

**CITY OF NORWALK
ZONING COMMISSION
March 1, 2018**

PRESENT: Nathan Sumpter, Chair; Michael Witherspoon; Louis Schulman; Rod Johnson

STAFF: Mr. Kleppin; Mr. Wrinn

OTHERS: Atty Jackie Kaufman; Lori Wortz; Atty. Al Vasko; Atty. Liz Suchy; Clay Fowler; Tom Nelson; Matt Edvardsen; Seelan Pather; Eric Rains; Mike Galante; Dick Brescia; Brian Griffin; Sarah Mann; Mark Alberson; Pamela Parkington; Lisa _____; Joan Carty; Connor Halstead; Linda Langston; Debora Goldstein; Richard Tavella; Adolph Neaderland; John DeCi; Donna Smirniotopoulos; Edward Gormley; Diane Lauricella; Colin Grotheer; Diane CeCe

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7:03 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

III. DISCUSSION/ACTION ON PENDING APPLICATIONS

- a. #7-15SPR/#20-15CAM - Highpointe Holding LLC – 74-88 Main St/6-8 North Av/37-45 High St – Highpointe West: 6 story mixed use development w/ 212 units &14,250 sf retail - Request for 1 year ext of time – Report and recommended action**

Mr. Wrinn noted that a. and b. can be heard together although the resolutions would have to be voted on separately. Atty Jackie Kaufman began the presentation. She explained why they were seeking an extension which was because the applicant was working with the City on several issues. She also noted that the commissioners had received a letter today about a violation on the property and it was now on the record. The violations would be cleaned up within a month. She noted that her client does not own the property and they had only been made aware of the violations yesterday. There was a discussion about this item being on the agenda and then pulled a number of times. Mr. Schulman was not willing to approve the request as it currently stands. He would be in favor of having the violations fixed within 30 days, otherwise the process would have to begin again. Mr. Wrinn said that the staff would be on top of this matter. There was a discussion about the resolution and the conditions that could be added to it as well. There was a discussion about the length of the extension.

***** MR. SUMPTER MOVED: BE IT RESOLVED** that the request for 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 **APPROVED**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **February 26, 2019**; and
4. That the subject properties are clear of all violations within a 30 day period or this extension is null and void; and

BE IT FURTHER RESOLVED that the effective date of this action be **March 9, 2018**.

Mr. Witherspoon seconded.

Nathan Sumpter, Chair; Michael Witherspoon; Louis Schulman; Rod Johnson voted in favor.

No one opposed.

No one abstained.

b. #8-15SPR - Highpointe Holding LLC – 42-48 High St – Highpointe East: 6 sty mixed use development w/66 units & 4,320 sf retail - Request for 1 year extension of approval time – Report and recommended action

***** MR. SUMPTER MOVED: BE IT** 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 **APPROVED**, subject to the following conditions:**

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **February 26, 2019**; and
4. That the subject properties are clear of all violations within a 30 day period or this extension is null and void; and

BE IT FURTHER RESOLVED that the effective date of this action be **March 9, 2018**.

Mr. Witherspoon seconded.

Nathan Sumpter, Chair; Michael Witherspoon; Louis Schulman; Rod Johnson voted in favor.

No one opposed.

No one abstained.

c. #3-17SPR/#15-17CAM – 6 Butler Properties, LLC – 6 Butler St – Demolish existing building at 6 Butler St; Relocate historic building from 3 Quincy St to 6 Butler St; demolish portion of historic bldg and rehabilitate remaining portion of historic bldg for reuse as 7,680 sf of office – Request to modify approved plans – Report and recommended action

Mr. Sumpter opened the item for discussion. Atty Kaufman began the presentation by showing the commissioners a rendering of the proposed building. She noted that this discussion was to clarify the construction. She noted that building would no longer be relocated but would rather be replicated at 6 Butler St. Materials inside the building would be salvaged and used in the building. She said that they had clarified all of this with the Historical Commission and they were seeking the Zoning Commission's approval. There was a discussion about the historical value of the building.

