Land Use-Urban Redevelopment Committee – Board of Representatives

Harry Day, Chair Patrick J. White, Vice Chair

Committee Report

Date: Wednesday, April 21, 2010
Time: 7:30 p.m.
Place: Republican Caucus Room, 4th Floor, Government Center

The Land Use-Urban Redevelopment Committee met as indicated above. Present were Chair Day and Committee Member Reps. Boccuzzi, Lombardo, Summerville and White. Absent/excused were Committee Member Reps. Kaufman and Raduazzo. Also present were Reps. Cannady, Merritt, Adams and Uva; Rachel Goldberg of the URC; and Laura Labosky and Ann Brown of Engineering.

Chair Day called the meeting to order at 7:37 p.m.

Item No.	Description	Committee Action
1. LU28.007	RESOLUTION & **public hearing**; approving the acquisition by negotiation or eminent domain of rights of way for Group A (6 full takings) and Group B (18 partial takings) for the Stamford Urban Transitway Project.	**COMMITTEE APPROVED 3-1-0**

Chair Day opened the public hearing. Chair Day noted that the Board has already approved the commencement of this process (per the Charter and the ordinance). He invited Rachel Goldberg to review the matter, and she gave a thorough outline of the project:

- This project is guided by Federal, State and local law. The first step included approval by the Planning Board, Board of Finance and the Board of Representatives, which authorized the Director of Administration to notify all affected property owners that the City would be acquiring some or all of the properties, establish fair market value and conduct a series of hearings with every property owner. All of these steps have been taken, engineering has held a number of public hearings, and meetings have taken place with each property owner to attempt to amicably agree on a value.
- Group A are full takings and Group B are partial takings. The partial takings range from a few feet of a sidewalk to more considerable area.

- Following Board of Reps final approval, FTA authorization and approval will be required, and then the matter will be taken over by the Law Department. Once the City completes its work, additional State and federal requirements for acquisition will be dealt with, including relocation, if required.
- A full taking can last as long as 6 months to a year. Agreement has basically been achieved 5 of the 6 owners of full-takings properties. The final one is a complicated matter involving the relocation of a food production facility. Ms. Goldberg uses many resources to assist property owners: in one case, she is assisting an owner/operator who wants to relocate her business to another location she owns, and Ms. Goldberg is assisting her in getting a zoning change to make this happen. With the food processor, Ms. Goldberg is investigating available grant funds that could be used if the business owner is amenable to pursuing newer, innovative construction and food processing.
- For the 18 partial takings, most of the property owners have agreed to settle. At this point, most of the work involves satisfying requests such as moving a trash bin pad, planting an additional tree in front, or removing a utility pole. Some owners are interested in purchasing left over pieces of property that the City will end up with that will not be used for the SUT.
- The numbers on the Director of Administration's report may change as new information is received.
- Many owners want a traditional closing rather than an eminent domain. The City has to cut off leases that are in existence prior to taking the property.

Ann Brown and Laura Labosky provided a lengthy presentation of the status of the project.

- Phase I is just about finished from Elm Street to Wardwell Street. Wardwell Street is a logical stopping point for the utilities.
- The opening of the median divider is being worked on by the engineers, and this has held up completion somewhat.
- Yankee Gas and Aquarion have been very good about completing their work. AT&T and Cablevision have been less diligent, but they have had many meetings with them and are confident that they have a good working relationship with them.
- With respect to Phase II, the City is fully funded for all of the takings and has funds for construction from Elm Street to Warren Street, and are seeking additional grant funds.

Rep. White asked whether they are confident they will get remaining funding for Phase II. Ms. Brown stated that the FTA works closely with Stamford and is fully invested in seeing the project through to completion. The FTA advises Stamford of available grant funds and urges it to apply for them. Ms. Brown is confident

that Stamford will ultimately receive funding to complete the project; she stated that she believed strongly that the FTA would not abandon this project at this point.

Chair Day stated that showing any reticence about finishing the project could well cause a problem with funding. The FTA wants to see full commitment. He added that it is common to start a large project involving substantial federal funding without all of the funds in place at the outset.

Ms. Goldberg added that the budget for this project was done at the market's peak.

Rep. Uva stated that we should not assume the funding will be there. Phase I is a very different project from Phase II. Phase I was clearly to benefit the South End development. She added that Senator Lieberman recently stated (according to the paper) that funding is going to be for either the SUT or the Atlantic Street overpass. The new administration has indicated that the Atlantic Street overpass is a priority. Finally, she stated that Phase II is a huge disruption to the community and may not be worth it, especially if it is not completed.

