

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, MARCH 30, 2015, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901**

Present for the Board: Thomas Mills (Chair), Barry Michelson (Secretary), William Morris, David Stein and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:08 pm. Alternate Ms. Gwozdzowski was seated in the absence of Ms. McManus.

Mr. Stein moved to take the agenda out of order, seconded by Ms. Gwozdzowski and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski).

APPROVAL OF MINUTES:

Minutes for Approval: March 16, 2015

Corrections offered by Mr. Michelson to pages 1 and 3. After a brief discussion, Mr. Morris moved to approve the minutes as modified with Mr. Michelson's and Mr. Stein's corrections, seconded by Mr. Stein and the motion was approved 4:0 (Mills, Michelson, Morris, and Stein; Gwozdzowski abstaining).

Mr. Stein moved to return to the order of the agenda, seconded by Mr. Morris and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski).

PUBLIC HEARING

1. **Application 215-08 - RICHARD REDNISS, Text change**, to Amend Section 9-G-3 by adding general office as a permitted use, as of right in R-MF district pursuant to Section 10-F and to modify Section 10-F to allow legally nonconforming office buildings existing prior to January 1, 1985 in the R-MF district as general office uses.

Mr. Mills opened the Public Hearing on this application and read a description into the record. Mr. Michelson read the Planning Board referral letter into the record.

Richard Redniss, agent for the Applicant, discussed the history of R-MF district, showing locations throughout the City. He pointed out that some areas were changed to the R-H District. In the R-MF district, Victorian homes were being torn down and replaced with office buildings. When the City went through the citywide rezoning in 1985, professional office buildings became nonconforming. The argument is that where medical office buildings are allowed they are more intensive for parking and traffic generation.

Mr. Mills asked about the master plan change which favored residential use. Mr. Cole noted that the zone has not changed and the master plan was changed to match the zoning.

Mr. Stein asked if this covers nonconforming professional office buildings. Mr. Cole clarified that it is the use that is nonconforming.

Mr. Redniss submitted two exhibits to the Board. 1) a rewrite of the proposed text change reflecting input of staff and the Planning Board and 2) a listing of specific locations/nonconforming offices where this regulation would be applied.

Mr. Stein asked if this regulation would be applied to nonconforming office buildings as as-of-right uses. He asked how these would be brought to the attention of the ZEO. Mr. Cole explained the ZEO would usually find these uses based on a complaint.

Some discussion ensued about whether these office uses should be listed under permitted uses. Mr. Cole pointed out that the use is nonconforming and should be described in a separate section. The Board Members agreed.

Mr. Stein asked about screening. Ray Mazzeo clarified that screening is only required where commercial vehicles are parked on-site. Mr. Cole said the wording “suitably screened” would be interpreted by the ZEO. Mr. Michelson felt this is an intensification of nonconforming uses in the residential district and should go to the ZBA. The use is intensified by broadening existing allowances in the zone. Mr. Redniss disagreed.

Mr. Morris asked about hours of operation which he felt would be an intensification of these nonconforming uses. What happens if a cleaning service operates during evening hours? Mr. Redniss hadn't discussed hours of operation with the ZEO. Mr. Mills said Staff could go back to the ZEO to see about hours of operation.

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

Teri Dell, Chair of the Planning Board said their comments were related to the earlier version of the text. The Board did not see the same language that was presented to the Zoning Board. The Planning Board was concerned about the term “general office” and what it might allow. Further discussion focused on whether this item should go back to the Planning Board. Mr. Stein was comfortable; Mr. Michelson said both boards should see the same language; Ms. Gwozdzowski was okay with the language.

Mr. Mills asked if anyone else from the public wanted to speak. There were none. He asked if the Board was ready to close the hearing. Mr. Stein, Mr. Morris, Ms. Gwozdzowski were comfortable closing. Mr. Michelson was concerned the Planning Board reviewed different language.

Mr. Redniss said there was still time on this application. He was willing to go to the Planning Board on March 31, 2015. Mr. Stein asked if this would be a new policy to go back to the Planning Board informally, which would set a precedent. Mr. Mills was okay with the item going back to the Planning Board.

