

MINUTES OF THE SPECIAL MEETING
CITY OF STAMFORD, CONNECTICUT
URBAN REDEVELOPMENT COMMISSION
Wednesday, April 9, 2003

1. Chairman Stephen C. Osman called the special meeting to order at 6:13PM. In attendance were:

Commission

Stephen C. Osman, Chairman
Eric M. Wormser, Vice Chairman
Joel P. Mellis, Secretary/Treasurer
James I. Nixon
Neal M. Jewell

Staff

Rachel Goldberg, General Counsel
Sheila R. Kilcoyne, Fiscal Officer
Durelle Alexander

2. Mill River Corridor Project Plan

(a) **Proposed Improvements to Exxon Station, 636 Washington Boulevard** - Attorney Laura McGeachy of Cacace, Tusch & Santagata appeared before the Commission on behalf of Alliance Energy Corp., owner of the property located at 636 Washington Boulevard (I-95 exit 7 across from Swiss Bank). Giving a brief history of the site, Attorney McGeachy noted that it is a corner lot at the intersection of Washington Boulevard and Richmond Hill Avenue which has operated continuously as a gas station since the 1950's; further, that the gas station on that lot is a non-conforming use since gasoline service stations are not permitted in the C-G General Commercial Zoning District. She said, "The property owner would like to modernize and revitalize the site and add a convenience store on the property in lieu of the existing automotive repair service." It was noted that retail food shops/convenience stores are permitted in the C-G zone. Highlights of the proposed upgrade include:

- converting the service area within the building to a convenience store which would also include areas for donut/coffee and sandwich sales
- enlarging the above referenced space from 2400 square feet to 2667 square feet
- relocating/reorienting the rectangular shaped canopy from east/west to north/south
- installing new gas pump islands with upgraded pump dispensers and one additional pump dispenser, increasing the number from five to six
- creating additional parking spaces on the north side of the property
- reducing and replacing existing signage with improved signage

Attorney McGeachy also noted that off-site improvements will include developing a four foot landscaped amenity zone between the public sidewalks and Washington Boulevard and Richmond Hill Avenue and constructing a low profile median in the middle of Washington Boulevard adjacent to the site. Chairman Osman asked, "Shouldn't this submission come after Planning and Zoning so we would have their comments?"

MINUTES OF THE SPECIAL MEETING APRIL 9, 2003 - PAGE TWO:

Attorney McGeachy responded, "Originally we were going to have a Zoning Board of Appeals hearing tonight but that got canceled and has been rescheduled for April 23rd. However, the Planning Board has given us a favorable recommendation and determined that the proposal conforms to the Master Plan and the Transportation Planning Engineer and staff have also commented favorably about the appropriateness of the proposed use."

Following discussion re: conformance to design guidelines/redevelopment standards as specified in the Mill River Corridor Project Plan, Attorney Goldberg recommended that since Executive Director Papp is an architect, the Board authorize him to meet with Attorney McGeachy to review the plans, look at the issues, and subsequently make a recommendation to the Board at the May 8th, 2003 regular meeting. It was the sense of the Board that they follow Attorney Goldberg's recommendation and proceed accordingly.

Commissioner Mellis made a motion to address the remaining agenda items out of order. The motion was seconded by Commissioner Nixon and carried unanimously.

4. Southeast Quadrant

(c) **Parking/Proposal from Attorney John Leydon on behalf of Mario Lodato** - Mayor Dannel P. Malloy asked to address the Commission to review the background of this agenda item. He said, "It concerns the construction of the Target store. As you're well aware and I'm sure will discuss further in greater detail later in this meeting, there were a number of appeals taken to that which caused levels of re-negotiation between the parties and negotiations between the parties who brought appeals and all sorts of things but, ultimately, Target has now come into possession of the property and is looking to move forward expeditiously with construction of their facility. There is an additional adjoining land owner who also brought a set of appeals, Mr. Lodato. About a year ago we had a series of discussions with Mr. Lodato concerning potential settlement of his claims, which in light of Target taking the property, have now become front burner issues."

Mayor Malloy continued, "The discussion that I'm here to give you some information and background about is that one of the things that happens during the construction of the Target facility is that Mr. Lodato loses access to a portion of his property because of cranes and walls and how you have to build the Target store. Exactly how long that would last none of us today know but it's not expected to be in excess of a year ... it could be less than a year. One of the issues that was discussed approximately a year ago was holding Mr. Lodato for the period of that construction harmless in the loss of those spaces to allow the Target construction to move forward. An approximate number of thirty spaces was referenced. That may be on the high end, based on what I now know, but between mixing and matching with other properties and how the whole system was utilized, he had a substantial number of parking spaces that he is going to lose access to. If you look at it, it's more than twenty ... maybe less than thirty ... but thirty came to be the number we are talking about."

MINUTES OF THE SPECIAL MEETING APRIL 9, 2003 - PAGE THREE:

Mayor Malloy continued, "I believe that this is one of the large, last issues left with respect to Mr. Lodato's appeal of the Target approval and I believe you are going to hear a series of discussions about how to resolve that and how the URC might resolve that for a temporary period of time, only to last that period of time that Mr. Lodato or his entities do not have access to their own property. That's basically the background. Attorney Goldberg has been involved in some discussions with Mr. Lodato's attorney, Mr. Leydon, who is here tonight. I just wanted you to hear from me what the nature of the discussions were and what the expectations were. It is temporary. It is during construction in an effort to allow construction to move forward." The Mayor concluded, "I am hopeful that the parties will resolve this matter satisfactorily to accommodate some number of spaces."