Chair Day stated that the logic in Washington is that new projects will take a back seat to current projects. Ms. Brown added that if we don't use the stimulus funds already received, we endanger funding for this project as well as future projects because we are demonstrating that we cannot perform. She added that at every meeting with the FTA, they indicate they don't want money back – they want Stamford to use the funds. They are behind this project, and to date they have invested $27 million in it.

Rep. Uva suggested that perhaps a scaled down project can be done with the limited funding they already have or are anticipating receiving. Ms. Brown replied that the FTA is funding the bike lanes, the HOV lanes, the sidewalks, etc. They would not have committed to it if it wasn't the ambitious project that it is.

In response to a question from Chair Day, Ms. Goldberg said that only 1 or 2 owners have expressed reservations about the project.

Rep. Adams stated that while it might appear that most of the property owners are settling, they are doing so with the threat of eminent domain over their heads. He would like to see the threat of eminent domain put on hold so that property owners can bargain on a more level playing field. Ms. Goldberg replied that 1) some property owners will not begin negotiations or acquire appraisals until the threat of eminent domain is looming; 2) many property owners realize that the market is dropping and they are amenable to selling; 3) there are several situations where property owners (of the partial takings) are in need of the funds in order to settle tax or mortgage delinquency issues.

Ms. Goldberg also explained that property owners are compensated for the "highest and best use" of their property; e.g., if a 2 family home is zoned for 6 units, the owner is compensated as if there were 6 rental units on the property.

Rep. White expressed concerns about renters not having much of a say in this project. They are not apt to appear at public hearings nor does the City reach out to them.

In response to a question from Rep. Adams, Chair Day stated that the intent of this project is to remove traffic from downtown. It is about diverting traffic out of downtown that does not need to be there in order to reach the Train Station; it is about access to the Transportation Center.

With no member of the public attending and wishing to speak, Chair Day closed the public hearing at 9:00 p.m.

Upon motion duly made and seconded, the item was approved by a vote of 3-1-0 (Reps. Day, Boccuzzi and Lombardo in favor; Rep. White opposed).

As Secondary Committee
Upon motion duly made and seconded, the Committee voted 4-0-0 to waive the Secondary Committee Report.

1. A28.042 **Zoning Board**
   Audrey Cosentini (R) — Reappointment
   105 Wyndover Lane — (exp. 12/01/02)
   Stamford, CT 06902
   Term expires: 12/01/11

2. A28.043 **Enterprise Zone Board**
   Kathleen Lombardo (R) — Repl. Goldblum
   65 Hickory Road
   Stamford, CT 06903
   Term Expires: 05/03/2015

3. A28.044 **Environmental Protection Board**
   Louis Levine (R) — Repl. Morris
   10 Carroll Street — (Term Exp. 12/01/09)
   Stamford, CT 06907
   Term Exp. 12/01/12

4. A28.049 **Planning Board**
   Roger Quick (R) — Repl. Grosso
   72 Saddle Hill Road — (Term Exp. 12/01/09)
   Stamford, CT 06903
   Term Exp. 12/01/12

5. A28.050 **SWRPA**
   Phyllis Puglisci (R) — Repl. Silver

81 Knickerbocker Avenue (Term Exp. 03/15/07)
Stamford, CT 06907
Term Exp. 03/15/12

6. A28.051 **SWRPA**
Thomas Lombardo (R) Repl. Williams
65 Hickory Road (Term Exp. 03/15/11)
Stamford, CT 06907
Term Exp. 05/03/2011

7. A28.052 **SWRPA**
Jack Halpert (R) Reappointment
77 Cricket Lane (Term Exp. 03/15/10)
Stamford, CT 05905
Term Exp. Concurrent with Mayor

8. A28.054 **Zoning Board of Appeals**
Gary Lipman (R) Repl. Nemec
62 Hastings Lane (Term Exp. 12/01/09)
Stamford, CT 06905
Term Exp. 12/01/11

9. A28.055 **Zoning Board of Appeals**
Bill Ippolito (R) Repl. Hoch
54 Lanark Road (Term Exp. 12/01/05)
Stamford, CT 06902
Term Expires: 12/01/11

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Harry Day, Chair

RESOLUTION NO. _____
FINAL AUTHORIZATION OF THE ACQUISITION BY NEGOTIATION OR EMINENT DOMAIN OF RIGHTS OF WAY FOR PHASE II OF THE STAMFORD URBAN TRANSITWAY PROJECT GROUP A AND GROUP B PROPERTIES

WHEREAS, the City of Stamford has recognized that there is a need for a new or reconstructed Transitway that will provide a link at East Main Street between Lockwood Avenue and Myrtle Avenue, along Myrtle Avenue to Elm Street (the easternmost project limit of Phase I) leading to the Stamford Transportation Center which will include Bus/HOV lanes in addition to general-use travel lanes, bike lanes, and pedestrian sidewalks;

