

Draft
CITY OF NORWALK
LAND USE COMMITTEE
May 16, 2017

PRESENT: Frances DiMeglio; Walter McLaughlin; Bill Dunne; Dave Davidson; Steve Ferguson; George Tsiranides (arrived late); Nora King (arrived late)

STAFF: Steve Kleppin; Frank Strauch

OTHERS: Bill Hodell; Atty Eric Bernheim; Tim Sheehan;

Frances DiMeglio called the meeting to order at 7:09 p.m.

I. REFERRALS: Review & recommendation

a) 8-24 Review – Board of Education – Cranbury Elementary School – Asbestos abatement project (Acct. #C0595)

Mr. Strauch gave the commissioners a brief background of the project.

Mr. Hodell showed the commissioners a picture of the school and where the asbestos would be removed because it could not be done in one summer. They have applied for a state grant to help with the funds for the project. He hopes to meet with the state to go over the application. Summer activities will be held in another building. No one under 18 would be allowed in the building over the summer. Mr. Hodell said there is asbestos in every school and there would be capital budget requests in the future for funding. There is also training for maintenance workers if tiles are loose which have asbestos under it. There was a discussion about the Capital Budget funding for asbestos removal in the schools that are going to be refurbished in the near future.

b) Redevelopment Agency – Review amendments to the Land Disposition Agreement (LDA) regarding Parcel 1, 2, and 4 of the Reed Putnam Urban Renewal Plan – Amendment #4

Mr. Strauch explained the amendment to the Land Disposition Agreement which was before the Planning Commission two years ago.

Atty Bernheim, special counsel to Norwalk, and represents the city in this project. He explained how GGP has notified the city that it is impossible to build the project as is and was requesting an amendment to the LDA. They have not been able to find a hotel operator for the mall and it is too expensive to build. He gave the commissioners a brief summary of these amendments. There was a discussion of whether there could be

another use for the hotel such as office or housing units. However, those uses would be less feasible than the hotel. He discussed the timeline and where in the process these amendments were with the Common Council. He noted that these amendments were necessary in order to keep the project moving forward as well as keeping their high end anchor stores. The mall has to open by October, 2019. He asked them to review the application in connection with the Plan of Conservation and Development (“POCD”).

There is concern that high end retailers may eventually go away because of bankruptcies, etc. There was discussion about the language that had been changed at the Planning Committee meeting of the Common Council the previous night. There was a discussion as to whether the amendments were changing the project from mixed use to single use. There was a discussion about the feasibility of the hotel and whether the amendment was feasible. Ms. King said she understood the decision to remove the hotel from the project. However, she was concerned about the requested text changes which could include a high end entertainment center, grocery store or fitness center. Mr. Davidson noted that he had requested a change to the Land Use agenda which was not reflected in it. There was also a discussion about whether the amendment is consistent with the POCD. Mr. Davidson thought they should discuss a re-definition of the mall as well as a Class A mall.

At this point, Mr. Davidson handed out a packet of information to the commissioners which discussed inline tenants and anchors in class A and Class B malls. The LDA did define the Class A mall as \$425 per sq. ft. which Atty Bernheim said was for the inline stores and not anchor stores. Mr. Davidson said that if they redefine the Class A mall, the city weakens its position. Atty Bernheim noted that GGGP would try its best to have the very best tenants to make money. Ms. King was concerned that it was not GGGP’s intent to place high end retail tenants in the mall when they were adding language which including high end entertainment centers, fitness centers and supermarkets. Atty Bernheim again reminded them to review the changes to confirm that it was in compliance with the POCD.

There was a discussion about whether the mall could support a hotel structurally if this amendment passed. Mr. McLaughlin said that he had received phone calls from people who wanted to keep the hotel. Atty Bernheim said it could not be added back in because once the foundation was done; it would not be able to support the hotel. There was a discussion about the cost of building the mall and whether it was reasonable. Mr. Sheehan of the Redevelopment Agency said they had an outside consultant review it. He said the consultant found it reasonable.

Mr. McLaughlin made a motion to move to the next item which Mr. Ferguson seconded. The motion passed.

c) #3-17R – Norwalk Land Development, LLC (The SoNo Collection) – Proposed amendments to Section 118-100 to revise definition of mixed use retail shopping center development to add public realm, commercial recreation and cultural arts and entertainment facilities as additional permitted uses

Atty Bernheim began the presentation by noting that the revisions to the proposed amendment were self-explanatory but he further explained them to the commissioners. There was a discussion about what types of additional uses would be added to the language. They took a few minutes to confirm that the commissioners were on the same page. There was also a lengthy discussion about which city agency would approve a new anchor or new permitted use. Mr. Sheehan reassured the commissioners that other city agencies would seek out advice from the Planning and Zoning Department if they thought that a new tenant would not be in compliance. Ms. King asked that specific language be added to the amendment to state that any future tenant would have to come back to the Zoning Commission for approval. Mr. Strauch reminded her that any tenant would have to come in for a permit. This was part of an overall discussion about the checks and balances in place. There was some concern about the high end retailers, etc. that could be added to the mall. Mr. Sheehan also reminded them that they couldn't be so inflexible that it would scare the financial people. He said that he was not happy that there will no longer be a hotel on the project. Ms. King said she did not understand how the developer did not realize that the hotel would not be economically infeasible.

II. Plan of Conservation and Development (POCD)

a) Status report

Mr. Kleppin gave an update as to the hiring of the consultant for this project. He went through the process that it would go through.

III. Redevelopment Plan Updates – Wall Street, West Avenue, and Washington Street

Mr. Kleppin gave an update about what the consultant's observations and visions were for how things were going. He explained that the group was a good mix of people, including local property owners. Ms. King did not think the consultants knew the areas very well and needed to go there to understand them better.

The meeting was adjourned at 8:23 p.m.

Respectfully submitted by,

Diana Palmentiero