

**MINUTES OF THE ZONING BOARD  
PUBLIC HEARING & REGULAR MEETING,  
HELD MONDAY, MARCH 3, 2014, 7:00 P.M.,  
4<sup>TH</sup> FLOOR, CAFETERIA, GOVERNMENT CENTER  
BUILDING, 888 WASHINGTON BLVD,  
STAMFORD, CT 06901**

Present for the Board: Thomas Mills, Barry Michelson, William Morris, Rosanne McManus and Joanna Gwozdziowski. Present for staff: David Killeen, Associate Planner

Chairman Mills called the meeting to order and opened the Public Hearing at 7:07 p.m.

**PUBLIC HEARING**

1. **Application 213-46 – Zoning Map Amendment – TR EASTVIEW, LLC**, to rezone approximately 0.630 acres from R-H to MX-D located at 545 and 573 Bedford Street in Block No. 223 (*continued from February 24, 2014*).

Mr. Mills read a description of the application into the record.

Attorney Hennessey, representing the Applicant, disseminated a packet of documents he'd assembled covering answers to the questions asked in the first Public Hearing of February 24, 2014.

2. **Application 213-47 – TR EASTVIEW, LLC, 545-573 Bedford Street, Special Exception, General Development Plan and Final Site & Architectural Plans**, to construct a six story residential infill building with 82 residential apartments, amenities and below-grade parking on approximately 0.630 acres at 545 and 573 Bedford Street in Block No. 223 in a proposed MX-D zone. Requesting Special Exception to allow 1 parking space per unit and 1.25 spaces for 3 bedroom units and shared vehicle parking totaling 82 parking spaces (*continued from February 24, 2014*).

Mr. Mills read a description of the application into the record.

Attorney Hennessey reviewed his packet of documents clarifying answers to Zoning Board questions from prior Public Hearing meeting. He went through each of the open 8 issues, discussing the Applicant's responses and answering further questions from the Board.

Mr. Michelson asked for clarification of information on the parking plan, number of parking spaces, visitor parking and alternate parking methods available. Discussion of parking demand with shared vehicles/zip cars, whether the 2 zip cars will replace the need for 8 cars, stacked parking and valet parking for this site. Attorney Hennessey read letters from the owners of 350 Bedford and 100 Prospect Street confirming available spaces to rent.

Discussion of letter from State Historic Presentation Office dated 2-26-14 identifying this property as having eligibility for listing on the State Register of Historic Places and warranting

consideration for historic preservation. Attorney Hennessey disseminated a report from the Heritage Consulting Group Project Overview.

Mr. Mills asked if anyone from the public wanted to comment.

Wes Haynes, Executive Director of Historic Neighborhood Preservation Program, as Attorney Hennessey has indicated, the SHPO has identified this as a building to preserve and the Board should be discussing tonight, how to preserve this building according to the City of Stamford zoning regulations.

Judy Norinski, resident of Stamford for last two years and appreciates the character and human scale created by historical properties.

Marshal Milsap, Stamford Historical Society, read a letter into the record and asked the Board for a more creative solution to saving historical properties. He said Stamford has little to show of its history.

Bob Kolb, submitted a letter into the record strongly opposing the demolition of this building.

John Ruotolo, VP, DSSD, read a letter into the record from Sandy Goldstein in support of the development.

Fernando Alvarez, local artist, said the current market demand is for new smaller units. Developers need to provide housing to compete with other cities. Young people are driving less. Building is not highly significant and parking isn't that necessary.

Mark Diamond, HNPP board of directors, said the building should be saved. Asked if MX-D requires one acre lot.

Renee Kahn, said the City is losing one of the last significant historic buildings within a 10 block radius of Old Town Hall and the exterior front columns are distinctive. There are plenty of other sites for housing.

Ms. Gwozdzowski asked when they demolish the building, do you allow the opportunity to salvage any of the architectural elements? Attorney Hennessey said yes, at no cost and they've also offered the building. Tom Rich said he would save this building if it was worth saving. Mr. Morris said the building is eligible to be listed as historical according to the State. Attorney Hennessey said it's not up to the Zoning Board to save the building. It will be demolished. He described Tom Rich's involvement with historic preservation in Stamford.

Attorney Hennessey submitted several material sample boards into the record.

Mr. Mills closed the Public Hearing on this item at 8:37pm and called a brief recess, resuming the Public Hearing at 8:53pm.

