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MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, MAY 19, 2014, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901**

Present for the Board: Tom Mills, Barry Michelson, Rosanne McManus, 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 7:15 p.m.

Mr. Michelson made a motion to take the agenda items out of order and review the minutes of May 12, 2014, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein).

APPROVAL OF MINUTES:

Minutes of May 12, 2014

Mr. Michelson asked for a change to page 5 to add a bullet “leave open space as is”.

Mr. Michelson made a motion to approve the minutes with the noted change, seconded by Ms. McManus and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Stein and Gwozdzowski; Morris not voting as he was absent from the meeting).

Ms. McManus made a motion to take the agenda items out of order and review Old Business as the next discussion, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein).

OLD BUSINESS

1. Application 212-02 – STAMFORD EXIT 9, LLC, Site & Architectural Plan, 1 Blachley Road, construction of a multi-level parking structure in the northern parking lot, and a reconfiguration of the easterly entrance to the former administrative building, that will provide up to 541 additional parking spaces on a 32.7± acre property in the M-D zoning district (*modification of approved plans*).

After review of materials presented and a brief discussion, Ms. McManus made a motion to approve the modified plans, seconded by Mr. Morris and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Gwozdzowski).

Mr. Michelson made a motion to return to the regular agenda, seconded by Ms. McManus and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Gwozdzowski).

PUBLIC HEARING

1. **Application 213-43 – RICHARD REDNISS, Text change**, to Amend Appendix B, Footnote #4 by adding Master Plan Category #10 Downtown Corridor to locations in which density may be reduced by Special Exception for Mixed-use projects in the C-G or CC-N Districts (*continued from May 5, 2014*).
2. **Application 213-44 – RICH CAPPELLI ASSOCIATES, LLC & LOUIS R. CAPPELLI FAMILY LTD. PARTNERSHIP II, Special Exception, REVISED Site & Architectural Review and Coastal Site Plan Review**, large scale development for 650 residential units and associated site improvements in two towers at the corner of Tresser and Atlantic Streets, acquisition and historic preservation of the Post Office at 421 Atlantic Street, over 41,000 sf of ground floor retail space and two parking garages in a CC-N district. Special Exceptions requested include large scale development, increased density, conversion of commercial FAR into dwelling units, historic preservation premium, parking at 1:1 ratio, reduced rear yard, partial waiver of open space and fee-in-lieu for BMR. Simultaneous application with St. John's Parcel to authorize transfer of 240 residential units and parking (*continued from May 5, 2014*).
3. **Application 213-45 – SAINT JOHN URBAN DEVELOPMENT CORP, Special Exception**, requesting conversion of commercial development rights to authorize 240 existing residential units, permit one parking space per dwelling onsite (148 spaces) and adjacent (93 spaces), fee-in-lieu funds for BMR requirements all in conjunction with the large scale development for Cappelli at Tresser and Atlantic Streets in a CC-N district (*continued from May 5, 2014*).

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

Attorney Amy Souchuns submitted a copy of the Secretary of the Interior Guidelines for Historic Preservation and copies of the Applicant's response to the Staff Report and Draft Conditions of Approval dated May 19, 2014 into the record.

Chris Lesard, Project Architect, presented new perspective drawings and glass samples and perforated metal samples. He described the exterior design of the buildings.

Elena Kalman, Historic Architect, reported that SHPO will carefully review the plans for the Post Office. The exterior character will be preserved, loading dock will be removed. They recommend that the Zoning Board allow SHPO to perform the final detail review. She discussed the Secretary of the Interior's standards. She explained the design of the vehicle access driveway.

Mr. Michelson asked if these details are only hypothetical at this point.

Richard Redniss said the Zoning Board will have the final approval.

Attorney Souchuns stated their contract with the Post Office requires SHPO approval.

Mr. Redniss addressed the St John's questions. St. John's and Cappelli "parcels" are one zoning lot, 2 condo units, that may be subdivided in the future. St. John's site parking is legally non-conforming. For the BMR program, the Applicant will accept a deed restriction; will submit regular reports on affordability and will meet the 10% affordability requirement (fee-in-lieu) and will apply these funds in a manner approved by the Zoning Board.

