

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, APRIL 10, 2018
REGULAR MEETING & PUBLIC HEARING
GOVERNMENT CENTER - 4TH FLOOR CAFETERIA
888 WASHINGTON BLVD., STAMFORD, CT**

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Michael Buccino (arrived at 6:55 p.m.) and Michael Totilo. Alternates: Claire Fishman, William Levin and Roger Quick. Absent: Jennifer Godzeno, Voting Member. Present for staff: David W. Woods, PhD, AICP, Deputy Director of Planning.

Ms. Dell called the meeting to order at 6:30 p.m. and introduced the members of the Board and staff present and introduced the first item on the agenda.

MEDICAL MARIJUANA DISPENSARIES:

The three applicants below, Arrow Alternative Care #3, Inc.; Polaris Alternative Care; and New England Advanced Therapeutics, LLC, are requesting Zoning Board approval for an approved site at 806 East Main Street (Clark's Hill Plaza). As a reminder the Planning Board recommended approval for Harbor Wellness at the March 20, 2018 meeting and the Zoning Board subsequently approved this site. However, each application is different which means these applicants will make brief presentations focusing on the aspects of operation, security and their reasons for wanting to operate such a facility. (*Staff Report - Attachment #1*)

1. **ZB APPLICATION #218-18 - ARROW ALTERNATIVE CARE #3, INC. - 806 EAST MAIN STREET - Special Exception:** Applicant is seeking a Special Exception to operate a Medical Marijuana Dispensary at 806 East Main Street, located in the Clark's Hill Shopping Plaza. The proposed site is a single, corner unit totaling 4,773 sq. ft. The property is located in the C-N Zone. Nicholas Vitti, Partner, with Cacace Touche & Santigata, and Mr. Angelo DiFazio, Principal, of Arrow Alternative Care #3, Inc.; made a presentation to the Board and answered questions afterwards. After a brief discussion, Mr. Tepper recommended **approval of ZB Application #218-18** and this is compatible with the neighborhood and consistent with Master Plan Category #9 (Urban Mixed-Use); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Levin, Tepper and Totilo).
2. **ZB APPLICATION #218-20 - POLARIS ALTERNATIVE CARE - 806 EAST MAIN STREET - Special Exception:** Applicant is seeking a Special Exception to operate a Medical Marijuana Dispensary at 806 East Main Street, located in the Clark's Hill Shopping Plaza. The proposed site is a single, corner unit totaling 4,773 sq. ft. The property is located in the C-N Zone. After a brief discussion, Mr. Tepper recommended **approval of ZB Application #218-18** and this is compatible with the neighborhood and consistent with Master Plan Category #9 (Urban Mixed-Use); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).
3. **ZB APPLICATION #218-22 - DR. JACK YEUNG on behalf of NEW ENGLAND ADVANCED THERAPEUTICS, LLC - 806 EAST MAIN STREET - Special Exception:** Applicant is seeking a Special Exception to operate a Medical Marijuana Dispensary at 806 East Main Street, located in the Clark's Hill Shopping Plaza. The proposed site is a single, corner unit totaling 4,773 sq. ft. The property is located in the C-N Zone. Chris Russo, Esq., representing the applicant, made a presentation to the Board and answered questions afterwards. After a brief discussion, Mr. Tepper recommended **approval of ZB Application #218-18** and this is compatible with the neighborhood and consistent with Master Plan Category #9 (Urban Mixed-Use); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Levin, Tepper and Totilo).

PUBLIC HEARING BEGINS AT 7:00 P.M.

Ms. Dell suspended the Regular Meeting and opened the Public Hearing. Ms. Dell read the first item into the record:

MASTER PLAN AMENDMENT:

- 1. MASTER PLAN AMENDMENT NO. 429 - URSTADT BIDDLE PROPERTIES, INC. c/o REDNISS & MEAD - 1101 HIGH RIDGE ROAD:** Applicant recently purchased the High Ridge Center property which includes Trader Joe's, Chase Bank and an abutting single-family property. The first priority in improving the center is to make the parking and circulation at Trader Joe's function better. To facilitate this process, the applicant is requesting a Map Change to the existing Master Plan. Much of the site is in Master Plan Category #7 (Commercial-Arterial) with a small percentage of the parking area in Master Plan Category #2 (Residential - Low Density Single-Family). The applicant is requesting to unify the properties under Master Plan Category #7 which will "provide for and protect business-oriented development" while leaving a 50' wide "buffer" of Master Plan Category #2 along the frontage of Turn of River Road.

Ms. Dell explained that the Public Hearing will go as previously held and the applicant will make his presentation then we will ask if anyone would like to speak "In Favor" of the application; if anyone would like to speak "Against" the application and anyone who would like to make any general comments who is neither For or Against. Ms. Dell stated that the Planning Board will not be making a decision on this tonight. Ms. Dell then had Ms. Fishman read the Legal Notice into the record as follows:

**Legal Notice
Planning Board - City of Stamford**

Appl. MP-429 – Notice is hereby given that the Planning Board of the City of Stamford, CT will conduct a Public Hearing on Tuesday, April 10, 2018, at 6:30pm., in the Cafeteria, 4th Floor, Government Center Building, 888 Washington Boulevard, Stamford, CT to consider the application of Urstadt Biddle Properties, Inc., to amend the Stamford Master Plan "2015-2025 General Use Plan" to change a portion of properties currently located in Category #2 (Residential-Low Density Single-Family) to Category #7 (Commercial-Arterial) and further described as follows:

Block #: 378
Area A: 38,500 SF±
Area B: 14,600 SF ±

AREA A

All that certain tract, piece or parcel of land situate, lying and being in the City of Stamford, County of Fairfield, and State of Connecticut, more specifically described as follows:

Beginning at a point being N 80°03'30 W and a distance of 207.84 feet from the westerly side of Turn of River Road at the intersection of Northeast corner of #132 Turn of River Road and the Southeast corner of Riverturn Condominiums;
Thence Running:

Westerly: 58'.0± through said land n/f of Urstadt Biddle Properties, Inc. (Parcel A, Map7363 S.L.R.);
Northerly: 703.9± through said land n/f of Urstadt Biddle Properties, Inc. to land n/f of Riverturn Condominiums;

Southeasterly: 70.1± along said land n/f of Riverturn Condominiums;

Southerly: 650.8± along said land n/f of Riverturn Condominiums, back to the point of beginning.

AREA B

All that certain tract, piece or parcel of land situate, lying and being in the City of Stamford, County of Fairfield, and State of Connecticut, more specifically described as follows:

Beginning at a point being N 80°08'20 W and a distance of 55.31 feet from an iron pipe on the westerly side of Turn of River Road at the intersection of Northeast corner of #130 Turn of River Road and the Southeast corner of #132 Turn of River Road; thence running:

Southwesterly: 31.0± through land n/f of Urstadt Biddle Properties Inc.;

Westerly: 130.8± through said land n/f of Urstadt Biddle Properties Inc.;

Southerly: 71.6± through said land n/f of Urstadt Biddle Properties Inc. to land n/f of Narinder & Deepika Kumar;

Westerly: 85.9± along said land n/f of Narinder & Deepika Kumar and land n/f of UB High Ridge LLC, each in part;

Southwesterly: 63.9± along said land n/f of Narinder & Deepika Kumar and land n/f of UB High Ridge LLC, each in part;

Northerly: 105.2± along said land n/f of UB High Ridge LLC and said land n/f of Urstadt Biddle Properties Inc., each in part;

Easterly: 46.5± along said land n/f of UB High Ridge LLC and said land n/f of Urstadt Biddle Properties Inc., each in part;

Northerly: 36.5± along said land n/f of UB High Ridge LLC and said land n/f of Urstadt Biddle Properties Inc., each in part;

Easterly: 200.8± through said land n/f of Urstadt Biddle Properties Inc., back to the point of beginning.

The premises with respect to which application has been made are shown and delineated on the sketch set forth below:

[INSERT MAP]

A full copy of the above referenced application is available for review in the Office of the Land Use Bureau 7th Floor, Government Center Building, 888 Washington Boulevard, Stamford, CT during normal business hours. At the above time and place all interested persons shall be given an opportunity to be heard. The hearing may be continued to such time and place as will be announced by the Planning Board at the Public Hearing.

ATTEST: THERSA DELL
CHAIR, PLANNING BOARD
CITY OF STAMFORD, CONN.

Dated at the City of Stamford, CT,
This 28th day of March 2018

Richard Redniss and Raymond Mazzeo, of Redniss & Mead, and Jason Klein, Attorney with Carmody Sandak Torrence & Hennessey, made a presentation to the Board focusing on the parking plan to improve movement within the shopping center and easing traffic impacts to High Ridge Road, landscaping and buffer zones and the consolidation of properties and answered questions afterwards. Mr. Redniss submitted the Certificate of Mailing to Ms. Dell for the file. Mr. Redniss also submitted a copy of a Development Plan for 130 Turn of River Road depicting the construction of five (5) condominiums prepared for Thor, LLC (*Attachment #2*) and a copy of a letter received by Riverturn Condominium Association & R.C.D. dated March 21, 2018 requesting a fence be erected between the two properties (*Attachment #3*). When the Planning Board adopted the Master Plan the focus was on Downtown, the South End and the Ridge Road Office Parks which meant that a number of potential conflicting categories, specifically on smaller sites, were carried over from previous Master Plan maps. In this case, the High Ridge Center property (Trader Joe's) has the correct Master Plan designation of Category #7 (Commercial - Arterial) and a small portion of the parking lot to the east is Category #2 (Residential - Low Density Single Family). Staff recommends approval as the applicant is requesting to unify the properties under Master Plan Category #7 which will "provide for and protect business-oriented development."