Ms. Dell asked that in the future, any changes made to a text application should go back to the Planning Board for reaction. Mr. Mills said he feels the applicant is willing to go back to the Planning Board and therefore, the decision was made that the public hearing on this application would be continued to Monday, April 6, 2015 at 7:00pm in the 4th floor cafeteria.

The Board took a break at 8:35pm and reconvened at 8:52pm.

PENDING APPLICATIONS:

1. Application 215-08 - RICHARD REDNISS, continued to the April 6, 2015 meeting.
2. Application 215-03, The Strand/BRC Group, LLC, requesting to amend GDP, Washington Boulevard (*discussion of draft scope of work/contract for Boatyard consultant*)

Mr. Mills acknowledged there were representatives of the Planning Board [Teri Dell, Jay Tepper], the Stamford Harbor Management Commission (SHMC) [Dr. Damian Ortelli, Bob Karp, Steve Loeb, Geoffrey Steadman], City Economic Development Department [Thomas Madden], and the Applicant present. He invited the other Board Members to join the Zoning Board in the discussion.

The Zoning Board reviewed the draft scope of services from Mr. Cole. The Members reviewed the tasks of the proposed scope of work, one item at a time. After careful consideration and a number of revisions, the Zoning Board and the leadership of the Planning Board and the Stamford Harbor Management Commission agreed on the following proposed scope of work, with input from Norman Cole, Land Use Bureau Chief and Thomas Madden, Economic Development Director:

SCOPE OF SERVICES

B&A will review the applications to establish boatyard/marina facilities consisting of three components: 1) a maintenance/storage facility at Davenport Landing, 2) in-water slips at the 14 acre peninsula, and 3) boat storage at 205 Magee Avenue. The Davenport Landing and 205 Magee Avenue components will be under common management but the in-water slips will be managed by a separate operator.

B&A will perform the following tasks:

- 1 *Compare the proposed boatyard/marina facilities to the capacities and services provided by the former Yacht Haven West (YHW) and quantify any reduction in capacity, facilities, uses or services. This study would use the data assembled with respect to services offered at YHW as set forth in the January 31, 2013 study prepared by B&A and would be in similar format. The study should state clearly whether there is any reduction in capacity, facilities, uses or services as compared to YHW.*
- 2 *Perform a peer review of the Applicants' market study and needs analysis with recommended revisions to produce a comprehensive and accurate study, giving*

consideration to the services and market area served by the former YHW facility. This will be responsive to the requirements of SRD-S J.4.d.3. (See below):

(Section J.4.d.3, SRD-S Regulations)

3. the applicant can demonstrate to the satisfaction of the Board that alternatives to the existing type or location of the water-dependent use will allow an appropriate level of service or activity to continue in accordance with the objectives of the SRD-S zoning district and Stamford's Municipal Coastal Program;

- 2a Once the above tasks have been met, the consultant shall determine whether the proposed boatyard/marina facilities are responsive to and provide an appropriate level of services, based on the revised market study and needs analysis.*
- 2b Review the applicants' economic plan (pro-forma) and financial terms of the applicants' proposed boatyard/marina facilities to determine if they are feasible and economically viable, and the consultant shall make recommendations for any improvements.*
- 3 Assess the operational efficiency of the site plan proposed for the Davenport Landing facility with consideration of size, layout and potential conflicts with vehicular and pedestrian traffic and adjacent retail, residential and industrial uses.*
- 4 Assess the operational efficiency of the Davenport Landing facility with consideration of the channel traffic, depth, dredging, barge and vessel maneuvering in the navigable waters in the area surrounding such facility.*
- 5 Compare the economic and operational feasibility, from the standpoint of the operator and boat owner, of the two proposed facilities at three separately owned locations, operated by two separate operators, to a single contiguous facility controlled by a single operator.*
- 6 Assess whether the plan to transport through city streets and to store boats at 205 Magee Avenue is functional and economically practical and is a competitive boat storage method in the market area.*

III Report

B&A will present its report to the Zoning Board of the City of Stamford. All communications concerning the report and requests for additional information shall be directed solely to the Zoning Board.

There being no further business, the meeting adjourned at 11:35 p.m.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board