

STAMFORD PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
MINUTES, TUESDAY, AUGUST 13, 2013  
WESTOVER MAGNET ELEMENTARY  
SCHOOL AUDITORIUM  
412 STILLWATER AVE., STAMFORD, CT

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Stamford Planning Board Members present were: Theresa Dell, Chairperson, Claire Fishman, Roger Quick, Dudley Williams, Michael Totilo, Jay Tepper and Zbigniew Naumowicz. Present for staff was Norman Cole, Land Use Bureau Chief.

Mrs. Dell called the regular meeting to order at 6:15 p.m.

Mr. Totilo moved to change the order of the agenda to take Appl. 213-25 out of order. Mr. Williams seconded the motion which passed with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Totilo voting in favor).

1. **ZB Appl. 213-25 – Richard W. Redniss –Text change**, to amend Article II, Section 3A by adding a new definition 79.5 Public/Nonprofit Youth Services Agency and to amend Article III, Section 4-AA-3 paragraph 3.3 and to amend Appendix A, Table I by adding use #36.5 for Public/Nonprofit Your Services Agency marked with a “B” in the R-6 Zone. The text change would recognize certain 501 (c) 3 non-profit organizations and allow a set of Special Standards through special exception approval of the Zoning Board for parking requirements, setbacks and building coverages within the R-6 Zone.

Mr. Redniss explained the history of the Boys & Girls Club at their present location on Stillwater Avenue and that in the past they have needed zoning variances for every improvement in the facility. They have not been able to build the full planned gymnasium. They recently completed a search for a new location to expand and determined to stay at their present location. Mr. Redniss explained that the Board of Representatives has approved their request to modify their lease to expand their parking at the westerly end of Leone Park. Mr. Redniss summarized the proposed text amendment to create a new definition, permitted in R-6, that would enable their expansion plans. Mrs. Dell asked what the normal building setbacks are in R-6, and Mr. Redniss replied 25’ front, 6’ side and 30’ rear. Mr. Williams asked for a definition of the term “collaboration” as used in the definition. Mr. Redniss replied that it didn’t have a special meaning but required that the organization already be engaged in running programs in partnership with the Schools or Park and Recreation Commission which would limit the application of the new definition. Mr. Quick asked what was the term of the lease with the City, and Mr. Redniss replied that it extended to 2043.

Mr. Quick moved to recommend approval of the zoning text amendment application. Mrs. Fishman seconded the motion which passed with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Totilo voting in favor).

2. **Supplemental Capital Project Appropriation**. The City has received an \$800,000 grant from the U.S. Economic Development Administration for the rehabilitation of the Dyke Lane storm water pumping station. The City will match with \$200,000 using funds already appropriated in CP5241.

CP5241	Rehab of Dyke Lane Pumping Station	\$800,000
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Prakash Chakravarti, P.E., explained the purpose of the requested funding to upgrade the storm water pump stations protecting the South End, which were originally built in 1958. He said the total project cost was estimated at \$1.0 million and that the remaining \$200,000 is already available in a capital account. The requested action would assign an existing federal grant to this specific project.

Mrs. Fishman moved to recommend approval of the requested Supplemental Capital Project Appropriation. Mr. Totilo seconded the motion which passed with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Totilo voting in favor).

3. **Subdivision #4008, 467 West Main Street Associates LLC & Autozone, Inc.** for subdivision of the property into two parcels.

Mrs. Dell seated Mr. Tepper in place of Mrs. Fishman.

Attorney Nick Vitti explained that action had been deferred to enable the Board to receive comments from the EPB staff, which have now been received. He also requested a waiver of the open space requirement, noting that the subdivision involved only the movement of a property line and that both parcels were already developed.

Mr. Tepper moved to approve the subdivision as modified, subject to the conditions drafted by staff and conditions recommended by EPB staff. Mr. Williams seconded the motion which passed with the eligible members present voting, 5-0 (Dell, Quick, Tepper, Williams and Totilo voting in favor).

#### 4. **Meeting Minutes of 8/2/13**

Mrs. Dell reseated Mr. Totilo.

Following brief discussion, Mr. Quick moved approval of the meeting minutes as submitted. Mr. Williams seconded the motion which passed unanimously with the eligible members present voting, 5-0 (Dell, Quick, Williams, Totilo and Fishman).

Mrs. Dell noted that some members had not received the August 6, 2013 minutes to review, and tabled further action to the August 20, 2013 meeting.

#### 5. **Old Business**

Mr. Quick commented that it looked like the project at 1086 Long Ridge Road had started construction and asked why the project had not been required to come back to the Board for further approvals. Mr. Cole said that he was aware of the failed variance attempt and that the property owner had then sought to create a separate lot on the north end of the site so that the main development parcel no longer adjoined residentially zoned property. He offered to look into the matter and report at the next meeting.

