

STAMFORD PLANNING BOARD
PUBLIC HEARING & REGULAR MEETING MINUTES # 3739
TUESDAY, FEBRUARY 21, 2012
4TH FLOOR CAFETERIA – GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Theresa Dell, Dudley Williams, Michael Totilo, Claire Fishman, Jay Tepper and Zbigniew Naumowicz. Present for staff was Todd Dumais.

Mrs. Dell opened the Regular Meeting at 7:00pm.

Regular Meeting

Planning Board Meeting Minutes:

Minutes of February 7, 2012

Mrs. Fishman moved to approve the minutes as submitted. Mr. Williams seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Naumowicz).

Minutes of January 17, 2012

Mr. Williams moved to approve the minutes as submitted. Mr. Totilo seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Naumowicz).

Minutes of January 10, 2012

Mr. Tepper moved to approve the minutes as submitted. Mr. Totilo seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Tepper).

Old Business

Board asked Staff to look into and ask Zoning Enforcement Officer about new Five Guys restaurant on High Ridge Road

Mr. Williams asked about the status of the Capital Budget. Mrs. Dell said she'd asked for a meeting with the Mayor and Peter Privitera (OPM) to arrange a date with the Board of Finance to discuss items.

Mrs. Dell closed the regular meeting at 7:10pm.

Public Hearing

Mrs. Dell opened the public hearing at 7:30 and introduced the Board Members and described the Public Hearing process to the Public.

Proposed Lease Extension and Modification Agreement between the City of Stamford and the Stamford Golf Authority

Request for Demolition of the Main House located at Sterling Farms Golf Course.

Mrs. Fishman then read the legal notice into the record. Mrs. Dell read the following statement into the record:

Good Evening, I would like to call to order the meeting of the Stamford Planning Board and open the public hearing on two related items: A Proposed Lease Extension and Modification

Agreement between the City of Stamford and the Stamford Golf Authority and a request for Demolition of the Main House located at Sterling Farms.

Let me begin with a brief explanation. Both the Stamford Charter and Code of Ordinances require a multi-step / multi-Board approval process for Lease Agreements and Building Demolition requests that involve City owned property. The requests are generated by an agency, in this case the Stamford Golf Authority and sent to the Mayor's Office, who then forwards them to the appropriate City Board's for review. The Planning Board is not required to hold public hearings on the Lease Agreement Modification and Demolition requests. However, we are aware that there is Public concern regarding the items before us tonight and their financial and cultural impacts to the City. Because of this the Planning Board decided to hold this public hearing.

*Procedures for the Public Hearing are as follows:
The City will make a brief presentation regarding the details of the lease extension / modification and then the Golf Authority will make a presentation regarding the demolition of the Main House and a proposed new building.*

After each presentation, anyone in the public wishing to speak will be afforded the opportunity. First those in favor of, then those opposed to and final those wishing to neither support or oppose but just comment or question.

The Board members will ask questions throughout. I ask that you keep your questions and comments brief and to the point. Try not to repeat comments that have already been raised. All questions and comments should be directed to the Board and the Board will seek answers.

Ken Povodator, Corporate Counsel for the City of Stamford, described the proposed lease extension and modification agreement. He stated that they are asking for an 18-year extension and with one other main change regarding revenue enhancement for the City. No other substantial changes are proposed in the lease extension. It was negotiated as is the process between the City and Operator with the City receiving enhancements.

Mrs. Dell asked if the Board had any questions.

Mr. Totilo asked what the revenue stream was with the old lease? How much money has been spent; he asked for specific numbers based on old and new lease and requested that information be provided in writing.

Mrs. Dell asked for Public questions and comments.

Cynthia Reeder, homeowner, said specifically to the lease both the extension and modification, the Board should take time to look at other options with the building. The Golf Authority has been negligent in their duties. Section 10 required the building to be kept in good condition and it seems like there's been a lot of deferred maintenance and now a need for new proposed capital. She'd like to see more stringent language put back into the lease and add need for expert opinion within the lease language. She expressed concerns about the Golf Authority.