ZONING BOARD REFERRALS:

- 1. ZB APPLICATION #218-16 - URSTADT BIDDLE PROPERTIES, INC. - 1101 HIGH RIDGE ROAD - Map Change:** *Companion application to MP #429*, applicant recently purchased the High Ridge Center property which includes Trader Joe's, Chase Bank and an abutting single-family property. The first priority in improving the center is to make the parking and circulation at Trader Joe's function better. To facilitate this process, the applicant is requesting a Map Change to the existing Zoning Map. Much of the site is in C-N (Neighborhood- Business) with a small percentage of the parking area in R-10 (Single-Family Residence). The applicant is requesting to unify the properties under the C-N zone which will "provide for and protect business-oriented development", while leaving a 50' wide "buffer" of R-10 along the frontage of Turn of River Road. The application is accompanied by a Site Plan application (ZB #218-17) not technically referred to the Planning Board but available to aid the discussion.

Ms. Dell then called for anyone who would like to speak "In Favor" the application. There was no response.

Ms. Dell called for anyone who would like to speak "Against" the application and the following citizens came forward to address the Board:

- Ken Temple (Lives on Talmadge Lane)
- Elena Sciafani (Lives at 8 Talmadge Lane) (*Submitted Notes - Attachment #4*)
- Mary Buonsante-Henock (Lives at 44 Talmadge Lane) (*Submitted Notes - Attachment #5*)
- Peter Oricco (Lives at 30 Talmadge Lane) (*Submitted Notes - Attachment #6*)
- Stephanie Mark (Lives at 181 Turn of River Road)
- Cynthia Reeder (Lives on Old North Stamford Road) (*Submitted Notes - Attachment #7*)
- Dwepike Kumar (Lives on Turn of River Road)

Lastly, Ms. Dell called for anyone who would like to make any general comments for the record. There was no response. Ms. Dell then called Mr. Redniss back for final comments.

Ms. Dell made a final call to the citizens in attendance asking if anyone would like to come forward to make any comments. Ms. Buonsante-Henock and Ms. Reeder made additional comments.

After considerable discussion, the Planning Board decided to TABLE MP #429 & ZB Application #218-16 and to continue the Public Hearing at the May 22, 2018 meeting so the Board can do further due diligence and the applicant can make some revisions to the application.

NOTE: If the Planning Board approves the Master Plan Map Change, the applicant is requesting that the Zoning Map also be amended to change the present Zoning (in Master Plan Category #2) to C-N (Master Plan Category #7) to be consistent throughout the existing shopping center. The application with the zone change will improve the parking as it currently operates.

Ms. Dell suspended the Public Hearing and announced a 10 minute break at 8:35 p.m.

Ms. Dell called back to order the Regular Meeting at 8:45 p.m. and introduced the next item on the agenda:

PRESENTATION TO THE BOARD (For Discussion Purposes Only):

- ZB APPLICATION #218-03 - THE STRANDBRC GROUP, LLC & WALTER WHEELER DRIVE SPEC, LLC c/o BLT - HARBOR POINT (BLOCKS P1/P2) - PACIFIC STREET EXTENTION - Site & Architectural Plans and/or Requested Used & Coastal Site Plan Review:** Applicant is seeking approval to construct two (2) residential towers with a total of 435 units within the Harbor Point GDP.
- ZB APPLICATION #218-04 - THE STRAND/BRC GROUP, LLC & WALTER WHEELER DRIVE SPE, LLC c/o BLT - HARBOR POINT (BLOCKS P1/P2) - PACIFIC STREET EXTENTION - Special Exception:** Applicant is seeking approval to allow the BMR requirement to be satisfied by a fee-in-lieu payment pursuant to Section 7.4(d) of the Zoning Regulations.

Dr. David W. Woods, Deputy Director of Planning, made a brief presentation regarding the proposed alternative method for BLT to meet the BMR requirement for the P1/P2 buildings which are located just north of Ponus Yacht Club (*Submitted Presentation - Attachment #8*). One option has been developed by the Housing Development Fund which has been successfully working in Fairfield County for over 30 years. Joan Carty, President & CEO, will be available to answer questions.

NOTE: The Zoning Board Application #218-03 Site Plan Review is for informational purposes only. If BLT did not submit the Special Exception request this would not have come to the Planning Board at all since it is part of the General Development Plan as amended for the P Blocks at Harbor point. More information will follow.

PLANNING BOARD DISCUSSION (Following is transcribed verbatim):

William Levin (WL): I was wondering if you could give a little background on how BLT has met its affordable housing on all the units that have been built up until now; especially the recent ones, I know there are two towers that are just starting construction.

David Woods (DW): BLT has, up until this point, not fought the 10%. They actually have had 10% on each of their buildings.

WL: Including the two that are just now starting construction?

DW: Yes

Michael Totilo (MT): On site?

DW: On site

MT: Who monitors them?

DW: Its monitored through Ellen Bromley's office and we will also keep a running total and keep track of it.

Theresa Dell (TD): They have to stay BMR units.

WL: I wasn't sure that was the case; but if that is the case, why now are they not wanting to do it anymore?

DW: It's not necessarily that they don't want to do it anymore. Where these buildings are is just north of Ponus and it's the "Y" shaped one that looks like a small airport runway from the air. This is the parcel that is closest to the west branch of the water. Right on the water and upper floors you can see New York City.

TD: Its sort of like what happened with Trump Park. The units get to be expensive so it's very hard to make them affordable. So by doing the fee-in-lieu you're getting the money; because the rentals are so high it's almost impossible to make them...so that's why.

WL: It sounds like they're moving toward those primo water units.

DW: That's right...pretend I'm a NY Times reporter and when BLT came to us first with this proposal they talked about yes, they really would like to do this because this would give them an unencumbered building. We looked at and said "that's fine." If you sell the building you get potentially considerably more money. But what does the City potentially get if this is done right? This proposal merits further study, further discussion and analysis because it *could* be an outstanding opportunity for the current residents and property owners of the South End and potential renters that enhance the rental units. If you look at...there's like a brown area kind of looks like a "J" on Pacific Street East and that area has really good bones of housing - some that need some tender loving care, some that need enhancement, there could be housing that becomes available for purchasing, two & three family houses, they buy one house and get extra money for loans. Get them into the house as affordable property with down payment to help them get their mortgage; that helps added to the rental market and potentially affordable housing units available [then again if there are some illegal apartments they could lose affordable housing units too]. So it has the potential for new housing and the potential to help existing units come up to code. So the issue is not that BLT wants to pull a fast one on us and just get out of the BMR requirement; it is that they have come up with this proposal. And we need, quite frankly, time to vet it with the law department and luckily we have consultants working on the South End study and are helping with this, too. I bring this forward to you not with the pressure of making a decision tonight but to give you some information as to what it is and maybe some framework as to how to think about it.

TD: Claire?

Claire Fishman (CF): I think this is a racist proposal. I think they want to get out of having lower class people in their housing/apartments and I am absolutely opposed this. I think it's disgusting.

DW: When they come and speak you can actually ask them how it's not. This is only one of the buildings; two of their buildings; not on all the buildings they have in the General Development Plan. There are nine more buildings that they're going to build. I was worried about that too and that's why I brought the last point up. It's something to actually consider in our recommendation to the Zoning Board.

CF: I feel that BLT are pulling a fast one. They really are.

Michael Buccino (MB): How did we decide on the \$209,000.00

DW: The current formula is 145% of the existing AMI. So just the AMI is \$142,800; actually, that was last year's; the current one actually has gone down; its \$134,000. The formula for calculation is in the Section 7.4 of the Zoning Code.

Jay Tepper (JT): What does AMI have to do with the value of a unit?

DW: That's the calculation of how they've been doing it based on income; area of median income.

JT: In other words if you have units that were condos as opposed to apartments. If you had a unit that sold for \$1M they would calculate the value based on the AMI as opposed to the value of the unit itself?

DW: If they had a non-ownership is a different thing than rental; however, the answer to your question is "Yes" but the income cap on ownership, the owner of a unit bought a BMR unit they could only sell it to another BMR eligible person.

JT: Let me pull that back and go to a rental building. Why should that not be based on other rentals within the building adjusted downward perhaps for less expensive fixtures.

TD: One bedroom vs. studio apartment. It's only because in a building BMR units should not have lesser quality; you shouldn't be able walk into a BMR unit and say that's a BMR unit and that's a full price unit.

JT: I thought they were allowed to use less expensive materials.

DW: Not any more. They did once

TD: They're very minimal; they're not allowed to downgrade.

JT: Why should they not use the value of a rental unit as the basis for determining the amount they pay in BMR?

DW: You ask a very good question. That was the purpose of the Land Use Bureau asking Norman (Norman Cole, former Land Use Bureau Chief) to do a major study on how to do this and come up with potential amendments to the existing program.

JT: I disagree with it.

DW: That's a discussion you can have when Norman comes and talks about it. And that's going to come in the next month or two.

TD: Michael Totilo

MT: I'd like to ask a couple of questions and a comment. First thing is that on any of these buildings that have BMR units does the Assessor's Office reduce the value of the building accordingly because they are getting less cash flow on the building? Is there an economic impact to the City of Stamford in that we get lower taxes when we have these BMR units in a building?

