

**CITY OF NORWALK
ORDINANCE COMMITTEE
JUNE 19, 2018**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello;
Thomas Livingston; Beth Siegelbaum; Doug Stern;
Doug Hempstead; Chris Yerinides

STAFF: Brian Candela, Corporation Counsel

OTHERS: Tim Sheehan, Director, Redevelopment Agency;
Broderick Sawyer, Fire Marshal

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:04PM and called the roll. A quorum was present.

**2. PUBLIC HEARING (POSSIBLE ACTION ON) LIQUOR
LICENSE:**

Ms. Melendez opened the public hearing at 7:04PM
Ms. Melendez closed the public hearing at 7:05PM

No one from the public commented.

3. PUBLIC HEARING DISCUSSION

Mr. Livingston suggested that under item 42A-6 section (A) to change “Application” to “Initial Application” and in section (B) to change “renewal inspection” to “additional renewal inspection”

****MR. LIVINGSTON MOVED TO APPROVE THE LIQUOR LICENSE AS AMENDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Hempstead arrived at 7:08PM

4. PUBLIC COMMENT

No one from the public commented.

5 ACCEPTANCE OF MINUTES

May 15, 2018

In the attendance and throughout change “Kerry” to “Cary”

**** MR. LIVINGSTON MOVED TO APPROVE THE MINUTES AS AMENDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

6. OLD BUSINESS- INNOVATION DISTRICT

Mr. Livingston asked for clarification on the application processing fee. Mr. Sheehan suggested a preliminary application fee because the concern is we are requiring the economic analysis be done and on a large scale project will cost a fairly significant amount of money, and before that is expended there should be some level of determination as to whether the Common Council has any interest in the project at all. Mr. Livingston asked if he is suggesting that there is a separate fee. Mr. Sheehan said “no” and that he is suggesting there is a preliminary application fee that advances forward and then and there be a level of determination as to whether there is any support for the application. Mr. Corsello asked that the vehicle would be to advance it to the next step. Mr. Sheehan said that the pre-application would go through the approval process both with the Planning Committee, Ordinance Committee and then the Common Council. Mr. Hempstead said when a person is looking for something as a reward after meeting a certain criteria they should have some responsibility and cost associated with the application, and asked why the applicant wouldn’t have to have enough supporting document so that the Common Council may say at that point to move forward. Mr. Livingston said that his concern is that the application fee may lead to the applicant to think they are approved. It was decided not include a preliminary application fee.

Mr. Livingston suggested adding a requirement that requires that any mixed use project that includes residential include a broad market analysis of what is needed in the city so that there is some control. Ms. Melendez agreed and said that keeping housing included is important but if there is ever a time that it is not needed anymore it would provide us the flexibility. Mr. Stern said that he also has a concern regarding mixed use and the idea of it being used, and if in addition to revitalizing a neighborhood that really needs it and if the specific goal is the furtherance of technology and health with the district he doesn’t see how including potentially big sized development projects fits in with that, and it may be a tool that is needed later if market conditions change but he is not comfortable having the mixed use portion

that includes the possibility of having large scale rental properties this proposal.

Mr. Hempstead agreed and said rather than to mislead an applicant remove it and if the market changes the ordinance can be changed and added back in. He also asked if a study has been done in the uptown area. Mr. Sheehan said it the issue of multi-family is being looked at an a certain area shouldn't be isolated because the demands in that particular area and the need for housing in that particular area will be much greater and would need to look at multi-family across the entire city. Mr. Hempstead asked if within the last year if a study of the city has been done. Mr. Sheehan said that he believes that it is part of the POCD.

Mr. Sheehan said there are two points to keep in mind especially with the development that has happened in the corridor and we are seeing that market take hold, but the city has incentivized all of those projects and has put forward dollars into infrastructure to make those projects economically viable. He said the whole purpose of looking at the innovation district is to bring the jobs and living environment together into one unified geography so there is a synergy between the people who are living and working in the area. Mr. Hempstead said if housing units reach a saturation point in a particular geographic area, and at that point a certain amount of people need to be in jobs within that area and we don't seem to have that. Mr. Sheehan said on any of these uses you can't justify the economics by looking at just that geography and have to look at the entire city to determine whether a project is economically viable. Mr. Livingston said that he likes the idea of having flexibility to look at a project because we don't know what the future holds. Mr. Corsello said legislative gave us the ability to create an additional tool to encourage development and market conditions are such that we do not need to offer any incentives to developers, and he hopes that we never use it but if and when we use it we use it very judiciously and it needs to be restricted. Ms. Melendez said that she agrees and that people want to live where they work and she doesn't feel comfortable taking rental units out because it may be needed and right now we still do.

Mr. Hempstead asked why we are forgiving for arts incentives for 10 years at 100%. Mr. Sheehan said this generated out of the Planning Committee and they wanted to emphasize the arts in the district and it being more of an attraction to the area, and in terms of the ordinance they are just examples of how the ordinance can be applied and if flexible and will be up to the Common Council to as to how it is applied.

Mr. Livingston suggested under the eligibility requirements for the applicants to be broadened to say any applicant or related entity that has debt owed to the City of Norwalk that the agreement not be granted.

Mr. Hempstead requested definitions for mixed and retail use.

Mr. Hempstead said that the State Statute has certain thresholds and asked what the ranges were that were applied to the proposed ordinance. Mr. Sheehan said it has to be compliant with the enabling Statute. Attorney Candela said that the Common Council will have discretion on any application that comes forward after they have done initial processing and go through economic analysis, and to provide all the documentation that the Council will need to determine whether the project is something that the Council would be interested in proceeding with.

Mr. Hempstead said the proposed ordinance states that the Board of Estimate and Taxation has 45 days to comment on it and asked what happens if they don't comment. There was discussion ensued and Mr. Corsello suggested including language that states if the Board of Estimate and Taxation does not respond within 45 days there will be no further opportunity to comment.

Attorney Candela said that he will make the proposed changes that were discussed and e-mail them to the committee members in advance of the next meeting.

7. NEW BUSINESS

There was no new business discussed.

8. DISCUSSION ITEM

Mr. Hempstead said he saw the legal opinion regarding Oak Hills Authority stating they were not covered under indemnification and said that it concerns him that there are authorities that are not covered. Attorney Candela said that he will speak with Mr. Coppola and report back at the next meeting.

9. ADJOURNMENT

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

**** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 8:20 PM

Respectfully submitted,

Dilene Byrd

Telesco Secretarial Services