

**MINUTES OF THE ZONING BOARD PUBLIC
HEARING & REGULAR MEETING ON MONDAY,
FEBRUARY 25, 2013, 7:00 P.M., 7TH FLOOR, LAND
USE CONFERENCE AREA,
STAMFORD, CONNECTICUT**

Present for the Board: Barry Michelson (Acting Chairman), Bill Morris, Harry Parson, Audrey Cosentini and Kathleen Donahue. Present for staff: Norman F. Cole, Land Use Bureau Chief and David Killeen, Associate Planner

Mr. Michelson called the meeting to order at 7:13 p.m.

PUBLIC HEARINGS

1. **Application 213-03 – BLCR HOLDINGS, LLC, Text change**, to Amend Article III, Section 7.3-C-1 Special Exception Uses for Historic Buildings to reduce the minimum building age from 100 years to 75 years and Section 7.3-D-2.d to allow real estate office use in R-20 districts that front State Highways provided the property abuts a non-residential zone or use for not less than 25% of the total distance of the boundary line of the subject parcel.

Mr. Michelson opened the Public Hearing on this item. Mr. Cole read the Planning Board referral letter into the record.

Richard Redniss, for the Applicant, explained the history of the issue of the real estate offices in residential zones along Long Ridge Road. Most of the original offices are now gone. He explained the proposed amendment to the Zoning Regulations. He presented maps analyzing where the regulations could be used. The William Raveis building north of the Merritt Parkway is 87 years old. The Applicant has agreed to the recommendation of staff and the Planning Board to remove the words “or use” as they occur in the following sentence, “Historic buildings in the R-20 district with frontage on a State highway may be allowed real estate office use, provided the property abuts a non-residential zone or use for not less than 25% of the total distance of the boundary line of the subject parcel or contains an approved and/or legally nonconforming non-residential use.” He noted the Raveis property is in a flood zone.

Mr. Michelson called for any questions or comments from the Public. There were none.

After a brief discussion, Mr. Michelson closed the Public Hearing on this item.

2. **Application 212-30 – 467 WEST MAIN STREET ASSOCIATES, LLC, Text change**, to Amend Appendix A, Table II, Item 60 to include Automotive Equipment & Service retail only with no automotive servicing in the Commercial Limited District (CL), as a permitted use.

Mr. Michelson opened the Public Hearing on this item. Mr. Cole read the Planning Board referral letter into the record.

Attorney Michael Cacace, for the Applicant, explained the history of adding this use to C-N on East Main Street. The Auto Zone wants to build a second store in a C-L zone. Attorney Cacace explained areas zoned C-L and permitted uses in C-L. Auto parts use is not consistent with other special exception uses in a C-L zone. The Applicant agreed to accept the special exception requirement if the Zoning Board desires. He showed a conceptual site plan.

Mr. Parson noted it's hard to get into the parking lot of the existing building. Attorney Cacace said the parking lot has been expanded and the City has an easement to widen West Avenue.

Mr. Michelson asked if they plan to do oil changes? Attorney Cacace said no. Regulations say no service. Mr. Michelson asked if they'd sell batteries and receive used batteries. Nathan Kirshner, P.E. said Auto Zone does accept/stores used oil and used batteries.

Mr. Michelson called for any questions or comments from the Public. There were none.

Mr. Parson said he's seen empty oil containers in the parking lot. Attorney Cacace said Auto Zone discourages this and cleans their property.

After a brief discussion, Mr. Michelson closed the Public Hearing on this item.

3. **Application 212-31 – NEWFIELD ASSOCIATES & GRADE A MARKET, INC., 563 Newfield Ave, Site and Architectural Review**, requesting approval to construct several additions along the southern, eastern and western walls of an existing supermarket, totaling 3,951 s.f. in area, in the B-D District located at 563 Newfield Ave.

Mr. Michelson opened the Public Hearing on this item.

Attorney Michael Cacace, for the Applicant, explained the site plan. The site will remain over-parked. He reviewed and responded to staff comments. The addition labeled "future warehouse" will be built in the second year. Regarding loading spaces, one is on the south side of the market and the other loading areas exist along the east side of the building. Turning radius and driveway width work.

Mr. Michelson called for any questions or comments from the Public.

Joe Coppola, Board of Representative from District 15 and adjoining property owner, said the grocery store is important to the neighborhood.

After a brief discussion, Mr. Michelson closed the Public Hearing on this item. He called a brief recess and called the meeting back into session at 9:16pm.

REGULAR MEETING

Alternate Donahue was seated in the absence of Mr. Mills.