Roger Quick (RQ): Based on appraised value, not the rental.

DW: The short answer is yes.

MT: I want to know how the assessor determines that?

DW: No

MB: They assess the property tax based on the income.

MT: Right, but if they have BMR units on there do you see that discount in the rate?

MB: You'd think that's true.

TD: I would think you would have to.

MT: So in reality the City of Stamford, and we are subsidizing it also as much as the developer is because we are producing our Grand List tax base by the value of that building (*inaudible*). The second issue I wanted to know was is on some of these you said they wanted to not have BMR units in their buildings. They have other buildings in town that they still own that they haven't sold. Why couldn't we make them put some of those BMR units in their other existing buildings of some equivalent quality. So let's say, for arguments sake, there's other buildings in the area, so increase the BMR on those buildings to 12% or whatever, take another few units and put people in them. Now you'll accomplish the two things and you'll alleviate Claire's point of that you're trying to be predatory or something along those lines.

CF: Then you start having to give away all the apartments of BMR.

DW/MT: That's what I'm saying. Could we not make them trade some of those units? So now you're still in a very high quality, you're still in the same geographic neighborhood area and what we've done is shifted a few things and I think that would accomplish more than maybe getting cash.

MB: I think as something additional, let's say the new building is worth a certain amount of money, and the rental is twice as much than a different building then we get two units of BMR of lesser rent; then it increases value for both sides potentially.

RQ: I disagree with that concept. If you've got, for example, a two-family house and you put your mother-in-law in one unit; let her live there for free and get your appraisal from the City, you go down there to fight it, say listen I'm not getting any income out of this unit and my appraisal dropped, they will laugh you out of the building. It's based on the taxes you pay not the rent you're getting from the unit.

MT: But when you have 10% of the building as BMR, and you're going to, that's why I want to know what the Tax Assessor does.

TD: I think that's a question that we put on our list so when it's brought forth at another time that question is answered.

MT: We have to see what economically we're also shooting ourselves in the foot for. For arguments sake if we're reducing the value of that building by 10%, let's say 10 over years, we're paying for it. We don't want to do anything that's hurting us. We want to accomplish a goal and not have the tax payer pay for it.

JT: There's another goal, too. That's integrated housing. You don't want to have a leap.

TD: Michael, did you have another question on that?

MT: No, I just wanted to have that discussion about whether we, and I think Michael's right, is that, that's why I said we increase the percentage somewhere else.

TD: The thing is I don't know how we would do that. I don't want to say "to be politically correct" but how do you turn around and say to a developer because now you don't want BMRs in this building we want it in this building.

MT: Maybe what we ask is monetary value? We would leave it up to them let's say.

TD: But who approves what building they put it in.

DW: It would come back to the ZB and they would amend the existing requirements under Section 7.4

TD: But it would have to be in the same geographical area; couldn't be in another section of town.

MT: That's what I'm saying. If you're in the South End, like they're talking about, using BLT, and they have a series of buildings and they say OK we're willing to put more units here then here; they're still in the same neighborhood; not done anything bad.

WL: You could even do it with buildings that had already finished; say 10% are affordable right now...you could say as those leases expire, a certain number of those units...

RQ: That's right, subsidize.

WL: I think it is a little much to be expecting the water facing units - I think we should be a little flexible in the general South End area they need to provide the units but not necessarily the exact same.

JT: I don't think Claire agrees with you.

CF: I don't BLT should be required to provide them on-sight.

WL: Within a range, maybe all units, everyone has to have at least a certain percentage of affordable but maybe it can only 7% in these buildings and its 15% if you do fee-in-lieu.

CF: If you increase BMR units.

WL: I think we need to be a little bit flexible. But some of what was discussed with the proposal think you would end up with those are already affordable units; they're naturally affordable - you're doing something else beneficial but not necessarily adding to the overall affordable stock so I think you need to be really careful about mixing apples with oranges.

JT: Under your principle point labeled "C" David, what is the Open Proposal Process?

DW: What I mean by the Open Proposal Process is that if this is approved and we come up with a program that gets an RFP submitted and anybody who can do the work, can submit a proposal for a portion or all of the \$9M and it gets vetted through a committee. So it's not just going to one group.

JT: So in other words, a group is deciding where parts of the \$9M will go.

DW: Right

JT: In "D" the last time somebody had spoken about a sliding scale on the AMI, didn't they go down to 25%?

DW: Yes it did, but I would call that a specialty population, e.g., senior housing, and a special income Inspirica is a special needs population provider. These types of BMR, affordable housing units, I call them work force affordable, its 35% to 75% is really what you're looking at on the low end Thirty-five is harder to get, but you have Charter Oak and Inspirica and some other nonprofit organizations that really focus at the deeply affordable units, and that's what I was focusing.

JT: Going back to the discussion we had before on the AMI, if you do that there's a tremendous disincentive for any onsite BMR units in an expensive building. Because you've got to be crazy to put BMR units in something that's going to rent for I don't know what but on a basic ownership value of \$1/2M - \$3/4M to get by \$209,000.00 a unit and that's a tremendous disincentive for any onsite BMR units in anything above middle class housing.

DW: I agree with you.

CF: You already have the chance to buy out of this to give you fee-in-lieu.

DW: If it's approved by the Zoning Board after referral to the Planning Board. Because the Special Exception, this proposal needs a referral from the Planning Board, please note that the Zoning Board could deny this. It's not automatic.

RQ: Just two suggestions. You mentioned the City agency that monitors the BMR. Could you talk about what their policy is on the geographic location of alternate sites and secondly, what City Office monitors or determines the effective rental income of the unit evaluation.

DW: I can do the second on but the first one I can tell you the policy. Which is there has to be a direct relationship between where the funding comes from to where it's going, with a few exceptions.

RQ: What does that mean exactly?

DW: That means Atlantic Gardens has a direct relationship through Atlantic Street, and yes there is the highway, to Metro Green.

RQ: Is there a distance factor involved in this?

DW: It's in the general vicinity; all in the Downtown Master Plan Category 11. The one exception actually is Colonial Road that also went to Inspirica.

RQ: Randy Salvatore?

DW: Yes, Randy Salvatore, so that went to Inspirica.

TD: But that was asked for and approved.

DW: Another example of that is, next week Tower A, the one across the street, is going to be coming and they have requested a Special Exception to buy out of having BMRs there but the money is going to the St. John's...by next week I'll get what it is...some development corporation.

TD: But that's where I'm getting a little confused because we're talking about BMRs and we were saying that Downtown was where we want them. So for people to come in and say, "well now I want fee-in-lieu in the Downtown because now it's not affordable or whatever;" terrible to say but too bad. They knew the ramifications of building a building Downtown and that the Planning Board and Zoning Board wanted BMRs in those building because they're Downtown; walking distance to shopping, walking distance to restaurants, walking distance to the train station, BMRs were supposed to be there. That was almost unequivocal. In fact, everybody who knows me and all my years on the Board know I'm a firm believer of BMRs. So for somebody who's in the Downtown to now come around and say, "well, look I'll give you fee-in-lieu." We had that big discussion with Trump Tower. Remember we went round-and-round on that and finally said fine because they were giving it to the Mill River Park and figured OK, we'll allow that because the people in the community are going to be using the Mill River Park and that money will come in handy. We were very emphatic Downtown has BMRs. Now if we start spreading out and we tell people that we'll make an exception here; make an exception there, what I'd like to see a combination of both. If you have to have 43 units in a building, something similar to what you were saying, Bill, but this is what I've been thinking...is that if you have to have 43 units because that's your 10%, you have to have 5%. There has to be something in the building that's BMR. But my feeling is also that the BMR should have a scale. It shouldn't only be for low income. There are so many teachers, firemen, middle-America who can't afford \$4,000 or \$5,000 rent but would like to live in these units. I would like to see where the BMR is on a sliding scale to turn around and say, OK, we will try to get the low income in but we really want to start giving a little bit of this affordability to the middle income. We want to start seeing...In fact, when we started talking about BMRs...Claire, you remember years ago, the big thing was we were going to do BMRs so teachers could get in there, so firemen could get in there, so policemen, but that really hasn't been happening because the units are so expensive that even with the sliding scale, the units being built with the fee-in-lieu money is not going to the middle income people; it's going to the 50%; to a smaller group. I would like to see where most buildings do consider keeping BMRs but it's on a sliding scale. And like Michael said, I agree with that; it's a very good point. If you're supposed to have 10% and only put 5% in well that other 5% is either put in...I didn't think of that, putting it in another building that's been developed. I was just thinking that's where you get the cash and you give it to some of the other builders who are building affordability. But what you said is a very good point. If you put 5% in the building that might be a little bit more expensive then you take that other 5% and you spread it

around to your other buildings; 1% in this building and maybe 1% there so it's not overcrowded and maybe you still do take a fee-in-lieu payment. I'm not 100% sure about eliminating it totally just because it's an upscale building.

JT: I think if you base the BMR, the fee-in-lieu on the actual value of the unit then there's no disincentive for the developer to put the BMR units in their own.

MB: It should be automatic

MB: It should be automatic for every building. Not even just the new development.

JT: Everything, not just the whole thing. If you want a fee-in-lieu it's based on the value of the unit you're paying not just some artificial number made up on income.

MB: In addition to that, when a Special Exception comes before the Board we should understand how that's going to affect property tax collection over some period of time; I think that's substantial.

MT: The other thing too is when you're looking at this you don't want to have a disincentive to any developers coming into this town and developing. Because we start sending the wrong message all of a sudden you're not going to have people wanting to come into this town and making these kinds of investments.