Mr. Apicelli said they already have financing lined up for Phase I. Financing for Phase II is pending resolution of the lawsuit.

Mr. Stein said the open space seems deficient and asked for it to be identified. Mr. Redniss presented an open space summary of about one acre.

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

Drew Backstrand, Center for Art and Mindfulness, submitted written testimony. They object to approving Phase I until the lawsuit is resolved. The Planning Board recommended that the Post Office continue to be used for public purposes, to the extent possible. Punching a driveway through the building is an awkward solution.

Debra Sherwood, Executive Director Center for Art and Mindfulness, submitted a description of the Center for Art & Mindfulness.

Anne Goslin, member of Historic Preservation Advisory Commission (HPAC), read a letter of support. Wes Haynes, HNPP, spoke in support. He explained that SHPO has ongoing review of any changes to the building and that their authority includes the interior.

Board of Representative member, John Zelinsky, said he doesn't want the building excessively illuminated.

Mr. Mills called a recess at 9:10pm and resumed the Public Hearing at 9:25pm.

Mr. Mills said he would like to know the reflectance value of the glass. Chris Lesard, Project Architect, said it would be about the same as Trump Parc. Mr. Mills asked if they could do more to break up the monolithic glass wall. Mr. Lesard said they can consider this as a condition. Mr. Mills said the Board needs a spandrel glass sample.

Attorney Souchuns said they will accept a condition that the glass is no more reflective than Trump Parc. They will submit a spandrel glass sample and technical specifications on the glass and reflection impacts.

Mr. Stein asked what the Cappelli BMR proposal was. Attorney Souchuns said the fee-in-lieu payment is proposed to go to Jonathan Rose for the Metro Green 3 project.

Ms. Gwozdzowski asked for an explanation of the proposed signage. Ms. Souchuns presented a signage location diagram.

Mr. Mills closed the public hearing on these three applications at 9:45pm.

The regular meeting reconvened at 9:45pm.

REGULAR MEETING

Mr. Mills said the Board needed to hold an organizational meeting.

Mr. Morris made a motion to amend the agenda for this item, seconded by Ms. McManus and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein).

Ms. McManus nominated Thomas Mills as Chairman, Mr. Morris seconded the motion which was unanimously approved 4 to 0 (Mills, Michelson, McManus and Morris).

Ms. McManus nominated Barry Michelson as Secretary, Mr. Morris seconded the motion which was unanimously approved 4 to 0 (Mills, Michelson, McManus and Morris).

NEW BUSINESS

Ms. McManus made a motion to add items to the agenda, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein).

Corbo's Southside Deli, LLC, 90 Washington Boulevard: Mr. Cole explained that signs in the Design District require Zoning Board approval. David Killeen explained the proposal indicating that the Applicant is requesting approval of a channel letter sign and the use of historic photographs on windows on the outside of storage areas.

Ms. McManus made a motion to approve the signage, seconded by Mr. Stein and the motion was approved 4 to 1 (Mills, Michelson, McManus, Stein with Mr. Morris opposed).

Mr. Stein made a motion to return to the regular agenda, seconded by Ms. McManus and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein).

At 10:00pm, Mr. Morris left the meeting and Mr. Mills seated alternate Joanna Gwozdzowski in his place.

PENDING APPLICATIONS:

1. Application 213-28 – THE FIRST PRESBYTERIAN CHURCH OF STAMFORD, CT & FULLER DEVELOPMENT, LLC, REVISED Text change
2. Application 213-29 – FIRST PRESBYTERIAN CHURCH OF STAMFORD, CT & FULLER DEVELOPMENT, LLC, 1101 Bedford Street, REVISED Special Exception and Site and Architectural Plans

Mr. Michelson said this is a transition area and he'd like to see more lawn in front with a bigger setback. He also expressed concern that parking needs to be adequate and doesn't want to put pressure on street parking.

Mr. Killeen led a discussion of the draft conditions of approval.

The BMR condition was modified to require payment prior to the C.O. unless the City has identified a suitable recipient (following obtaining the Building Permit).