WHEREAS, the City has recognized that this Transitway will require property acquisition including full and partial takings and permanent easements;

WHEREAS, the Board of Representatives of the City of Stamford has by Resolution No. 2573 adopted on May 1, 2000 authorized the Mayor to file an application with the Secretary of Transportation for a grant to aid in the financing of planning, capital and/or operating assistance for the Stamford Urban Transitway;

WHEREAS, Phase I of the Transitway, south of 195 between Elm Street and the Transportation Center is currently under construction;

WHEREAS, The Board of Representatives of the City of Stamford has by Resolution No. 2887 adopted on May 3, 2004 and by Resolution No. 2978 Adopted on May 2, 2005 authorized acquisition by negotiation or eminent domain of rights of way for Phase I of the Transitway, which acquisitions have been accomplished;

WHEREAS, after newspaper notice, the City conducted a Public Information Meetings on January 24, 2006 & July 17, 2007 to explain Phase II of the Stamford Urban Transitway and the impact upon the parcels located between on East Main Street between Myrtle Avenue and Lockwood Avenue (the easternmost project limit of Phase II) along Myrtle Avenue to Elm Street (the westernmost project limit of Phase II) and the residential family relocations and business relocations that have been identified;

WHEREAS, the City conducted, after newspaper notice, a Public Hearing on the draft amended Environmental Assessment and 4(f) Evaluation on July 13, 2006 for Phase II of the Stamford Urban Transitway;

WHEREAS, the Federal Transit Administration has issued FONSI Approval (Finding of No Significant Impact Issued on amended project Environmental Assessment Document) on September 18, 2006;

WHEREAS, FTA has issued an approval to enter into Final Design on November 8, 2007;

WHEREAS, the City has provided public information by creating and updating information to the website on the Phase II of the Stamford Urban Transitway project;

WHEREAS, there have been meetings at various times to receive all necessary approvals from the Planning Board, Board of Finance and Board of Representatives to approve funding of the City's 20% share of the Stamford Urban Transitway project;

WHEREAS, the City has entered into an intergovernmental agreement with various parties to perform property acquisition services on approximately sixty-one (61) parcels, fifty-five (55) of which are partial acquisitions and six (6) of which are total acquisitions, relocation of approximately ten (10) businesses, and relocation of approximately eight (8) residential households, for the Stamford Urban Transitway Right of Way,

WHEREAS, the Engineering Bureau has prepared or caused to be prepared preliminary taking maps for approximately sixty-one (61) parcels required for the construction of Urban Transitway Right of Way.

WHEREAS, the Board of Representatives has held a public hearing on March 26, 2009 after publication in the local newspaper on March 23, 2009 to authorize the acquisition or condemnation of the parcels necessary for the Stamford Urban Transitway project;

WHEREAS, on April 6, 2009, the Board of Representatives passed "Resolution Number 3280 Authorizing the Acquisition by Negotiation or Eminent Domain of Rights of Way for Phase II of the Stamford Urban Transitway Project;"

WHEREAS, thereafter, the Mayor directed the Department of Operations to prepare a report (the "Mayor's Report") which contains the preliminary engineering, surveys, plans, profiles, specifications and cost estimates, which report (on file in the Engineering Bureau) was submitted to the Director of Administration;

WHEREAS, the Director of Administration estimated the damages for each piece of property and published (three times in the Stamford Advocate) said estimate of damages, along with notice of the Mayor's Report, together with the date, times

and place for each property owner to be heard on the assessed benefits and damages;

WHEREAS, the Director of Administration also caused his estimate of damages to be sent by registered mail to each property owner and person affected;

WHEREAS, the Director of Administration caused hearings to be conducted with each property owner and each person affected who wished to be heard with respect to the assessed benefits and damages for each piece of property;

WHEREAS, the Director of Administration has issued a Final Report stating the price for each piece of Group A and Group B property and the name of the property owner, which report is attached hereto, which report will be updated by the Director of Administration to reflect the price for each piece of property as close in time as possible to the date of filing a Statement of Compensation in the Superior Court in compliance with law;

NOW, THEREFORE, the Board of Representatives hereby declares pursuant to Charter Sec. 8-60-7 that it accepts the Final Report of the Director of Administration and that the public necessity, safety, health and welfare require that the Stamford Urban Transitway project go forward, and

That the Board of Representatives hereby exercises its powers under Sec. 8-60-1, et seq, and instructs the City to proceed with the Stamford Urban Transitway project in a manner consistent with the Mayor's Report and the Final Report of the Director of Administration for Group A and Group B properties which report the Director of Administration shall update to reflect the price for each piece of property as close in time as possible to the date of filing a Statement of Compensation in the Superior Court in compliance with law.