JT: We don't have that much undeveloped land.

TD: But the other point is to have multi-income buildings and neighborhoods not just high rent buildings.

WL: 20 to 25% in New York City is the BMR requirement

TD: How hard is it for a developer to turn around and give \$9M in fee-in-lieu? Maybe BLT can afford to do that but perhaps a Randy Salvatore or a Teri Dell can't afford to give \$9M in fee-in-lieu. I need to put my BMRs in the building. Am I at a disadvantage because, as a developer, I can't afford to write a \$9M check for fee-in-lieu to be used somewhere else?

MT: Which puts you at a disadvantage because if somebody else builds the same building they can generate \$750,000 worth of value at that unit where you have to only get \$209,000.

TD: That runs a line too that we really have to look at. Is how does this fall in line with other builders who may not have the capability of giving such large amounts to fee-in-lieu?

WL: I think if we opened up fee-in-lieu to our largest developer that every future developer will have a hard time getting any units onsite.

MB: For \$209,000 when the units are worth \$750,000; it's just simple math.

JT: Yeah, its simple math that's not going to happen. You're not going to get any BMR units onsite if they can buy fee-in-lieu on anything over \$209,000 a unit

MB: What units come on the market rate housing right now that are less than \$209,000? Zero.

WL: When I was a planner in San Diego everybody could pay fee-in-lieu and basically we got no units.

JT: But the difference is if you do what I'm saying instead of \$9M it would cost them \$25M. Then there's a real decision to make; now there's no decision to make.

TD: Because you're using a false number.

WL: I'm just saying my experience has been that the minute fee-in-lieu becomes a real alternative you stop getting any...

MB: If it was a \$1M though for a \$500,000 unit no one would do it. There's got to be a market for it and right now there's not a market.

JT: What I'm saying is that we really have to discuss this. Really has to be discussed in detail.

DW: We're starting the discussion.

MB: Think it's a great idea. This is good.

TD: It's a good point to start off on and it really gets everyone thinking as to how it can be done. The other thing that I would like to see, if it is decided that fee-in-lieu is taken, I think from what we were talking about before and I know the South End Study is going on and we're going to have a meeting on that on another date, but I think what we really need to do is figure out how to, I'm going to use the South End as an example because we're talking about the buildings down there, but I would like to see the \$9M not really be used for units in various buildings. What I would love to do is go to, what I call the other South End, go to the historical houses, go to some of the landlords down there and say

look, we have a developer who is going to be giving us \$9M, \$10M, \$12M whatever in dollars; your building needs to be upgraded, you need to clean your apartments up, you need to do whatever; we will loan you, at maybe 0 interest, whatever, so much money, you would have to pay it back, but we would like your buildings fixed up and brought up to the rest of the neighborhood. I would like to see that. I've been talking about it and talking about it forever. This has been my pet project; is trying to get developers to upgrade the surrounding neighborhoods to where they are building it. So what I would love to see is this money not go to like an Inspirica, who's going to build 50 units of low income housing. I'd like it to go to the houses that are already there that have people living in them and say look we are going to lend you money at 0% interest or 2% interest or whatever but we want you to clean it up; we want you to fix it; we want to have new kitchens; we want to have lights put in; we want to have driveways made; we want work done on these buildings.

JT: The fee-in-lieu funds dedicated to Inspirica to build new units.

TD: Yes, you know what I mean.

JT: You just said "I don't want money going to Inspirica"

TD: No. I mean I want money going to the existing properties that are there in cleaning them up and fixing them up and allowing the people who are living there to be a part of the community and feel like the building that they are living in is being fixed for them because so many of these landlords can't afford the upgrades of these buildings and this would help

DW: So the positive element of their proposal is just that...a big part of their proposal is to come up with a way in which the money can be lent and so it would depend on how it's done; how we get the money done; all that other stuff; the legalities we're talking about...I'll go talk to my friend, Ron, the appraiser, in fact on how he does BMR units on-site vs. fee-in-lieu, and get that back to you. But again, I said in here, I may have buried it too far in the lead here; that is this proposal has merit to come talk to. But it also has to be taken in the framework of does this proposal along with Norman's study, which we want to talk about along with the South End Study, it all comes together as one thing?

JT: I just think that the impact on a developer should be close to income neutral.

DW: That's actually the bottom line of Norman's study; is that we come up with ways to amend the proposal to strengthen it for broader band of eligible residents.

MB: I would like to also see if we can somehow get a better understanding of what the alternate ways we can use the funds are beyond building. So if its loans and stuff like that just something a little bit more baked than the general concept of providing loans to someone.

DW: Why we didn't have the person from Home Development Fund, Joan Carty, come talk tonight and I told Ted and Lisa they couldn't talk tonight because I wanted to have that discussion, is that the proposal had no details. Those are the types of things limited to only that one proposal, one particular way of doing it. When they bring this back there will be a full presentation by the applicant and with the Chair's permission...

TD: But I think the applicant listening to us tonight sort of has an avenue as to where we're going and what are thinking is.

JT: Have we been too subtle?

Ted Ferrone: Can I talk? What you've asked for is literally exactly what we are proposing to (*inaudible*). I have a flier and we just came from the NRZ meeting where (*inaudible*) and what you ask for is literally exactly what we are proposing to do. Is that what you're looking for?

TD: I think that's apropos for any neighborhood where we're doing this. I think we neglect sometimes...we build all these beautiful buildings and then we forget what surrounds these beautiful buildings and I think that's the shame of Stamford is that we have pockets of beautifulness and then we have pockets of well...so what. They're living there; nobody's really complaining but they are complaining. They're complaining by not maintaining their homes the way they would if they had a little bit more pride in what they're living in. When you're living in something that you're not proud of, it's very hard. You go out and you shovel and you rake and you plant. But then when you go back inside and your plumbing isn't working right and your kitchen is falling apart. You turn around and say, gee, can't anybody help me? You go to the landlord and the landlord says I don't have money to fix it, I'm sorry. This would really help.

RQ: The one your thing missing in that calculation though, the landlord is going to borrow the money he's going to fix the apartments but he can't raise the rents. Very, very difficult to pay back the mortgage and some type (*inaudible*).

JT: I think that's something that requires probably more than a 15 minute discussion.

DW: Some of the ideas floating around on that and again, very briefly, is that the landlord borrows the money and pays it back upon selling of the property.

TD: That can take a long time.

JT: But what happens if he doesn't sell it and wants to keep it; to afford to pay it back he has to raise the rent.

TD: They raise the rents anyway, I'm sure the rents get raised. They're raising the rents on apartments that need to be fixed so they're not being fixed and the rent is being raised. At least, I think. I know I was a landlord for a while and when I remodeled my other side of the house, I did go to my tenant and told her I had to raise here a little bit; I didn't raise her a lot but I raised her enough that I could pay for what I did on our house. You're going to increase the rent but at least you're increasing the rent and they're getting something in exchange. Maybe they're getting...they don't have to have the entire place done...maybe they're just getting a new kitchen, or maybe the bathrooms are being redone; maybe the hallway lighting is being redone. But something in the building so they could turn around and say well OK, my rent was raised but at least I got something out of the increase. I got a new kitchen, I've got new bathrooms, the lights are working, you know...whatever. It's something to think about.

JT: David, is there a group working on coming up with something on this? How is this going to proceed from here? If there is a group doing this, I think we should probably maybe get some Planning Board involvement.

DW: Yes, there is a group. It's Ralph Blessing, Vineeta Mathur, myself, Robin Stein, Thomas Madden, along with Ted Ferrone, Lisa Feinberg, and Bill Hennessey. That's it right now.

JT: We can wait to see what you come up with and then take up the Special Exception request.

MB: Ideally is figuring out what's appropriate for a number. The \$209,000 maybe that was appropriate at one point but at this point it seems like it may not (*inaudible*).

JT: I think that's the only gripe you could have with us. Everything else seems to be logical. Teri's point of maybe requiring a small percentage to be onsite and then a better way to adjust the computed value of a unit when it comes to computing the fee-in-lieu.

RQ: There's also the problem of the number of units. This works good if you're doing 100 or 200 units; but if you're doing a 10 unit building or a 15 unit building it doesn't work as good. So I don't know how to work that into the difference between large and small; where does it break off?

TD: Usually the smaller developments do put one apartment in and then they give the balance in a check.

JT: You do one but the same thing you base the .5 fee-in-lieu on a valid appraisal of the units by the Assessor's Office.

TD: It's not even the Assessor's Office; it's the builder. He's the one who turns around... and if he's going to rent a unit for \$3,000 in the building and if the median is half of that he's going to rent it to low income for \$1,500. There's your value. Your value is \$3,000. You base it on that because that's what he's renting the rest of the building for. I know I'm being simplistic.

JT: It's the other way around. You figure what value would generate \$3,000 a month and that's the value on which you base the fee-in-lieu.

TD: Any further discussion on this? Anyone want to add anything?

MB: Thank you, David, for bringing this up. I think this was good to talk about.

Ms. Dell closed the discussion on ZB Application #218-03 & #218-04.

PLANNING BOARD MEETING MINUTES:

03/20/18: After a brief discussion, Mr. Tepper moved to recommend approval of the Planning Board Minutes of March 20, 2018; Mr. Quick seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper, and Totilo).

