

MINUTES OF PLANNING BOARD  
REGULAR MEETING #3270 - SEPTEMBER 26, 2000  
7th FLOOR CONFERENCE ROOM, GOVERNMENT CENTER  
888 WASHINGTON BLVD., STAMFORD, CT

Present for the Board were: Duane Hill, Chairman; Marggie Laurie; Tim Abbazia; John Garnjost; and Claire Fishman. Present for staff were: Robin Stein, Land Use Bureau Chief; and Carol Davis, Senior Planner.

Mr. Hill opened the meeting at 7:30 PM.

**URC - Mill River Corridor Project Plan:**

The following memo was reviewed. Board members concurred with the comments and made the some suggestions as noted:

- #1 - The term "for-profit developer" should be replaced by a more inclusive term like "other entity"
- #2 - Here and in other sections where the totals are or will be changing the information should be dated.
- #3 - Like the comment on pages 18-22 this section should reference the MRD regulations.
- #4 - The section numbers are incorrect. It should be 402 instead of 401.

To: *Stamford Planning Board*

From: *Robin Stein*

Re: *MILL RIVER CORRIDOR PROJECT URC PROJECT PLAN*

*In general the Project Plan is consistent with the Master Plan as amended and the Sasaki Plan.*

*After reviewing the URC Project Plan text and listening to the comments from last Tuesday's meeting, there are grounds for comments on certain provisions in the Plan. I have grouped them into the following categories:*

- *Wordsmithing (for clarity)*
- *Policy/Procedure*

***Wordsmithing:***

*Page 12, Section 202 - While implied among the objectives, there is no specific mention of the following: (a) Create a civic gathering place for the City & (b) Create safe and secure parks.*

*Both of the above goals mentioned in the Sasaki Report and should be added to the text.*

Page 13, Section 203-d - "...modern facilities..." should be modified to read "...modern flood proofed facilities...", since some redevelopment will take place within the flood plain but will contain modern flood proofed buildings.

Page 16, Section 401-b(i) - "...public open space purposes." Should be modified to read "...public open space purposes and other incidental and compatible uses." So as not to preclude a concession—food or play equipment rental, etc.

**#1** Page 17, Section 401-b(iii) - Would the language prevent a joint venture between a not-for-profit and a for-profit developer or should this be clarified?

**#4** Page 25, Section 401-e - The word "shall" in the first sentence of both the first and second paragraphs should be changed to "may," since the URC cannot obligate the City to make the other forms of housing assistance available.

Page 27, Section 403 - To be consistent Exhibit A should be named, "Stamford Mill River Corridor Design Guidelines."

Page 31, Section 601-a (l) - This is being done, approvals already granted, and can probably be deleted.

Page 34, Section 702-c - The Zoning Board has adopted regulations, MRD, and this Section should be revised accordingly.

**#2** Page 36, Section 803 - There are approximately 157 units of private housing (including not for profit housing) in the Project Area. Sixteen former units on the West Side of the River were demolished approximately a year ago and their occupants relocated as was the Bible Way Church. They should not be included in the present date total.

In the third paragraph it may be useful to add as "part of mixed income developments, since no one including, the not for profits, has any intention of building projects solely for low income households.

In the fifth paragraph, people may feel more comfortable if there was some explanation of what full reimbursement means. This applies to Section 805 as well.

Page 40, Section 905-d - The Planning Board should be added as an approving Board for the TIF budget as per its normal role in the capital budget process.

Page 42, Section 1001 - The issue of a "substantial change versus a minor change is important from a procedural standpoint. It brings up the issue of flexibility versus control, since there is not always a clear distinction between the two.

### **Policy/Procedure:**

There is a significant issue relating to who is in charge, the Zoning Board or URC? Under a "traditional" URC plan (e.g. Southeast Quadrant) where there is major property acquisition, demolition and relocation by the URC prior to turning the cleared land over to a developer, the URC is clearly the lead agency. However, in the Mill River Corridor Plan, where the URC will

have relatively limited involvement in land acquisition, it has been thought that the URC's role would be primarily advisory to the Zoning Board except in those cases where the URC directly acquires property. It should also be remembered that the Zoning Board recently approved a special Mill River Designed District, MRD, to implement the Master Plan.

Section 404, Pages 27/28 give the URC advisory powers with the Zoning Board serving as the lead agency (the Planning Board maintains its advisory role also). However, the language in other sections makes this intent far from clear, e.g. Section 402-a, 402-b-3, 402-f. If URC review and **approval** of all development in the Corridor is to be required, the result is a parallel review process with the Zoning Board. Is this not overkill especially when we hope that most projects will not require direct URC involvement?

Pages 18-22, Section 402-b attempt to rephrase and restate the standards already contained in the MRD zoning regulations. To avoid mistakes and conflicts, direct reference should be made to the MRD regulations, which can be listed as an attachment. In addition, the problem with having specific detailed regulations in both the Zoning Code and the URC Plan is how does one amend the standards? The dual specificity would require an amendment to be approved by not only the Zoning Board and URC but the Board of Representatives as well.

Although most of the standards in the Plan appear to be consistent with the MRD regulations, there are several cases of clear contradictions, as follows:

**#3** Page 16/17, Section 401-b (ii) - Under the recently adopted MRD Zoning designation, permitted uses include limited ground floor retail uses as well as professional offices. The URC Plan limits non-residential uses to professional only in this Residential land use category. Consideration should be given to providing the flexibility allowed in the MRD.

**#4** Page 19, Section 402-b-1(iv) - The height limits are somewhat inconsistent with the MRD Zone. While the Zoning Board sets, in some cases more restrictive height limits, their language provides flexibility which is lacking in the URC Plan.

