

MINUTES OF THE ZONING BOARD PUBLIC HEARING AND REGULAR MEETING, HELD MONDAY, JUNE 24, 2013, 7:00 P.M., 4TH FLOOR, CAFETERIA, GOVERNMENT CENTER BUILDING, 888 WASHINGTON BLVD, STAMFORD, CONNECTICUT 06901

Present for the Board: Thomas Mills, Rosanne McManus, Bill Morris, Harry Parson and Barry Michelson. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner

PUBLIC HEARING

Chairman Mills called the meeting to order at 7:07 p.m.

1. **Application 212-17 (A) Modification Yale & Towne SPE, LLC (Y1)** – approval of the following: 1) a modification to the approved General Development Plan concerning the development of Blocks Y1 and Y3 identified below, to reallocate 5 residential units from Y3 to Y1, 2) an amendment to Final Site and Architectural Plan approval previously granted for development on the block identified as Y1 below to increase the number of permitted residential units from 102 to 107 residential units and 3) Coastal Site Plan approval, on a 20.35 acre site at 500 Pacific Street.

Attorney John Freeman summarized the requested changes in Y1 and Y3 to shift five residential units. Victor Mirontschuk, project architect, presented the current and proposed architectural plans for Y1. In response to a question from Mr. Parson, Mr. Cole explained that this change required a public hearing because the General Development Plan currently limits the density of Y1 to 102 units.

There being no comments from the public and no further questions or comments from the Board, Mr. Mills continued the public hearing to July 8, 2013, 7:00 pm, 4th Floor Cafeteria, Government Center Building.

2. **Application 212-27 – Yale & Towne SPE, LLC (Y3)** - Re-open the Public Hearing to review additional information to relocate a garage entrance and reduce the number of proposed units from 257 to 252 in connection with approval of the following: 1) Final Site Plan and Architectural Plan approval for development on the block identified as Y3 below to construct 257 residential units, and 338 parking spaces, landscaping, drainage, roadway and utility improvements; and 2) Coastal Site Plan approval, on a 20.35 acre site at 500 Pacific Street.

Mr. Mills opened the public hearing and noted that due to the work load on the meeting agenda, the public hearing would be continued to July 8, 2013, 7:00 pm, 4th Floor Cafeteria, Government Center Building.

3. **Application 213-13 – Richard Redniss – Edgehill Sr Housing, Text change**, to Amend Article II, Section 3-A, definition #92.1 for Senior Housing and a Nursing Home Facility Complex (*continued from June 10, 2013*).
4. **Application 213-14 – EDGEHILL PROPERTY CORP, 62 & 122 Palmers Hill Road, Special Exception and Site and Architectural Plans** requesting Special Exception Approval and Site & Architectural Plan Approval to facilitate the addition of approximately 33,000 square feet primarily for a new memory care unit at 62 and 122 Palmers Hill Road (*continued from June 10, 2013*).

Mr. Michelson recused himself.

Mrs. McManus qualified herself, noting that she had listened to the audio recording of the previous hearing and reviewed the application materials.

Attorney William Hennessey, Jr., noted that the required 35 day referral to SWRPA has now been satisfied and summarized the application.

Mr. Mills asked about traffic congestion and whether commercial vehicles could be directed to use the signalized intersection at Dorr Oliver Drive. Attorney Hennessey replied that the applicant agreed to this condition.

Mr. Mills called for comments from the public. There were none.

Mr. Mills closed the public hearing at 8:02 pm.

Mr. Mills called a brief recess and resumed the public hearings at 8:07 pm.

5. **Application 213-09 – RICHARD W. REDNISS**, Text change, to Amend Article II, Section 3A to add a new definition 48.5 Hotel or Inn, Extended Stay. (*continued from June 10, 2013*).
6. **Application 213-10 – SEABOARD HOTEL LTS ASSOCIATES, LLC, 23-25, 35, and 37 Atlantic Streets**, Special Exception and Site and Architectural Plans requesting approval of a special exception and site plans to construct a large scale development consisting of a seven-story extended stay hotel in a CC-N district. (*continued from June 10, 2013*).
7. **Application 213-11 – SEABOARD HOTEL ASSOCIATES, LLC, 275 Summer Street**, Special Exception requesting approval to amend Zoning Board approval of application 201-13 for the continued use of a limited service hotel.

Mr. Michelson was reseated.

Attorney Hennessey introduced the application and development team. He described the prior approved hotel, residential and office plan. He stated that the current Courtyard Marriott is over-parked at 1.0 space per room and only needs 0.5 spaces per room. In their prior approval, the Zoning Board reduced the Courtyard Marriott parking standard to 0.5

spaces per room. The Extended Stay Hotel proposes to be parked at 0.75 spaces per room. All three properties will share a valet parking system.

Richard Redniss introduced the text amendment and explained why footnote 23 was proposed to allow a 6.0 FAR. The Board held an extended discussion about the proposed parking ratio of 0.75 spaces per room.

Robert Trafton, project architect, presented his memo dated June 21, 2013, and explained the incorporation of a drainage system into the entry canopy, the added lighting under the canopy and the recess of the windows.

