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MINUTES OF THE ZONING BOARD PUBLIC HEARING & REGULAR MEETING ON MONDAY, APRIL 8, 2013, 7:00 P.M., 4TH FLOOR, CAFETERIA, STAMFORD, CONNECTICUT

Present for the Board: Tom Mills, (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. Mills called the meeting to order at 7:13 p.m. Mr. Mills asked for a motion to change the order of the agenda. Mrs. Cosentini made a motion to move agenda item Application 208-05 Antares Harbor Point to the first discussion item. Mr. Morris seconded the motion and it was approved 5:0 with the eligible members voting (Mills, Morris, Cosentini, Parson and Donahue).

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. Mills invited Attorney Joe Capalbo, Corporation Counsel, to address the issue of a license agreement for use of City property adjacent to 205 Magee Avenue. Mrs. Cosentini stated she didn't think the land rights could be approved without Planning Board, Board of Finance and Board of Representative approvals.

Attorney Capalbo said there are various types of land rights (deeds, easements, leases, licenses) but whatever form is used for the 205 Magee project, the Mayor is committed to seeking Board approvals. The Zoning Board doesn't need to receive final approval from other Boards before they accept this pending Application; typically, land rights are finalized after Zoning Board approval.

Mr. Morris asked if the Board was going to vote to accept the application tonight? Mr. Mills said the Board would hear from Staff and informally accept the application for review. Mr. Morris asked about DEP requests from this Applicant for their permitting approval for the docks and dredging. Staff believes the Zoning Board can move forward while the State DEP process continues. The Board reviewed a site plan of the area in question and discussed components of the application.

Mr. Morris asked if the dredging of Czecsik Marina was integral to this application but yet not included. Mr. Cole replied that no plans have been proposed and that this work is not referenced in the current application.

Mr. Mills asked if this application was related to the former Boatyard. Attorney Capalbo said not at the present time. Mrs. Cosentini asked if the City property was a "park". Attorney Capalbo said he doesn't know how that decision will be made, but that in any case it will be subject to approval of the three Boards. Mrs. Cosentini said that it should first be determined if this land is classified as "park" before the Boards are asked to consider it.

Staff noted that an application has been submitted for the 14 acre site. The Applicant has asked Staff to review, provide comments and submit the application to Zoning Board for acceptance. Staff has prepared a deficiency memo; the Connecticut D.E.C.D has sought approval from the DEEP regarding development in a flood zone, but it is not known if other required DEEP permit applications have been submitted. The 14 acre application is not currently related to the 205 Magee proposal. Mr. Mills said it's up to the Applicant whether to relate the two applications.

Mrs. Cosentini said the Applicant's job will be to convince the Board that the new Boatyard is an adequate replacement of the former 14 acre Boatyard.

Mr. Mills asked Attorney John Freeman if there'd been any progress on the cultural requirement contained in the SRD-N/S regulations. Attorney Freeman said they are still researching this question. Mr. Mills stated they should confirm compliance with the cultural requirement before terminating the current Loft Artist space. Attorney Freeman said the Loft Artist Association is not part of the SRD-S/N approval.

Lisa Cuscuna stated there isn't enough space on the second floor to accommodate the people currently on the third floor.

Mr. Mills asked that BLT not start the sheet piling work without first informing the Zoning Board and seeking their approval of the sequence relative to the interim Boatyard.

Mr. Mills called a brief recess at 8:13pm and resumed the meeting at 8:26pm.

Mr. Mills asked if there were any issues why the Board should not accept the 205 Magee application. After a brief discussion, the consensus of the Board was to accept the application for review.

PUBLIC HEARING

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. Mills opened the Public Hearing on this application. He described it as a second hearing for this application.

Richard Redniss, for the Applicant, described the Planning Board letter recommending unanimous approval for this text change saying it is consistent with the Master Plan. Mr. Redniss read the letter into the record. Mr. Redniss said he wanted to address the issue of Spot Zoning and suggested the Board refer this question to Corporate Counsel. He proceeded to explain the history of High Ridge Real estate offices. The Raveis parcel is subject to a Cease &

Desist Order since 2001 and various attempts have been made to adopt zoning to reach compliance. There was a 2011 text application which the Planning Board denied which is still pending.

Jim Murphy told the Board that the Applicant will withdraw the 2011 application if the current one (Application 213-03) is approved.

Mr. Redniss explained how the proposed regulations work regarding Section 7.3 in an R-20 zone on State Highways abutting commercially zoned land. He described the old application 211-25 and noted that it applied to both R-10 and R-20 zones.

Mr. Mills discussed the need for a meeting on April 15. He noted that this meeting was only necessary had the Zoning Board not accepted the 205 Magee application. By consensus, the Board agreed to postpone the ZBA appeal.

Mr. Mills announced that the Public Hearing for Application 213-03 would be continued until April 22, 2013, 7th Floor Government Center Building.