OLD BUSINESS:

Ms. Dell announced that Dr. Woods will talk about the South End report. There is going to be a meeting to discuss the South End Study and stated that Mr. Totilo will not be available for the last two meetings in May so it will be held on May 8, 2018 so he can attend. It will be similar as what took place tonight and will be for discussion purposes only but the consultants will make a presentation and the Zoning Board and the Harbor Commission will be invited. Ms. Dell explained that this is a joint meeting for discussion and during this discussion/presentation if there is anything that you agree or disagree with to please feel free to voice any concerns or issues you may have at that time.

Dr. Woods explained that the consultants have entered the second phase of this project and have been out in the South End speaking with residents and are coming before the Planning Board for feedback and potential suggestions on the information they have gathered before they write their report.

Ms. Dell announced that the dates of the May meetings will be changed from May 1 and May 15 to May 8 and May 22. Dr. Woods asked that everyone keep May 1 as a placeholder as there may be a meeting for a discussion on the special study Norman Cole has been working on.

NEW BUSINESS:

Roger Quick mentioned the art studio/doctor's office building north of the Merritt is now vacant and for sale. Also, Mr. Quick mentioned he noticed that the BLT site on lower Long Ridge Road has been cleared of all the brush & overgrowth between the two office buildings.

Next regularly scheduled Planning Board meetings are:

April 17, 2018

May 8, 2018

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 10:00 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.



STAFF REPORT

TO: CITY OF STAMFORD PLANNING BOARD
FROM: DAVID W. WOODS, PhD, AICP, DEPUTY DIRECTOR OF PLANNING
SUBJECT: ZB APPLICATIONS #218-18, #218-20 & #218-22 - SPECIAL EXCEPTION
ADDRESS: 806 EAST MAIN STREET
DATE: April 9, 2018

MASTER PLAN: CATEGORY #9: URBAN MIXED-USE
ZONE: C-N

INTRODUCTION:

In 2015 the Zoning Board adopted Section 7U Medical Marijuana (see below) in compliance with Chapter 420f of the Connecticut General Statutes. The State of Connecticut Department of Consumer Protection issued a limited number of state licenses to operate a Medical Marijuana Dispensary, and during the previous round of licenses the State issued one to Bethel not Stamford. This application will be the first of a number of applications requesting the Planning Board recommend favorably to the Zoning Board.

U - Medical Marijuana Dispensaries (ZB #214-02, #215-11)

Purpose: The Zoning Board acknowledges the enactment of Public Act #12-55 and adoption of regulations concerning the "Palliative Use of Marijuana." This Public Act and the associated regulations establish the local regulatory framework for the Palliative Use of marijuana pursuant to Chapter 420f of the Connecticut General Statutes. It helps to guide the appropriate location and operation of Medical Marijuana Dispensaries ("Dispensaries") in the City of Stamford. The purpose of Section U is to minimize the impact of Dispensaries on neighbors, while at the same time recognizing the essential services these Dispensaries will provide to the citizens of Stamford.

Standards:

Dispensaries are allowed by Special Exception approval by the Zoning Board only within certain commercial and manufacturing Zoning Districts of the City of Stamford, as shown in Appendix A, Table II of these Regulations. Such uses must comply with the requirements of the Zoning Regulations and meet the following additional standards:

1. Dispensaries must possess a current license from the State of Connecticut, Department of Consumer Protection and comply with the Regulations of the State of Connecticut, Department of Consumer Protection concerning the Palliative Use of Marijuana, per the Connecticut General Statutes, Section 21a-408-1 to 21a-408-70, inclusive, as may be amended from time to time. Failure to maintain a proper license shall be deemed an immediate violation of the City of Stamford Zoning Regulations;
2. No Dispensary shall be located within a 3,000 foot radius of any other Dispensary;



3. Signage for Dispensaries must comply with the following standards:
 - a. Signage shall be limited to a single sign no larger than sixteen inches in height by eighteen inches in width;
 - b. There shall be no illumination of a sign advertising a marijuana product at any time;
 - c. There shall be no signage that advertises marijuana brand names or utilizes graphics related to marijuana or paraphernalia on the exterior of the Dispensary or the building in which the Dispensary is located;
 - d. There shall be no display of marijuana or paraphernalia within the Dispensary which is clearly visible from the exterior of the Dispensary; and
 - e. There shall be no signage which advertises the price of its marijuana.
4. Parking shall be provided according to Section 12 of the Zoning Regulations, as follows:
 - a. A Dispensary shall meet the parking standard for Retail Store.

133.1- Medical Marijuana Dispensary Facility (67.1) allowed only in C-N, C-B, C-L, M-L & M-G zones.

*Use 133.1 (Medical Marijuana Dispensary Facility): This use is expressly not authorized in other Districts that permit uses allowed in the C-N District.

Conformity with the Master Plan:

This use will help the East Side neighborhood to “Provide an adequate and equitable range of community services to meet the needs of a diverse population.”

Staff Discussion:

- While the applicant proposes, if the State chooses their application, to operate in what is currently a vacant strip shopping center on East Main Street directly across from the AutoZone to the south, the shopping center is bordered by multifamily apartment buildings directly adjacent to the west, Lafayette and another large multifamily apartment building to the east.
- In order to apply, the applicant must meet State operating qualifications, on which the applicant and their attorney will make a brief presentation.

STAFF RECOMMENDATIONS for the Zoning Board:

Staff recommends approval of ZB #218-18, #218-20 & #218-22 - Special Exception as an acceptable site to operate a Medical Marijuana Dispensary, if selected by the State of Connecticut

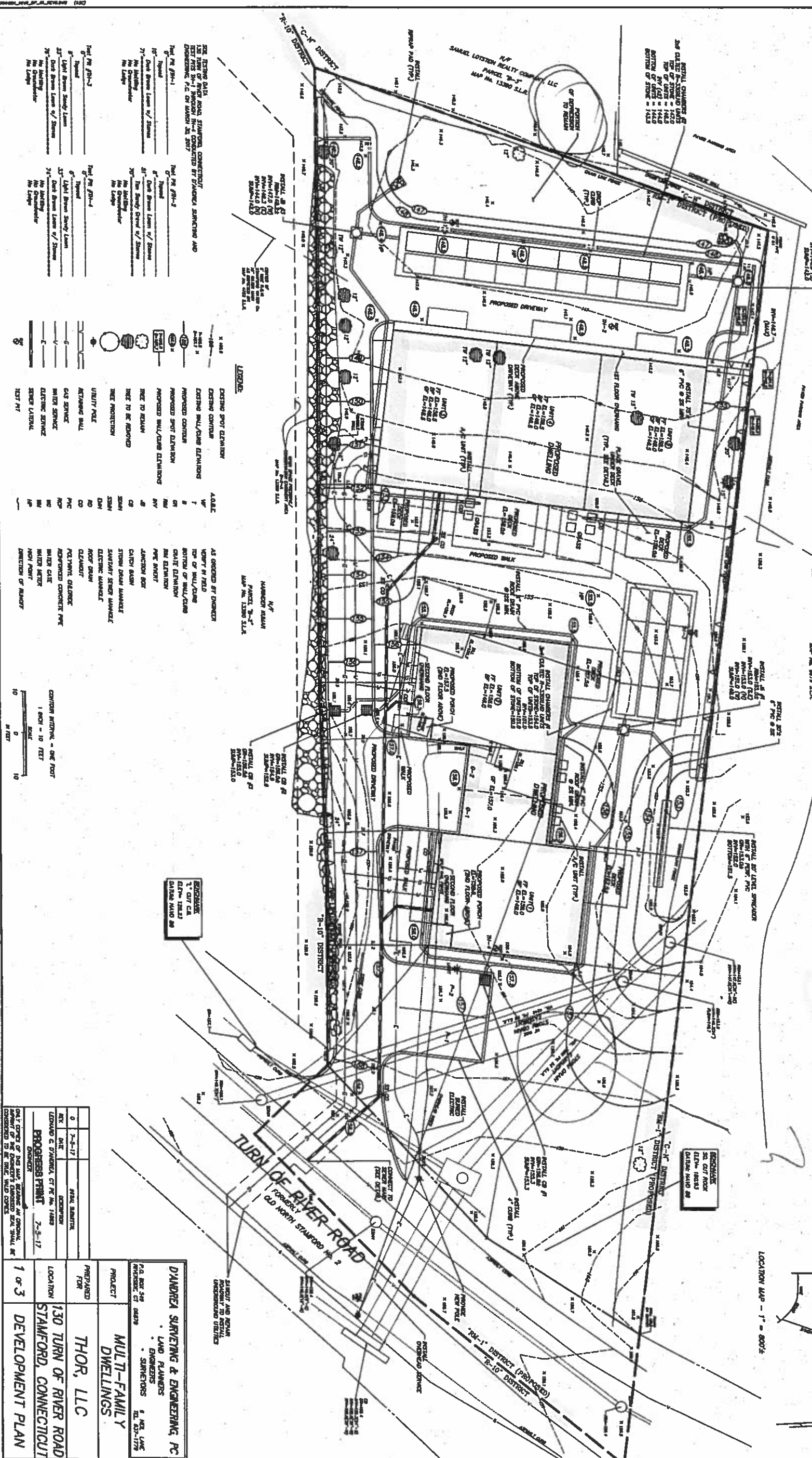
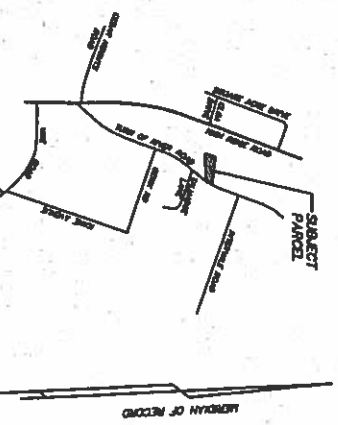
GENERAL NOTES

