

**CITY OF NORWALK
LAND USE & BUILDING MANAGEMENT COMMITTEE
DECEMBER 5, 2018**

ATTENDANCE: Tom Livingston, Chair; Greg Burnett; Doug Hempstead (appeared at 7:35pm); Nick Sacchinelli (not present); Beth Siegelbaum, Barbara Smyth, Chris Yerinides

STAFF: Alan Lo, Building & Facilities Manager

OTHERS: Liz Suchy Esq., attorney for Norwalk Hospital (and other unnamed representatives from Norwalk Hospital)

I. ROLL CALL

Chair Livingston called the meeting to order at 7:31pm.

II. PUBLIC PARTICIPATION

There was no public comment.

III. MINUTES OF PREVIOUS MEETING

November 7, 2018

****MS. SMYTH MOVED TO APPROVE THE NOVEMBER 7, 2018 MINUTES AS AMENDED**

****MOTION PASSED (MR. YERINIDES – ABSTAINED)**

Mr. Burnett had comments regarding the minutes. Mr. Lo provided a marked copy of changes as follows:

Page 2 of 5, "...from 2015-16 to 2015-26..."

Changed to: "...from 2015-16 to 2025-26..."

The Committee briefly discussed the meaning of: "Mr. Livingston stated...would like to see the parking arrangement memorialized." (p. 4) Mr. Burnett thought the

structure was being memorialized. Chair Livingston responded that it was about the parking arrangement that was being memorialized.

IV. OLD BUSINESS

A. City owned parking lot on West Avenue located adjacent to the old Norwalk YMCA

Chair Livingston informed the Committee that since the last meeting there have been discussions with the Historical Commission and parking.

Attorney Liz Suchy, representing Norwalk Hospital, presented the following:

Ms. Suchy esq. met with the Historical Commission last month. She was given a list of items to consider in connection with the demolition of the house. The items included providing some type of display within the structure to be created that memorializes the history and architecture of the general area of West Ave. If possible, the commission indicated to try and incorporate (into the building) any component parts of the house that are proposed to be demolished; perhaps some exterior material, interior stairwell and/or fireplace. Regarding the YMCA building, some railing and/or other exterior items that might be used.

The Historical Commission further asked to take a level three (3) study, architectural and structural, in accordance with the US Department of Interior guidelines. Lastly, the Commission asked the Hospital to consider a contribution/donation since LMMM is short on grant money that sought approximately 5M. The client (Norwalk Hospital) agreed to all items except for donation to the LMMM as set forth in a letter to Chair Livingston.

Ms. Suchy esq. also confirmed the willingness of the Hospital to continue to provide approximately 50 parking spaces prior to the start of construction and upon completion of the parking structure for weekends and special events at Mathews Park. Chair Livingston concurred that this would ensure access to parking until construction and afterwards.

Norwalk Hospital agreed to situate between 50 spaces within the new parking structure for after hours and weekends for as long as it owns the property. This will be identified in the application and plans for zoning; it will be part of the record. It is a condition of approval that those spaces would continue.

Chair Livingston talked about making a condition for approval. This condition would be for as long as the hospital remains in ownership. Ms. Suchy esq. explained that the spaces will remain for as long as the project is in existence;

whether the hospital owns it or not. Once that (parking space) condition is imposed upon zoning approval, it shall become part of that project. It will remain with the property for all future owners.

Chair Livingston appreciated the hospital's efforts and said this goes a long way. Mr. Lo explained the action requested shall be referred to the Planning Commission. He will place on the agenda next week for review. If the Planning Commission denies or requires substantial modification of the proposed terms, he will but this item back on the next Land Use Committee agenda. If the Commission has no comments, it will go directly to Common Council.

Chair Livingston wished to highlight the 30 to 50 spaces. Mr. Lo responded about the number of spaces allocated. Mr. Lo said that when the Hospital goes through a development project, generally a 'mixed use' may have some unique parking requirement and providing a range would provide some flexibility. Chair Livingston indicated that it is not the intent to make them build more. Mr. Hempstead stated the project had already exceeded the number of required spaces. Mr. Hempstead suggested that within the condition of approval, the number of parking spaces should be memorialized. Chair Livingston agreed and affix the number of parking spaces to 50.

