There was then a discussion about holding a public hearing on this matter. There was also a discussion about graphics on utility boxes. Mr. Alan noted that there was a hope that murals would help prevent graffiti.

c. #X-19R – Marcus Partners – Proposed amendment to Section 118-503 Executive Office zone to allow an increase in FAR for common areas in an existing non-conforming building - Review & discussion of proposed amendments – Report & recommended action

Mr. Sumpter opened the application. Atty Jay Klein, who spoke on behalf of Merritt 7 Office Park, began the presentation. He then discussed the history of the buildings by noting that some of the buildings were legally, non-conforming because they pre-date the EO zoning designation. He also discussed amenities that today’s workforce was looking for. He said that they had filed a text change and explained what the reasons were for it. He also noted that the property owners were in negotiations with the state to give it land for the Merritt 7 train station. There was a clarification of the building coverage. Atty Klein explained what the changes would be to 601 Merritt 7 in the lobby area and expanding the cafeteria. He also noted that he did not think that a public hearing was necessary.

Joanne McGrath, from Marcus Partners the property managers, explained that these improvements were necessary because there would be space available as of January 1, 2020. It would help attract new tenants. Mr. Kleppin explained that it would be helpful to move this forward and have staff review the zoning permits. The text change would be referred to the Planning Commission and possibly WestCog.

d. #X-19R – FDSPIN Willard LLC - Proposed amendment to Section 118-522 to allow storage facilities and mixed use developments in Business #2 zones under certain conditions - Review & discussion of proposed amendments – Report & recommended action

Mr. Sumpter opened the application. Atty Blank gave out handouts to the commissioners and explained he was representing the contract purchaser for 10 Willard. He also oriented the commissioners as to the location of the property on an aerial map. He also noted that nothing had been filed but was seeking assistance from the Zoning Commissioners for when it was filed. He said that his client had recently constructed a storage facility on Connecticut Avenue. Now his client would

like to do something similar on Westport Avenue. He gave a brief overview of the current permitted uses but not storage. They would like to change the regulations to have a self-storage portion on the property. The self-storage would not be just for the tenants only, but for the public. He explained where the buildings would be located behind Aitoro's Appliance. He also noted that the storage would be fairly hidden in this location. The radio tower would remain. Jason _Enters, 40 Richards Avenue, continued the presentation by explaining what is currently on Westport Avenue on an aerial map. He also explained further that the radio tower has to stay because of the owner of the easement. There was a discussion of the access on Willard Avenue. There was a discussion about traffic. Mr. Enters said there would be less traffic because currently Frontier had 125 trucks. The commissioners noted what would be helpful when the application was filed. Atty Blank made suggestions as to what the zone could be and that the application could have conservation easements on the property. Mr. Schulman said that the developer should discuss the project with the neighbors. He also noted that if the design of the self-storage was pleasing, it would be helpful. Storage and tenants were a compatible use. They would not build a big self-storage. Mr. Kleppin had no problems with these plans.

e. #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) – Final review prior to public hearing - Report & recommended action and f. #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 – Final review prior to public hearing - Report & recommended action

Mr. Kleppin spoke on both of these 2 items together. There would be a public hearing on May 15, 2019. He explained the responses from various public entities and the Planning Commission. He noted that the Planning Commission took no action on the map and approved the referral for the regulations. There was a discussion about ongoing litigations and Mr. Kleppin said he would have something in writing from Corporation Counsel. There was a further discussion about the Planning Commission's votes. A no action would not change the Zoning Commission's voting. Mr. Kantor also was pleased about the green structures proposed and asked to help move that along.

VI. APPROVAL OF MINUTES: April 4, 2019

**** MR. SCHULMAN MOVED to approve the April 4, 2019 Zoning Commission minutes.**

Mr. Witherspoon seconded.

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

No one opposed.

Stephanie Thomas abstained.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin showed the commissioners site plans for the Lillian August building which would now be converted to an adult recreation area. He said that the applicant would like to spruce up the outdoors as well and would include outdoor areas. He thought it was a minor change and the commissioners agreed.

VIII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

IX. ADJOURNMENT

Mr. Schulman made a Motion to Adjourn.

Mr. Witherspoon seconded.

**Nathan Sumpter; Michael Witherspoon; Louis Schulman; Nicholas Kantor;
Richard Roina; Galen Wells; Rod Johnson; Stephanie Thomas voted in favor.**

No one opposed.

No one abstained.

The meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Diana Palmentiero