



**CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION**

Minutes of March 17, 2015

DRAFT

A Scheduled Meeting was held on Tuesday, March 17, 2015 at the Stamford Government Center – Training Room, 6th Floor.

Called to order at 6:03 p.m., Chairman Ortelli presiding.

In Attendance:

Commissioners: Dr. Damian Ortelli; Robert Karp; Paul Adelberg; Robert J. Strada; Griffith Trow; Steven Loeb, Alternate; Michael Pensiero, Alternate; Ray Redniss joined the meeting at 7PM.

Staff: Frank Fedeli, COS; Eric Knott, Harbor Master; Sgt. Bob Monck, Stamford Police Dept.; Geoff Steadman, Consultant

Absent: Jeffery Saunders; Sean Elumba, Marina Supervisor

Guests: Martin Levine, Mayor's Office; John Knuff, BLT; Bill Buckley, BLT; Randy Dinter, Save Our Boatyard; Gary Silberberg, Greenwich HMC; Maureen Boylan, Save Our Boatyard; Ted Ferrarone, BLT; Lori Worh, Belpointe; Jackie Kantman, Belpointe; and Max Haub, BLT/Harbor Point.

Commissioner Trow made a motion to go into executive session at 6:03 p.m. to receive legal advice from James Minor, Assistant Corporation Counsel, City of Stamford Law Department. Seconded by Karp. Approved Unanimously

At 7:00PM Commissioner Trow made a motion to return from Executive Session. Seconded by Karp. Approved Unanimously

1) Review and Approval of February 17, 2015 Meeting Minutes.

Commissioner Karp moved to approve minutes with amendments.

Seconded by Commissioner Adelberg. Approved Unanimously

2) Chairman's Report: D. Ortelli

- a) Brief discussion on letter regarding Water Pollution and the non-response to it from city and state officials. Chairman to send copy of letter to the Stamford Board of Reps.
- b) Mentioned recusal of HMC commissioners requested by BLT. Decision to recuse is left to the discretion of individual commissioners as they see fit and on advice of counsel. Commission will continue review of BLT applications.
- c) Reported the Zoning Board has received and reviewed HMC's comments/recommendations for drafting the consultant's scope of work as it relates to BLT's recent boatyard, marinas, and boat storage applications and peer review of BLT's yet to be submitted market study and needs analysis. ZB seeks additional comments.

3) Staff Reports:

a) Financial – Frank Fedeli

- Reported on the Harbor Commission's Operating Budget increase request for FY 2015/2016. Request was cut by the Administration back to the current year level. (Copy of report attached.)

b) Harbor Master – E. Knott

- 15 mooring renewals approved; 11 new moorings applications under review; 17 mooring renewals paid but not yet approved; and 74 mooring renewal applications incomplete or under review.

Discussion ensued on how best to work out shortcomings of the digital system for processing mooring applications on-line

- Harbor boat has returned to service. .
- Discussion on service and replacement of moorings. BLT to haul out derelict docks.
- Outstanding Harbor Master expenses.
- Copy of Harbor Master's full report is attached to these minutes.

4) Committee Reports:

Safety – R. Strada. No meeting, no report.

Applications – G. Trow. Report to be taken up following Item 5) Old Business.

Planning/Moorings – S. Loeb. No meeting, no report. Mr. Loeb mentioned an email was sent to mooring holders advising of new mooring regulations and to register by April 1. (See attached Online Mooring notice.)

Harbor Management Plan Review – Ray Redniss. No meeting, no report.

5) Old Business:

- a) Consultant Steadman announced that a CHMA/Port Authority meeting is scheduled for Thursday, 3/19/15. He also reported that meetings were underway between CHMA and key legislators in Hartford to address concerns over potentially adverse impacts the newly created Port Authority could have for funding harbor projects and administrating the harbor master program.

Cont. 4) Committee Reports: Applications – G. Trow.

Review and Approval of SHMC-Applications Review Committee on March 2, 2015 Meeting Minutes. (See attachment.)

Commissioner Pensiero moved to approve minutes with amendments.

Seconded by Ortelli.

Approved Unanimously

The following applications were taken up by the full commission as a "committee of the whole" with ARC Chairman Trow presiding.

Applications Review: Commissioner Trow introduced each application with explanation and commentary by Commission Consultant Steadman.

- **CSPR-979** – James A. Evans (on behalf of the property owner): 373 Stamford Avenue, renovation of approximately 1,560 sf and addition of approximately 325 sf to an existing residence on 1.02 acres in an R-20 zone within the CAM boundary. Project has no adverse impact on the Harbor. Discussion ensued regarding a metal fence observed to be extending from owner's property waterward of mean high water seemingly into the public trust area.

Commissioner Pensiero will vote in place of Jeffery Saunders.

Adelberg made a motion the application itself does not affect the Stamford Harbor Management Area and that the HMC finds it to be consistent with the HM Plan. The Commission is aware DEEP is investigating the fence situation, but notes that no NOV has yet been issued. HMC stipulates Best Management practices be employed during construction to assure no adverse impacts.