Mr. Mills called for any public comments. There were none.

Mr. Mills closed the public hearing at 8:18 pm.

REGULAR MEETING

APPROVAL OF MINUTES:

June 10, 2013 – Mr. Cole stated that he had not reviewed to audio tape regarding comments made regarding the City Carting application. Action on these minutes was tabled to the next meeting.

June 17, 2013 – Mr. Michelson suggested that the discussion of the Loft Artists Association note that the Board agreed that this organization qualified as a “cultural” use and that staff should work with the Office of Legal Affairs to implement this proposal. Mr. Michelson moved approval of the minutes as corrected, seconded by Mr. Morris and unanimously approved, 4 to 0 (Mills, Michelson, Morris and Parson).

PENDING APPLICATIONS:

1. DMV-031 – Kolenberg, Larkin Road; Same Owner, Change of Location application

David Killeen presented the staff report and explained the recommended conditions of approval. Following brief discussion, Mr. Morris moved approved subject to conditions recommended by staff, seconded by Mr. Michelson and unanimously approved, 5 to 0 (Mills, Michelson, Morris, McManus and Parson). The conditions of approval to read as follows:

- 1) Applicant will need to demonstrate sufficiency of parking when seeking approval of Zoning Enforcement Officer.*
- 2) There shall be no banners, flags, or streamers displayed on the property in conjunction with the business.*

- 3) *There shall be no auto body paint shop on the premises.*
 - 4) *Outside visible storage of any automotive equipment including tires, batteries, auto parts, etc. shall not be permitted.*
2. **Application 212-17 (A) Modification Yale & Towne SPE, LLC (Y1)** – approval of the following: 1) a modification to the approved General Development Plan concerning the development of Blocks Y1 and Y3 identified below, to reallocate 5 residential units from Y3 to Y1, 2) an amendment to Final Site and Architectural Plan approval previously granted for development on the block identified as Y1 below to increase the number of permitted residential units from 102 to 107 residential units and 3) Coastal Site Plan approval, on a 20.35 acre site at 500 Pacific Street.

Mr. Cole explained that approval of the application would entail amending the current certificate to reference the revised architectural plans, change the General Development Plan for Y1 to reflect one-hundred and seven (107) dwelling units, and change the final site and architectural plan to reflect 107 units. All existing conditions of approval would remain unchanged. Following further discussion, Mr. Parson moved approval, seconded by Mrs. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

3. **Application 213-13 – Richard Redniss – Edgehill Sr Housing, Text change**, to Amend Article II, Section 3-A, definition #92.1 for Senior Housing and a Nursing Home Facility Complex.

Mr. Michelson recused himself. Following brief discussion, Mrs. McManus moved approval of the text as revised to May 30, 2013, seconded by Mr. Parson and unanimously approved, 4 to 0 (Mills, Morris, McManus and Parson). The approved text to read as follows:

TO AMEND ARTICLE II, SECTION 3-A, Definition #92.1 to read as follows:

...Within single family districts, minimum size of plot shall be eight (8.0) acres, principal buildings shall not exceed a height of three stories with a maximum height determined by the Zoning Board, all buildings shall be setback from property lines a distance not less than seventy (70) feet from all residentially used property and all street lines, and at the discretion of the Zoning Board thirty-five (35) feet from all other property lines, building coverage shall be in accordance with Appendix B, and floor area ratio (including housing) shall not exceed 0.4 in the R-10 Zone and 0.25 in the R-20 Zone....

4. **Application 213-14 – EDGEHILL PROPERTY CORP, 62 & 122 Palmers Hill Road, Special Exception and Site and Architectural Plans** requesting Special Exception

Approval and Site & Architectural Plan Approval to facilitate the addition of approximately 33,000 square feet primarily for a new memory care unit at 62 and 122 Palmers Hill Road.

Mrs. McManus read the draft conditions prepared by staff. Mr. Cole dictated language for a new condition (#11) to direct commercial vehicles to use the signalized intersection at the Dorr Oliver Drive. Following further discussion, Mrs. McManus moved approval subject to the draft conditions, seconded by Mr. Parson and unanimously approved, 4 to 0 (Mills, Morris, McManus and Parson). The conditions of approval to read as follows:

- 1) *All work shall substantially conform to the above referenced Building and Site Plans unless otherwise approved by the Zoning Board or, for minor modifications, Zoning Board staff.*
- 2) *Zoning Board staff shall review and approve any significant mechanical equipment installed within the view of any public street and not depicted on the Building and Site Plans submitted with the application.*
- 3) *Prior to issuance of a Building Permit, a Consolidation Map shall be filed on the City of Stamford Land Records.*
- 4) *Prior to the issuance of a Building Permit, the Applicant shall submit final site and architectural plans, landscaping and lighting plans, including specifications for exterior architectural designs, materials, samples and colors, for final approval by Zoning Board staff, to ensure consistency with the approved plans, architectural elevations, and illustrative renderings constituting the record of the application.*
- 5) *Prior to the issuance of a Building Permit, sewer, streetscape and storm drainage plans are subject to final review by the Engineering Bureau.*
- 6) *Prior to issuance of a Building Permit, Erosion and Sedimentation Control Plans shall be submitted and shall be subject to approval by EPB staff.*
- 7) *Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit a Parking Management Plan. Such Parking Management Plan shall address, but not be limited to, valet shuttle service between the facility and the new parking lot located at 62 Palmers Hill Road and ensure a safe, secure and well-lit pedestrian connection between same.*
- 8) *Improvements within the Palmers Hill Road right-of-way, as generally depicted on sheet RP-1 shall be subject to approval by the Engineering Department and completed prior to the issuance of a Certificate of Occupancy.*
- 9) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a modification to the existing Drainage Maintenance Agreement, subject to approval by*

