

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, APRIL 27, 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, David Stein and Joanna Gwozdzowski. Present for staff: David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:06 pm.

PUBLIC HEARING

1. **Application 212-23 Revised – TEN RUGBY STREET, LLC, Text change**, to Amend Article II, Section 3-A by adding a new definition #82.1 for a Recycling Reclamation Facility in the M-G General Industrial District.

Chairman Mills read the description of this application into the record.

Secretary Michelson read the letter of approval of the Planning Board into the record from their meeting of April 7, 2015.

Richard Redniss on behalf of the Applicant, presented the proposed text change. He was accompanied by Ray Mazzeo of Redniss & Mead and Antonio Vitti and Tom Cassone, Attorney for 10 Rugby Street, LLC.

Ms. Gwozdzowski was seated for Member Bill Morris who was absent.

Mr. Redniss gave background of how we got to this point. He explained that the South-End was a mix of industrial uses and residential uses since the 1800s. He explained, at one time, the South-End was industrial, which use to allow residential uses at approximately 40-50 dwelling units/acre and in 1965, residential use was prohibited. He showed the progression of Zoning through the 1970's. In the 1980's, industrial zones were changed to residential zones. In 1990, Stamford adopted the definition for recycling and regulations for excavation. Triad operated in Springdale under these definitions. Zoning complaints were filed since 2004, 2005. No violations. In 2010, ZEO determined the operation was in violation of Zoning. In 2012, Attorney Cassone asked Rick Redniss to help find a solution. Rick tried to work on a solution with the Neighborhood Revitalization Zone (NRZ) but communications broke down. In 2014, the Applicant tried again to modify the regulation to address the neighborhood concerns. Mr. Redniss reviewed the policies of the Master Plan and compared the current zoning to the Land Use Plan.

Mr. Redniss then discussed the elements of the proposed text change. He explained the new definition for Recycling Reclamation Facility. He explained that rock crushing would still be prohibited. This use would be an interim use by Special Exception under Section a. of the proposed text change. You could also add a limit that such buildings could only be approved for existing contractor yards under Section d of the proposed text change. There was some discussion about "emergency" work, which was questioned by

the Planning Board. Mr. Redniss reviewed a total of 4 sites his office identified which properties might qualify for this regulation.

He then reviewed a demonstration site plan at 10 Rugby Place, showing what would happen if the 7(k) reference was removed from the Text and the Applicant would have to provide a 6' setback. Where has this been done indoors? Most operations are on large tracts of land. In the UK, they do rock crushing inside; he provided examples. These buildings will have to meet OSHA standards.

Mr. Redniss identified two items to discuss. There are many industrial uses that would be better if they were indoors. Second issue is enforcement. Attorney Minor points out in an email that a stipulated agreement/judgement can be used to strengthen enforcement. Fines can be levied. Attorney Cassone explained with a pending court action, an agreement/motion of court could have a stipulated agreement that would support conditions of approval. Attorney Cassone discussed the crushing operation.

Mr. Michelson said he thought he had a better understanding of this text change before he came to the meeting. Mr. Redniss clarified Triad was an example of how recycling uses were treated over the decades (blacktop vs. asphalt; asphalt roofing and sheetrock).

Mr. Stein suggested the Applicant provide a list of materials that would be included under this text change.

Mr. Redniss submitted a petition of neighbors in favor of the text change. Mr. Vitti is also willing to restore residential properties that are currently part of his operation. Mr. Redniss then showed an example of what could happen if the text is not approved, noting improvements to Scofield Park.

Chairman Mills asked if there was anyone from the public who wished to speak on this application.

Sheila Barney, resident of the South-End, said the biggest concern is that crushing is unbearable. Even inside a building, there is a concern about the crushing. The court upheld the City's right to regulate crushing. The neighbors would like to see this operation occur on properties where demolition is occurring.

Mr. Michelson asked if she would have any problem with other parts of the operation beyond crushing? Ms. Barney said no. Mr. Stein asked if the sifter was as loud as the crusher? Ms. Barney said no.

Elise Coleman, resident on Dyke Lane, said they have 3 crushers and the loud noise and dust really affect the neighbors.

Mr. Mills asked how often they hear this? Ms. Coleman said every morning; Mr. Vitti starts at 7:30am in the morning when she is leaving for work and finishes before she returns home after 5:00pm.

Doris Ganus, resident of the South-End for years. The crushing has been a problem for years. It should be done on demolition sites, not in the South-End or in a building.