Joseph Capalbo, representing David Merl 53 Sweet Briar Lane, stated all comments are relating to the lease. This site is a public park a public building and surrounded by residential zones on the far northwest corner of property, it affect people in an RA-1 zone. He described the existing property appearance and expressed concern regarding noise from anticipated tents and amplified sound from the proposed lease. Regarding use of tents, there's a

question validating these structures. With lease approval, this has been a unique process not typical of a land use application being submitted and reviewed by three Boards and no land use oversight anywhere in the process. Tonight's Planning Board hearing is the sole and ultimate zoning authority considering any proposed land use process. And, beside the lease modification, the Board must determine demolition and land use merits. Indeed, the Gold Authority needs a lease modification and the Planning Board has the authority to impose conditions within that agreement that addresses concerns of land use. The only way to address land use issues is within the lease, it's the Boards only leverage, only eyes, ease and voice.

Mary Farrell, 1462 Summer Street, said she'd like to see the historic language put back into the lease.

Mr. Frankel, 1462 Summer Street, said he questioned about profitability of the previous lease and how that impacted the Golf Authority.

Sophia Munklier, homeowner, asked why the lease term was for 18 years?

Mrs. Dell announced that the Board would not be making any decisions on this application this evening.

Attorney Povodator said the lease extension has no other changes other than the term of the lease. Experience shows they defer to representatives from the Stamford Golf Authority (SGA) and would flow through department of Administration. Historically, doesn't change the lease; its not a lease extension issue.

Mrs. Dell asked about the length of the new lease. 18 years, suspect the Golf Authority needed this term? William Hennessey, Attorney for the applicant on behalf of the SGA introduced himself to answer questions. When dealing with a lease, the term in place runs through 2019 so why ask for 18 years through 2037. The reason is to contemplate the financing method of the building and to amortize the loan for construction of the building. The lender needs to get a new tenant in the building and the need this length of term. The City's asset of real estate will not be encumbered in any way based on revenues from the SGA; this is feasible. This keeps the Planning Board and City out of a Capital Project funding position. Attorney Hennessey answered Mr. Totilo's question about how much the quarterly payments have been over the last 10 years. The SGA delivered over \$3.5 million and in 2011 = \$315K.

Attorney Hennessey said the building isn't designated historic, the whole property is to which the SGA objected at a SHIPO hearing. They don't like being on the National Register of Historic Places but SHIPO people liked this building. They made two suggested changes to the Mayor and the Tenant to increase the rent and extend the terms of the lease. How they arrived at 12% was to project out over the next 10 years and show the anticipated incremental increases. The lease is inextricably tied to the other half of their request to demo the building; there are two pieces to this application.

Mrs. Dell asked for questions or comments from the Public.

Patty Foster, 1348 Newfield Avenue stated she had a problem with the lease because it's tied to something that's not an approved site plan.

Peter Hosinski, 3 Sweet Brier Road, asked to have the extension and the lease agreement tied into the entire project. Proposed bank financing should tie to the full 25 year term.

Attorney Hennessey stated the SGA interest is tied not only to the demo but to the entire project.

Attorney Hennessey introduced members from the Golf Authority. He reviewed what is currently on site and how it got there. Sterling Farms was approximately 350 acres and was a gentleman's farm where they raised cattle. Through 1950's and 1960's it went through different ownership. The City purchased it in the 1970's. 132 acres and simultaneously created the SGA which has always operated this facility. The facility is an 18-hole championship golf course with a year-round driving range, pro-shop, two theaters, cell tower, emergency service center, maintenance buildings, garages and two restaurants. About 14 years ago, the Golf Authority put lots of money into the new driving range and completely modernized the course itself and improved the parking. There remains one part of the facility that needs immediate attention and that's the main building. Serious consideration needs to be given to the main building.

Attorney Hennessey described the building as being in poor condition due to its age. The Applicant has a solution. It solves the financial problem without the taxpayers paying anything. The method of financing has no encumbrances. The projected revenue should keep the greens fees from increasing. It will provide a beautiful facility for the community. We think this is the best solution for the community. The architecture was commissioned by SGA. They assessed the building structurally and analyzed the best adaptive re-use. Highest and best use was for a restaurant event facility. They did a cost comparison of restoration versus new building. Highest and best use was for a restaurant event facility. They did a cost comparison of restoration versus new building.

