

**CITY OF NORWALK  
LAND USE COMMITTEE  
October 13, 2015**

**PRESENT:** Fran DiMeglio, Chair; Torgny Astrom; Victor Cavallo; Joel Zaremby; Walter McLaughlin; Steven Ferguson; David Davidson; William Dunne

**STAFF:** Michael Greene; Frank Strauch

**OTHERS:** Atty Eric Bernheim

Ms. DiMeglio called the meeting to order at 7:35 p.m.

**I. REFERRALS: Review and recommendation**

**a) 8-24 Review – Request to review the proposed conveyance of easements by the City of Norwalk to Norwalk Land Development, LLC (General Growth Properties, Inc.)**

Mr. Greene began the presentation by introducing Eric Bernheim, outside counsel, representing the City of Norwalk, on this project.

Atty Bernheim continued the presentation by thanking the commissioners for moving this item to the top of the agenda since the Common Council would be taking action on it later that evening. He oriented the commissioners as to the location of the easements on a map. He explained that the commissioners would see formal applications a couple of more times from the developer. He also discussed the 824 process as well as gave a background of the Land Disposition Agreement. He explained that the easements would not be conveyed until the final approval from the Zoning Commission as well as any applicable state commissions. He then explained how the easements would be used. Without the easements the project cannot happen. He explained that the easements would revert back to the city if the mall is not built or the Zoning Commission does not approve the application. He explained that the Mayor and the Common Council thought this was an important project for the tax base of the city especially since the 95/7 land would finally be improved. He hoped the commissioners would give a favorable resolution.

Attorney Bernheim acknowledged that the North Water Street easement was critical to the possibility of building a mall on the property and without it no mall could be built there. He further acknowledged that without the Crescent Street easement, the plan to provide truck access for deliveries to the mall would be difficult or impossible, and that no value had been placed on the easement for Crescent Street.

P & Z staff indicated that the West Avenue easement would require no change in the existing lane configuration, as the lane for the garage entrance would be derived from the landscaped median now existing.

Mr. Davidson indicated that he had been advised by P & Z leadership that, contrary to Attorney Bernheim's assertion that the Commission should restrict its review to "whether this project is a good use of the land", the Commission had the responsibility of assuring the easements were valued properly and the City received appropriate compensation for the easements.

There was a discussion about the low valuation of the easements since they are necessary to the construction of the mall. Atty Bernheim explained that these were negotiated for a long time. He explained the process of how the valuations were arrived at. He also reminded the commissioners that their review should be whether this project is a good use for the land. The Common Council would review whether this was a good use for the city, financially. There was a discussion about the driving lanes that would be under West Avenue. There was also discussion about who should be requesting the 824. Atty Bernheim explained that since it was the city's property, they would make the request. There was then a discussion about if the mall should be taken down, the easements would once again revert back to the city.

**b) Zoning Commission referral - #8-15R - A. J. Penna & Son - 2 Muller Avenue - Proposed amendment to permit contractors storage yards on parcels of 2 acres or more that abut a limited access highway as a principal use in Business #2 zone - Status update, action at November meeting AND c) Zoning Commission referral - #9-15R – AMEC Holdings LLC et al – Proposed amendment to Industrial #1 zone to add new text to allow storage and maintenance of trucks, equipment, containers, refuse receptacles and recycled aggregate material associated with a solid waste transfer station by special permit at an existing transfer station or at offsite locations - Status update, action at November meeting AND d) Zoning Commission referral - #2-15M - Garavel Auto Group - 125-131-Main Street/2 & 4 West Main Street - Proposed zone change from D Residence and Business #2 to Business #2 and D Residence (realign zone line) – Status update, action at November meeting**

Mr. Greene said that on these three items, he had no further information. If the commissioners had questions he would certainly answer them, but they didn't.

**e) Zoning Commission referral - #3-15M/#11-15R – Highpointe Holding LLC – 37, 41, 42, 44, 45 & 48 High St/8 North Ave - Proposed zone change from Neighborhood Business to CBDD Subarea A (7 lots) and proposed amendments to Central Business Design District (CBDD) Subarea A regulations to increase FAR from 2.0 to 2.25; to increase residential density from 1 unit per 800 sf to 1 unit per 500 sf of lot area and to allow wider sidewalks throughout CBDD – For distribution only: action at November meeting**

Mr. Greene began the presentation by orienting the commissioners as to the location of the property on an aerial map. He said that although, they would not be taking action on it until November, they should go look at the property and review the materials before then. If they had questions or needed further information, the staff would certainly obtain it for them.

**f) Zoning Commission referral - #10-15R - Zoning Commission – Proposed amendment to Section 118- 1220 regarding the use of municipal parking lots in Norwalk Center and South Norwalk and technical amendments – For distribution only: action at November meeting**

Mr. Greene began the presentation by orienting the commissioners as to the location of the property on an aerial map. He explained the sunset provisions on the parking regulations which allow them to be readopted every 2 years. He also explained the requirements of these regulations. If they had questions or needed further information, the staff would certainly obtain it prior to next month's meeting.

The meeting was adjourned at 8:05 p.m.

Respectfully submitted by,

Diana Palmentiero