#### 6. **New Business**

Mrs. Dell reported that the regular meeting on August 20, 2013 would begin at 6:00 p.m.

There being no further business, Mrs. Dell adjourned the regular meeting at 6:50 p.m.

## **PUBLIC HEARING**

### ***Request for Authorization:***

1. **License and Public Improvements agreement between the City of Stamford and Waterfront Magee LLC and the Strand/BRC Group LLC** for the licensing of City-owned land in connection with the development and operation of a boatyard at 205 Magee Ave. According to the agreement, in exchange for the granting of property rights by the City, Waterfront Magee and Strand/BRC Group would be responsible for certain proposed public improvements to City-owned parks and facilities.

Mrs. Dell called the public hearing to order at 7:13 p.m. and announced that the sign-up sheet from August 6, 2013 would be honored and invited persons wishing to speak to sign up. Mrs. Fishman read the legal notice. Mrs. Dell introduced the Planning Board members and staff.

Mrs. Fishman announced that she had listened to the tape recording of the August 6, 2013 meeting and felt fully informed to sit on the matter.

Joseph Calpalbo, Director of the Office of Legal Affairs, explained that the License Agreement was the first step in the approval process for the Bridgewater proposal, and the focus of tonight's hearing. He commented that outside counsel had studied the question whether the 4,000 square foot waterfront portion of City property at 205 Magee Ave. was part of a "park" and that the final conclusion was yes, that it was park property. He proceeded to then summarize the main features and intent of the License Agreement. The City property would be licensed for a boatyard use for a period of 25 years with the opportunity for three 5 year extensions, or a total of 40 years.

Mrs. Dell asked why the boatyard use was only for 40 years when the replacement boatyard should be in perpetuity. Attorney Capalbo replied that the City felt it necessary to reserve the possibility that the land would be needed for other important public purposes.

Mr. Quick asked whether the lost park property would have to be replaced. Attorney Capalbo replied no, because it's less than 20,000 square feet.

Mr. Tepper asked why the agreement included the funding of fireworks. Why not have BLT just pay \$5.0 million in cash? He then asked what would happen if the parties can't "mutually agree" as stated in the Agreement. Attorney Capalbo answered that lack of agreement would mean that there would be no License Agreement. Mr. Tepper asked why the City couldn't build the Animal Shelter, and Att. Capalbo replied that the City didn't currently have the funds and that the public process of designing, bidding and constructing the facility would be much slower.

In response to a question, Att. Capalbo introduced Att. Scott Girard who explained the liability and insurance provisions of the Agreement.

Mr. Tepper commented that it seemed possible that after building the boatyard that BLT could default on the operation of the boatyard and force the City to buy the property at fair market value. He said that he had heard from the boating community that the original Brewer's Yacht Haven Boatyard was more economically viable.

Mrs. Fishman remarked that since BLT already destroyed the old boatyard, what assurance do we have that they won't destroy the new boatyard. Att. Capalbo replied that if they do destroy or fail to operate the new boatyard, the City has the ability to take over and insure that the boatyard is operated properly. Mrs. Fishman said that she wanted to know why they weren't punished for destroying the original boatyard. She commented that \$5.0 million is too small an amount and that 40 years is too short a period of time. She asked if the boatyard would pay taxes on the City property portion. Att. Capalbo answered no, they would not pay taxes on city owned property.

Laure Aubuchon, Economic Development Director, explained how the \$5.0 million value of the property was determined. She then summarized and explained how the items were chosen to be funded with the \$5.0 million and noted their priority order: Animal Shelter, Czecsik Marina, Kosciuszko Park, and Cummings Park. She noted that the marina and park improvements would all come back to the Planning Board as 8-24 referrals, when detailed proposals are available. Ms. Aubuchon explained the immediate fees and long term tax benefits of the Bridgewater proposal.

Mrs. Dell commented that \$5.0 million seems too low and that BLT should be responsible for 100% of the cost of the four off-site projects. She asked how BLT would operate and manage Czecsik Marina. Ms. Aubuchon replied that the City would issue an RFP and that BLT would be able to compete with other proposals to operate the marina. Regarding planned improvements, she said that it was not intended that they perform a complete renovation of either the marina or K Park.

Mr. Quick commented that \$5.0 million seemed low, pointing out the value of waterfront access and that \$5.0 million only seemed like \$10,000 per month. Ms. Aubuchon replied that with consideration of net present value, \$5.0 million is more like \$19,000 to \$25,000 per month.

Mr. Tepper commented that if consideration was given to the value of the property to enable the Bridgewater project, then it was a lot more valuable than \$5 million. He asked if BLT would reconstruct the city buildings to be removed from the WPCA portion of the site. Ms. Aubuchon replied no, that the City does not have a site available to erect these buildings and that effort is underway to find a suitable place to relocate the Sea Cadet program. Mr. Tepper commented that 5 of the 6 mayoral candidates are opposed to the 205 Magee site, so why not wait until the new mayor is elected to decide this question.