Ms. Suchy esq. said that the application will be most likely be filed by the end of April or the beginning of May. The process should take about 2.5 months to get thru zoning. Mr. Hempstead asked how many spaces they were over. Ms. Suchy esq. replied 'hundreds'. Mr. Hempstead asked if they were looking to identify spaces and mark spots. Chair Livingston responded no.

Mr. Hempstead indicated that the more spaces that could be written, the more spaces they could get for approval and into the Deed. Mr. Lo said the plan is to go for Planning Commission now and briefly discussed the calendar activity.

Chair Livingston looked at the conditions set forth in letter. He would like to draft a resolution for 50 spaces as a condition of approval. Mr. Hempstead wanted to internally condition to 'protect' the spaces. Mr. Lo said that is not possible. Mr. Lo mentioned that the operating and management of the spaces is of concern. A parking management agreement need to be developed in the future.

Chair Livingston looked at the hospital's letter and read aloud to the Committee. He wanted to add at the end of 50 spaces.

Mr. Lo said the condition is only in the planning and zoning approvals; and not in the deed. A separate lease agreement could be entertained between the City and the Hospital.

Attorney Liz Suchy indicated that the condition will most likely be memorialized. Mr. Hempstead wanted a deed restriction. Attorney Liz Suchy replied that she does not believe that is needed. It will be identified as part of the approvals.

Attorney Liz Suchy said a lease agreement could be modified for the spaces. Mr. Hempstead said leases expire. Mr. Lo asked about a lease for how many years? Attorney Liz Suchy said it shouldn't be an issue to enter into a lease agreement for the spaces. Chair Livingston indicated 99 years for the space.

Chair Livingston said a letter should be drafted to memorialize a mutually acceptable lease agreement with a term of 99 years.

Chair Livingston wanted clarification about the historical structures. Attorney Liz Suchy said the historical commission asked to do this for architectural significance, photos, and even a model to see what was there previously. Norwalk Hospital is also looking at displaying items; but not actual 'using' the items in building construction. Mr. Lo stated a photo gallery and display.

Chair Livingston said to provide and document the history of the hospital; but not actually incorporate the features. The hospital would include black/white photos, mantles, etc. to memorialize the neighborhood and areas of the street.

Chair Livingston read the changes made to Mr. Lo's memo. Mr. Lo to issue a new memo as amended dated December 5, 2018.

Attorney Liz Suchy wished to have language instead of 'maximum' 50 spaces with 'to provide up to but no more than 50 spaces'. Attorney Liz Suchy and Chair Livingston agreed to just state 50 spaces (leaving out 'max.')

Mr. Hempstead asked about the easement that should maintain the bike pathway as normal landscaping maintenance; which shall be provided and maintained by the hospital (behind the building). This would not include repairs and/or the entire pathway. Chair Livingston asked what is the easement arrangement to Mr. Lo. Mr. Lo said it's a small triangular portion that is given back. Attorney Liz Suchy says its ordinary landscaping. Mr. Hempstead said to make that portion of the bike pathway on the property into an 'adopt a spot' to avoid confusion. This shall be a separate letter.

1. a. Review and recommend approval of the proposed disposition of West Avenue Parking Lot (District 1, Block 8, Lot 15 & 39 – 340 and 350 West Avenue) to Norwalk Hospital Association.

b. Refer recommendation to the Planning Commission for Section 8-24 Review;

c. Authorize the Mayor, Harry W. Rilling, to execute any and all documents necessary for the disposition of West Avenue Parking Lot (District 1, Block 8, Lot 15 & 39 – 340 and 350 West Avenue) to Norwalk Hospital Association. Terms and conditions shall be as outlined in Alan Lo's memo dated November 30, 2018."