Jack Egan, 283 Bridge Street, said as a Stamford resident, he is concerned that the noise and dust are problems for the neighborhood.

Terry Adams, Board of Representative from the South-End and President of the NRZ, said the problem is the rock crushing. Once piles were 2-1/2 stories high. Once you crush inside the building, where does the dust go? Are there scrubbers or sprinklers? Terry disagreed with Attorney Cassone about sifters being as loud as crushers.

Mr. Stein asked if there were scrubbers, would the community accept this? Mr. Adams said yes, if the building/site plan could be done collectively with the text change. If you get the text change, how do you know if you could design the building appropriately?

Mr. Redniss wrapped up his overview and addressed public comments.

He explained that residents comments tonight illustrate how misunderstandings occur. Mr. Redniss said he tried everything possible to educate the public and felt some residents didn't understand. Even with 4 stories, 50 foot buildings, how tall can they make the piles? He read something about dust and noise controls and said a 4" waterline was removed from earlier plans because discussions had broken down with the neighborhood. Mr. Killeen referred to limits on rock crushing to construction sites and the language for recycling uses under Definition #82.1 of the City's Zoning Regulations.

Ms. McManus asked, does the City prohibit rock crushing and crushing of concrete? Mr. Michelson said he would like a detailed list of construction materials versus demolition material. He asked if the appeal process doesn't succeed, will Mr. Vitti give up the crusher? Attorney Cassone said yes. It's been a zoning violation since 2010 and never a violation of the noise ordinance.

Mr. Michelson said Mr. Redniss reported there are some uses that are grandfathered. Is the Applicant prepared to identify those? Attorney Cassone stated his client will not willfully violate the law.

Mr. Mills asked if there had been any noise testing? Attorney Cassone said no.

Mr. Stein asked if Mr. Redniss would come back with a list of what's included and what's not included? Mr. Redniss agreed.

The Board discussed whether rock crushing is allowed. The answer was no. Ms. McManus asked if you dig up a sidewalk, can you crush it onsite; construction material can be crushed (section 82.1 in M-G zone but you need 1-1/2 acres for this).

Mr. Stein spoke about interim use in section f. Does the Applicant have all the machinery and equipment? Yes. Operable windows or doors are along residentially zoned property. He asked a question about the building being designed to accommodate the use or could it be remodeled.

Ms. Gwozdzowski said the property is tight. How big is the lot? What % of the lot would be used for the building? The subject property allows 80% - 90% coverage and they are below that.

Mr. Mills asked what equipment will be inside the building? Mr. Redniss said he's not sure what they will do but he will work on wording stipulating what goes in there and better identify the materials.

Chairman Mills continued the hearing to May 11, 2015 at 7:00 pm in the cafeteria. Mr. Mills took a brief recess at 10:00pm and reconvened the meeting at 10:08pm.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: April 13, 2015

Mr. Mills tabled the minutes until the next meeting since Mr. Morris was not present.

PENDING APPLICATIONS:

1. CSPR-974 – VITON, 230 Dolphin Cove Quay, demo of existing residence and construction of new 2,578 sf single family home with amenities and landscaping on 0.2450 acres in an R-7-1/2 zone within the CAM boundary.

Mr. Killeen provided a summary of this proposed application and the staff report prepared by the Environmental Protection Board staff. Staff recommends approval with conditions.

After a brief discussion, Mr. Mills recused himself from the vote since he had done work for the Viton's in the past.

Ms. McManus made a motion to approve application CSPR-974 with conditions outlined in the EPB staff report, seconded by Mr. Stein and the motion was approved 4:0 (McManus, Michelson, Stein and Gwozdzowski in favor and Mills not voting). The conditions will read as follows:

1. *Work shall comply with the following plans and correspondence:*
 - *“Topographic Survey Depicting Property at 230 Dolphin Cove Quay in Stamford, Connecticut,” Prepared for Diane Viton, by D’Andrea Surveying and Engineering, P.C., revised March 16, 2015.*
 - *“Development Plan,” “Sedimentation and Erosion Control Plan,” and “Notes and Details,” at 230 Dolphin Cove Quay in Stamford, Connecticut,” Prepared for Diane Viton and Richard Viton, by D’Andrea Surveying and Engineering, P.C., revised March 16, 2015*
 - *“Zoning Location Survey Depicting Property at 230 Dolphin Cove Quay in Stamford, Connecticut,” Prepared for Diane Viton and Richard Viton, by D’Andrea Surveying and Engineering, P.C., dated March 16, 2015.*
 - *“Foundation Design Narrative,” by Patrick Conlon, Conlon Engineering, LLC, dated November 19, 2014.*