Mr. Stein made a motion to approve Application 213-28, the text change with modifications, seconded by Ms. McManus and the application was unanimously approved 5 to 0 (Mills, Michelson, McManus, Gwozdzowski and Stein). The text change will read as follows:

Article III, Section 9-D-4-d shall read as follows:

d. The design, location and size of signage for such neighborhood commercial and residential uses shall be approved by the Zoning Board, as it deems appropriate to the project design, location and use, subject to the following standards. Not more than two (2) ground mounted signs (dedicated to neighborhood commercial or residential use), each not to exceed thirty (30) square feet in area and eight (8) feet in height, may be erected on any plot. Wall signage placed on the ground floor commercial façade shall not exceed two square feet in area for each lineal foot of building frontage occupied by commercial use, and notwithstanding Section 13-E in these regulations, on lots over 43,560 square feet, residential signage will be allowed on the front wall of the building only and shall not exceed twenty (20) square feet. This residential signage on the front wall of the building shall not be illuminated and shall be located below the second floor of the building.

Article III, Section 9-D-5-c-7 shall read as follows:

(7) Minimum Yards: Front - 20 feet from street line and 45 feet from street center, except where a Special Exception is granted by the Zoning Board to permit neighborhood commercial uses, and where such uses occupy 50% or more of a building linear frontage, minimum setback may be reduced by the Zoning Board to 10 feet from street line and 35 feet from street center to encourage increased interaction with pedestrian traffic, notwithstanding any other requirements in these regulations. All side and rear yards shall be no less than one-third the height of the building and in no case less than 10 feet.

Article III, Section 9-D-5-c-8-a shall read as follows:

Parking shall be provided as stipulated elsewhere in these Regulations; provided, however:

- a) the Zoning Board may grant a Special Exception pursuant to Section 12-D-1-b to reduce the minimum number of residential spaces required, and where Special Exception is granted by the Zoning Board to permit and encourage neighborhood commercial uses, the Zoning Board may also authorize required parking for commercial uses to be satisfied completely, or in part, by the sharing of residential spaces. The general methodology entitled "Shared Parking", published by the Urban Land Institute in 1983, as amended, may be used to*

determine the appropriateness of sharing, with additional consideration given to established patterns of uses of individual establishments. A Parking Management Plan (PMP) shall be submitted to and approved by the Zoning Board as a component of approval of any parking reduction submitted pursuant to Section 12-D-1-b and/or any shared parking proposal. Said PMP shall demonstrate that the proposed parking ratio and/or shared parking arrangement adequately meet the needs of the development, and there will be no adverse impact on adjacent properties or city streets. Any future change of neighborhood commercial use shall require further administrative approval by the Zoning Board; and...

Ms. McManus made a motion to approve Application 213-29, the special exception and site plan application with conditions, seconded by Ms. Gwozdzowski and the application was approved 4 to 1 (Mills, McManus, Gwozdzowski and Stein approving and Michelson opposing). The motion to read as follows:

WHEREAS, the Zoning Board conducted a duly called public hearing on April 21, 2014, continued to April 28, 2014, continued to May 12, 2014 and has considered the submitted comments of other interested City agencies, officials and the general public;

WHEREAS, the Zoning Board makes the following special findings:

- *The Site & Architectural Plan & Requested Uses and Special Exception applications, as herein modified, conform to the standards, goals, purposes and specific objectives of the R-H Regulations; and*
- *The application is consistent with the Stamford Master Plan and its policies; and*
- *The applicant will provide funding to assist in making traffic improvements to the surrounding area; and*
- *The application will result in a fee-in-lieu payment of \$3,174,413, the equivalent of seventeen and a half (17.5) affordable housing units to be provided offsite at below market rate levels, which is desirable towards furthering affordable housing opportunities in Stamford to a greater extent than the provision of on-site Below Market Rate units.*
- *The provision of approximately 6,100 square feet of neighborhood commercial space is beneficial to the neighborhood streetscape and will activate the pedestrian experience on Morgan Street.*
- *The application will create neighborhood commercial uses occupying 50% or more of the building linear frontage, supporting a desire to bring the building closer to the sidewalk and reduce the front yard and street center setbacks.*

- *The submitted Parking Management Plan and Traffic Studies demonstrate that the reduced parking ratio is appropriate for this development and would not adversely impact adjacent properties or city streets.*
- *The parking of vehicles within 5 feet of the building is appropriate because the residential units are more than 5 feet above the affected parking spaces.*

