

**CITY OF NORWALK  
PLANNING COMMITTEE  
REGULAR MEETING  
SEPTEMBER 1, 2016**

**ATTENDANCE:** John Kydes, Chair; Shannon O'Toole-Giandurco, Tom Livingston, John Igneri, Douglas Hempstead (7:05 p.m.); Travis Simms (7:30 p.m.); Faye Bowman (7:31 p.m.)

**STAFF:** Timothy Sheehan, Redevelopment Agency Director; Tami Strauss, Director of Community Development; Hunter Arton, Community Outreach Administrator

**OTHERS:** Bruce Kimmel, Council President; Alan Weber, DiScala Company CFO; Ray Sullivan, Architect; Brian Deets, DiScala Company; Ernie Dumas

**CALL TO ORDER**

Mr. Kydes called the meeting to order at 7:02 p.m.

**ROLL CALL**

Mr. Kydes called the roll. A quorum was present.

**APPROVAL OF MINUTES**

**August 4, 2016 Regular Meeting**

**\*\* MS. O'TOOLE-GIANDURCO MOVED THE MINUTES OF THE AUGUST 4, 2016 REGULAR MEETING.**

**\*\* THE MOTION TO APPROVE THE MINUTES OF THE AUGUST 4, 2016 REGULAR MEETING PASSED WITH THREE (3) IN FAVOR (KYDES, O'TOOLE-GIANDURCO AND IGNERI) AND ONE (1) ABSTENTION (LIVINGSTON).**

**PUBLIC PARTICIPATION**

There was no one present who wished to address the Committee at this time.

**BUSINESS.**

**A. Wall Street Redevelopment Plan Area**

**Review of Head of Harbor North project.**

Mr. Alan Weber, the CFO of the DiScala Company came forward to speak about the municipal parking garage on the corner of Main, Wall and High Streets. He gave a brief overview of the development going on at Smith Street behind Fat Cat Café.

*Mr. Hempstead joined the meeting at 7:05 p.m.*

Mr. Sullivan, the project architect, came forward to give an overview of the site plans for the Main Street and High Street complex. There are three levels of parking due to the steep grade change. The lowest level will replace the municipal lot, and the second and third decks will be for the building residents along with outdoor recreational areas for the five levels of residential units above.

Mr. Livingston asked if the new municipal lot would have the same number of spaces as it does now. Mr. Sheehan said that there would be 91 public parking spaces.

Mr. Hempstead stated for the record that Mr. Sullivan is the architect for Stew Leonard's and said that he would not be asking any questions about the project because of this.

Mr. Sullivan said that the plans were in the preliminary stages and they wanted to bring this to the Committee to answer any questions.

Mr. Kydes pointed out that the new design has a façade. Mr. Sullivan said that it does. Mr. Sheehan said that the façade improvement would be a city cost and that the City still needs to reach out to the owner to see if he was amenable to the façade improvement proposal. He said that it would cost the City a couple of thousand dollars. Mr. Weber said that it would just be putting a skin on the existing building. Mr. Livingston asked if it would be the City or the Redevelopment Agency that would pay for it. Mr. Sheehan said that it would be the City.

Mr. Livingston asked about the improvements to Freese Park. Mr. Sheehan said that the Agency was working on a Master Plan for Freese Park and that it was separate from this particular project. Mr. Weber said that he felt that it would be wonderful to have Freese Park improved, but it was not a condition of the agreement or part of the development.

The discussion moved to the DiScala Company contacting the property owner at the corner of Main and Wall Streets. Mr. Sheehan informed the Committee members that the property was limited to one story in height and if it was demolished, the new development would impact the development behind it and also be required to provide parking, which does not exist.

Mr. Sheehan spoke about the proposals that had been made for St. John's Place and the repair of the retaining wall.

Mr. Livingston asked what the next step would be. Mr. Sheehan said that there would need to be an option agreement for the parking lot. He said that the Agency needs to work on the details and have an 8-24 review before coming back to the Committee. Mr. Weber said that if everything moved forward, they could start by this winter.

Mr. Kydes thanked Mr. Weber for the presentation.

