

STAMFORD PLANNING BOARD  
REGULAR MEETING MINUTES # 3600  
TUESDAY, JANUARY 4, 2011  
7<sup>TH</sup> FLOOR LAND USE CONFERENCE AREA  
888 WASHINGTON BLVD., STAMFORD, CT

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Stamford Planning Board Members present were: Theresa Dell, Claire Fishman, Jay Tepper, Roger Quick, Michael Totilo and Zbigniew Naumowicz. Present for staff were Robin Stein and Todd Dumais.

***Regular Meeting***

The Chair, Mrs. Theresa Dell, called the meeting to order at 7:30 p.m.

***Zoning Board Referral:***

**ZB 210-38 SG Capital LLC**, special exception to authorize a fee-in-lieu payment for up to 31.5 below market rate units & the option to provide BMR units at a range of affordability levels.

Mr. Stein explained that this application was on the agenda back in November but Applicant asked for it to be tabled. He then provided background on the application. Relates to the Advocate site; the Zoning Board referred a Text change, Map change and General Site plan but most concerns were with the Special Exception regarding BMR housing. There is a 10% BMR requirement, more or less at 50% of AMI. Currently 3 ways to satisfy this: 1) on site, 2) provide units at another offsite location (more rare) or 3) fee-in-lieu which provides a payment from the Applicant of a dollar equivalent of what BMR should be. Option 3 has been used a couple of times to satisfy fractional payments. The Planning Board in the past has generally favored putting BMR units on-site which has worked well, especially with rental units. What the Applicant proposed last November, pick any or all of the above, the Board said they'd like to hear a more defined plan. The Applicant agreed to come back before going to the Zoning Board. They'd prefer the Board base a decision on information given to date. Would recommend denial based on the letter and language presented by Attorney Hennessey.

Mrs. Dell stated concern and asked what if the Applicant doesn't come back before the Planning Board for some reason, they could get the application passed as fee-in-lieu, as the Board feels it's necessary to encourage affordable housing in the downtown area and the BMR should be built on-site. If they use this working, they have to be very specific that Applicant must come back before the Planning Board or, she recommends denial of the entire applicant because of a lack of BMR plan.

Mr. Tepper asked if the Board can add a condition requiring the Applicant to come back before the Planning Board? Mrs. Dell responded no, in other projects, the Board denied the entire application and they never came back. Mrs. Dell said it's up to the Board how to proceed.

Mr. Stein said if the Board recommends denial, the Applicant could proceed and get a super majority approval from the Zoning Board.

Mrs. Fishman expressed agreement entirely.

Lisa Lauer, Attorney for Applicant, told the Board they don't want to shut down the application completely.

Mr. Stein reviewed possible language with the Board.

Attorney Lauer said they don't want to withdraw and start the process over again.

Mr. Tepper stated if the Applicant says they are not going forward, he's fine with the Boards debated recommendation or vote on denial.

Mr. Quick said he'd deny without prejudice and allow Applicant to resubmit.

Mrs. Dell stated the consensus of the Board to deny it's consent to do this.

Mr. Tepper stated this sets the right precedent for us with other Boards.

Mr. Stein said the Zoning Board could still table and come up with a plan and ask the Board to reconsider. Agree that 35 days is a lot but they have had time to come up with a plan.

Mr. Tepper moved to deny the Special Exception with comments. Mrs. Fishman seconded the motion and it passed unanimously with the eligible members present voting, 5-0. (Dell, Fishman, Quick, Naumowicz and Tepper).

Mrs. Dell had the Board next discuss an Old Business item out of order on the Agenda.

### ***Old Business***

**Subdivision #3937, 431 Eden Road & 37 & 57 Old Well Road**, request a modification of condition 21 of the subdivision approval to grant an extension of time of two years to remove the existing dwelling on 37 Old Well Road.

Mr. Stein described the approval in 2006 of 4 lots with a few external buildings that violated the lines of the subdivision. He explained that the Applicant is asking the Board to agree to add a note that the external dwellings could have an extension to remain until the property is developed/sold.

John Leydon, Attorney for Applicant, described two structures and that one was already removed, one remains. Mr. Stein clarified that the Applicant is asking for a two year extension.

Mr. Totilo moved to recommend approval of the request for modification of the subdivision. Mr. Quick seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Naumowicz).

### ***Capital Budget:***

**Capital Budget FY 2011/12-2018:** Review and discussion of FY2011/12-2018 Capital Budget and Plan, including the status of current capital projects and draft budget message.

Mrs. Dell described today's meeting on the 10<sup>th</sup> floor where the Administration would like to prioritize our \$37 million with our own priority 4 down to 1. 4 being highest rated projects and 1 the lowest. She said that the Board must now go over each item and rank them and that staff will put the rankings into a spreadsheet.

Mr. Tepper said he had a major problem with this because certain projects can't be ranked against other projects, like sidewalk repair.

Mr. Totilo asked for clarification if the Administration wanted us to score each project in this budget and enumerate them on a scale of where our preferences lie. Mrs. Dell answered yes.

Mr. Tepper suggested they go through each item in the budget, assign it a rank and then go back over them to see if it makes sense. The Board then went through the Budget and prioritized each project.

Mrs. Dell said the priorities are based on the Board's preferences and suggested that the rankings be presented in the Budget for with an extra column next to the Board's recommended amount.

***New Business:***

After a brief discussion by the Board, Mr. Totilo moved to recommend approval that an item not on the original Agenda requires a 2/3 vote to be considered. Mr. Quick seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Naumowicz).

Mrs. Dell said the Board wanted to thank Robin Stein for his many years of service.

There being no further business to discuss, Mrs. Dell adjourned the meeting at 9:40 p.m.

Respectfully Submitted,

Theresa Dell, Chairman  
Stamford Planning Board

**Note:** These proceedings were recorded on tape and are available for review in the Land Use Bureau located on the 7<sup>th</sup> floor of Government Center, 888 Washington Boulevard, during regular business hours. The tape of this meeting malfunctioned and did not record from 7:30p to 9:10pm.