

STAMFORD PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING MINUTES
TUESDAY, AUGUST 20, 2013
WESTOVER MAGNET ELEMENTARY
SCHOOL AUDITORIUM
412 STILLWATER AVE., STAMFORD, CT

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

Mrs. Dell called the regular meeting to order at 6:10 p.m.

Supplemental Capital Project Appropriation of \$2,074,000 for Board of Education Safety & Security improvements in all Stamford schools.

Dr. Winnie Hamilton, Superintendent of Schools, and Al Barbarotta, Director of Facilities, described the audit performed of Stamford schools to identify safety and security issues, and outlined the proposed capital improvements. Dr. Hamilton noted that all of these items are one time capital expenses. Mrs. Dell asked if any of these items were included in last year's Capital Budget, and Dr. Hamilton replied no, but the schools budget includes \$100,000 for portal improvements. They already own a lot of security cameras but need to upgrade the current camera systems. Mr. Barbarotta commented that the Mayor has agreed to support a Phase One expenditure of \$815,000 and handed out a description of Phase One projects. Mr. Totilo asked who monitored all the cameras and Dr. Hamilton replied that this was the primary responsibility of one security guard. Dr. Hamilton added that there may be an opportunity for a percentage reimbursement but the City has to first spend the funds. Mrs. Dell proposed that they amend their request to the Phase One amount of \$815,000 and Dr. Hamilton agreed.

Following further discussion, Mr. Williams moved to approve the amended Capital Appropriation request of \$815,000. Mr. Totilo seconded the motion which passed with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Totilo voting in favor).

Contract for KaBOOM!, the City of Stamford, and the Boys & Girls Club of Stamford for the installation of a playground in Lione Park.

Mr. Williams moved to hold the item to the next meeting because no one was present from either the City or KaBOOM! to address the request. Mrs. Fishman seconded the motion which passed with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Totilo voting in favor).

Meeting Minutes of 8/6/13

Mr. Totilo moved to hold the item to the next meeting to allow members time to review the draft minutes. Mr. Quick seconded the motion which passed unanimously with the eligible members present voting, 5-0 (Dell, Quick, Williams, Totilo and Fishman).

Old Business

Supplemental Capital Project Appropriation to apply to capital accounts as follows:
Seawall Replacement/Repairs \$758,000

To amend the Capital Project Appropriation into five separate accounts as follows:

Kosciuszko Park Revetment Stabilization	\$249,900
Quigley Beach Revetment Stabilization	\$107,100
Cove Island Masonry Wall Repairs	\$130,000
Cummings Retaining Wall Construction	\$156,000
Holly Pond Seawall Repairs	\$115,000

Mr. Williams moved to approve the amount of \$249,900 for Kosciuszko Park Revetment Stabilization. Seconded by Mr. Quick and passed unanimously with eligible members present voting, 5-0 0 (Dell, Quick, Williams, Totilo and Fishman).

Mr. Williams moved to hold the Quigley Beach item to receive further details. Seconded by Mr. Quick and passed unanimously with eligible members present voting, 5-0 0 (Dell, Quick, Williams, Totilo and Fishman).

Mr. Williams moved to approve the amount of \$130,000 for Cove Island Masonry Wall Repairs. Seconded by Mrs. Fishman and passed unanimously with eligible members present voting, 5-0 0 (Dell, Quick, Williams, Totilo and Fishman).

Mr. Totilo moved to approve the amount of \$156,000 for Cummings Retaining Wall Construction. Seconded by Mrs. Fishman and passed unanimously with eligible members present voting, 5-0 0 (Dell, Quick, Williams, Totilo and Fishman).

Mr. Quick moved to approve the amount of \$115,000 for Holly Pond Seawall Repairs. Seconded by Mrs. Fishman and passed unanimously with eligible members present voting, 5-0 0 (Dell, Quick, Williams, Totilo and Fishman).

Old Business

Mr. Tepper reported that SWRPA has offered the executive director's job to a candidate but they have declined the job and there is no one else currently under consideration.

