

Norwalkers cry 'eminent domain' in drive to save Norwalk library

By Nancy Chapman [2 : 35 am EDT February 15 2016](#) [8 Comments](#)

NORWALK, Conn. — The situation on Belden Avenue is inspiring Norwalk to look into restoring the power of eminent domain to the Redevelopment Agency.

With the Zoning Commission is poised to approve a five-story, 69-apartment building 58 feet from the Norwalk Public Library's windows – thereby making it far less likely that the library will ever expand or provide adequate parking, according to opponents – Mayor Harry Rilling and Redevelopment Agency Chairman Felix Serrano said last week that it's time to study the legal hurdles involved in asking the Common Council to return to the agency the power to take properties in the Wall Street area.

RDA Executive Director Tim Sheehan, expressing much frustration at Tuesday's Redevelopment Agency meeting, called the "out of sync" proposed development at 11 Belden Avenue one of those situations where the discrepancy between redevelopment plans and Zoning regulations have come to a head.



Norwalk Public Library Director Christine Bradley makes her case Tuesday at the Redevelopment Agency meeting in City Hall.

"I have been saying this for over a decade," Sheehan said. "It's a problem here in Norwalk: that is how redevelopment plans are advanced. They are advanced by land use and they are advanced by the statutory powers that enable the plan and allow the Redevelopment Agency to effectively implement it. Some have been stripped away, both legislatively by the Council and in other cases Zoning hasn't responded to the plan at all.

... What powers the agency is left with are minimal and they are at the discretion more on the private developer's side of the equation than on what the municipality actually wants to see happen."

The developer, 587 Connecticut Ave. LLC, was referred to as Jason Milligan by multiple city officials early last year.

The chickens are coming home to roost, former Mayor Bill Collins said, suggesting that one might "snicker" over the name of the 2004 Wall Street Redevelopment Plan due to its lack of implementation.

"This parking lot has been sitting there for years. Everyone has known that it is vitally necessary to the expansion and improvement of the library, and the city has not done anything about it. Well, now is the time for some direct action. It's time to acquire this development," Collins said.

The Zoning Commission held a public hearing on the proposal in January, and sent it back to committee with no decision made. Zoning Commission Chairman Adam Blank at Thursday's Plan Review Committee meeting asked for more time to review the proposal, meaning another month will pass before it is discussed again.

The Redevelopment Agency on Tuesday was considering its design review of the property, which is part of the process. Sheehan said the agency couldn't do a design review because the development doesn't fit at all with what the design guidelines suggested for the area.

The letter to Zoning only suggested that it was time to make Zoning line up with the redevelopment plan, he said.

Comments from the public, including those made by Collins, were in line with Sheehan's frustration.

"If this proposed construction is allowed to go forward, we will never have the opportunity to expand the library or to provide adequate parking," Norwalk Public Library Director Christine Bradley said. "We will condemn future generations to a main library which is dwarfed by an apartment building and is all but inaccessible due not only to a lack of parking but also to an increasingly congested Mott Avenue."

Ralph Bloom and Lee Levey suggested that eminent domain be used; Patsy Brescia, a library trustee, said it would be a travesty if the apartments were built.

Maria Bryant said the library would have to close and move if the apartments were built, and the Wall Street Theater, which is being renovated, would be affected.

"There is a lot of hope and anticipation going on in that area and I think this will put a damper on it," Bryant said.

Bruce Root spoke as chairman of board of trustees at Norwalk United Methodist Church.

"On a Monday or a Thursday night, there's no parking on Mott Avenue, there's no parking in our parking lot and quite often the parking lot across the street is full," Root said. "Much as I would hate to say it, I would also suggest purchasing that property or taking it by eminent domain. Because once there's a building there you are effectively closing the church and all programs that we offer to the city as part of our outreach because people will have no place to park."

The Common Council took the power of eminent domain away from Redevelopment in response to the 2004 Supreme Court case, Kelo versus New London, Sheehan said.

"When we talk about the agency getting on a roll, that's an action that the city itself has taken to impair redevelopment activity in the Wall Street Redevelopment Plan area," Sheehan said. Trying to use eminent domain to stop the proposed development would open up "a host of legal concerns," given that the developer bought it a year ago, when anyone could have tried to purchase it, and has a proposal that fits into Zoning, he said, specifying that the only questionable issue for Zoning is the use of a parking lot across the street from the proposed building.

That parking lot hadn't been listed as a possible eminent domain taking in the 2004 plan because it was assumed that the city would negotiate to buy it, Sheehan said.