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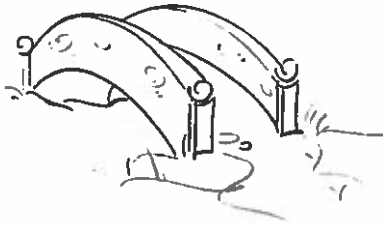
STANDARD CITY OF STAMFORD NOTES

1. A Street Light Pole is required for all work with the City of
 2. A sign with the City of San Diego Seal-This shall be submitted to the City of San Diego for review and approval by the Board of Directors and the Commission on Public Safety and the Commission on Public Safety and the Commission on Public Safety
 3. The Engineering Bureau of the City of San Diego shall be notified three days prior to any commitment of work with the City of San Diego
 4. Prior to the City of San Diego Seal-This to be removed shall be printed in accordance with the City of San Diego Seal-This
- APPROVED BY THE BOARD OF DIRECTORS OF THE CITY OF SAN DIEGO
DATE: 10/10/2011
BY: [Signature]
FOR THE CITY OF SAN DIEGO

- [illegible]



DYANDREA SURVEYING & ENGINEERING, PC LAND PLANNERS ENGINEERS SURVEYORS 6, NEX, LANE WESTCHESTER, CT 06812-1779		PROJECT MULLEN-FAMILY DWELLINGS	
PREPARED FOR THOR, LLC		LOCATION 130 TURN OF RIVER ROAD STAMFORD, CONNECTICUT	
1 of 3		DEVELOPMENT PLAN	



Riverturn Condominium Association & R.C.D.

March 21, 2018

VIA REGULAR AND CERTIFIED MAIL

Rick Redniss
22 First Street
Stamford, CT 06905

RE: Trader Joe's Expansion

Dear Rick,

Thank you for attending The Riverturn Condominium Association Board meeting on February 20, 2018, and explaining all of the different aspects of the Trader Joe's expansion.

In light of all the information provided, and after consulting with various residents most directly affected by the expansion, the Board has reached the following conclusion.

Due to the already existing traffic from Trader Joe's customers entering and exiting our property and leaving refuse and debris around the parking lot, the Riverturn Condominium Association would like a White PVC fence with concrete filled posts to be installed at the border of the parking lot and our property. (Please see attached map for clarification). It is our understanding that your client, will also be responsible for maintaining the fence going forward.

In addition we would also expect there to be some appropriate landscaping around this fence, as to properly accommodate the structure. We would like ten (10) 10 foot tall Arborvitae Trees planted along the back of the fence. We would also expect your client to replace these if and when it is necessary.

Please provide written confirmation to us as soon as possible.

Thank you in advance,

Sincerely,

• Damien Scoditti
Managing Agent
Riverturn Condominium Association



app. location of
fence



East Side of Fence

Fence should extend as far as possible to

TURN OF RIVER ROAD

West Side of Fence

Fence should stop just before the existing

patio area leads to parking lot

My name is Elena Sclafani

I live at 8 Talmadge Lane, which is the first house, right at the corner of Turn of River Road.

The Trader Joe's parking lot is already close enough to my home. I don't want to have it right in my backyard, which is what will happen if you allow this change. My deck overlooks the Trader Joe's parking lot. During the nice weather, we like to sit and relax on our deck and all we see are cars coming and going, hear beeping horns, and worst of all, is the pollution from the cars. *and car alarms going off*

To make matters worse, in the middle of the night we hear the delivery trucks, refrigeration trucks and dumpster pick ups.

I previously spoke with Mr. Redniss and voiced my concerns about fencing and trees. Just because I spoke with him does not change the fact that I am totally against this text/zoning change. All the fences and trees will not stop the noise and pollution.

We bought our home 23 years ago in a residential area. Please stop turning residential property into commercial property. Where will this end? You keep pushing residents out, hurting our quality of life, the character of our neighborhoods, and our property value. I am not in favor of this text change and urge you to please vote against it.

Thank you for your time.

My main concern is not landscaping, trees, buffering, etc. as Mr. Redniss discussed, but that this is a residential neighborhood and I ^{want} ~~will~~ ~~protest~~ ~~and fight~~ to keep it that way.

Hello,

ATTACHMENT #5

2 Pages

Mary Buonsante-Henock

My name is MBH. I currently reside at 44 Talmadge Lane and have been living in the TOR area for almost 34 years.

I am opposed to changing residential low-density single-family property to commercial property. This is leading to more future commercial development into residential areas. Where does this stop? It allows any developer to buy up homes and expand commercial property at the expense of homeowners. We should be protecting our residential zones not decreasing them for the profitability of developers. Buying residential homes is the least expensive alternative. We know it's all about the bottom line.

I agree there needs to be a change to the traffic issues surrounding Trader's Joe and other areas on and around HR. However, it needs to be addressed within commercial boundaries. Was there any consideration to the possibility of relocating the bank to another site on HR and make that into an additional parking area and construct a second entrance on that side of the building for shoppers? Also, make the total shopping center area more easily accessible to walkers so they are not taking their cars to the shopping center.

Why do residents always have to make concessions rather than consider other alternatives to resolve a problem? We need to make proactive decisions not reactive!

It seems we are always fighting multiple uphill battles for the protection of our quality of life, character of our neighborhood and property values.

I love living in a residential area of Stamford. When making your decision, PLEASE, PLEASE consider the residents and make living in Stamford more enjoyable not frustrating.

I hope you hear our concerns and take them into consideration.

Thank you for your time.

ATTACHMENT #6

From: Peter Orrico [mailto:pete30@optonline.net]

Sent: Wednesday, April 11, 2018 11:03 AM

To: Woods, David

Subject: Trader Joe's Parking lot 130 Turn of River Road Meeting Notes for the record of 4/10/18 Public Hearing

David,

My notes to be put into record from speaking last night at the 4/10/18 Planning Board meeting regarding my opposition to Trader Joe's Parking lot expansion 130 Turn of River Road with Master Plan and Zoning changes. I also hope your Board will thoroughly review the current deed restrictions on the existing parking lot submitted by Cynthia Reeder at last night's meeting. These restrictions have not been followed!

My name is Peter Orrico; I live at 30 Talmadge Lane; I have lived here since 1993 and I strongly oppose this application.

The problem here is mainly a Trader Joe's issue. The existing Trader Joe's design and layout, traffic study and traffic flow was approved by the Planning and Zoning Boards and now it does not work.

Why do problems on an existing commercial site have to encroach on the residential single family zone for a possible solution?

Why can't the developer and Trader Joe's propose improvements on the existing commercial property?

The recent large amount of proposed Text Changes, Zoning map changes and Master Plan changes is alarming in our area alone. We are spending more time at these meetings than at home with our families where we all should be.

What is the reason for the zone change to the strip along back of the strip mall at 132 Turn of River Road? Perhaps to allow for future building or parking expansion?

What is left of the 130 Turn of River Road residential parcel?

An undesirable property due to:

- The demolition of the existing residential home.
- Significant reduction of property size and value.
- Installation of additional parking spaces in close proximity along two sides of parcel.

The owner may be back here soon saying they cannot sell the property and need additional parking or more room for a building expansion.

Are the owners of the property getting any financial benefit for this change? One has to ask why would they spend all this money acquiring the properties, constructing additional parking, demolishing an existing residential dwelling just to possibly improve a traffic issue at Trader Joe's entrance. I think there is more to this and we will find out down the road when the owner submits an application to expand and build on the proposed parking areas. Will they stop here with this residential zone land grab or will we be here in a short time fighting against another expansion of this commercial property into a residential zone?

We look to the Planning and Zoning Boards to strongly protect residential zones by enforcing current Master Plan and Zoning laws not changing them to suit the developers.

This is our neighborhood! We worked hard to purchase our properties and chose to live here because it is a residential low density single family zone.

This Board should carefully consider the repercussions of this Master Plan and Zoning change. What about the residents who live here? Please protect us and our neighborhood.

It is time to send a message to developers that the residential zones are not to be touched, changed or encroached upon to fix a commercial property problem.

There are other things than can be done to help the situation. I urge you to vote unanimously to reject this Master Plan and Zoning changes. Remember we live here!

Thank You,
Peter Orrico
30 Talmadge Lane

Cynthia Reeder

Planning Board Hearing, April 10, 18

Master Plan Map Change

FROM MASTER PLAN

In residential neighborhoods, preservation of community character and quality-of-life remains an important priority.

Plan "recommends preservation and enhancement of Stamford's low-density residential neighborhoods"

Develop tools aimed at "preserving a protecting ... environmentally sensitive land by encouraging ... long-term protection of sensitive areas "

HIGH RIDGE SHOPPING CENTER CHANGE

1. **Master Plan Map is part of the Master Plan, which is the framework. It's aspirational, if you will. It's forward-thinking.**

Its purpose is not to address as-built situations and reverse engineer the plan to suit them. In fact, in many instances it does the opposite. It says what "should" this be ... how "should" this be developed?" ... not "how has this been developed".

2. **The Category 2 land use category is not something to be "cleaned up". This is the way it should be ... a residential zone. The fact that it can't be developed as such is irrelevant.**

Look at history: Entire parcel was residential. It was subdivided prior to the approval of, and construction of, the shopping center. And the shopping center was developed based on a zoning map presented at the time. It was described as "a designed district within a residential neighborhood."