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 7:08 p.m., explained the agenda and that there would be a three minute limit on individual testimony. She explained that testimony would be

limited to those persons who had already signed up at the August 6, 2013 and August 13, 2013 hearings.

Karen Welborn, spoke in support of the Sea Cadets, described the 50 + year history of the program and her children's participation in the Sea Cadets. She urged that the program be relocated to a good site.

David Cooper testified that BLT had broken its agreement with the City to maintain the 14 acre boatyard and pointed out that Brewers Yacht Haven used to be an important venue for public events. He said that the City already had enough office buildings, that the peninsula was in a flood zone and the we don't need the Bridgewater development.

Ken Welborn spoke in support of the Sea Cadet program.

Paul Brunick, William Pitt Real Estate, commented on the positive changes in the South End and that Harbor Point was a model development. He said that Bridgewater would add jobs and benefit the City, would enhance our national image and would have a positive impact on property values.

Lori Mazzola commented that the Animal Shelter should not come before the Sea Cadets and pointed out that Carl Kuehner and Ray Dalio as Americans have benefitted from a free world guaranteed by military protection.

Phil Kucera stated that the Planning Board should follow the Master Plan as the context for its decision and the Master Plan calls for protecting Yacht Haven. He said that BLT had destroyed the boatyard and was acting only in their own self-interest and can't be trusted. He said that Bridgewater still hasn't committed to the project and that the License Agreement is flawed.

Tom Young commented that he was opposed to the License Agreement because it was flawed.

Walter Mawby, 37 Davenport Dr., testified that the boatyard site was being cleaned up and that the City has a lot of empty office buildings and that we don't want to become another Detroit.

Gino Bottino testified that the former tenant, Brewers, was not responsible for maintaining the bulkheads. He spoke on behalf of the Stamford Power Squadron that meets in the same City buildings as the Sea Cadets. He said that he was opposed to the License Agreement.

Frank Fumega testified that the demolition of the Yacht Haven buildings has been done properly, following all of the required procedures of the Building Dept. Mr. Tepper asked if the demolition contractor had received permission from the Zoning Board, and he replied no.

John Hile, owner of the Beer Garden, spoke in support.

Hamid Malakpour explained that he was the director of a program for at risk youth and that BLT and Bridgewater had helped his program.

Brian Wilkerson spoke in support of Bridgewater, stating that it would bring jobs, taxes, public access, a new animal shelter and new parks.

Paul Edelberg, testifying as an individual, said that he was a member of the Stamford Chamber of Commerce and that the Bridgewater project would be a win-win-win. They respect the boaters and will bring jobs and taxes. He supported the License Agreement. He pointed out that the contaminated site was getting cleaned up and that a denial of the project would only result in a vacant site for many years.

Michael Gorman testified that BLT had improved the area, that Stamford is becoming a vibrant young community and the Bridgewater is a great opportunity for the City.

Paul Norton said he supported the Bridgewater project because it would bring jobs. He pointed out that the Newport Ship Yard has a very limited water frontage like that at 205 Magee Ave. He said that Bridgewater would bring public access activity.

Jackie Kaiko testified that the Animal Shelter should be relocated away from 205 Magee Ave., because the industrial noise and activity would impact the shelter. She said the WPCA open tanks at the sewage treatment plant already impact the shelter and that sewage spray sometimes hits the shelter, animals, people and cars.

Carol Goldenberg spoke in opposition to the License Agreement and 205 Magee boatyard and said that it was important to protect the existing parkland. She noted that the East Branch is too congested a channel.

Ron Williams said he was opposed to the License Agreement, pointing out that the City already has a lot of available vacant office space, that the former Yacht Haven property is ideal as a boatyard/marina and that it was obvious that a 6 acre boatyard was not the same as a 14 acre boatyard.

Maggi Murray said that she believed in right and wrong and that the License Agreement was a disgrace. She said that BLT had violated their zoning agreement and that 205 Magee was not an adequate replacement. She said that the WPCA should not give up their land and that the offered \$5 million in public improvements was a joke compared to what BLT would receive. She said that the License Agreement risks the City having to take over and operate the boatyard.

