

**STAMFORD PLANNING BOARD
CAPITAL BUDGET & REGULAR MEETING
APPROVED MINUTES - TUESDAY, OCTOBER 17, 2017
4TH FLOOR CAFETERIA, GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT**

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Claire Fishman, Secretary; and Michael Totilo. Alternates: Michael Buccino, William Levin, and Roger Quick. Absent: Jennifer Godzeno, Voting Member. Present for staff: David W. Woods, PhD, AICP, Principal Planner; Susan Nabel, Board of Representatives - District #20 and Frank Cerasoli, Board of Representatives - District #15.

The following were the Capital Budget presenters (in order of appearance):

- David Yanik, Controller - City of Stamford
- Karen Cammarota, Grants Officer - City of Stamford
- Michael Pensiero, Director of IT - City of Stamford
- Alice Knapp, President - Ferguson Library
- Nicholas Bochicchio, Director of Administrative Services - Ferguson Library
- Peter Stothart, Procurement & Modernization Coordinator - Scofield Manor
- William Eynon, Treasurer - Stamford Historical Society
- Jane von Trapp, Chief Executive Officer - Bartlett Arboretum
- Randy Thomas, Director of Production & Facilities - Stamford Center for the Arts
- Melissa H. Mulrooney, Executive Director & CEO - Stamford Museum
- William King, Director of Finance - Stamford Museum
- Harry Day - Board of Representatives, District #13 & Board Member of the Stamford Museum

Ms. Dell called the meeting to order at 6:00 p.m., announced that the Public Hearing for Master Plan Amendment #428 has been postponed until Tuesday, October 24, 2017 and would start at 7:00 p.m. and then introduced the members of the Board and staff present. Ms. Dell introduced the first item.

MASTER PLAN AMENDMENT #428 - RICHARD W. REDNISS - 22 FIRST CORP. - 523 CANAL STREET - Text Change to amend Section 8.2 (2025 Master Plan Land Use Categories), Subsection #9 (Urban Mixed-Use): Applicant owns a 46,638 sq. ft. parcel located south of Dock Street and on the east side of John Street with an address of 523 Canal Street. Applicant would like to construct a hi-rise building with ground floor retail and community space for use by the South End neighborhood, a concealed and landscaped garage podium and stepped back residential tower containing 177 studio apartments and residential amenities. The potential development, as currently designed, will require a zone change to one of the designed districts as well as this Master Plan change to the definition of Category #9 (Urban Mixed-Use); relating to height and bulk elsewhere and in the South End.

***THE CONTINUATION OF THE PUBLIC HEARING FOR
MASTER PLAN AMENDMENT #428 HAS BEEN MOVED TO
TUESDAY, OCTOBER 24, 2017 AT 7:00 P.M.***

REQUEST FOR AUTHORIZATION:

1. **LAND SWAP - 133 MYRTLE AVENUE FOR 105 MYRTLE AVENUE - MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF STAMFORD & CONNECTICUT DOT:** The City of Stamford (the “City”) owns 133 Myrtle Avenue which was taken as part of Phase II of the SUT Project (Group A Properties) per Board of Representatives Resolution No. 3376 dated June 7, 2010. The State of Connecticut (the “State”) owns 105 Myrtle Avenue. The City and State reached an agreement to swap properties in November 2013 as identified in the attached Memorandum of Understanding (“MOU”).

Burt Rosenberg, Assistant Corporate Counsel and Ann Brown, Project Manager for the Stamford Urban Transitway (“SUT”), were available to answer questions.

Ms. Brown showed the Board, on a drawing of the SUT, the two (2) parcels under consideration. The MOU before the Planning Board sets forth the terms and conditions of the property swap between the City and State to swap 133 and 105 Myrtle Avenue. The City must then convey 105 Myrtle Avenue to Mr. Riley. The State is now ready to perform that swap. However, before doing so, the City must provide a Board of Representative’s Resolution authorizing the swap. All of the Board of Representative resolutions were researched from that period and nothing was found authorizing this transaction. Therefore, even though the MOU has already been executed, Board approvals are sought to get the required resolution. After a brief discussion, Mr. Tepper moved to *approve* the Land Swap and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and Section C6-30-13 of the City Charter, and finds this to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Mr. Quick seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).