Jerry Hupy, Architect, presented a power-point presentation orienting the Board and the public to the site. He described that the last significant renovation to the home was 1918 and for the last 45 years, the facility has operated as a Golf Club although it was designed and built as a house. He flipped through the images of the conditions on the site and the adaptive uses the buildings incurred. The SGA added components to the existing structure as the facility struggled to keep up with programming. Example, aluminum siding was added to protect the wood. He provided photos of all the elevations of the building. The house is now a hodge-podge of "stuff". The main building consists of 9,000 sf (4,500 sf on both floors). The first floor is not large enough for the restaurant facilities and again, has lots of retrofits for life safety systems. The basement is non-functional which increases the need for more floor area on the first floor. The architect was brought on board to understand the golf authority's needs and its their believe that to design a new structure in a residential scale they want a new building to have the feel that it's been there since the beginning. He discussed the new building and site plan and showed elevations of the new building.

Mrs. Dell asked if the back of the building would face the 18th green?

Mr. Tepper asked what the footprint was of the new building versus the existing building? Architect said square footage is about 7,500 sf on ground floor but number is hard to calculate with all the add-ons. Mr. Tepper asked about cost of construction versus renovation/addition? Architect said it's a challenge and can't say for sure without putting the specs out to bid. Contractors charge more because of unknown; more time involved. A new facility would cost about \$3 million and renovations and additions would be about \$3.5 million. A comparison of existing footprint/location versus proposed location would involve reconfiguration of 39 spaces and a lot of blacktop.

Mrs. Dell asked how large the office space would be on the second floor? Architect said about 25% of the space. Mrs. Dell asked how large would the new restaurant be? Architect

said pretty much the same as it is now. Mrs. Dell asked what the total capacity would be? Architect said 250.

Attorney Hennessey said the Applicant has not submitted a site plan and the increase in proposed coverage is approximate.

Mrs. Dell asked for Public comments in Favor of the application.

Joe Sargius, Member Sterling Farm's Men's Club, noted that the proposed changes have been approved by the Board with 180 signatures approving the plan. They also obtained 19 of 30 approvals of surrounding homeowners within ¼ mile of the site. There's been a lot of studies to renovate or build new.

Erin Turner, 486 Newfield Ave, Women's Golf Club with over 160 women members. Obtained 50 signatures in support of this project. Will help them with tournaments and they don't want to take funds away from the club.

Tom Aberly, Thomas MCarthy, T. Mulber all in favor of the building which will be the single most important upgrade for the SGA which will benefit all golfers.

Jackie Kaufman had letters of support from 1134, 1156, 1327 and 1349 Newfield Avenue homeowners and asked they be put into the record. They also had 100 emails from members of the men's club.

Mrs. Dell asked for Public comments Opposed to the application.

Patty Foster, 1348 Newfield Avenue, directly across the street from site. "Neighborhood group" being presented by 30 people however, she lives directly across the street, the site is in her front yard and she wasn't polled. She wants to give the Golf Authority credit for keeping the facility looking beautiful. No one is arguing the building isn't beautiful. She asked what the planning and zoning process is? Do they explore other options? She's concerned about lighting, safety, traffic and facility parking studies. Has anyone done a study on traffic impact. She doesn't believe this is an approved plan and is this going to be a much longer process that more fully studies the issues? She asked if there was a need to approve the demolition today because it sounds like renovation is off the table.