Mrs. Fishman asked for the value of the City buildings to be demolished. Ms. Aubuchon said she did not know. Ms. Fishman asked if the Bridgewater project would produce any local Stamford jobs. Ms. Aubuchon replied that 20% of the jobs would be reserved for local employees.

Mr. Williams expressed concern that \$5 million was not enough to fund the four projects and questioned why these four projects weren't better detailed and costed out, with the Agreement providing for 100% funding. Ms. Aubuchon explained that they had negotiated a fixed amount of funding and a priority ranking that would be followed until the agreed upon funding was expended. Mr. Williams repeated that he would like more detail to understand what can be accomplished with the \$5 million. He said the future of the Sea Cadets should not be uncertain. He asked if there were costs associated with moving the other uses of these buildings.

Mr. Totilo asked who had initially proposed the figure of \$5 million. Ms. Aubuchon answered that the City proposed the amount.

Mr. Quick asked if the buildings will be rebuilt. Ms. Aubuchon replied no, that they will be stored.

Mrs. Dell asked if it set a bad precedent for the City to offer use of City property to enable a private development deal.

Mr. Tepper asked why the first priority was the Animal Shelter, a non water dependent use. Ms. Aubuchon replied that the Animal Shelter was a high priority for a lot of people and was located on the affected property.

Attorney John Freeman, representing the legal entities named in the License Agreement, Waterfront Magee LLC and the Strand/BRC Group LLC, introduced his team of consultants and staff and proceeded to provide a powerpoint presentation regarding the history of the Harbor Point project and the proposed Bridgewater development. He testified that taxes paid on the Harbor Point lands have increased from \$1.0 million to \$10.0 million per year. He introduced the Bridgewater project architect, James Cutler, who continued the slide show describing his design philosophy and concepts for the Bridgewater development. The project landscape architect from AECOM described the design goal to link up a continuous public access system around Bridgewater and K Park. The architect for the Animal Shelter explained the program for the new facility. Craig Lapinski, Fuss & O'Neill, P.E., described the plan for the boatyard at 205 Magee. He discussed the channel depths of the East Branch versus the West Branch, and plans for the boat repair building and boat storage capacity.

Mrs. Dell invited comments from the public, calling on people from the speaker sign up sheet.

Jay Forgotson, representing the Stamford Chamber of Commerce, spoke in support of the project.

Ali Girardi, speaking on behalf of the Pet Rescue Group "OPIN", spoke in support.

Maureen Boylan, representing the organization Save Our Boatyard, gave an extensive presentation opposed to the Bridgewater and 205 Magee proposals.

Penny Burnett testified that the TIF (tax increment financing) will reduce the claimed \$13 million tax benefit of Bridgewater by 50% and stated her opposition to the project.

Carol Ann McClean spoke against the project.

George Stadel testified that the Magee Avenue boatyard plan is not a viable business and that the claimed boat storage is unrealistic. He said that at low tide the fork lift will not be able to reach the water to launch and retrieve boats. He commented that the peak flows from the sewage treatment plant occur during wet weather and already cause raw sewage overflows. He stated his opposition to the project.

Randy Dinter testified in opposition and said that 40 years was too short and questioned how public access would be provided.

Mary Kay Mead testified that the City shouldn't let a waterfront park be turned over for industrial use and that boatyard operations would impact the tranquility and enjoyment of the remaining park property.

Cynthia Reeder testified at length, commenting that the 205 Magee proposal was inconsistent with the Master Plan, a violation of purchasing procedures and a bad business deal. She stated that the upland area may be small, 4,000 square feet, but the riparian area is much larger, making the total area involved in excess of 20,000 square feet which requires a public referendum.

Kevin Daily testified in opposition stating that the Planning Board should follow the Master Plan and protect boatyard/marinas. He said that the 205 Magee proposal is not equal or better than the original Yacht Haven boatyard. He stated that the amount of claimed boat storage is impractical. He reported his analysis of a realistic boat storage plan and said that about 245 boats of various sizes could be accommodated.

Jennifer Stannard, leader of the Sea Cadets, explained the history and purpose of the organization and urged the Board not to forget this important program.

Brian Zolla, Sea Cadet graduate, spoke in support of the Sea Cadet program.

Due to the lateness of the hour, Chairperson Dell announced that the public hearing would be continued to August 20, 2013, 7:00 p.m. at the Westover Magnet Elementary School Auditorium, 412 Stillwater Avenue. The hearing was adjourned at 11:30 p.m.

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 7<sup>th</sup> floor of Government Center, 888 Washington Boulevard, during regular business hours.