2. **LEASE AGREEMENT - OUR LADY STAR OF THE SEA CORP. - LEASE OF SCHOOL BUILDING RECREATIONAL PROGRAMS:** The City of Stamford would like to lease: (i) the building formerly known as the Our Lady Star of the Sea School totaling approximately 13,000 sq. ft.; (ii) the gymnasium, excluding the closet and the confessional contained therein, totaling an additional 3,500 sq. ft. and associated playgrounds; (iii) the existing fixtures, furnishings and equipment situated in the School Building and Gym; (iv) a portion of the Property lying to the east of the Church and the Parish Hall; and (v) non-exclusive use of the parking lot on the Property for ingress, egress and vehicular parking purposes only.

Burt Rosenberg, Assistant Corporate Counsel, made a brief presentation of the outline of the lease agreement terms that was previously provided to the Board. After a brief discussion, Mr. Levin moved to *approve* the Lease Agreement - Our Lady Star of the Sea Corp. and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and Section C6-30-13 of the City Charter, and finds this to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Levin, Tepper and Totilo).

ZONING BOARD REFERRALS:

1. **ZB APPLICATION #217-46 - 95 WEST BROAD STREET, LLC - 95 WEST BROAD STREET - Special Exception:** Applicant is requesting a Special Exception pursuant to Section 7.4(C)(4) to allow a fee-in-lieu for the 1.2 unit Below Market Rate (“B.M.R.”) requirement for an approved and constructed nine (9) unit development. Prior approval included one (1) on-site B.M.R. unit and a fee-in-lieu of the remaining 0.2 B.M.R. units.

This is a condominium development on West Broad Street that was approved by the Zoning Board last year on November 21, 2016 and at that time, the applicant agreed to provide one (1) B.M.R. unit on-site and pay a fee-in-lieu of the remaining 0.2 B.M.R. units. However, the unit offered was not comparable to the Market Rate units and therefore, the alternate plan for fee-in-lieu has been submitted requesting an amendment to Site Specific Condition #1 regarding the above and amending the condition to provide 1.2 fee-in-lieu B.M.R. payment for the requirement totaling an amount of approximately \$250,000.00. After considerable discussion, Mr. Tepper recommended ***DENIAL*** of ***ZB Application #217-46***. The Planning board is recommending denial for the following reasons:

1. The applicant represented to the Planning Board that they were obtaining the bonus density unit based on the commitment to provide one (1) B.M.R. unit onsite and the fee-in-lieu for the fraction thereof which the Planning Board really liked.
2. This requested action creates a bad precedent in which a developer makes a promise to get an approval through the Boards and then changes their mind after the fact without any hardship shown as to why the applicant is unable to provide an equivalent unit onsite;

and finds this request to be incompatible with the neighborhood and inconsistent with the 2015 Master Plan Category #3 (Residential - Low Density Multifamily); Ms. Fishman seconded the motion and passed with eligible members present voting, 4-0-1 (Dell, Fishman, Tepper and Totilo).

Ms. Dell suspended the regular meeting at 6:30 p.m. and took a 10 minute break.

At 6:40 p.m. Ms. Dell reconvened the meeting to begin the Capital Budget presentations. Ms. Dell introduced the first department to present.

CAPITAL BUDGET PRESENTATIONS:

1. Office of Administration - David Yanik
2. Office of the Mayor/Community Development - Karen Cammorata
3. Short Term Financing - Technology - Michael Pensiero
4. Ferguson Library - Alice Knapp & Nicholas Bochicchio
5. Short Term Financing - Ferguson Library - Nicholas Bochicchio
6. Scofield Manor - Peter Stothart
7. Stamford Historical Society - William Eynon
8. Bartlett Arboretum - Jane von Trapp
9. Stamford Center for the Arts - Randy Thomas
10. Stamford Museum - Melissa H. Mulrooney, William King, Harry Day
11. Old Town Hall - Tim Curtin (*MOVED TO OCTOBER 18, 2017*)
12. Harbor Commission - Frank Fedeli
13. Childcare Learning Center - Darrell Ingram & Nancy Ormsby

Ms. Dell closed the Capital Budget portion of the meeting and resumed the Regular Meeting announcing the next item on the agenda.

