

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, APRIL 6, 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), Rosanne McManus, William Morris, David Stein and Joanna Gwozdzowski. Present for staff: David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:05 pm.

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

APPROVAL OF MINUTES:

Minutes for Approval: March 30, 2015

Correction offered by Mr. Michelson to page 1. Mr. Morris moved to approve the minutes as amended with Mr. Michelson's correction, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski; McManus not voting since she wasn't present at the meeting).

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

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 (*continued from March 30, 2015*).

Mr. Mills seated Ms. Gwozdzowski for this application as she was present at the original public hearing and Ms. McManus was not.

Mr. Mills opened the continued Public Hearing on this application and read a description of the application into the record. Mr. Michelson read a second Planning Board letter of referral dated April 1 for this application, reflecting the recommendations made by the Planning Board.

Richard Redniss, agent for the Applicant, reported that he went back to the Planning Board since they were in attendance at the March 30, 2015 meeting and were concerned that the language reviewed by the Planning Board on March 24, 2015 was different. Mr. Redniss then displayed a presentation board which highlighted the language that was recommended by the Zoning Enforcement Officer (ZEO), Zoning Staff and the Planning Board. He reviewed each section of the text change.

Ms. Gwozdziowski asked about the language concerning hours of operation. Does the word “generally” weaken the regulation? Mr. Stein asked about the size restrictions on service/commercial vehicles. He suggested the addition of “within buildings” to distinguish the text from nonconforming uses. He asked if commercial uses should be restricted. Mr. Redniss commented that this regulation would give additional enforcement tools for the ZEO. He discussed the history of office approvals in the 1970’s. He commented that some of the buildings from that period were built on “stilts” and were not sensitive to the character of the neighborhood. This is why professional offices were removed from the R-MF District by the Zoning Board in the 1980’s.

Mr. Mills went to the public for any additional comments.

Mr. Michelson asked Marty Levine (who was present) if he would comment on this change to the R-MF district. Mr. Levine said the Zoning Board at the time was concerned that residential structures were being torn down to build professional offices. Rather, the Zoning Board wanted to see the retention of homes and home-based professional offices within this District.

Mr. Redniss noted that these changes became the reason some of these uses became nonconforming.

Mr. Mills asked if there were other public comments. There being none, he closed the public hearing on this application at 7:40pm.

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

OLD BUSINESS

1. Appl. 213-20 - CCMCR HS 700 Canal Street, LLC; CCMCR HS 850 Canal Street, LLC; CCMCR HS 880 Canal Street, LLC; and Canal Street Harbor Square, LLC to allow the applicants to construct a small addition to the existing lobby at 700 Canal Street; to remove a percentage of an existing two-story building at 390 Ludlow Street (also known as 860 Canal Street); and to permit the adaptive reuse and restriping of parking areas located on properties known as 700 Canal Street, 850 Canal Street, 880 Canal Street, and 390 Ludlow Street (also known as 860 Canal Street) in the CW-D Zone to create organization, conformity and safety improvements to existing buildings covering approximately 7.9 acres with various uses (*administrative review to amend approved site and landscaping plans modifying landscape and design improvements to a portion of the Public Access Easement area and request an extension of Condition #8*).

Attorney Jackie Kaufman spoke on behalf of the Application representing owners of 700 Canal Street. Their team includes Eric Rains, Landscape Architect and Richard Redniss who wrote the text language. Attorney Kaufman summarized the request to modify condition #6 and extend condition #8. She reported that the Applicant had submitted a study in January 2014 of the Marina and now has applied to CT DEEP for a variance for this property. Accordingly, the Applicant is requesting an extension of time to May 22, 2016 for Condition #8 regarding water-dependent uses.

Regarding Condition #6, the Applicant added a wheel stop and an extra 8” setback from parking spaces to increase safety for the public using this public access. The Applicant believes the benches and trash barrels define the public access sufficiently. Eric Rains,

Landscape Architect, shared three examples of how they could define the edge of the public access with posts and rope on chain. Since they would be installed over a cantilevered deck, the posts would be on a base that is not attached to the slab. Mr. Rains stated that these components now provide up to 12 feet width of public access.