Seconded by Karp

Approved Unanimously

- **CSPR-945** – Woodway Beach Club: 95 Hobson Street, to reconstruct an open-air fence along 100 feet of frontage at 95 Hobson Street in an R-20 zone in a coastal flood area. Consistent with Harbor Management Plan.

Redniss made a motion finding the application is consistent with the Harbor Management Plan and stipulates that Best Management practices be utilized during reconstruction to assure no adverse impacts and that the fence does not extend waterward.

Seconded by Trow.

Approved Unanimously

- **CSPR-964** – David Stuckey & Linda Mahoney: 113 Wallacks Drive, seeking approval to raise an existing single family dwelling and wood deck to meet current flood regulations. Reconstruct a portion of the existing asphalt driveway, build an extension to a retaining wall, construct access stairs to a raised electric meter, remove an existing oil tank and install a buried propane tank in an RA-1 district within the CAM boundary. It is consistent.

Karp made a motion finding the application is consistent with the Harbor Management Plan. Standard stipulations apply when construction occurs on waterfront property, appropriate Best Management practices to be utilized during construction to assure no adverse impacts.

Seconded by Pensiero.

Approved Unanimously

- **CSPR-970** – Osterman: 70 Gurley, to construct a pool and gazebo with associated terracing and amenities on a property located at 70 Gurley Road in an R-IO zone within the CAM boundary. Consistent with the HMP.

Commissioner Redniss recused himself from this application. Commissioner Loeb will be voting.

Adelberg made a motion finding the application is consistent with the Harbor Management Plan provided appropriate Best Management practices are employed during construction to assure no adverse impacts.

Seconded by Karp.

Approved Unanimously

- **CSPR-974** – Viton: 230 Dolphin Cove Quay, demo of existing residence and construction of new 2,578 sf single family home with amenities and landscaping on .2450 acres in an R-7-112 zone within the CAM boundary.

Adelberg made a motion finding the application is consistent with the Harbor Management Plan provided appropriate Best Management practices are employed during construction to assure no adverse impacts.

Seconded by Pensiero.

Approved Unanimously

- **CSPR-975** – City of Stamford: Mill River Park, southeast corner of the intersection of West Broad and Mill River Streets, construction of a carousel pavilion, riverfront porch with benches, tables and a shade canopy of 12,000 sf and adjacent hardscape improvements on 1.75 acres in the Mill River Park zone within the CAM boundary. HMP supports public use amenities and improvements to enhance activities in the park for the public.

Adelberg made a motion finding the application is consistent with the Harbor Management Plan, provided the project complies with requirements of the Engineering Department (City of Stamford) assuring there will be no increase in sedimentation and no adverse storm water runoff into the Mill River. Standard HMC stipulations apply requiring appropriate Best Management practices during construction to assure no adverse impacts.

Seconded by Karp.

Approved Unanimously

- **CSPR-977** – Biesenbachiev Ans: 243 Dolphin Cove Quay, demo of existing and new construction of a 2.5 story, 4,472 sf home and associated site improvements in an R-7.S zone within the CAM boundary.

Adelberg made a motion finding the application is consistent with the Harbor Management Plan provided appropriate Best Management practices are employed during construction to assure no adverse impacts.

Seconded by Pensiero.

Approved Unanimously

- **CSPR-968** – Shanahan: 280 Ocean Drive East, seeking approval to make seawall repairs and improvements in accordance with CT DEEP "Consent Order" for File #LIS-2006-060-V dated April 2, 2014 at property located at 280 Ocean Drive East in an R-20 district, within the CAM boundary. Discussion of pre-existing violations. HMC never was notified of a seawall construction violation reported by DEEP to the Land Use Bureau. Owner reportedly has agreed to pay a \$25,000 fine which will be earmarked for the Mill River Park.

Adelberg made a motion finding the application is consistent with the Harbor Management Plan provided appropriate Best Management practices are employed during construction to assure no adverse impacts.

Seconded by Redniss.

Approved Unanimously

Note: Karp made a recommendation that HMC communicate with the Land Use Bureau, requesting that it forward all future notices of violation it receives from DEEP to the HMC that pertain to the Harbor Management Area.

Commissioner Redniss recused himself from the following applications and left the meeting at 8:20 p.m. Commissioner Loeb will be voting in place of Ray Redniss.

Commissioner Trow stated the following applications were reviewed at the SHMC-Application Review Committee on February 23, 2015 and March 2, 2015. Consultant Steadman provided recommendations/suggestions.

- **Appl. 215-02** - The STRAND/BRC Group, LLC, Text change: To amend Article III, Section 9(J)(5)(b) by modifying non-residential floor area from .20 to .23 FAR in the SRD-S District,

Adelberg made a motion to send a letter stating the SHMC has no comment at this time provided the Zoning Board determines the proposal will not affect existing water-dependent uses and/or opportunities for future water-dependent uses in the SRD-S District. Supplementary Comments and Findings attached.