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"The city should have acquired that property long ago and we should be in the process of acquiring the (Fraternal Order of) Eagles' property at this point," Collins said after the meeting, referring to the property adjacent to the proposed development, which at 6 Mott Ave. is catty corner to the library.

Collins said the [Eagles](#) are not interesting in selling.

Obtaining the power of eminent domain would take time, and it might be too late to acquire the land where "The Lofts at Mott Avenue" are planned to be built, he said. "If the project is in the ground by the time they have the power it probably gets too expensive. Then it would be just for the Eagles property, as far as the library is concerned. There is another half dozen properties on Wall Street that probably ought to be taken as well," Collins said.

Why didn't the city buy the lot at 11 Belden Ave.?

"The trouble with a municipality is that everybody has a piece of the power but very few people are in charge or can make something happen by themselves. It requires a concerted action of a number of agencies and, since 2004, which is when this plan was written, there has been no concerted action by the agencies," Collins said. "No one has taken charge."

In the meeting, Collins suggested that the agency take action and request the Common Council restore its power of eminent domain.

"Even if you can't get this property there is one more that can save our bacon," Collins said. "... The city ought to jolly well get busy."

Serrano said he hesitated to do anything in haste as it has led to difficult situations.

"I think it is an important topic that we can take up and put on an agenda and have it properly noticed for everyone to see and know that it is coming up as an agenda item," Serrano said. "I will reiterate that the mayor has reached out and is concerned about this overall from the city perspective and we are in discussions and working to see how we can address this. So it is happening."

Rilling suggested that a discussion be held the following morning to explore options, when the relevant parties would all be together for another event. But on Friday he said the discussion had not happened yet.

"I know we have to be relatively cautious with eminent domain because we found ourselves in an untenable situation regarding the police station with the latest eminent domain taking," Rilling said in the meeting. "But, having said that, it's an option we should explore, if not at least looking to see if there is a willingness on part of the developer to consider an outright purchase. Of course, I always love when people want to 'purchase, purchase, purchase,' but when they get their tax bill they look at me with 'why did you do that?'"

"There is a pretty extensive statutory process to go through relative to incorporating eminent domain into a redevelopment plan," Sheehan said. "... I have not had any direct conversations with the developer relative to sale of the property, but inasmuch that he is advancing a redevelopment plan and that the frontage of this property is a commercial institution, my sense is that he is not eager to sell, especially given that the property transacted and it was open for other parties to participate a year ago."

8 comments

jlightfield [February 15, 2016 at 3:29 am](#)

For years the Redevelopment Agency has ignored the central business district, choosing instead to devote its time to south norwalk and the West Ave. corridor. The Redevelopment plan for West Ave. was ignored and the current Waypointe project was built by right instead of following the Redevelopment plan. The 2004 Redevelopment plan for Wall Street called for housing. That's it. It made no reference to what zoning recommendations were needed to support that. Zoning chose to change the industrial zones to neighborhood business zones in 2008-9 along Knight and High Streets.

The property around the main library includes the first taxing district property. At no point was any property put for sale or offered to the city. Maybe the reason for the reluctance of the City to act was more to do with the 10 year and counting debacle of the Redevelopment Agency's "management" of the Wall Street Place and Head of the Harbor projects. It is not the length of time here, its the unfavorable contracts to the city with no reversion clauses or loss of tax revenue hedges that the Agency advances.

Since its creation in 1955 the Redevelopment Agency has utterly failed the City of Norwalk. The empty storefronts, lack of planning, and simplistic economic development goals have resulted in a downtown that is a shell of its former glory.



The Fraternal Order of Eagles (F.O.E.) club on Mott Avenue. (Google maps)

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lightfield [February 15, 2016 at 3:29 am](#) (continued)

The Norwalk Center Task Force does not recommend that the Redevelopment Agency be granted any powers or encourage to "plan" any further in the Norwalk Central Business district. That administrative role belongs in planning and zoning with guidance from the Mayor's Economic Development Director. In fact the urban renewal plan for the central business district is likely expired as I haven't seen the common council vote on its extension. Let's also keep in mind that the Redevelopment Agency refused to grant the library any facade improvement grants in favor of using funds dedicated for that use in the central business area, to instead fund a church repair in sono.

The planning committee of the common council has failed the city for decades as it maintains the illusion that it is even briefed on any city wide planning issues. If you have ever watched a redevelopment plan advance to the common council for approval, then you see first hand how no other department is brought in to advise the common council on whether the plan makes sense at the committee level.