Lori Wortz, Belpointe Capital, said that the Pinnacle would be built first and then 6 Butler would be done. The beams would not be used as structural beams but rather as interior design.

***** MR. SUMPTER MOVED: BE IT RESOLVED** that the request to modify site plan review application **#3-17SPR/#15-17CAM - 6 Butler Properties, LLC – 6 Butler Street – New 2 story building with 1,395 sf restaurant on the first floor and 3,840 sfoffices on the second floor as shown on a set of plans entitled "Zoning Site Plan depicting 6 Butler Street Norwalk, CT" prepared for 6 Butler Properties, LLC by Redniss and Mead Engineers and Didona Associates Landscape Architects and dated October 9, 2017 as revised to February 27, 2018, be **APPROVED**, subject to the following conditions:**

1. That any further modifications to the approved plans be submitted to the Zoning Commission for review and approval; and
2. That all CEAC signoffs on the modified plan shall be submitted prior to the start of construction; and
3. That all other conditions of the original approval remain in effect; and

BE IT FURTHER RESOLVED that the effective date of this action be March 9, 2018.

Mr. Witherspoon seconded.

Nathan Sumpter, Chair; Michael Witherspoon; Louis Schulman; Rod Johnson voted in favor.

No one opposed.

No one abstained.

d. #15-13SP/#21-13CAM – Trinity Washington Village Ltd Prtnrs/City of Norwalk – Raymond, Water & Day Sts - 193 unit multifamily development – Request for 1 year extension of approval time – Report and recommended action

Mr. Wrinn said no one was in the room to represent this application and noted that the applicant was concerned about their permit lapsing. Mr. Kleppin said that the project was going well. Mr. Schulman was disappointed that no one was representing the applicant.

***** MR. SUMPTER MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application site plan application **#15-13SP** and coastal site plan application **#21-13CAM** – Trinity Washington Village Limited Partnership and the Norwalk Housing Authority – Raymond Street – New 193 unit multifamily development in Flood Zone AE and in a Transit Oriented Development (TOD) area as shown on a set of plans entitled "Washington Village Buildings C, D, E Norwalk, CT. Trinity Washington Village Limited Partnership & the Norwalk Housing Authority" by Icon Architecture; Tighe & Bond Engineers & Surveyors; Eric Rains Landscape Architecture and other related plans dated September 19, 2013 as revised to November 22, 2013 be **APPROVED**,

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **February 28, 2019**; and

BE IT FURTHER RESOLVED that the effective date of this action be March 9, 2018.

Mr. Witherspoon seconded.

Nathan Sumpter, Chair; Michael Witherspoon; Louis Schulman; Rod Johnson voted in favor.

No one opposed.

No one abstained.

e. #12-92SP/#12-92CAM – Roton Point Association – 15 Pine Point Rd – Request to relocate kiddie pool – Determine if minor change - Report and recommended action

_____ said he was representing Roton Point Association and explained the background of this application. There was a discussion about the immediate perimeter of the pool. Mr. Wrinn said it was a minor change as per Zoning Department staff.

***** MR. SUMPTER MOVED: BE IT RESOLVED** that the minor change request for application **#12-92SP#12-92CAM** – Roton Point Association – 15 Pine Point Rd. – Request to relocate kiddie pool as shown on the various plans dated 2/18/2018 by Wesley Stout Associates (New Canaan, CT) and Redniss and Mead Engineering (Stamford, CT) be **APPROVED** subject to the following conditions:

1. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
2. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

BE IT FURTHER RESOLVED that this proposal complies with all applicable coastal resources and use policies and

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 9, 2018.

Mr. Witherspoon seconded.

Nathan Sumpter, Chair; Michael Witherspoon; Louis Schulman; Rod Johnson voted in favor.

No one opposed.

No one abstained.

f. #4-81SP – Harborview Condo Association – 26 Cove Avenue – Request for reconstruction of public access boardwalk - Determine if minor change - Report and recommended action

Mr. Sumpter opened the item for discussion. Atty Al Vasko began the presentation with a background of the original project which went back to the 1980s. They would like to change the configuration of the walkway. It would be the same square footage though.