APPROVAL OF MINUTES:

Mr. Michelson tabled the minutes for November 26, 2012

Ms. Donahue moved approval of the minutes of December 3, 2012 as corrected, seconded by Mr. Parson and approved, 3 to 0 with 1 abstaining (Donahue, Parson, and Michelson in favor; Cosentini abstaining).

Ms. Donahue moved approval of the minutes of December 10, 2012 as corrected, seconded by Mr. Parson and approved, 4 to 0 (Donahue, Parson, Michelson and Cosentini).

Mr. Parson moved approval of the minutes of January 7, 2013 as corrected, seconded by Ms. Donahue and approved, 3 to 0 (Donahue, Parson and Michelson).

PENDING APPLICATIONS:

1. **CSPR-929 – ANDREW & KRISTEN HAYES, 8 Westcott Road**, requesting approval to renovate an existing single family home by adding a second floor and scenery loft of approximately 1,721 s.f. in an R-10 zoning district.

Following a brief discussion, Mrs. Cosentini moved approval of the requested coastal application subject to EPB Staff recommended conditions. Mr. Parson seconded the motion and the application was approved, 5 to 0 (Michelson, Parson, Cosentini, Donahue and Morris).

2. APPL. 212-16 – YALE & TOWNE SPE, LLC, 110 Towne St, Text change
3. APPL. 212-17 – YALE & TOWNE, SPE, LLC , 110 Towne St, Amended GDP, Final Site & Architectural Plan and Coastal Site Plan Review (CSPR)

Mrs. Cosentini requested a black-line of any text changes and an overlay map showing proposed changes in the GDP map.

Mr. Cole distributed and explained a Staff prepared draft motion, modified to only apply to the GDP changes for Y1 and the final proposed conditions for Y1 site and architectural plans.

Mr. Michelson asked for a poll of the Board Members if the conditions are acceptable. Ms. Donahue OK, Mr. Parson OK, Mr. Morris was not seated for the discussion, Mrs. Cosentini No.

Mr. Michelson asked Staff to redraft conditions for the next meeting of March 4, 2013.

4. Appl. 212-28 – GTO CAPITAL MANAGEMENT, LLC, 947 Hope Street, Special Exception
5. Appl. 212-29 – GTO CAPITAL MANAGEMENT, LLC 947 Hope Street, Site & Architectural Review

Mrs. Cosentini recused herself from voting because she had not been present at the hearing.

Dave Killeen introduced the draft conditions.

Ms. Donahue said she felt this had been a quality application.

Following a brief discussion, Mr. Morris moved approval of the requested applications. Mr. Parson seconded the motion and the application was approved, 4 to 0 (Michelson, Parson, Donahue and Morris).

The approved motion to read as follows:

Motion to APPROVE APPLICATION 212-28 submitted on behalf of GTO Capital Management, LLC, 947 Hope Street requesting approval of special exceptions under the Village Commercial District regulations to construct a new four-story mixed use building containing 13 units and approximately 725 s.f. of ground floor retail space and APPLICATION 212-29 submitted on behalf of GTO Capital Management, LLC, 947 Hope Street, Final Site and Architectural Plan Review requesting approval to construct a four-story 11,551 s.f. mixed use building containing 725 s.f. of ground floor retail; 13 residential units; 19 at-grade parking spaces and associated site improvements in the Village Commercial District located at 947 Hope Street.

WHEREAS, the Zoning Board conducted a duly called public hearing on January 28, 2013, and has considered the submitted comments of other interested City agencies, officials, and the general public;

WHEREAS, said applications were accompanied by a survey entitled "Plot Plan Prepared for GTO Capital Management, LLC", prepared by Edward J. Frattaroli, Inc., dated September 2, 2009, with revisions to January 28, 2013; Architectural and Site Plans, entitled "Proposed Development, 947 Hope Street", prepared by AWA Design Group, P.C., 3 sheets, dated October 10, 2012, with Revised (Site) Plan for Public Hearing, 1/28/2013; five (5) photo presentations labeled "947 Hope Street, Springdale", undated; and a "Landscape Plan, GTO Capital Management, LLC, prepared by Environmental Land Solutions, LLC, dated January 25, 2013.

WHEREAS, the Zoning Board makes the following special findings:

- The Building and Site Plans, as herein noted, conform to the spirit, goals, purposes and objectives of the Village Commercial District, to Article III, Section 4.11 of the Zoning Regulations, and to the Stamford Master Plan.
- The applications appropriately create new dwelling units in the Springdale Transit Oriented Development area
- The applications will result in an increase of 1 BMR unit for the City
- The proposed building design will enhance this section of Hope Street and will result in the extension of streetscape improvements along Fahey Street.