Earnest Laug stated that the \$5 million License Agreement is a fraud, that BLT has broken their word and that the 205 Magee boatyard is inadequate. He commented that BLT can't run a boatyard. He said that the 205 Magee/License Agreement violates the Master Plan and the City Charter.

Bob Bayer testified that boat racks are storage and don't constitute a marina which has in-water slips. He presented a comparison of the former Brewer's Yacht Haven versus 205 Magee Avenue boatyard marinas to illustrate his point. He said that the Cease & Desist Order has not been enforced.

Wes Haynes, Executive Director of the Stamford Historic Neighborhood Preservation Program explained the history of the buildings on the WPCA property noting that the three butler buildings date from 1949 when they were initially used for the U.S. Naval Training Center. He said these public buildings are significant to our history.

Dianne Daddona spoke in opposition to the License Agreement and said that BLT has broken its zoning promise and torn down the former boatyard. She said that the License Agreement would allow the replacement boatyard to fail while BLT could still build the Bridgewater development.

Franco Bocchi urged the Planning Board to follow the Master Plan.

William Wagner said that the 205 Magee marina design is poor and that the License Agreement is a farce. He said that BLT was given 700 units of housing and 122,000 square feet of commercial office in exchange for preserving and rebuilding the Yacht Haven boatyard. He said that the zoning development value of the Bridgewater land is \$150 million. He pointed out that hedge funds are unstable businesses. He urged the Planning Board to require BLT to rebuild Yacht Haven.

Cynthia Reeder read into the record comments from Kathleen Murphy raising question whether the WPCA has adequate space or will need the land being offered to BLT. She commented that rainfall events continue to cause raw sewage overflows. She questioned under what sections of the Charter is the Planning Board acting.

Peter Lyons testified that the License Agreement is flawed and that BLT should rebuild Yacht Haven. He suggested that Bridgewater build on the "hole in the ground" property on Tresser Boulevard.

Agnes Peterson spoke in opposition and said that there are many other available sites where Bridgewater could build.

John Zito, mayoral candidate, testified that the WPCA needs to expand. He commented that barge traffic in the East Branch is a navigation hazard to the proposed boatyard. He stated that among other things, the City needs space to park its garbage trucks. He said that Bridgewater has many other office sites to consider, including the "hole in the ground", the former General RE building and the Pitney Bowes building.

Alex Henkin questioned the planned changes to Czescik Marina to accept larger boats and noted that the proposed rack storage system needs adequate dock space to function.

Rejvan Zeleznec testified that BLT should comply with their promise to keep Yacht Haven. He pointed out that Bridgewater is an interstate move and questioned the state incentives. He said that BLT has broken many promises.

Karen Murphy testified that the License Agreement is one-sided and that the proposed Animal Shelter is in a bad site. She said no one would put a boatyard at 205 Magee Avenue. She stated that BLT had an obligation to disclose the zoning restriction in applying for a demolition permit. She explained that Ponus Yacht Club in its land swap agreement with BLT has a covenant that bars them from objecting to BLT's development of the 14 acre peninsula.

Renee Kahn said that she was impressed with the overwhelming evidence submitted showing that the License Agreement should be denied. She went on to explain the history of the East Branch channel which was initially a mud flat and salt marsh area. In 1832 it was deepened and extended north up to the present day Macy's Department Store on Broad Street for barges. It has always functioned as a thriving industrial channel and working harbor that is not compatible with recreational boating. She commented that the appropriate location for the boatyard/marina is the original 14 acre peninsula.

David Martin testified that the License Agreement is weak. He explained that the design of the land split of the 205 Magee Avenue property intentionally cut off the water to prevent commercial development of the waterfront and preserve the waterfront for public park use.

Chairperson Dell announced that the public hearing would continue on August 27, 2013, 7:00 p.m. Westover Magnet Elementary School, and adjourned the meeting at 10:40 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 7th floor of Government Center, 888 Washington Boulevard, during regular business hours.