***** MR. SCHULMAN MOVED: BE IT RESOLVED** that the minor change request for application #4-81SP/#018CAM, to reconstruct public access boardwalk as shown on the various plans dated 12/27/17 by Harborview Engineering, LLC, Barrington, RI, be **APPROVED** subject to the following conditions:

1. That all required permits with the CT DEEP be obtained in association with the replacement of the public access boardwalk;
2. That the applicant continue to maintain the entirety of the public access boardwalk; and
3. That they install new public access signs; and

BE IT FURTHER RESOLVED that this proposal complies with all applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 9, 2018.

IV. PUBLIC HEARINGS

Before the applicants began their presentation, Mr. Sumpter explained the rules of the public hearings.

a. #11-17R - 230 East Avenue, LLC – Proposed amendments to Section 118-700 to permit transit oriented development (TOD) in the Industrial #1 zone at the East Norwalk Railroad Station and b.

b. #11-17SP/#29-17CAM - 230 East Avenue, LLC – 230 East Ave/3 Rowan St/Osborne Av – New 6 story, 275,948 sf mixed use development with 189 multifamily residential dwelling units (215,025 sq ft), 34,650 square feet office, 4,260 sq ft gross (2,130 sq ft active) restaurant, 5,550 sq ft gross (4,163 sq ft active) retail and 15,939 sf Pooch Hotel (existing) in 4 separate buildings with 311 parking spaces (207 spaces in below grade garage)

Mr. Sumpter opened the public hearing. He explained that there would be a sign-up sheet for the members of the public to speak. He also noted that the public would have another chance to speak on March 21. Mr. Witherspoon read the referral of the Planning Commission into the record.

Mr. Kleppin noted that the applicant would present the application and there would be a Q&A. The public hearing would be continued until March 21 so that the city's consultants could present their comments as well. Their comments had not yet been received by the Zoning Commission. On March 21, members of the public would only be allowed to discuss what issues were presented on that day.

Atty. Liz Suchy opened the presentation by introducing the project team and turning in the certified, return receipt cards from the abutting neighbors, evidencing notice of the public hearing to them. She then gave a brief overview of the applicant's history in the city and how many projects they had done within it. She explained the various applications that the applicant had filed for this project, as well as a brief history of the property which began with a hat factory in the 1920s. She then explained the project for the commissioners and then she explained how the project was in line with the Plan of Conservation and Development. She noted the size of the buildings and what they included which was

retail, restaurants, residential and office space. She discussed the neighborhood meetings where the applicants reviewed the project with them. She also explained the CEAC meeting which was held a few weeks prior. She explained the advantages of the project.

Clay Fowler, the CEO of Spinnaker Partners, continued the presentation by explaining his commitment to the city of Norwalk. They are involved in activities and volunteer organizations and know they should give back to the city. They hope to increase the property values in the area. He believed the mixed use was appropriate for the property.

Tom Nelson, the project engineer, continued the presentation by orienting the site to the commissioners. He explained that it is mostly an impervious surface. He explained the proposed buildings and what would remain. They would maintain the current entrance on East Avenue. He explained the traffic flow as well as the other 2 entrances. He then discussed the parking and the drainage which conformed to the 2017 Norwalk Drainage standards. He explained how the current site had very little water treatment and the proposal would include much more.

Matt Edvardsen explained that part of the site was owned by the State of Connecticut, Department of Transportation. He showed them what was owned by them on the state and how the parking worked currently. He then explained the proposed parking which also included the current underground parking (Bldg A) and the new proposed underground parking (Bldg B). He said they were proposing more parking than required. There was a discussion about the parking and the fact that some of the parking currently is used by the restaurant that is there.