3. **Application 214-01 – STAMFORD HOSPITAL and STAMFORD HEALTH SYSTEM, INC., Final Site & Architectural Plans**, The Stamford Hospital &

Stamford Health System, Inc. request approval of the final design details for construction of an Integrated Care Pavilion (ICP) approximately 97,400 s.f. in size and 96± feet tall, consistent with the Amended General Development Plan (GDP), and associated parking and site improvements for property located at 30 Shelburne Road, in a Hospital Complex Design District (HCDD).

Mr. Mills read a description of the application into the record.

Mr. Michelson read the Planning Board correspondence in favor of the application into the record.

Attorney William Hennessey, for the Applicant, outlined the final site plan and specifically the ICP Building. He introduced his consultant team and the Hospital Representatives present. Building Architect submitted exterior architectural material samples.

Mr. Michelson asked Attorney Hennessey for the status of the existing hospital building and the Tandet Building. Attorney Hennessey stated no determination has been made and was conditioned in a previous approval.

Mr. Morris asked about Mani Poola's letter pertaining to the J&R shuttle bus operator parking in front of 1351 Washington Blvd. Attorney Hennessey said the Hospital has told J&R to comply with Mani's request.

Mr. Morris asked how the Board could record this as a condition? Attorney Hennessey said he'd prefer not to have a condition but to let Staff manage compliance.

Mr. Mills asked if anyone from the public wanted to comment. There were none.

Mr. Mills closed the Public Hearing on this item at 9:27pm and called a brief recess, resuming the Regular Meeting at 9:40pm.

### **REGULAR MEETING**

#### **APPROVAL OF MINUTES:**

##### **Minutes of February 18, 2014**

After a brief discussion, Mr. Morris moved to approve the minutes. Ms. McManus seconded the motion and the minutes were unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

#### **PENDING APPLICATIONS:**

1. Application 213-41 – RICHARD W. REDNISS, Text change
2. Application 213-42 – CHARTER OAK COMMUNITIES & INSPIRICA INC., 992 Summer Street, Special Exceptions and Site & Architectural Plans

Mr. Michelson asked if the applicant had provided brick samples for the first floor. Mr. Killeen explained the applicant's response. Discussion of CMU or real stucco.

Ms. Gwozdzowski stated it was too far from the sidewalk to matter.

Mr. Morris said they should use scored EIFS. Ms. Gwozdzowski agreed.

Mr. Michelson said he thought the Board was trying to avoid EIFS on the ground floor.

Consensus of the Board that EIFS with Durarock with Staff approving the scored pattern.

Discussion of Wal-Pac lighting on adjacent buildings at the approval of the adjacent property owners.

After a brief discussion, Mr. Morris moved to approve the text amendment as submitted, Ms. McManus seconded the motion and Application 213-41 was approved 5 to 1 (Mills, Michelson, Morris, McManus and Gwozdzowski)

Regarding Application 213-42, the Board discussed the draft conditions submitted by Staff. There was a suggestion to add a condition to request Czesick site plans. Mr. Morris moved to approve the special exception and site plan applications with the conditions as modified, Ms. Gwozdzowski seconded the motion and the application was approved 4 to 0 to 1 (Mills, Morris, McManus and Gwozdzowski voting in favor and Mr. Michelson abstaining). The conditions will read as follows:

*SITE-SPECIFIC CONDITIONS:*

- 1) *Prior to the issuance of a Building Permit, the Applicant shall submit final site and architectural plans, landscaping and lighting plans, including specifications for exterior architectural designs, materials, samples and colors, for final approval by Zoning Board staff, to ensure consistency with the approved plans, architectural elevations, and illustrative renderings constituting the record of the application. Such plans shall address the following suggested refinements:*
  - a. *The first floor portion of the front façade, which is set back 10'+ behind the building overhang, to incorporate a scoring pattern and consideration of alternate terra cotta coloring to create a more interesting design (construction shall be use of EIFS over Durarock).*
  - b. *The south building façade to be updated with a scoring pattern and decorative railings along the windows of floors 2 through 5.*
  - c. *Parking lot updated to replace bollards along the north property line with decorative fence matching the proposed fence at the south property line.*
  - d. *Parking lot updated to include wheel stops for parking spaces.*
  - e. *Plantings along Summer Street at the north row of parking spaces to be increased in height to better screen parking spaces, to the extent possible*

*without interfering with sight distances for exiting vehicles (approx. 4 feet in height).*