- *“Drawing Legend,” “Site Plan,” “Basement Plan,” “First Floor Plan,” “Second Floor Plan,” “Attic Floor Plan,” “Roof Plan,” “South and West Elevation,” “North and East Elevation,” “Building Sections,” “Building Sections,” “Building Sections,” “Wall Sections,” Wall Sections,” Wall Sections,” “Details,” “Details,” “Details, Framing Details,” “Details, Foundation Details” “Details, Foundation Waterproofing,” “Interior Elevation First Floor,” “Interior Trim Detail,” “Interior Trim Detail,” “Schedules,” “Basement Electrical Plan,” “First Floor Electrical Plan,” “Second Floor Electrical Plan, “Attic Floor Electrical,” “Foundation Plan,” “Pile Numbering and Location Plan,” “First Floor Framing Plan,” “Second Floor Framing Plan,” “Attic Floor and Garage Framing Plan,” “Roof Framing Plan,” “Details,” “Details,” “Framing Details,” “Shear Wall Framing Details,” and “General Notes,” New Residence for Rick and Diane Viton, 230 Dolphin Cove Quay, Stamford, Connecticut,” Sheets CS, L-1, A1.0-A8.1, E1.1 -E1.4, and S1.0-S4.0, by Daniel Conlon Architects, dated March 18, 2015.*
 - *Correspondence from John C. Roberge, P.E., Roberge Associates, Coastal Engineers, dated March 16, 2015.*
 - *“Draft Flood Preparedness Plan for Residents of 230 Dolphin Cove Quay, Stamford, Connecticut by Rocco V. D’Andrea, Inc., dated March 16, 2015.*
 - *“Drainage Summary Report for Single Family Dwelling, Located at 230 Dolphin Cove Quay, Stamford, Connecticut Prepared for Diane Viton and Richard Viton, revised March 16, 2015.*
 - *Correspondence form Leonard C. D’Andrea, P.E., D’Andrea, Surveying and Engineering, P.C., dated April 3, 2015.*
 - *“Planting Plan,” Prepared for the Viton Residence, 230 Dolphin Cove Quay, Stamford, Connecticut by Wesley Stoudt Associates, revised March 17, 2015.*
2. *Final civil, architectural, and flood preparedness plans shall be subject to the review and approval of EPB Staff prior to the start of site activity and issuance of a building permit. Professionals shall provide for the attachment of the final site plan as a “figure” in the flood preparedness plan and ensure consistency with the patio design recommendations outlined in the letter from Roberge, dated March 16, 2015.*
 3. *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion controls, tree protection, drainage, landscaping, and professional supervision/certifications. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit.*
 4. *Work areas, including the approximate limits of the coastal velocity zone, shall be staked in the field by a Connecticut surveyor prior to the start of any site activity.*

5. *Erosion controls and tree protection measures shall be installed and approved in writing by EPB Staff prior to the start of any land disturbing activities.*
6. *Footings, foundations, dewatering measures and associated earthwork phases shall be conducted under the supervision of a Connecticut Geotechnical Engineer, with written certifications confirming the full and proper completion of these measures submitted to EPB Staff prior to the issuance of an approval for framing. Requiring special attention, confirmation that the proposed patio is structurally independent from the main dwelling.*
7. *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other suitable alternative prior to the receipt of a signature authorizing the issuance of a certificate of occupancy/return of surety. This condition applies not only to disturbed earth surfaces slated for landscaping but also to areas under any exterior decks, stairs, driveway surfaces, etc.*
8. *All final grading, stabilization measures, drainage, and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer with written certifications (Engineer) and an improvement location survey (Surveyor) submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy and return of surety. Note that because subsurface structures are proposed, the owner is responsible for ensuring that the structures comply with the approved plans and city standards, and that the necessary inspections are made by the certifying professionals prior to backfilling.*
9. *All approved landscaping shall be conducted under the supervision of a qualified landscaping professional with written certifications submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy and return of surety.*
10. *Upon the completion of the construction and prior to the issuance of a certificate of occupancy and return of surety, a Connecticut land surveyor shall complete a standard "National Flood Insurance Program Elevation Certificate."*
11. *Prior to the receipt of a final certificate of occupancy, transfer of title and return of surety, the applicant shall file a standard notice on the Stamford Land Records disclosing the following information.*
 - *The subject property lies, in part, within known flood hazard areas described as Zone VE, Elevation 15 feet NAVD-88, as depicted on Flood Insurance Rate Map 09001C0158G, dated July 8, 2013.*
 - *A permit (230 Dolphin Cove Quay, CSPR-974, 4/15) has been issued by the Zoning Board of the City of Stamford to allow construction of a new single family dwelling, drive, drainage, other related improvements on a waterfront property that supports the coastal resources identified as "Coastal Flood Hazard Area," "Shorelands," and "Modified Escarpment."*
 - *Acknowledge the existence of the final "Flood Preparedness Plan."*