WHEREAS, *such applications were accompanied by the following plans:*

- *Architectural Plans, prepared by Gooding Architecture, dated August 30, 2013, revised February 24, 2014 (unless otherwise noted) and titled:*
 - *Cover Sheet*
 - *Renderings*
 - *A201 Elevations*
 - *A202 Enlarged Elevations (revised 4.17.14)*
 - *A101 Lower Level Plan*
- *A102 First Floor Plan (revised 4.17.14)*
 - *A103 Typical Floor Plan*
 - *A104 Roof Plan*
 - *A301 Building Sections*
- *Landscape Plans, prepared by MPFP LLC, dated February 17, 2014 and titled:*
 - *L-100 Key & Dimension Plan*
 - *L-200 Planting Plan*
 - *L-300 Irrigation Plan*
 - *L-301 Irrigation Details*
 - *L-600 Details*
 - *L-601 Details*
 - *L-602 Planting Details*
- *Survey & Subdivision Plans prepared by Rocco V. D'Andrea, Inc., dated August 30, 2013, revised February 17, 2014 and titled:*
 - *Zoning Location Survey of Property at 1101 Bedford Street in Stamford, Connecticut Prepared for Fuller Development, LLC; and*
 - *Preliminary Subdivision Plan of Property at 1101 Bedford Street in Stamford, Connecticut Prepared for First Presbyterian Church of Stamford.*

NOW THEREFORE BE IT RESOLVED that the Zoning Board approve the application for Site and Architectural Plans and Requested Uses and Special Exceptions, pursuant to §9-D of the Zoning Regulations, authorizing the construction of a 6.5 story residential building containing 175 dwelling units and approximately 6,100 square feet of neighborhood commercial office space and

associated parking and site improvements, as shown on the proposed building and site plans constituting the record of this application, subject to the following conditions:

1. *Prior to the issuance of a Building Permit, applicant will submit final specifications of exterior architectural designs, materials samples, and colors, subject to final approval by Zoning Board staff to be consistent with the character of the building, site plans, architectural elevations and illustrative renderings constituting the record of the application. In particular:*
 - a. *The first floor of the building will be faced with the Ground Face Block (CMU-Light Gray) sample submitted as an exhibit during the public hearing.*
 - b. *The first floor storefronts and windows shall be made of aluminum.*
 - c. *Applicant shall submit evidence, including test results, that the vinyl windows proposed for the upper floors of the building are designed to sufficiently meet all building code requirements (e.g., wind loads, energy efficiency, etc.).*
 - d. *The “Juliet” balconies shall have a minimum depth of 10” from the face of the building.*
2. *The southern driveway access off of Morgan Street shall be gated and locked where it connects to the church parking lot, aside from access for Church functions and events. The lock will be controlled by the Church.*
3. *The applicant must install speed humps on all driveways, with speed humps located at least 20 feet behind the city sidewalk, to improve pedestrian safety. An additional speed hump shall be placed on the northern driveway, just to the west of the garage entrance.*
4. *Loading spaces will be accommodated onsite, along the driveways serving this development.*
5. *Prior to the issuance of a Building Permit, applicant shall obtain a discharge permit from the City of Stamford Water Pollution Control Agency for the proposed development.*
6. *Within six (6) months from the issuance of a Building Permit, the applicant shall provide a fee-in-lieu payment for 17.5 BMR units pursuant to a detailed plan for use of the funds, as approved by the Zoning Board, subject to extensions granted by the Zoning Board for good cause shown, provided that full payment shall occur not later than the issuance of any Certificate of Occupancy for the project. In the event that the City identifies a suitable recipient and plan for use of these*

funds anytime following the issuance of a Building Permit, the applicant shall be notified of same and shall make the fee-in-lieu payment upon formal request by the City. The "fee-in-lieu" payment shall be based on 145% of the Area Median Income, adjusted for any subsequent changes in the Area Median Income as of the date of the payment, subject to approval of Zoning Board staff. The Zoning Board is open to a proposal for use of these BMR funds that includes the rehabilitation of existing housing to create permanent, safe and sanitary housing that meets all BMR requirements.