ZONING BOARD REFERRALS (Con't):

2. **ZB APPLICATION #217-16 - HP GATEWAY LAND I, LLC - 400-440 WASHINGTON BLVD. - Site & Architectural Plans and/or Requested Uses; Special Exception; General Development Plan and Coastal Site Plan Review:** Applicant is seeking the Zoning Board's approval to modify ZB Application #217-16 to incorporate changes required by Charter Communications for its corporate headquarters to allow the site to be used exclusively for office use, parking and the extension of the Mill River Park public walkway.

Ms. Dell introduced Dr. Woods to outline what was being proposed for Phase 1 of this revised application:

Dr. Woods stated that Charter Communications is coming before the Planning Board and Zoning Board for approval to modify the General Development Plan that was approved in July. Now that more details have emerged, Charter is requesting additional minor changes as discussed below. In addition, Charter seeks the potential for further expansion for which they will come before the Boards for approval at a later date.

It is important to note that the height, footprint, and/or location of the approved building has not changed.

Note: There may be a Text Change associated with this application tonight; however, the Planning Board may be addressing the requested Text Change next week after Staff has accessed its impacts and makes a recommendation to the Planning and Zoning Boards.

Final Site Plan Approval / Modifications:

- Remove 1,266 square feet of retail from site plan (but retain pedestrian entrance on Washington Blvd.).
- Remove Commuter Lobby from Charter building.
- Create new commuter entrance to parking garage on existing parking deck, with direct access to train platform.
- Internally separate the commuter parking from the Charter parking.
- Parking Entrance for commuters on Pulaski Street; parking entrance for Charter on Washington Blvd.
- No requirement to build residential at the same time as the Charter building.
- Certificate of Occupancy for the Charter building not linked to completion of Riverwalk, but condition to build Riverwalk that satisfies Mill River Park Conditions.

General Development Plan Approval

- Remove public access easement in continuation of Henry Street.
- Remove references to residential development on Site Plan.

The following people have requested to speak on this application:

- Seth Ruzi, General Counsel - BLT
- Michael J. Daly, Jr., Vice President, Real Estate - Charter Communications
- Michael Moore, Vice President, Operations - Downtown Special Services District [In favor]

After a brief discussion, Mr. Totilo recommended approval of **ZB Application #217-16**; and this request is and is compatible with the neighborhood and consistent with Master Plan Category #11 (Downtown); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).

3. **ZB APPLICATION #217-48 - HP GATEWAY LAND I, LLC - 400-440 WASHINGTON BLVD. - Text Change:** Applicant is proposing to amend the TCDD regulations to allow for exclusive office use, parking and extension of the Mill River Park.

After some discussion, the Board unanimously decided to **TABLE ZB Application #217-48** until Tuesday, October 24, 2017 in order to perform further due diligence.

PLANNING BOARD MEETING MINUTES:

Meeting of 09/26/17: After a brief discussion, Mr. Tepper moved to recommend approval of the Planning Board Minutes of September 26, 2017; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Buccino, Dell, Levin, Tepper and Totilo).

OLD BUSINESS:

NEW BUSINESS:

Next regularly scheduled Planning Board meetings are:

10/18/17 - Capital Budget (Starts at 6:00 p.m.) - ***Board of Finance Conference Room - 4th Flr.***

10/24/17 - Regular Meeting & Public Hearing (Starts at 6:30 p.m.)

10/31/17 - No Meeting

11/14/17 - Capital Budget (Starts at 6:00 p.m.)

11/28/17 - Capital Budget & Regular Meeting (Starts at 6:00 p.m.)

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 9:10 p.m.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

NOTE: These proceedings were recorded on video and audio tape and are available for review in the Land Use Bureau located on the 7th Floor of the Government Center, 888 Washington Boulevard, during regular business hours.