12. *Submission of a standard City of Stamford landscape maintenance agreement to ensure the success of landscape features prior to the receipt of a final certificate of occupancy, transfer of title and return of surety.*
13. *Submission of a standard City of Stamford drainage facilities maintenance agreement to ensure the full and proper maintenance/function of the mitigating drainage structures prior to the receipt of a final certificate of occupancy, transfer of title and return of surety.*

OLD BUSINESS

1. Application 214-16 - Third Street Development, LLC, - Special Exceptions and Final Site & Architectural Plans to construct four 4-story buildings containing 23 residential units, on 31,650 sf of land area with 1,949 sf of open space, associated parking and site improvements on properties located at 16, 20 & 24 Third Street and 53 Fourth Street, in an R-MF District (*request to modify roof plan and elevation*).

Mr. Killeen provided a summary of this proposed request, which would add roof decks above the residential units. As a result, the overall roof profile and elevation would change, and staff felt that the Zoning Board should have the opportunity to consider these proposed changes.

After a brief discussion, Ms. McManus made a motion to approve the revised roof plan as outlined in the materials presented, seconded by Mr. Stein and the motion was approved 5:0 (Mills, McManus, Michelson, Stein and Gwozdzowski in favor).

Mr. Killeen then referred to the proposed sign for the development.

After a brief discussion, Mr. Stein made a motion to approve the signage per the materials presented, seconded by Ms. McManus and the motion was approved 5:0 (Mills, McManus, Michelson, Stein and Gwozdzowski in favor).

2. Soundview Farms, LLC - 66 Gatehouse Road - Re-occupancy of the existing 13,000± sf building at 66 Gatehouse Road for Educational Offices by tenant - Fusion Academy, with minor exterior modifications to accommodate handicap accessibility and improved safety (*request for revisions to site plan*).

Mr. Redniss/Mr. Mazzeo summarized this request to operate a unique educational facility with offices at the above location. There would be no group classes, just one-on-one tutoring in individual offices. The hours of operation would be from 8:00am to 9:00pm. Mr. Redniss explained, as a result, that the traffic generated from this use would be staggered over 13 hours and would not impact current peak hour traffic. This use functions more like an office use than a traditional school.

After a brief discussion, Ms. McManus made a motion to approve the revised site plans as outlined in the materials presented, seconded by Mr. Michelson and the motion was approved 5:0 (Mills, McManus, Michelson, Stein and Gwozdzowski in favor).

A motion was made by Mr. Michelson, seconded by Ms. McManus to waive the rules to add a new item under Old Business and the motion was approved 5:0 (Mills, McManus, Michelson, Stein and Gwozdzowski in favor).

3. Discussion of Status of the Strand v. ZBA Boatyard and the Boatyard Consultant Contract as it relates to Applications 215-02 to 215-07.

Mr. Michelson expressed concern that these applications are getting dragged out. Mr. Stein felt the Board should talk with Attorney Minor. The Board could schedule a hearing on an incomplete application and the Board may turn it down without complete information.

Mr. Mills said the Board has two options. 1) proceed with enforcing the Cease & Desist order or 2) review the application. If the Applicant cannot provide the market study and if there is no consulting contract by May 11, 2015, the Zoning Board will discuss scheduling a Public Hearing date.

NEW BUSINESS

ADJOURNMENT

There being no further business, motion was made by Ms. McManus, seconded by Mr. Mills to adjourn the meeting and the motion was approved 5:0 (Mills, McManus, Michelson, Stein and Gwozdzowski in favor).

There being no further business, the meeting adjourned at 10:45 p.m.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board