## **B. Urban Core**

### **1. Approve advancing to the Common Council the approval of the re-approval of the Wall Street Redevelopment Plan, West Avenue Corridor Replacement Plan and Washington-South Main Redevelopment Plan for a period of 18 months, subject to a public hearing and approval by the Redevelopment Agency.**

Ms. Strauss gave a brief overview of the plans and said that they were requesting the Committee to approve the review of the plans for the coming 18 months. Mr. Sheehan said that the State now requires that municipalities review the various plans every 10 years and either amend them or renew them. He said that this prevents plans from being out there for 30 or 40 years without review. After a decade, there could be changes in zoning or plans and developments. This change came up unexpectedly because the main focus has been on updating the Master Plan. By approving this, the Design Review portion will remain open for modification. Ms. Strauss pointed out that there was a public hearing included and that the hearing will be held at the Redevelopment Agency.

Mr. Livingston pointed out that this request was asking him as a new Council member to approve a plan that he had not seen or reviewed. Mr. Sheehan explained that all the plans that had not expired had actually been approved by previous Councils.

*Mr. Simms joined the meeting at 7:30 p.m.*

Mr. Hempstead asked if there were any plans that were not in compliance with the current regulations. Mr. Sheehan pointed out that there were some situations, such as the High Point project, that would have to go through Design Review. That project would also involve height issues in that location.

*Ms. Bowman joined the meeting at 7:31 p.m.*

Mr. Hempstead asked what would happen if a developer started the process and halfway through, the regulations changed. Mr. Sheehan explained that if a project had gone through design review under a set of existing regulations, those are the regulations that would govern the project. Once the project is approved, that would be the final approval.

**\*\* MR.IGNERI MOVED THE ITEM.**

**\*\* THE MOTION PASSED WITH FIVE (5) IN FAVOR (KYDES, O'TOOLE-GIANDURCO, IGNERI, HEMPSTEAD, AND LIVINGSTON) AND TWO (2) ABSTENTIONS (SIMMS AND BOWMAN).**

**C. Community Development Block Grant Program.**

**1. Approval to advance the PY41 CAPER to the Common Council with authorization for the mayor to sign all forwarding documentation required by HUD.**

**\*\* MR. LIVINGSTON MOVED THE ITEM.**

Ms. Strauss said the CAPER has been available for the public to inspect the document. The Program Year ended on June 30th. There were no major changes.

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

**D. Transit Orientated Development (TOD)**

**1. Committee Discussion.**

Ms. Bowman stated that this issue had been discussed at the recent Council meeting. She asked to discuss how it was expanded to encompass the new area. Mr. Simms said that there were a number of people who were looking to add Chestnut and Bell Avenues into the TOD area. He said that many of the residents were concerned about that happening without proper notice.

Mr. Kimmel said that that he was under the impression that the TOD expansion was a result of inconsistent zoning and land use. Mr. Sheehan said that those were concerns that were expressed to the Agency. He said that there had been a discussion by Committee and a number of neighborhood representatives were coming to the TOD meetings and saying that they wanted the area expanded to include the Lexington Avenue corridor because it offers additional protections. It would prevent the split zoning and inconsistent land uses would not be allowed.

Mr. Sheehan pointed out that the Zoning TOD objectives for the Lexington Avenue corridor are entirely different from the original TOD district objectives. That concern from the community was brought to the Committee and the Committee were presented with a choice of expanding the TOD to include the Lexington Avenue area. The vote on that issue was almost unanimously with Mr. Hempstead abstaining.

That vote allowed the plan to advance to the Planning Commission and the Agency informed the Planning Commission of the changes in the document. Mr. Sheehan said that he had to insure that what was being proposed was consistent with the Master Plan of

Conservation and Development. The Committee's authorization allowed the plan to advance forward without coming back to the Planning Committee and that after the Planning Commission, it will go directly to the Common Council.

Neither the Council nor the Redevelopment Agency controls Zoning. The Agency has met with the Zoning staff and there will be no surprises to them when they go to review it.

Mr. Hempstead said that when the Committee and Council approve a plan like this, it is a signal to the Zoning that this is what the administration would like to do. A discussion followed about Mr. Hempstead's concerns about that plan the night it was approved.

Ms. Bowman asked for clarification about the status of the Historic District. Mr. Sheehan said that the Historic District was still in existence and an application for that recognition has been filed.

Mr. Livingston said that the intent was to keep the character of the neighborhood. Mr. Kydes asked if the height restriction of 2 1/2 stories remained. Mr. Sheehan said that the Committee had reviewed this previously and nothing had changed. Discussion followed.