- The map included with the development plan clearly indicated the R-10 zoning.
 - It also shows the many easements on it and the water main that goes through it
- In the 70s Lotstein Realty requested a permit to allow parking on the R-10 zone (and was or [originally?] denied because the boards saw it as a conflict with the order of development of the *district*.

Keep in mind this is a district. This strip is bordered by residential properties.

If the purpose of the plan is to preserve and enhance the quality of life for residents of the city, then the only recategorizing that should be done ... if any ... is to make it consistent with the other residential areas

What we have now is simply a non-conforming use: a parking lot that supports a commercial enterprise.

Changing the designation opens the door to other configurations of commercial development down the road and would eliminate the development "barrier" if you will with abutting residences.

3. Leaving the map as-is simply maintains its consistency with the Master Plan ... and upholds a sound plan of development for the neighborhood ... and the City

We simply can't afford an intensification or expansion ... of any magnitude ... of commercial *districts* in this part of the city.

TRADER JOES PARKING

An acknowledgement that there's a problem.

Unfortunately, it is the result of allowing a supermarket in this location and of the owners understanding the traffic that would be generated (an habitual ... and community-destroying ... practice that we endure over and over again)

But, the proposed map change is not the solution ... from a planning perspective (or a zoning perspective)

The applicant wants to expand the commercial district and chip away at the residential district on the map.

That's not good for the neighborhood ... and it's inconsistent with the Master Plan, which lists as its #1 policy for the TOR area to *"preserve, protect and enhance neighborhood character and quality-of-life."*

Policy NTW 1.1 is: *Maintain existing residential character of neighborhoods by maintaining existing residential zoning districts*

It also calls for protecting environmentally sensitive land. If you look at the land behind the High Ridge properties, you can see how sensitive it is. Rivertown was required to create a number of conservation areas on its property. Urstadt Biddle should do the same.

Acknowledging the problem is a good first step. Looking at the details of the plan; however, just highlights how we would simply be trading off one bad site plan for another.

There's plenty of unused parking behind the High Ridge Center and behind the bank.

- Currently, the lack of a walkway in the center of the shopping center ... and lack of back entrances to the stores exacerbates the parking in the front of the shopping center ... planning for cars to circulate behind it (from Trader Joe's) also is a problem
- The inability to walk from parking at the back of Chase to Trader Joe's also creates a problem

The new plan has many flaws:

- Greater infringement on the residences (of commercial use)
- Creating a tiny residential property (that doesn't even conform ... less-than 60-foot frontage)
- Increasing the commercial footprint ... down-the-road implications
 - Question about actual acreage/implications on FAR
 - Get it cleared up, so that it can be determined if there is need to bring the property into conformity FAR-wise before any plans are finalized or approved
- Absolute lack of greenery! Taking out 26 trees and putting in 9. Creating a (barely 5-foot) buffer where there should be at least a 20-foot buffer
- Impervious service at nearly 93% !
- Lack of pedestrian features ... where are the walkways/the safe havens from the cars coming in and out of the parking lot
- Creating more lighting closer to TOR ... and abutting properties
- The developer wants to take away a lot from the neighborhood ... but is not offering anything in return. No open space. No conservation easements. No pedestrian-friendly amenities.
- A look at history: The lot behind Trader Joe's. The strong wording and restrictions put on the property. They are not proposing any of that with their new parking plan.

From a planning perspective/a master plan perspective it seems that the only change that is needed is a map change designation that calls for even "less" commercial development and a reduction in the types of businesses that are big auto trip generators.

But, that's not the question before you. The question is whether increasing the commercial district is consistent with the Master Plan.

The Master Plan says:

In residential neighborhoods, preservation of community character and quality-of-life remains an important priority.

Plan "recommends preservation and enhancement of Stamford's low-density residential neighborhoods"

And ... it says: **Maintain existing residential character of neighborhoods by maintaining existing residential zoning districts**

If this is your test of whether the request before you should be approved, the answer should be clear. It is "inconsistent" with the Master Plan.

Block 356

DECLARATION OF RESTRICTIONS AND EASEMENTS

4655

This declaration made this 25th day of March, 1993 by the SAMUEL LOTSTEIN REALTY COMPANY, a Connecticut General Partnership with offices at 159 Main Street, City of Stamford, County of Fairfield and State of Connecticut ("Grantor");

WITNESSETH:

A. Grantor is the owner of certain premises located on the westerly side of Turn of River Road, Stamford, Connecticut, which premises are more particularly described on Schedule A annexed hereto and made a part hereof (the "Premises").

B. Grantor has made application to the City of Stamford Planning Board and the City of Stamford Zoning Board in order to permit a portion of the Premises to be utilized for parking in connection with the adjacent parcels owned by Grantor.

C. Grantor has represented to the City of Stamford Planning Board and City of Stamford Zoning Board that Grantor would impose upon the requested Master Plan change and the requested zoning classification change, if granted, the herein easements and restrictions.

D. Grantor has entered into an agreement with certain of the adjacent land owners which agreement includes inter alia the declaration of the herein easements and restrictions.

E. That portion of the Premises for which the Grantor has obtained master plan reclassification and zoning reclassification is exclusive of an area created by drawing a north/south line parallel to and 50 feet westerly of Turn of River Road and is more particularly delineated on the maps and diagrams submitted to the City of Stamford Planning Board and the City of Stamford Zoning Board.

NOW, THEREFORE, Grantor does hereby covenant and agree that the Premises shall henceforth, in perpetuity, be subject to the following restrictions and easements:

SCHEDULE A

ADDENDUM A

Northerly: 265.76 feet by land of Samuel Lotstein Realty Co. and
Riverturn Partners;
Easterly: 113.42 feet, more or less along a line 50 ft. West of
and parallel to Turn of River Road;
Southerly: 206.09 feet by property of Ralph Pope;
Easterly: 36.54 feet by property of Ralph Pope;
Southerly: 45.00 feet more or less by property of Connecticut
National Bank; and
Westerly: 152 feet, more or less along a line 200 feet East of
and parallel to High Ridge Road.

Assessor's Card W-26
Map No. 7363, Block No. 378

32,983 square feet, more or less

1. The Premises shall be used for surface parking only and not for commercial construction of any sort.
2. There shall be no vehicular ingress or egress over the Premises to or from Turn of River Road.
3. The availability of the additional parking located on the Premises shall not be utilized by the Grantor, its successors or assigns, to support any request that the Grantor or its successors or assigns in the future may make to governmental agencies for the expansion of the square footage of the buildings and structures which comprise any adjacent commercial use.
4. The foregoing covenants shall run with the land and are hereby declared to be in favor of and specifically enforceable by the City of Stamford, Stamford, Connecticut and the property owners now or in the future abutting the Premises and shall be binding upon the Grantor, its successors and assigns.

IN WITNESS WHEREOF, the Samuel Lotstein Realty Company, has hereunto set its hand and seal this 25th day of March 1993.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

THE SAMUEL LOTSTEIN REALTY CO.

Michael G. Gidycz
Michael G. Gidycz
Ronald Wilson
Ronald Wilson

By Ralph Lotstein
Ralph Lotstein, its general partner

STATE OF CONNECTICUT
COUNTY OF FAIRFIELD

ss. Stamford

March 25 1993

Personally appeared Ralph Lotstein General Partner of The Samuel Lotstein Realty Company, Inc., signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed and the free act and deed of The Samuel Lotstein Realty Company before me.

Michael G. Gidycz
Notary Public/Commissioner of
the Superior Court

THE LAND AFFECTED HEREBY LIES IN BLOCK 356
OF THE STAMFORD BLOCK MAP. RECEIVED FOR RECORD
AT STAMFORD ON 3-30-93 AT 8:45 A.M.
ATTEST: LOIS PONTBRIANT, TOWN AND CITY CLERK

Block 356

AGREEMENT

4656

AGREEMENT made this 25th day of March, 1993 by THE SAMUEL LOTSTEIN REALTY COMPANY in favor of and supported by the neighbors of the Premises, including Riverturn Partners, a Connecticut General Partnership.

WITNESSETH:

WHEREAS, The Samuel Lotstein Realty Company ("Applicant") has or intends to file applications with the City of Stamford Planning Board and the City of Stamford Zoning Board in order to permit a portion of certain premises owned by it on the westerly side of Turn of River Road to be rezoned for commercial use ("Premises").

WHEREAS, the Premises are described on Schedule A attached hereto.

WHEREAS, the Applicant solicits and seeks the support of the those residents bordering and neighboring the Premises including but not limited to Riverturn Partners, for both applications, in exchange for which support this Agreement shall be enforceable by such residents and by Riverturn Partners, its successors and assigns.

WHEREAS, in exchange for such support the Applicant has agreed to certain restrictions to the use of the Premises and certain improvements and betterments within and surrounding the Premises.

NOW, THEREFORE, for good and valuable consideration it is hereby agreed as follows:

1. Upon final City of Stamford approval of the requested City of Stamford Master Plan reclassification and zone change, the Applicant will cause to be recorded in the Land Records of the City of Stamford a Declaration of Easements and Restrictions in the form annexed hereto as Exhibit A.
2. The requested Master Plan change and zoning

reclassification shall only affect the Premises up to a point 50 feet westerly of Turn of River Road.