- 7. Applicant shall, at its own cost, install the proposed streetscape improvements along the street frontages of the proposed Morgan Lofts apartment building, which incorporate elements of the City's Rail Trail standard, including granite curbing. Street lights shall be placed within the landscape strip and not within the sidewalk area.*
- 8. Prior to the issuance of a Certificate of Occupancy, the applicant shall contribute a total of \$150,000 for off-site transportation and traffic improvements as identified in the Traffic Engineer's memo, dated November 27, 2013 without cost to the City of Stamford.*
- 9. Prior to the issuance of a Certificate of Occupancy, applicant shall submit a final Parking Management Plan, subject to final approval by Land Use Bureau staff. Such plan shall designate adequate visitor parking and insure that at least one parking space is included in the rent for each apartment unit at no additional charge. All parking spaces shall be reserved for the use of the occupants of the building, their guests and visitors, and building employees, unless otherwise approved by the Zoning Board and the Land Use Bureau staff. Said Plan shall include provisions for semiannual reports to the Zoning Board, for a three year period beginning at 75% occupancy, reporting performance of the reduced parking to include information such as the residential occupancy rates, car ownership rates per unit, actual parking counts at AM and PM commuting times, mid-day and overnight, shared parking, complaint history and other information as required by the Zoning Board staff. Based on the results of that report, the Zoning Board may, at its discretion, require the applicant to modify its Parking Management Plan by increasing the number of shared vehicle parking spaces onsite or other acceptable parking management strategies, to balance the parking supply, if necessary.*
- 10. The Zoning Board views the wooded/open space area located between the existing church and the proposed apartment building to be an important buffer on the existing site plan. This area must be retained for open space/recreational purposes for use by the church and the apartment building, even if the property is subdivided in the future. Any change in this use from an open space/wooded area requires a revision to the approved Site Plan by the Zoning Board. If the property is to be subdivided in the future, an easement must be provided to assure continued use of this area by the church and by the apartment building.*

11. *No significant mechanical equipment, in addition to that depicted on the building and site plans, shall be installed within view of any public street without prior approval of the Zoning Board staff.*
12. *Prior to issuance of a Building Permit, applicant shall submit final exterior lighting plans including fixture specifications, a photometric analysis of illumination levels, and intended hours of operation, demonstrating adequate illumination of pedestrian and vehicle parking areas and confirming that there will be no adverse impact from trespass lighting on adjacent residential properties, subject to review and approval by Zoning Board staff.*
13. *Prior to issuance of a Building Permit, final Sanitary Sewer and Storm Drainage Plans are subject to approval by the Engineering Bureau, and a Street Opening Permit shall be required for any and all work in the City of Stamford right of way.*
14. *Prior to issuance of a Building Permit, applicant shall submit a Construction Staging and Management Plan to insure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation, maintenance of on-street parking, and protection of environmental quality through mitigation of noise, dust, fumes and debris, subject to final approval by the Director of Operations and Land Use Bureau Chief. Such Construction Staging and Management Plan shall address, but not be limited to, reasonable restrictions on times when deliveries can be made to the job site, measures to control dust, staging area for materials and construction worker parking, measures requiring the timely removal of construction debris and/or litter from the job site, and designation of the contact person responsible for enforcement of the Management Plan.*
15. *Prior to the issuance of a Building Permit, applicant shall submit an Erosion and Sedimentation Control Plan, subject to approval of the Environmental Protection Board staff.*
16. *Prior to the issuance of a Certificate of Occupancy, applicant shall submit a Landscape Maintenance Agreement, subject to approval of the Environmental Protection Board staff.*
17. *Prior to the issuance of a Certificate of Occupancy, applicant shall submit a Drainage Maintenance Agreement, subject to approval of the Engineering Department.*

18. *Prior to issuance of a Certificate of Occupancy, applicant shall submit a Trash Management Plan and a Snow Removal Plan for approval by Zoning Board staff.*
19. *Prior to the start of any construction activities or the issuance of a Building Permit, whichever comes first, applicant shall submit a Performance Bond, or other acceptable surety, to ensure completion of all landscaping improvements, all streetscape improvements, and sedimentation and erosion controls, in an amount equal to the estimated cost of said improvements, subject to the approval of Director of Legal Affairs as to form and subject to approval of amount by the Zoning Board staff.*

The meeting adjourned at 11:05pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board