Mr. Simms asked about the portion that extended down MLK Drive. He wished to know if the plan would prevent 5 story buildings. Mr. Sheehan said that there were no 5 story buildings allowed in the green zone on the map. The neighborhood is generally residential.

Mr. Hempstead asked for clarification about locating the parking 600 feet away from the site. He said that he understood that it was a zoning concern. Mr. Sheehan said that this would not be allowed in the Lexington Avenue area, but would be allowed in the TOD area. Discussion followed.

Ms. Bowman asked if the 10% affordable units applied to all new development. Mr. Sheehan said that it only applies to developments with 12 or more units.

### **OLD BUSINESS**

Mr. Hempstead asked if there was an update on the POKO Wall Street project. Mr. Sheehan said that there was a budget gap and that Citibank made the determination that until the gap is dealt with there would be no additional draws. Citibank met with the administration yesterday to discuss this. He said that Citibank instructed POKO to insure that all of the City's assets were included on the asset stabilization security list. Mr. Sheehan said that there was a high degree of concern about the numbers present to the bank. He went on to explain that when a project is under construction, the materials cannot be exposed to the weather for a long period without issues.

Mr. Hempstead had several questions about the limited access on Isaac Street. He also asked how this would affect the covenants. Mr. Sheehan said that DPW had moved the barriers so that there was now two way traffic on Isaac Street. He added that the developer was in default and the City could call the default at any time. Mr. Hempstead asked about the HUD tax credits. Mr. Sheehan said that it would be up to HUD to determine what it would do.

Mr. Igneri asked if there was a possibility of another developer coming into the project. Mr. Sheehan said that the rumor that there was another developer coming in was highly speculative and that POKO still owned the project. If there was another developer, the process would be similar to the one that happened when Spinnaker sold the Reed Street project to GGP. Discussion followed about the legal aspects.

Mr. Hempstead said that he remembered a development behind Utopia that was a problem and he did not want to see the City end up in the same position as it did back then. Discussion followed about the details of the existing LDA, the bank's decisions in handling the budget gap and other issues.

#### **PUBLIC PARTICIPATION CONT'D.**

Mr. Kydes said that Mr. Dumas had requested permission to ask the Committee a number of questions, but Mr. Dumas had to be at another meeting earlier in the evening.

Mr. Dumas came forward and asked about the last Committee vote and whether it still stood. Mr. Kydes said that the vote still stood.

Mr. Dumas asked for clarification on the questions regarding eminent domain that were asked at the previous meetings. Mr. Livingston said that the question regarded where the term "eminent domain" was actually located in the contract.

Mr. Dumas said that there have been a number of people who have been concerned about the families that have 4 or 5 members in the family. Their concerns are about what would happen if too many efficiencies were put in, those families, who have been paying taxes, will be pushed out.

Mr. Kimmel asked what kind of understanding there was about the types of residential units that existed. Mr. Sheehan said that the data comes in from the census tracts. He pointed out that Zoning would be making the ultimate decision on whether to approve a project or not. Mr. Sheehan reviewed the details of developer requirements with the Committee. Discussion followed.

Mr. Dumas said that there were a number of contaminated parcels in Norwalk and said that there were at least 50 sites in Norwalk that would have construction on it. He said that his group had been studying various issues before they approach the Committee.

Mr. Igneri said that if there were two and three bedroom units, the developers should have to replace it. Mr. Sheehan said that the Redevelopment Agency has proposed to Zoning that if a developer was taking units out of service, they would have to replace the same number of units with the same number of bedrooms. The number of three bedroom units in the TOD was limited.

Mr. Hempstead asked about the plans for the Diane Knitwear parcel, which was contaminated, and if there were any plans for that parcel. Mr. Sheehan said that he was not aware of any plans for that parcel and that the abatement would have to take place before the financing would be approved.

Mr. Dumas said that there was a sign on the Knitwear property that said that there would be demolition on the property. He asked how much the City owned of that property. Mr. Sheehan said that he did not know but would get that information.

Mr. Hempstead said that he only believes in plans that are good for 3 to 5 years because of the changes in market and economy. He pointed out that there were a number of couples in single bedroom units, but once they start having children, they move to larger units or purchase a house.

#### **NEW BUSINESS**

There were no new items to consider at this time.

#### **ADJOURNMENT**

**\*\* MR. HEMPSTEAD MOVED TO ADJOURN.**

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

The meeting adjourned at 8:27 p.m.

Respectfully submitted

S. L. Soltes  
Telesco Secretarial Services