2. **Application 213-05 – RMS 750 SUMMER STREET, LLC & RMS HOLDINGS, LLC, Map change**, to rezone approximately 0.1 acres from R-MF to MX-D and approximately 0.6 acres from C-L to MX-D located at 750 and 760 Summer Street in Block No. 239.
3. **Application 213-06 – RMS 750 SUMMER STREET, LLC - Text change**, to Amend Article IV, Section 12-D-1-c to allow minimum parking per dwelling unit in MX-D districts and amendments to Article III, Section 9-AAA MX-D Definition and Standards in the MX-D Mixed Use Development District.
4. **Application 213-07 – RMS 750 SUMMER STREET, LLC, 750-760 Summer Street, Special exceptions**, requests approval of a special exception to modify setbacks, modified parking standards of 1 space for units of two or less bedrooms and 1.25 spaces for units of three bedrooms or more, modified BMR requirement to include Fee-in-Lieu payment, reduction/waiver of open space requirement and modified signage allowing a 50 s.f. blade sign.
5. **Application 213-08 –RMS 750 SUMMER STREET, LLC, & RMS HOLDINGS, LLC, 750-760 Summer Street, GDP and Final Site Plan**, requests approval to construct a new six story residential infill development including 58 residential apartments and 5,370 s.f. of indoor/outdoor amenity space, parking and landscaping on .57 acres in an MX-D district at 750 Summer Street

Staff read the Planning Board letters into the record.

Attorney William Hennessey, for the Applicant, introduced the history of the MX-D zone. He noted that staff had asked for the reduction of minimum lot size to 4,000 s.f. and minimum

frontage to 50'. Mr. Cole said on reflection, a 20,000 s.f. lot size was probably a more practical minimum.

Attorney Hennessey reviewed the text changes. He discussed a better criteria for allowing 6% BMR, citing examples in CCN (Parcel 34 and Trinity), where commercial rights were surrendered for more housing. The Zoning Board asked to see the rendering of the proposed blade sign.

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

Martin Levine, representing Sandy Goldstein and the DSSD (Downtown Special Services District), spoke in support of the project.

Mr. Mills continued the Public Hearing on this application to April 22, 2013, 7th Floor Government Center Building.

REGULAR MEETING

Organizational Meeting – Election of Officers

Mr. Mills noted that an organizational meeting could not occur because Member Michelson was absent.

OLD BUSINESS

1. Administrative Approval of Signage for Yale & Towne – Y2 Parapet sign in the SRD-N zone.

Mrs. Cosentini said she didn't think the Board should approve this signage because it shouldn't say "Harbor Point" in the SRD-N district. This is Yale & Towne. Mr. Cole explained that the Y2 building is proposed to be named "III Harbor Point", and that the sign would display the building name.

Mrs. Donahue said that she was opposed to the proposed sign. Mr. Morris asked why they needed to put up a sign on a residential building.

Following a brief discussion, Mrs. Cosentini moved to deny the sign. Mrs. Donahue seconded the motion and the sign request was denied, 4 to 1 (Cosentini, Morris, Donahue and Mills voting for the denial; Parson voting to approve).

Application 212-18 – TRINITY STAMFORD, LLC and THE CITY OF STAMFORD URBAN REDEVELOPMENT COMMISSION, 100 Summer Street and 0 Washington Blvd, Special Exceptions, requesting approval of seven Special Exceptions including Section 7.5 approval of large scale development; Section 7-S conversion of commercial floor area to residential units; Section 7.4 BMR fee-in-lieu of payment; Section 7-Q reduction in open space; Section 12-D parking at one space per unit; Appendix B increased density and

coverage and decrease in setbacks all associated with redevelopment of three parcels of a proposed multi-phase development to include two new apartment buildings creating 417 residential units, 10,838 s.f. of retail space, an expanded parking garage and associated improvements in the CC-N zone.

Application 212-19 – TRINITY STAMFORD, LLC and THE CITY OF STAMFORD URBAN REDEVELOPMENT COMMISSION, 100 Summer Street and 0 Washington Blvd, Site and Architectural Review, requesting approval for redevelopment of Parcels 19 and 19B to construct two new apartment buildings to include 417 dwelling units, 10,838 s.f. of ground floor retail, expanded parking and associated site improvements in the CC-N zone.

Attorney Hennessey explained that the approved plans included a one-way garage ramp and that staff had asked that this matter be explained to the Board. Attorney Hennessey described that this project is hoping to close its financing on April 22nd and begin construction May 1st. The Phase 2 building next to Majestic Theaters will be the first completed and there will be a garage extension containing a one-way ramp connecting the top floors controlled by a signal and that the ramp would be used by residents of the project and not the public. This was a part of the Special Exception that has already been approved by the Zoning Board. The Board discussed the approval process, the parking management plan, and authorized staff to go ahead and sign off on the Building Permit.

There being no further business, Mr. Morris moved to adjourn the meeting. Mrs. Donahue seconded the motion and it was approved 5:0 with the eligible members voting (Mills, Morris, Cosentini, Parson and Donahue).

Mr. Mills adjourned the meeting at 10:45pm.

Respectfully submitted,

Tom Mills, Chair
Stamford Zoning Board