- f. Applicant shall seek to have exterior Wal-Pac lighting on adjacent buildings to better illuminate the parking area and the patio area to the rear of the building, subject to approval of adjacent property owners.*
  - g. Transformer locations to be coordinated with utility companies and Zoning Board staff, with best efforts made to re-use existing utility vaults and screen any above grade transformers from public view.*
  - h. Whereas the Charter Oak Communities has stated its intention to cease the use of the existing Czescik Home properties as part of its housing inventory, applicant shall request that the State of CT Department of Housing allow the property to be given to the City of Stamford for use as open space as part of the Mill River Corridor Plan.*
- 2) *Any proposed ground signage shall be reviewed and approved administratively by the Zoning Board.*

STANDARD CONDITIONS:

- 3) *Prior to the issuance of a Building Permit, sewer, streetscape, and storm drainage plans shall be submitted and subject to final review of design specification and construction by the Engineering Bureau.*
- 4) *Prior to the issuance of a Building Permit, the Applicant shall submit a Construction Staging and Management Plan to ensure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation and protection of environmental quality through the mitigation of noise, dust, fumes and debris subject to final approval of the Land Use Bureau Chief or his designee and the Director of Operations.*
- 5) *A Street Opening Permit shall be required for any work within a public street right-of-way.*
- 6) *Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to review by the Environmental Protection Board staff.*
- 7) *Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit a Trash Management Plan, subject to final approval by Zoning Board staff.*
- 8) *Prior to issuance of a Certificate of Occupancy, the Applicants shall submit lighting details for final approval by Zoning Board staff.*
- 9) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Drainage Maintenance Agreement, subject to approval by the Environmental*

*Protection Board staff.*

- 10) *A discharge permit from Stamford WPCA is required.*
  - 11) *Sidewalks will be repaired or replaced as necessary along the Summer Street frontage.*
  - 12) *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.*
3. Application 213-46 – Zoning Map Amendment – TR EASTVIEW, LLC
  4. Application 213-47 – TR EASTVIEW, LLC, 545-573 Bedford Street, Special Exception, General Development Plan and Final Site & Architectural Plans

After a brief discussion, Mr. Mills tabled further discussion to the next meeting scheduled for Monday, March 10, 2014 at 7:00pm 7<sup>th</sup> floor of the Government Center in the Land Use Conference Area.

5. Application 214-01 – STAMFORD HOSPITAL and STAMFORD HEALTH SYSTEM, INC., Final Site & Architectural Plans

After a brief discussion, Mr. Mills tabled further discussion to the next meeting scheduled for Monday, March 10, 2014 at 7:00pm 7<sup>th</sup> floor of the Government Center in the Land Use Conference Area.

### **OLD BUSINESS**

1. **Application 213-07 – RMS 750 SUMMER STREET, LLC, 750-760 Summer Street, Special Exception** - special exception to construct a six-story residential development (*administrative review of exterior canopy per Condition #c*).

After a brief discussion of materials, drainage, materials on the roof and the lighting plan, Mr. Mills tabled further discussion to the next meeting scheduled for Monday, March 10, 2014 at 7:00pm 7<sup>th</sup> floor of the Government Center in the Land Use Conference Area.

2. O&G Industries, 72 Davenport Street – temporary material handling related to CL&P underground cable project.

After a brief discussion, Mr. Morris moved to approve the request for temporary storage. Ms. Gwozdzowski seconded the motion and the request was unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

Mr. Cole and Mr. Michelson discussed recent discussions and a meeting with the City Attorney's Office. Attorney Emmett, and her staff reported that they had an additional perspective on an

opinion letter issued by former City Attorney Capalbo concerning a proposed Marijuana Dispensary Center on Magee Avenue.

The City Attorney acknowledged the Zoning Enforcement Officer and the Zoning Board should have had the matter referred to them for a determination of use, and stated that bypassing the Board would not happen again. The Zoning Board proposed to send a letter to the State registering events and the fact that only a limited permit was issued. The City Attorney's Office is of the opinion that the letter could interfere with the applicant's application for a "Dispensary". The City Attorney further stated, in the event of litigation, she could not imagine the City not defending the Board. However, it could be difficult to assure immunity for the Board members if they choose to send the letter. The significance of independent counsel was discussed with the City Attorney. After discussion, the Board decided not to send the letter to the State with Mr. Michelson dissenting. The Board will continue with its hearing on the proposed moratorium on March 24. The Board directed, by consensus, that the Application for a Zoning Permit for a facility for the palliative use of Marijuana on Magee Avenue come before the Board.

Mr. Mills adjourned the meeting at 11:05pm.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board