Seelan Pather, the architect on the project, continued the presentation by showing the commissioners the current property. He began with a history of the hat manufacturing industry. He also explained how they would rehabilitate the current property. He then discussed the proposed residential units, the retail, restaurant and office space, the open space and the existing Pooch Hotel. There was a discussion about where the affordable housing units would be located. He then described all of the floors and the roof area. They could potentially put a pool on the roof as well as a rooftop restaurant. He then explained how the proposed project would connect the existing and proposed underground parking lots. He then explained the heights of the buildings. He explained how some 1st floor windows would be lowered to encourage "interaction" with the street. He also explained the secondary streetscape which could be considered a second courtyard. He then showed them the first courtyard which included a steel frame which would be used from the current building. There was a discussion about a close up of the 1st courtyard. Mr. Pather then continued showing the commissioners renderings of the buildings.

Eric Rains, the landscape architect, continued the presentation with a discussion of the proposed pedestrian walkways on the property. He discussed islands which helped vehicular traffic. There would be environmental benefits to canopy trees. He showed them another pedestrian walkway. He explained the courtyard space which could be a hub for the public to make use of. There was a discussion of the greenery on Rowan St. There would also be furniture to sit on. There was also a discussion of the decorative paver that would enable people to feel as if they have entered something. There was a discussion of the main courtyard which would be above the underground parking so they would not be able to plant on it. There were different thoughts as to how it would be landscaped. There is a restaurant on this courtyard. It serves many purposes which could include bike racks. It would be considered more like an urban park.

Mike Galante, the traffic engineer for the project, continued the presentation by explaining what a traffic study is. He noted that the buildings currently on the site do not need a traffic study because they already have approvals from the state. He explained that it was a lengthy process and not just about traffic counts. He then showed them an aerial of the study area. He discussed the state's criteria and how to identify the study area. He noted the peak hour volumes that were studied. He also noted that the state asked to use the applicant's data because they thought it was better. He said that there was traffic on East Avenue. He gave them a summary of the data that was used. He also discussed accident summaries. He noted that the current building was empty but for the study they assumed that it was not. He explained the assumptions that they had used for the study including growth rates. He noted that conditions could improve when the Walk Bridge project was completed which currently could be 5-6

years ahead. He also gave the rating and that the project was reasonable under today's conditions.

There was a discussion about whether the developer could work to have the signals timed. There was also a question about the storage of snow on the property but Mr. Galante did not have that answer. Mr. Nelson noted that there will be improvement on the snow storage over what is there now. Atty Suchy concluded her presentation and said that she would like time to rebut. She also realized that the applicant would also have a chance to rebut the city's expert's reports.

Mr. Kleppin said that all materials are available on-line so that there was no need to come to the Planning and Zoning Department. At this point, Mr. Sumpter asked the members of the public to sign up if they had not already done so.

Dick Brescia, chair of the Parking Authority, explained that he had met with the State Department of Traffic in 2016 and explained the month to month lease they have with the state about the parking spaces on the lot. He spoke in favor of the project. He said there are 105 spaces in the back of the lot used by the Parking Authority. There is a study that showed how they are used. He said that not more than 80 spaces are used daily.

Brian Griffin, from the Chamber of Commerce, spoke in favor of the project. He explained the benefits which included tax revenue and overall economic enhancements. He said that East Norwalk was a special part of Norwalk. He also thought that Spinnaker was the right developer for this project.

Sarah Mann, 23 Pequot Drive, said she was not against the project but had concerns because it was too massive. She thought the second building should be scaled building and that the buildings were boxy. She also thought the TOD study should be completed.

Mark Alberson, Russell Street, lived in East Norwalk, all of his life. He thought that it was a great project but did not fit the smaller area of East Norwalk. He would like something more modest. He also added that there could be a pharmacy or supermarket and was against the small town feel of the area.

Pamela Parkington, 3rd taxing commissioner, but is not speaking as a commissioner. She said that she is a life-long Norwalker. She lived in East Norwalk and is excited about the project. She was concerned about the property staying the way it was because the area is depressed. Many of the homes have been turned into multi-family homes. She also discussed the empty areas and noted how this project would help the neighborhood. She wanted to see the residential feel come back to East Norwalk. She also discussed that their fire house is not being manned but she noted that was a rumor. Only when they are in training or at a fire is when they are not at the fire house.