But back to the library. The real failure in all this is the failure of the library board to function as a board whose number one responsibility is to ensure the financial health of the library. It does not fund raise, it does not develop any strategic plans, it does not develop any capital plans, it solely holds the responsibility for the situation it finds itself in. The current library Executive Director has worked hard to bring best practices and library management expertise to this city. The board instead has been filled with political appointees who have never understood what their responsibilities actually entail.

There is an opportunity though, for the main library to advance under the current conditions. The Post Office on Belden Ave should be acquired by the City. The City should not wait for the USPS to actually list the building, but should act now to acquire it. The development deal should include a way to maintain post office services and repurpose that building in a new wing of the main library with an underground connection. This would place a library entrance adjacent to the Yankee Doodle garage which is the district parking resource.

Finally it is long past the time for thinking about what a 21st century library looks like. All the preservation issues are interesting, but I don't see how some of these same individuals allowed the historic facade to be ruined by the removal of the front stairs and main entrance on Belden. Where is the needs assessment for the city?

Lisa Thomson [February 15, 2016 at 8:14 am](#)

Thank you Jackie for that historical municipal governance perspective on the library. . Sadly, it resembles an Abbot and Costello, 'Who's On First?' narrative. Ridiculous.

Tony P [February 15, 2016 at 9:51 am](#)

@Jackie, you're absolutely right. This whole thing is a mess, and seems like its been a slow motion catastrophe for the better part of 10 years.

Adolph Neaderland [February 15, 2016 at 10:57 am](#)

Everyone is wringing their hands, after the barn door was left open.

We have a Planning and Zoning Commission – without accountability.

Over the past many years, only Zoning has been addressed, without any Planning!

It is true that many folks, including the Library and the Mayor could have taken the lead in saving the Library's adjacent property.

But none did. Why? I suspect because everyone thought someone else was "responsible".

Basically they are right – it is the responsibility of the Planning end of P&Z to look after the community's welfare.

For whatever reason that function has been lacking.

For example: Their lack of vision has caused the schools to be "suddenly" overcrowded (after approving the recent construction of 2800 residential units, literally taking "the word" of the developers that those residents would not have enough children to affect the schools).

A competent city Land use Planner, overseeing the city's current and future welfare has been long overdue, hopefully not too late now.

To expedite that process, while the issues of organization that the Mayor has raised, a Planner should be hired, reporting to the Mayor.

At this time, all pending construction approvals should be put on hold, pending review.

EveT [February 15, 2016 at 11:14 am](#)

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@Lightfield: Correction, the building next to the library belongs to the First Taxing District, not "first taking district". Freudian slip?

Isn't Ms. Lightfield one of those who not so long ago wanted to see the Belden Avenue building de-emphasized by locating a library in the SoNo Collection mall?

Jlightfield [February 15, 2016 at 1:12 pm](#)

@EveT, I will accept the Freudian slip because that autocorrect was so perfect

Yes, I did and still advocate for a library or community use at the proposed mall. I think my position has been justified somewhat now that the last retailer report has expressly stated that for retailers to succeed they need to expand out of strictly commercial endeavors and become more experience based. In addition, my proposal did not de-emphasize the main library, it correctly said that Norwalk needs to examine its libraries as a system and offer services to different constituencies.

I am thrilled that the Third Taxing District attempted to deal with this issue by engaging a consultant to examine that very issue. Unfortunately the same individual opposed that effort with immense negativity, just as they did on examining if a new library facility was possible at the mall.

In the end what I've described above is the default "Norwalk" style of governance, a series of reactive decisions instead of embracing a proactive approach to examining opportunities. To put this in perspective, I still don't understand the fear, outright misinformation and opposition by library supporters over investigating a conceptual plan. A fight against the plan by the very people who should be asking themselves what the future holds in store. Is it any wonder why Norwalk has failed to fund any city-wide planning position and accountability in over 30 years.

Christine M. [February 16, 2016 at 3:07 pm](#)

Call me crazy, but...If "someone" had the power to say "yes" to the redevelopment project, can't they just as easily say "no"?

Jackie Morrison [February 21, 2016 at 12:53 pm](#)

It amuses me that all the liberal voices that cry fowl over presidential candidate Donald Trump's talk about how eminent domain can sometimes be a necessary and useful thing, now seem to realize that when it is in their best interest, it seems to be okay. A little bit of "do as I say, don't do as I do" perhaps?