****MR. YERINIDES MOVED TO RECOMMEND APPROVAL OF THE PROPOSED DISPOSITION OF WEST AVENUE PARKING LOT (DISTRICT 1, BLOCK 8, LOT 15 & 39 – 340 AND 350 WEST AVENUE) TO NORWALK HOSPITAL ASSOCIATION; AND RECOMMEND TO THE PLANNING COMMISSION FOR SECTION 8-24 REVIEW; AND TO AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE DISPOSITION OF WEST AVENUE PARKING LOT (DISTRICT 1, BLOCK 8, LOT 15 & 39 – 340 AND 350 WEST AVENUE) TO NORWALK HOSPITAL ASSOCIATION. TERMS AND CONDITIONS SHALL BE AS OUTLINED IN ALAN LO'S MEMO DATED NOVEMBER 30, 2018 AS AMENDED.**

****MOTION PASSED UNANIMOUSLY**

V. NEW BUSINESS

A. 98 South Main Street

1. Establish a Committee to evaluate/negotiate with Riverbrook Regional YMCA on their proposal to lease 98 South Main Street.

Chair Livingston volunteered along with Mr. Burnett, Mr. Smyth, and Mr. Dumash, subject to his approval, in order to establish an ad hoc committee to evaluate the regional YMCA proposal. As per Mr. Lo, Mr. Hempstead may just simply attend meetings and not join due to potential quorum rules. From staff, the committee would also include Mr. Lo and Sharon Connors (from purchasing) and possibly Laoise King.

****MR. LIVINGSTON MOVED TO ESTABLISH AN AD HOC COMMITTEE TO EVALUATE/NEGOTIATE WITH RIVERBROOK REGIONAL YMCA ON THEIR TO LEASE 98 SOUTH MAIN STREET.**

****MOTION PASSED UNANIMOUSLY**

B. Building Management

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1. Review bid result for the Phase I Ben Franklin Center roof replacement project and refer the following to the Common Council for approval:

a. Authorize the Mayor, Harry W. Rilling, to execute an agreement with A-Preferred Construction, LLC for Phase I of the Ben Franklin Center Roof Replacement Project for a total not to exceed \$186,550.00. Funds are available from account #09197100 5777 C0295 and #09197100 5777 C0476

****MR. YERINIDES MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH A-PREFERRED CONSTRUCTION, LLC FOR PHASE 1 OF THE BEN FRANKLIN CENTER ROOF REPLACEMENT PROJECT FOR A TOTAL NOT TO EXCEED \$186,550.00. FUNDS ARE AVAILABLE FROM ACCOUNT #09197100 5777 C0295 AND #09197100 5777 C0476
MOTION PASSED UNANIMOUSLY

b. Authorize the Office of Building Management to issue change orders on the contract for a total not to exceed \$18,655.00”

As per Mr. Lo, this is a roof plan for replacement. There will not be any impact to the buildings while under construction except noise. This cost is for Phase I only.

This shall be done in the spring.

****MR. YERINIDES MOVED TO AUTHORIZE THE OFFICE OF BUILDING MANAGEMENT TO ISSUE CHANGE ORDERS ON THE CONTRACT FOR A TOTAL NOT TO EXCEED \$18,655.00
MOTION PASSED UNANIMOUSLY

VI. MISCELLANEOUS/DISCUSSION ITEMS

1. Update on various school construction projects.

Mr. Lo indicated that if anyone is looking for more detail to please call and/or email him to discuss. Mr. Lo expected bids to come back around December 18th for the Ponus School addition and improvement project and that a special Land

Use meeting during the 2nd or 3rd week in January may be needed to keep everything on schedule.

Mr. Lo further expected the bids to come in higher than the budgeted numbers. Mr. Lo said the scope expected to increase. (i.e. including the replacement of pipes for heating). The building will also need a generator to support the entire building. Other issues included storm drain issues, a detention system being placed underground etc.; these issues will all need to be considered.

Mr. Burnett asked about the budgeted amount for the Cranbury boiler replacement and the West Rock window replacement that is finished. The items are blank and should be filled in.

Also, Mr. Burnett asked about item 11, the stage rigging system, the paid to date is \$9,000. However, it indicated that it is completed. It is misleading. Chair Livingston said that an asterisk should be included as it's still ongoing.

Mr. Burnett talked about spread between bids and the budget versus the cost of projects. He gave a painting example. Mr. Lo said will get the latest numbers for the project. Mr. Lo said prices have adjusted.

Mr. Hempstead said that he wanted the Board of Education back for student enrollment numbers.

ADJOURNMENT

****MR. HEMPSTEAD MOVED TO ADJOURN THE MEETING**

****MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:34pm

Respectfully submitted,

BMS
Telesco Secretarial Services