NOW THEREFORE BE IT RESOLVED that the Zoning Board approves Application 212-28 and Application 212-29, as follows:

Final approval of the Special Exception Permit and Site Plan applications are hereby granted for the project as shown in the application materials described above and supplemented at the public hearing, subject to the following conditions:

1. The Board authorizes the waiver of parking standards in Article IV, Section 12(B)(1) to allow placement of parking within 3 ft. of a property line and; Article IV, Section 12(B)(4) to allow parking extending beyond the building lines of a building; and Article IV, Section C to allow off-street parking within ten (10) feet of a street line, as proposed in the approved plans.
2. The applicant will make streetscape improvements along the Fahey Street frontage of this project to match the Hope Street streetscape improvements currently being pursued by the State and the City, prior to the issuance of a Certificate of Occupancy.
3. All work shall conform to the above referenced Building and Site Plans.
4. The applicant will submit final specifications of exterior architectural designs, materials samples, and colors, subject to final approval by Zoning Board staff, consistent with the character of the building and site plans, architectural elevations and illustrative renderings constituting the record of the application, prior to the issuance of a building permit. Materials on the first floor will be full brick.
5. The applicant will submit final lighting design and details for approval by Zoning Board staff prior to issuance of a building permit.
6. No significant mechanical equipment, in addition to that depicted on the building and site plans, shall be installed within view of any public street without proper screening and prior approval of Zoning Board staff. The fence around the mechanical equipment on the roof shall consist of a solid panel. The height of this fence will be maintained at the same height as the elevator shaft wall.
7. Erosion and Sedimentation Control Plans shall be subject to EPB staff approval prior to the issuance of a Building Permit
8. The applicant will submit sanitary sewer and storm drainage plans, subject to final review of design specification and construction plans by the Engineering Bureau, as specified in the memo of P.E. Susan Kisken dated December 10, 2012, prior to the issuance of a building permit.

9. A Street Opening Permit shall be required for any and all work within the City of Stamford street right-of-way.
10. Prior to the issuance of a Certificate of Occupancy, the Applicant shall record on the Stamford Land Records an Affordability Plan, in accordance with the standards of Section 7.4 of the Zoning Regulations, permanently establishing on-site one (1) BMR unit, subject to approval of the final Affordability Plan by the Zoning Board Staff. In addition to this BMR unit, the applicant shall make a partial fee-in-lieu payment equivalent to .3 (30%) of a BMR unit, subject to the provisions of 7.4.C.4.(d), as shown on plans submitted as part of this application.
11. Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a trash management plan related to the residential and commercial components of this plan, subject to approval by Zoning Board staff.
12. Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Drainage Maintenance Agreement subject to approval by Land Use Bureau staff and the City Engineer.
13. Safe sightline at the driveway curb cut on Fahey Street shall be demonstrated to the satisfaction of the City Traffic Engineer, prior to the issuance of a building permit.
14. The applicant shall have one year from the effective date of this approval within which to secure a Building Permit, subject to Zoning Board approval of three extensions, each not more than one year, upon timely application and good cause shown.

Mr. Michelson tabled discussion of all remaining agenda items from the meeting of Monday, February 25, 2013 to next week's meeting scheduled for Monday, March 4, 2013.

OLD BUSINESS

1. **APPL. 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

Mr. Cole provided the Board Members with an update on the remediation work. Mr. Cole was asked to send a letter to BLT reminding them of the April 1, 2013 deadline to complete remediation and sheet piling work in the Interim Boatyard.

NEW BUSINESS

1. Administrative Approval of Signage for Stamford Hospital: Orthopedic & Spine Institute at 1 Blachley Road, in accordance with Section 9-BBBB-3.b

After a brief discussion, Mr. Michelson said the Board had too many questions about the signage submitted to reach a decision. He asked Staff to provide more and better materials for the next meeting.

2. Glenview House Signage – Proposed New Signage package for Glenview House Apartment

Following a brief discussion, Mr. Morris moved approval of the requested signage. Mr. Parson seconded the motion and the package as submitted was approved, 4 to 0 (Michelson, Parson, Donahue and Morris).

There being no further business, Mr. Michelson adjourned the meeting. The next Zoning Board meeting will be held on March 4, 2013 at 7:00pm.

Respectfully submitted,

Barry Michelson, Acting Chairman
Stamford Zoning Board