Seconded by Strada.

Approved Unanimously

- **Appl. 215-03** - The STRAND/BRC Group, LLC, Amend GDP, Washington Blvd., to amend the General Development Plan (GDP) for Harbor Point, originally approved as Application 206-57, by: 1) removing the note on the plan stating “maintain existing boat storage operation” and adding a note concerning permitted uses; and 2) deleting the language of approval Condition No. 7 and replacing it with “Subject to SRD regulations, any future final site plan application for full development of the 14-acre site shall include a marina and public access improvements which shall be subject to review and approval of the Zoning Board” in the SRD-S district and to seek Coastal Site Plan Review of these amendments.

Adelberg made a motion finding the application is inconsistent with the HM Plan, noting comments and findings articulated by Consultant Steadman as the basis for an unfavorable review. Supplementary Comments & Findings attached.

Prior to voting, several commissioners voiced responses to recusal requests from the applicants’ attorney claiming conflicts of interest by each on the basis of personal bias or predetermination. Commissioners Karp, Pensiero, Strada and Ortelli each denied the claim stating for the record that each can and will review the applicants’ proposals on their merits without personal bias or prejudice.

Motion was amended to include a statement saying the SHMC reserves its right to continue to review the Applicant’s proposal and provide additional comments at such time as it may be modified, additional information is provided, or the proposal is the subject of a public hearing. Supplementary Comments & Findings attached.

Seconded by Pensiero.

Approved Unanimously

- **Appl. 215-04** - Southfield Property, LLC, Text change, to Amend Article III, Section 9AAAA DWD Designed Waterfront Development District language regarding maximum building height, minimum side yard, add a new Water Dependent Uses paragraph and add a new paragraph regarding existing structures along the waterfront (see attachment).

Adelberg made a motion to defer action and to obtain clarification/impact of application language for the reasons expressed by Consultant Steadman. Supplementary Comments & Findings attached.

Seconded by Pensiero.

Approved Unanimously

- **Appl. 215-05**- Waterfront Office Building, LP, Map Change, Applicant proposes to change approximately 8.15 acres of property located at 46, 62, 68, and 78 Southfield Avenue, Block #25, from C-WD to DW-D.

Adelberg made a motion to defer action and to obtain clarification/ impact information regarding parking availability for boaters, concerns over meaningful public access and replacing water dependent uses. Supplementary Comment & Findings attached.

Seconded by Pensiero.

Approved Unanimously

- **Appl. 215-06** – Southfield Property LLC and Waterfront Office Building, LP, 28, 46, 62, 68, and 78 Southfield Avenue, Special Exception and General Development Plan requesting approval of special exceptions and General Development Plan to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Ave in a DW-D zone.

Adelberg made a motion for an unfavorable recommendation of the application at this time and to obtain clarification/ impact information based on Consultant Steadman’s comments and analysis. Supplementary Comments & Findings attached.

Seconded by Pensiero.

Approved Unanimously

- **Appl. 215-07** – Southfield Property LLC and Waterfront Office Building, LP, 28, 46, 62, 68, and 78 Southfield Avenue, Final Site & Architectural Plans and Coastal Site Plan Review, requesting approval of Final Site & Architectural Plans and Coastal Site Plan Review to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone.

Adelberg made a motion for an unfavorable recommendation at this time and to obtain clarification/ impact information as articulated by Consultant Steadman in comments and analysis for APPL. 215-06. Supplementary Comments & Findings attached.

Seconded by Pensiero.

Approved Unanimously

- **CSPR-978** – Waterfront Magee, LLC, to provide winter boat storage on 3.5 acres in M-G zone, temporary parking, no utilities and no equipment storage.

Adelberg made a motion finding the application is consistent with the HM Plan based on the comments and analysis of Consultant Steadman. Supplementary Comments & Findings attached.

Seconded by Karp.

Approved Unanimously

6) New Business:

- a) None

7) Public Participation – The following addressed the Commission:

Randy Dinter – spoke about 205 Magee Avenue, boat storage fuel risks, security, public access, and noted that BLT has no proposal for restoring boat slips on the east side of the 14-acre YHW site.

Gary Silberberg– spoke about 205 Magee Avenue, boat storage, shrink wrap, boat fires, and opined that major boat services should all be co-located for maximum efficiency and for convenience to boat owners.

8) Next scheduled Commission meeting: Tuesday, April 21, 2015 at 6:30 p.m., 6th Floor Training Room.

Upon motion by Commissioner Pensiero, seconded by Commissioner Adelberg, Commission voted unanimously to adjourn at 10:00 p.m.

Respectfully submitted
Robert M. Karp
Secretary/Treasurer
March 18, 2015

Cc: Commissioners; David Martin, Mayor; Ernie Orgera, Director of Operations; Board of Representatives; Town Clerks Office