Lisa _____, asked that the Zoning Commission to conduct the TOD study so as not to have unnecessary consequences. She then noted that what the Zoning Commission approves affects the budget. She discussed how commercial can also affect residential taxes. She also noted that it was slightly too big.

Joan Carty, 9 Hawkins Avenue, spoke in favor of the project especially since she is a commuter at this parking lot. She thought it was underutilized. She thought TOD was the appropriate use.

Connor Halstead, 9 Hawkins Avenue, spoke in support of the project. He said that he liked the train station and it could be a destination for the neighborhood. He said that the project could add a lot to the neighborhood.

Linda Langston, Betts Place, spoke in support but had concerns about it. Her questions were about the train station parking lot. She also discussed the flooding in the area. She also noted that she had heard that there were times when the underground parking lot could be used because of flooding.

Debora Goldstein, 66 Osborne St., speaking as a private citizen but she is also a 3rd taxing district commissioner. She would not be speaking as a 3rd taxing district commissioner. She was not against the project but she thought that they should consider the TOD study before they approved the

project. She also reminded them that there are also Federal regulations that apply. She asked them to vote no on the Zoning Amendment.

Richard Tavella said that he had sent a letter on February 21, 2018 in support and that he was concerned about what could go there.

Adolph Neaderland spoke against the application because he thought it was spot zoning. He did not think this project would increase the Grand List as a previous speaker had noted. He believed they should wait for the TOD study to be completed.

John DeCi, 10 Marina Street, spoke against the project because there are so many projects going on and is concerned about the Walk Bridge and the widening of East Avenue. He was concerned about how the backup would affect the city.

Donna Smirniotopoulos, 18 Shorefront Park, noted that in Norwalk the commissioners are at the will of the Mayor unlike in Westport where they are elected. She noted some case law about spot zoning.

Edward Gormley, 11 Day Street, said that he grew up in Norwalk. He spoke in support of the project because many people are moving to projects like this one that are near a traffic hub.

Diane Lauricella, 21 Blue Mountain Ridge Road, did not either support or oppose this application. She asked for an industrial moratorium. She asked to reduce the amount of residential at the project. She also mentioned the hat industry history of Norwalk. However, she also noted that there is possibly mercury from the hat manufacturers on the site. She then quoted from the POCD.

Colin Grotheer, 16 West Rocks Rd, also noted that he worked for Mr. Beinfeld, the architect firm for the project. He is in favor of the project because more people would be moving to the city and patronizing local businesses. He noted that the developer wanted to see the project succeed. He also explained the losses to the Grand List which included CVS on Connecticut Avenue.

Diane Cece noted that if the plan was good now it could be a plan later. She also knew that she thought it was out of character for Mr. Sumpter to speak to a Norwalk citizen as she believed he had. She also said that they should wait for the TOD study. She also noted that the project should be more nautical. She asked them to deny the proposed amendments until the study was completed. She thought that the TOD study should go out to bid.

Atty. Suchy asked that they continue the meeting to the March 21 Zoning Commission meeting since the hour was late and Mr. Sumpter agreed.

V. RECEIPT/REVIEW AND ACTION ON NEW APPLICATIONS

a. None

VI. APPROVAL OF MINUTES: February 21, 2018

**** MR. SCHULMAN MOVED** to approve the Zoning Commission minutes of February 21, 2018.

Mr. Witherspoon seconded.

Nathan Sumpter; Michael Witherspoon; Louis Schulman; Rod Johnson voted in favor.

No one opposed.

No one abstained.

VII. COMMENTS OF DIRECTOR

Mr. Kleppin did not have any comments.

VIII. COMMENTS OF COMMISSIONERS

The commissioners did not have any comments.

IX. ADJOURNMENT

Mr. Witherspoon made a motion to adjourn.

Mr. Schulman seconded.

Nathan Sumpter; Michael Witherspoon; Louis Schulman; Rod Johnson voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 10:39 p.m.

Respectfully submitted,

Diana Palmentiero