Bill Bretschger, 247 Old Long Ridge Road, asked what will this cost and how long will it take? The RFP went out July 6, 2009 with a completion date of Fall 2011. In the RFP, design budgets are constructed to coincide with 4 phases: 1) concept, 2) schematic, 3) construction pre-bid and 4) construction post-bid. Why aren't other plans further along? The golf industry is currently waning and therefore in need of finding other sources of income. One plan is to put in a banquet facility to support the golf course revenues. Current rate is 3.8% which signifies this is a significant project. A more realistic project budget would be \$4.4 million for the building with other expenses bringing it to \$5.1 million hard costs. Soft costs would be significant at \$1.2 million. Materials testing, end of this it's a 25-year lease. Bank costs, legal expenses, engineering fees could bring soft costs to \$2.1 million which conceivably could bring total costs up to \$7 million. Speaking in terms of a "product" you have to analyze in terms of the SGA budget and this number. You're now talking about a banquet facility. This is a public property and they are basing their numbers on holistic accounting, a premature demo of this building and deferred maintenance costs. I've been a construction manager for 40 years and act as the owner's rep for \$150 million projects like the Bronx Botanical Society.

William Arnone, 68 White Oak Lane, ¼ mile north of Newfield, said he's been a resident of Stamford for 65 years and practicing CPA for many of those years. The SGA is looking for

additional cash flow and being able to continue doing business. They are assuming certain numbers at \$4 million with \$1 million being put up by the new tenant. Annual payout to the bank in interest would be \$200K, rent to the City \$25K, all of which exceeds anticipated rental income so the numbers to proceed do not make mathematical sense. We requested the SGA's 5-year cash flow projections but didn't receive them. Other concern is operating a restaurant facility successfully with the venture paying \$225K. Would need to generate annual revenue of over \$3.25 million. The Italian Center is a much larger facility and doesn't generate that amount of food and beverage income. We believe this arrangement is a recipe for disaster. Please ask the SGA to do careful due diligence.

Colin Skidmore, President, Historic Neighborhood Preservation Program. Read Renee Kahn's letter into the record.

Cynthia Reeder, Board of NPP made a power-point presentation. Stated a thorough restoration analysis has not been done on this building. The lease issue and RFP are inconsistent with what's in their lease and with the City's purchasing ordinances. Some restrictive covenants that restrict the use of buildings at Sterling Farms. ZBA placed them on the property and was a stipulation of the agreement so this proposal conflicts with that. Premature to approve the demolition request. Don't know if a catering facility and many unknowns regarding the lease. Demolition request should be tied to a site plan and financial plan.

Marshall Millsap, 76 Mill Road, said the Main house holds a special place for him. Historic renovations are expensive because you don't know what you're going to find. State of CT believes this because they declared the entire property as an historic site but also says this is an excellent candidate for reuse. One option is to look at the historic renovation combined with an addition. State and historic trust offered financial planning assistance. Stamford became a certified local government and they agreed to make historic preservation a priority. Think twice before approving this plan.

Peggy Meehan, submitted a neighborhood petition and letter of opposition citing many Master Plan issues with this plan. Catering use is not incidental to the golf course; it's an accessory use to a restaurant.

Mark Staring, read a letter into the record. Upper Newfield area also has a large catering facility which is inconsistent with zoning. Does Upper Newfield need a second catering facility?

Mary Farrell said this building was not built to last and it's 120 years old. Will the new building be around in 120 years? The City owns this property yet no one from the City is here to speak.

Diane O'Connor said she has petitions close to 500 signatures asking them not to demolish the building.

Speaker, concerns about the financial feasibility of the project, concerned the City could be legally on the hook if SGA doesn't financially work out. Premature decision made in regard to demolition and should demolish until a plan is solidified to go forward.

Joe Capalbo said if you talk to Staff, the Planning Board is the final zoning authority and if you ask Staff and Corporate Counsel this is a big misconception.

Mr. Tepper asked the applicant if there were any requirements for site approval after this? Attorney Hennessey said no. Mr. Tepper asked if catering was an approved use? Has bank financing been lined up? Attorney Hennessey said they had no firm commitment in hand.

Mr. Tepper said he was concerned about negotiations and if the SGA defaulted on loan, City revenues should be protected.

Mr. Totilo had several lease questions.

Attorney Hennessey said they would distribute a binder of important documents.

Mrs. Dell announced that the Public Hearing would be continued to February 28, 2012 at 7:30pm on the 4th floor in the Cafeteria.

There being no further business to discuss, Mrs. Dell adjourned the meeting at 10:40 pm.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

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