3. The Premises will be utilized for additional parking spaces, no more than 40 in number, to be utilized by the employees of the Basset Book Store or its successor, only. The parking spaces will be constructed below the grade of Turn of River Road. The parking lot will not be any closer than five feet from the property now or in the future owned by Riverturn Properties and no closer than 15 feet from the property now or in the future owned by Pope. The parking area will be chained off after the closing of the store each night.

4. The Applicant will provide screening around the north, east and south portions of the parking area utilizing eight foot or higher evergreens and other appropriate shrubs and trees in order, through screening, to shield the parking area from the view of all abutting owners and Turn of River Road. The Applicant will continue to be responsible for the screening so that if any of the plantings should die, they shall be replaced by the Applicant. Existing substantial live plants or trees in the buffer area shall be preserved by the Applicant. The purpose and intent of this provision is that dense screening shall be provided around the three residential sides of the parking area and that said dense screening shall be maintained in good condition with live plantings in perpetuity. To the extent necessary to accomplish such screening and at the request of Riverturn Properties or its successors and assigns said screening shall be erected on Riverturn's side of the boundary line.

5. The Applicant will provide the above specified screening prior to the construction of the parking lot. No parking lot construction will commence until approval of the screening has been requested of the City Zoning Enforcement Officer, in writing. A copy of said written request shall

simultaneously be sent to Briggs Baugh, 125 Turn of River Road, Stamford, Connecticut and Riverturn Properties, 1100 Summer Street, Stamford, Connecticut. If the Zoning Enforcement Officer fails to issue a disapproval of said screening within two weeks of said written request, approval shall be exclusively presumed.

6. Additional lighting utilized in connection with the parking lot will be unobtrusive to the neighboring properties and any elevated lighting will be pointed toward High Ridge Road. The existing elevated light at the rear of the Basset Book Store shall be redirected down or away from Turn of River Road.

7. All developmental work, except as may be needed for landscaping, will be done utilizing only High Ridge Road for ingress and egress.

8. The Applicant will remove the existing driveway at the northern edge of the Premises as part of its landscaping activity and will provide a natural path through the utilization of wood chips or other natural substance as a pedestrian walkway.

9. The Applicant will remove all dead trees and debris on the Premises both now and in the future. The Applicant will maintain the Premises in debris free condition by cleaning the Premises at least weekly and will provide maintenance for all trees and plants at least annually.

10. The Applicant will construct the parking area in such manner as to provide an interspersing of trees in the center of the parking lot.

11. Other property owned by the Applicant directly behind the Basset Book Store at the southeast corner, as said property intersects with the property now or formerly in the name of Ralph R. Pope, Jr., shall, to the extent necessary, be screened with appropriate live trees and shrubs in order to shield the trash containers and loading dock area behind the store from the Pope property. To the extent necessary and at the request of Pope said screening shall be erected on Pope's side of the boundary line.

SCHEDULE A

ADDENDUM A

Northerly: 265.76 feet by land of Samuel Lotstein Realty Co. and Riverturn Partners;
 Easterly: 113.42 feet, more or less along a line 50 ft. West of and parallel to Turn of River Road;
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 Easterly: 36.54 feet by property of Ralph Pope;
 Southerly: 45.00 feet more or less by property of Connecticut National Bank; and
 Westerly: 152 feet, more or less along a line 200 feet East of and parallel to High Ridge Road.

Assessor's Card W-26
 Map No. 7363, Block No. 378

32,983 square feet, more or less

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 2nd day of March, 1993.

THE SAMUEL LOTSTEIN REALTY CO.

By

[Signature]
 General Partner

RIVERTURN PARTNERS

By

[Signature]
 Richard Uva, a General Partner

THE LAND AFFECTED HEREBY LIES IN BLOCK 356
 OF THE STAMFORD BLOCK MAP. RECEIVED FOR RECORD
 AT STAMFORD ON 3-30-93 AT 8:46 A.M.
 ATTEST, LOIS FONTBRIANT, TOWN AND CITY CLERK



STAFF DISCUSSION

TO: CITY OF STAMFORD PLANNING BOARD
FROM: DAVID W. WOODS, PhD, AICP, DEPUTY DIRECTOR OF PLANNING
SUBJECT: ALTERNATIVE METHOD TO MEET BMR
DATE: APRIL 11, 2018

MASTER PLAN: CATEGORY #9: URBAN MIXED-USE

MP Policy 6A: Maintain residential neighborhood character

Strategy #6A.2 Create neighborhood focused revitalization

Strategy #6A.3 Support neighborhood generated revitalization plans

Policy 6B: Preserve existing and create new affordable housing

Strategy #6B.3 Encourage rehab

Strategy 6B4: To maintain a diverse housing stock and provide continued housing opportunities for low- and moderate-income households.

Introduction

April 11, 2018 marks the 50th anniversary of the signing of the Fair Housing Act by President Lyndon B. Johnson. Its lofty goals included requiring cities to develop affordable housing opportunities for all social-economic groups regardless of their race, class, gender, or age. The City's existing below market rate (BMR) housing program is premised on the basis that the City, which is located in one of the most expensive counties in the US, needs to do more to provide for units that citizens who work here or call Stamford home can afford to live and play here.

This was the goal of the Housing Element of the 2002 Master Plan. Our BMR program calls for 10% BMR units to be provided with new housing developments that include ten (10) units or more. The City's preference for developers meeting their BMR requirements has been to have these included on-site; this is considered the "gold standard" due to the fact that the units are built. However, the Zoning Code [Section 7.4-4(d)] provides for a process for an applicant to request via Special Exception, approval of the Zoning Board to pay a fee-in-lieu payment instead of providing the BMR units on-site. Historically the requirement has been to award the fee-in-lieu funds to a developer building more BMR units in close proximity of the original development proposal.

BLT has submitted two applications to the Zoning Board for review – 1) a Site Plan to develop P1 and P2, totaling 435 units in two buildings in their previously approved General Development Plan [note: since the General Development Plan has already been adopted, the Site Plan application does not get referred to the Planning Board, but has been included here for reference], and 2) BLT applied for a Special Exception to utilize the Alternate Method of providing the required 10% below market rate housing units as part of the P1 and P2 buildings, which as proposed would be 43.5 units = $145\% \times \$142,800$ equals approximately \$209,000, a total of approximately \$9 million.

BLT Preliminary Proposal: Housing Development Fund

BLT is proposing to work with the City to dedicate those funds to the non-profit Housing Development Fund. This would include a three-pronged approach: 1) build new affordable units; 2) A revolving loan fund that would provide loans to eligible property owners to be paid back at sale of property for rehabbing the existing buildings; and 3) mortgage assistance (identifying potential buyers who meet the income criteria, help with cleaning up credit, and actual lending of portions of the needed down payment). From a planning perspective, this proposal merits further study and evaluation in meeting additional affordable housing needs in the South End neighborhood; many of these existing houses may be historic.

Zoning Board Options:

The Zoning Board has a number of options relating to this Special Exception request including:

- a. Approve the Site Plan with the existing requirements in place, and postpone the decision on the Special Exception request until after the South End Neighborhood Study has been approved
- b. Once the proposal has been vetted – legally and operationally – approve the Special Exception request and start implementing the program
- c. Place the funds in the City's Housing Development Fund
- d. Deny the request and require that 10% BMR units be provided on-site, which entails no loss for the City because this ensures that the required BMR units are actually built, and provides 10% BMR units as is our normal expectation

Staff Discussion

1. What is clear is that establishing a neighborhood revitalization-focused fee-in-lieu program is consistent with the Master Plan. In fact, affordable housing has been an identified concern of the City's Master Plan since at least the 1977 Master Plan, which identified as one of its six factors in revising the adopted Master Plan in 1981 was "the continuing lack of adequate and affordable housing." The Policy to establish an affordable housing fund was clearly adopted in the 2002 Master Plan. The 2015 Master Plan carried this policy forward and gave it more operational details. The City has not established an affordable housing development fund due mostly to the lack of identifiable funds.

2. BLT is making this proposal to find a way to build P1 and P2 without the continuing encumbrance of BMR units. This would allow BLT to either manage the buildings or sell the buildings for a higher profit even after making the one-time \$9 million payment; question that the Planning Board needs is what policy (require on-site BMRs or approve the Special Exception for a one-time fee-in-lieu payment) the City should follow concerning this and related policies?
3. LUB is working on revising its current BMR program, which both the Zoning Board and Planning Board should get the opportunity to discuss, possibly at its May meetings; thus in a related question is should this item come before the Board's in advance of the results of the BMR Study and the South End Neighborhood Study?
4. Some guiding principles:
 - a. No standalone income restricted buildings (with very few exceptions) – a general rule of thumb is a minimum of 50% market rate
 - b. A minimum of twice number of BMR units need to be if BLT's alternate method of meeting its BMR requirement is to be approved, e.g., in this case 43.5 BMR units are required at least 87 units must be produced
 - c. In light of the City's high medium income level and the cost of housing, if approved, the City will vet the open proposal process with eligible vendors to bid on these funds; the City must be assured that it gains as much as possible whichever process is approved.
 - d. The income eligibility to participate must be expanded from the existing 50% of AMI to include from at least 40% of AMI to at least 80% of AMI
 - e. In general, on-site development of BMR units is to be strongly preferred over contributions to fee-in-lieu funds because this enhances the City's income integration with its associated racial and ethnic aspects.
5. Staff recommends that the Planning Board postpone having the presentation by the applicant to give staff and the applicant more time to refine this application and for us to produce a staff report until a later meeting to be determined no earlier than May 22nd.