The Chairman called a brief recess at 6:40PM. The meeting was resumed at 6:45PM.

Attorney John Leydon, Jr. of Ryan, Ryan, Johnson & DeLuca, representing Mario Lodato, said that he, Target's Counsel Bill Hennessey, and URC Attorney Goldberg had been working "to come to a settlement agreement which we hope to reach in the very near future." Attorney Leydon continued, "If we can work this out ... the thirty spaces to which the Mayor referred ... we believe we can work out an agreement with Target that will take us out of the picture. At a meeting with Target last week, we went through a list that needed to get resolved in order to reach a 'global' resolution and the first item is the URC's re: the thirty spaces." Attorney Leydon explained, "Mr. Lodato owns property to the east of the Target site fronting on Broad Street and he also owns properties on Summer Street that will back up into that block and, as a result of the Target construction, during periods of the construction he will be precluded from gaining access to the approximately thirty spaces he has to accommodate employees, owners, customers, etc."

In a draft Settlement Agreement, it was proposed that during the period that such parking is not practical and until the permanent restoration of access to Mr. Lodato's parking area, "the URC and/or the City shall provide thirty parking spaces exclusively to Lodato at no cost or expense to Lodato at a location on the URC property adjacent to and south of the Target development." Discussion pertaining to the location of the thirty spaces continued. Attorney Goldberg said, "Attorney Leydon and I have agreed that this agreement needs to be universal. There is an outstanding piece of litigation with the City as it relates to Target that must be resolved as part of this. There are also a number of things raised in the draft before you that I think are not appropriate; i.e., most significantly, recording this agreement on the Stamford Land Records and having it run with the land. The Commission does not want to imply that it is somehow giving away its interest in the land, which by statute, it may not do. What we're doing is entering into a contract to provide some number of spaces."

Following further discussion, Attorney Goldberg concluded, "We are clearly not at a point where I can recommend an agreement. I see two major issues here. One, can the URC

MINUTES OF THE SPECIAL MEETING APRIL 9 , 2003 - PAGE FOUR:

accept assuming payment for Lodato's parking for the period of time of Target's construction and two, operationally, how can we make this work; i.e., how do we police who is coming into the lots?" It was also noted that the current parking lot operator, GB Parking (Mr. Tom Bellette), needs to receive 30-day notice of the URC's intent to reduce the number of spaces in the lot he is operating for us.

Discussion continued. Upon recommendation of Attorney Goldberg, Commissioner Nixon made a motion to give the Chairman authority to proceed with negotiating a Settlement Agreement and executing an agreement when one is reached. The motion was seconded by Commissioner Wormser and carried by unanimous vote.

4. Southeast Quadrant

(b) **Status/Litigation**

- (i) *Approval of Proposed Settlement Agreement* - Attorney Goldberg briefly outlined the terms of the proposed Settlement Agreement with 1055 Stamford Associates Limited Partnership. Following discussion in which it was agreed that the Executive Director would re-check and sign-off on the height limitations, Commissioner Jewell made a motion to authorize the Chairman to execute the Settlement Agreement and other documents as required with 1055 Stamford Associates Limited Partnership. The motion was seconded by Commissioner Mellis and carried by unanimous vote.

3. Stamford Urban Transitway Project

(a) **Status Report** - Attorney Goldberg reported that the Transitway Project had reached an important milestone with receipt of a Finding of No Significant Impact (FONSI) from the Federal Transit Authority.

At 7:15PM, Commissioner Nixon made a motion to go into Executive Session to address agenda item 3(b) - Contract Negotiations. The motion was seconded by Commissioner Wormser and carried unanimously. Staff members Sheila Kilcoyne and Durelle Alexander were excused from Executive Session. Attorney Goldberg participated in the discussion. No motions were made and no votes were taken.

Commissioner Mellis left the meeting at 7:30PM. At 7:38PM, Commissioner Jewell made a motion to return to Open Session. The motion was seconded by Commissioner Nixon and carried unanimously. Staff returned for the balance of the meeting.

5. Agency Administration

(a) **Committee Reports**

MINUTES OF THE SPECIAL MEETING APRIL 9, 2003 - PAGE FIVE:

(v) Parking/Parking Garage - Chairman Osman, noting that the URC's parking spaces "will be more intensively used with Target, Burlington and future phases of Park Square West all coming on line at the same time," reported that he had been having on-going discussions with Tom Bellette (GB Parking). GB Parking has offered to pay for the demolition of the existing buildings on the corner of West Park Place and Washington Boulevard for the exclusive right to lease and/or operate the current lots as well as the new additional parking areas yet to be determined. In an attempt to determine the value of the URC parking lots/spaces, the Chairman has asked Mr. Bellette to submit daily revenue sheets for the Broad Street, West Summer Street and West Park Place lots. In this regard, the Chairman appointed Commissioner Nixon to undertake a three-month project for the purpose of (1) analyzing current usage, and (2) determining future use and expansion of the lots taking into account the thirty spaces needed by Lodato.


There were no additional Committee reports at this time.

6. Adjournment

The next regular Commission meeting is scheduled for Thursday, May 8, 2003 at 6:00PM.

There being no further business before the Board, Commissioner Nixon made a motion to adjourn. The motion was carried by unanimous vote and the meeting was adjourned at 7:45PM.

Respectfully submitted,


Joel P. Mellis
Secretary/Treasurer