Mr. Morris commented that the proposed treatment appeared temporary in nature. Mr. Mills suggested an epoxy to secure the posts. The Board discussed different options to accomplish this.

After further discussion, Mr. Morris moved to: 1) approve the modified landscaping plan requiring the Applicant to install square wood posts, to be attached to the pavement with epoxy and nautical rope (as shown on Sheet SKL-16.2 prepared by Eric Rains, Landscape Architecture, LLC, dated April 6, 2015) to define the edge between the parking spaces and the public access area and to 2) approve an extension of one year, to May 22, 2016, to modify the language of Condition #8 so that further study may be given to the water dependent facilities on-site and to give the Applicant sufficient time to comply with this condition, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and McManus).

2. APPL 210-15 Modification and 210-16 Modification – HP GATEWAY LAND I, LLC, 400 and 440 Washington Boulevard, Amended General Development Plan (GDP), Special Exception, Amended Final Site & Architectural Plans and Coastal Site Plan Review, (request for extension of time).

Mr. Killeen stated that the deadline for obtaining a building permit for Application 210-15 (GDP) is currently August 10, 2015. The current deadline for obtaining a building permit for Application 210-16 is October 1, 2015. The Applicant is requesting a one year extension of both deadlines.

After a brief discussion, Mr. Michelson moved to approve the time extension for both applications by one year as permitted under the conditions of approval, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and McManus).

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

PENDING APPLICATIONS:

1. Application 215-08 - RICHARD REDNISS, Text change

After a brief discussion and poll of members by Mr. Mills, Mr. Morris made a motion to approve the text change application with modifications as discussed, seconded by Mr. Stein and the motion was approved 4:1 (Mills, McManus, Morris, Stein in favor and Michelson against). Mr. Michelson stated the reason he was opposed was that over time, there should be an elimination and not an expansion of non-conforming uses. The text change will read as follows:

Amend Section 9-G (RMF Multi-Family Design District) by adding new section 9-G-7 to read as follows:

7. *Office Use:*

Legally nonconforming Professional Office uses, established between December 31, 1950 and January 1, 1985, within buildings designed and constructed as office buildings consisting of not less than 10,000 square feet in gross floor area and on lots of not less than 10,000 square feet, may be used for "Offices, Business & Professional" provided that no residential use exists within the building, business operations generally take place during normal business hours, and that any service/commercial vehicles, which shall not exceed three-quarter (3/4) tons in capacity, are covered by a building or garage and suitably screened from a public street and occupy not more than 20% of the required or provided parking, whichever is less.

NEW BUSINESS

Mr. Michelson asked for an update on the Cease & Desist order from the law department and the extension of time for the Strand. Both Mr. Stein and Ms. McManus noted the law department should be able to manage the case. Mr. Michelson raised the question as to whether or not a brief should be filed regarding a time extension.

Mr. Mills stated he thought the Zoning Board discussed May as the deadline for actions to be taken by the Applicant. Mr. Michelson stated the Board should be in sync with other parties to the lawsuit. Mr. Mills said the Board could go into executive session at one of the next two meetings to discuss this issue. Mr. Killeen would contact the legal department to respond to this request.

Mr. Stein reported the Medical Marijuana regulation was referred out to other agencies and will come before the Zoning Board sometime in May 2015.

Mr. Mills updated the Board on the Scope of Services for the Boatyard. The Consultant couldn't come up with the estimate for the work to be performed under the contract without a Market Study being completed. The Consultant asked to do the work in two parts once they see the Market Study, and then they would be able to come up with a better estimate of the remaining work. The Board asked for a statement in writing about the reason the Market Study is insufficient.

Ms. McManus moved to adjourn, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and McManus).

There being no further business, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board