**#4** Page 24, Section 401-d - The MRD Regulations require a total of 6% of the units meet the below market rate standards versus 9% in the URC Plan. The rationale being that the two sites in question are either entirely zoned for intensive commercial development or in split zones (CC-N and R-H) and receive little or no density bonus from the change to MRD. In the case of the Hoffman/Archstone site, the URC has direct control through a land disposition agreement. However, in the other (Lotstein) site, no direct URC involvement is anticipated. The URC should adopt the 6% figure with a provision allowing for an increase pursuant to a URC land disposition agreement.

**#4** Page 26, Section 401-f - This Section regarding the so-called "buy-out" is generally similar to the section in the MRD. Subsection 3 provides a perhaps less practical way of setting objectives and determining compliance than the provision in the MRD. Subsection 6 requires approval of the Board of Representatives for any "buy-out" in addition to the URC and Zoning Board. Again, it would appear that the MRD section on "buy-outs" should govern.

To reiterate, the rationale behind the "buy-out" is the potential for the development of more affordable units, more larger units, affordable home ownership in comparison to those provided on site by the private market, plus earlier phase in of affordable units to meet relocation needs.

In the discussion Mrs. Laurie said that the first three paragraphs in Chapter 10 are confusing. Mr. Hill said the intent was probably to clarify a “substantial change.” Mr. Goldberg, counsel to the URC, said that was the intent but that perhaps the language should be revised. Mrs. Laurie asked what is identified for public acquisition and questioned the use of eminent domain. Mr. Goldberg explained that acquisition does not necessarily mean fee simple and in the case of residential properties along the Mill River it is more likely an easement.

Mr. Garnjost suggested corrections on the maps to show that roads have been discontinued. Mrs. Fishman asked if thought has been given to providing housing co-ops for teachers. Mr. Stein suggested that this idea should be part of the housing study and commented that the teachers’ union might help with financing.

Mr. Hill commended the URC for a job well done. On a motion by Mr. Garnjost, seconded by Mr. Abbazia, the Board voted unanimously to approve in tone and substance the referral to the URC.

**Zoning Board Referral:**

**APPL 20-027 - Richard W. Redniss** requesting Text change to amend Appendix B, Footnote #4 and Article III, Section 7-S-3.

Mr. Stein showed an illustration of a proposed development on the “hole in the ground” at the corner of Tresser Blvd. and Greyrock Place. He explained that height add flexibility. He said the only housing built in the CC-N zone is at Canterbury Green and the Biltmore and that this text is an incentive for more housing. He explained that with this change 900 units can be built on the site instead of 450 under the current regulations. He said that traffic at peak hour would be less for residences than it is for commercial. He explained the affordable housing component and why it is different from other recently approved text changes. He said he takes issue with totally exempting the second phase from any affordable units.

Mrs. Laurie said families earning more than 50% of median cannot afford to live in Stamford either and she proposed greater flexibility. She suggested that possibly a higher earning limit could apply to the second phase.

Mr. Hill agreed that the second phase should have some percentage of affordable units. The other members concurred.

On a motion by Mrs. Fishman, seconded by Mr. Abbazia, the Board voted unanimously to recommend approval.

**Zoning Board of Appeals Referrals:**

**ZBA - Appl. #124-00 World Wrestling Federation Entertainment, Inc. and TSI Realty Company** requesting Special Exception to place a 152 square foot sign (16’x9’6”) on the west elevation of the penthouse at 1241 East Main Street in the C-N Neighborhood Business District.

Mrs. Laurie recused herself because she lives on Home Court. On a motion by Mrs. Fishman, seconded by Mr. Garnjost, the Board voted unanimously to recommend approval.

**ZBA - Appl. #136-00 David's Catering, Inc.** requesting Variance of Appendix A to permit Food Catering (Use #101) at 463 Elm Street in the C-N Neighborhood Business District.

Mr. Stein explained that catering is not permitted in the C-N district but it is replacing a carpentry shop and should not adversely affect the neighborhood. He suggested that the ZBA should review the parking on the site. On a motion by Mrs. Laurie, seconded by Mr. Garnjost, the Board voted unanimously to recommend approval with a caveat about the parking.

**ZBA - APPL. #137-00 Bald Eagle Inc. d/b/a Broad Street Shell** requesting Variance of Section 11, C-1 and Special Exception to permit a convenience store at a gasoline filling station at 38 West Broad Street in the C-N Neighborhood Business District.

On a motion by Mr. Abbazia, seconded by Mrs. Laurie, the Board voted unanimously to recommend approval.

Minutes for Approval:

#3265 July 25, 2000 - unanimously approved

#3266 August 8, 2000 - unanimously approved

#3267 August 22, 2000 - unanimously approved

**Old Business:**

Mr. Stein reported on the Treetops negotiations and Zoning Board actions taken on September 25.

**New Business:**

Mr. Stein announced the next Master Plan Advisory Meeting and distributed a list of recommendations compiled by the consultants. He also distributed a draft report on the Planning Oriented School Program and asked for comments from Board members.

Mr. Garnjost announced that the next Board of Education facilities meeting will be held on October 11 at 7:30 PM.

Mr. Hill reported on the Old Town Hall activities. He said negotiations are being conducted to relocate the Passport office to this location.

The meeting was adjourned at 10:15 PM.

Respectfully submitted,  
Timothy Abbazia, Secretary  
Stamford Planning Board

Note: These proceedings were recorded on tape and are available for review during regular business hours.