Environmental Protection Board staff.

- 10) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a modification to the existing Landscape Maintenance Agreement, subject to approval by Environmental Protection Board staff.*
 - 11) *Commercial vehicles shall be directed by the owner to enter and exit the property at the signalized intersection of Palmer Hill Road and Dorr Oliver Drive.*
 - 12) *This approval for Special Exception and Site & Architectural Plans & Requested Uses shall remain in effect for a period of one (1) year from the date of this approval, subject to Zoning Board approval of not more than three (3) one-year extensions, upon timely application and good cause shown.*
5. **Application 213-09 – RICHARD W. REDNISS**, Text change, to Amend Article II, Section 3A to add a new definition 48.5 Hotel or Inn, Extended Stay.

Mr. Michelson was reseated. Following brief discussion, Mr. Morris moved approval of the text amendment as submitted, seconded by Mr. Michelson and unanimously approved, 5 to 0 (Mills, Michelson, Morris, McManus and Parson). The approved text amendment to read as follows:

1. *TO AMEND Article II, Section 3A, Definitions, by adding new definition 48.5 to read as follows:*

48.5 Hotel or Inn, Extended Stay: A building designed as a hotel, generally intended to accommodate longer lengths of stay, where all guest rooms are fully furnished and have a full kitchen.

2. *TO AMEND Appendix A, Table I, by adding use # 27.5 – Hotel or Inn, Extended Stay (48.5) – marked with a “B” in the CC-N District as shown below:*

	CC-N
27.5 – Hotel or Inn, Extended Stay (48.5)...	B

3. *TO AMEND Appendix B, Footnote #23, to read as follows:*

23 *Subject to the issuance of a Special Exception, parcels within the CC-N district may be developed as hotels and/or extended stay hotels with a maximum above grade FAR of 6.0, subject to the following standards and limitations:*

- (1) *no commercial office or residential floor area shall be permitted;*
- (2) *all above grade structured parking area shall count toward the FAR total;*
- (3) *on Ground Floor Retail Streets, ground floor retail and/or ground floor hotel common areas must be provided;*

(4) facade features such as flag poles, canopies, and lighting fixtures may extend over public sidewalks, provided they are not less than eight (8) feet above grade and set back a minimum of three (3) feet from the curb and do not restrict the free flow of pedestrian traffic, and cornices and eaves and other similar ornamental features may extend over public sidewalks not to exceed eighteen (18) inches;

(5) building coverage may equal 100% of the lot area with no rear yard, and no at grade open space;

(6) parking may be provided at a rate of 0.5 spaces per hotel room for hotels and 0.75 spaces per hotel room for extended stay hotels within five hundred (500) feet of a public garage, where 24-hour shuttle services are provided, the terms of which are determined by the Zoning Board, and hotel conferencing and/or banquet facilities do not exceed 0.10 FAR.

(7) access driveways shall be not less than twenty (20) feet in width between curbs for two-way operation;

(8) Where parking and site access is provided on an adjacent lot(s), parking spaces and drive aisles may extend over common property lines, provided necessary easements are granted to the satisfaction of the Director of Legal Affairs.

6. **Application 213-10 – SEABOARD HOTEL LTS ASSOCIATES, LLC, 23-25, 35, and 37 Atlantic Streets, Special Exception and Site and Architectural Plans requesting approval** of a special exception and site plans to construct a large scale development consisting of a seven-story extended stay hotel in a CC-N district.
7. **Application 213-11 – SEABOARD HOTEL ASSOCIATES, LLC, 275 Summer Street,** Special Exception requesting approval to amend Zoning Board approval of application 201-13 for the continued use of a limited service hotel and a parking standard of 0.5 spaces/room.

Mr. Morris read the draft conditions prepared by staff. Following brief discussion, Mrs. McManus moved approval of Applications 213-10 and 213-11 subject to the draft conditions, seconded by Mr. Morris and unanimously approved, 5 to 0 (Mills, Michelson, Morris, McManus and Parson). The conditions of approval to read as follows:

- 1) *All work shall substantially conform to the above referenced Building and Site Plans unless otherwise approved by the Zoning Board.*
- 2) *Zoning Board staff shall review and approve any significant mechanical equipment installed within the view of any public street and not depicted on the Building and Site Plans submitted with the application.*
- 3) *Prior to issuance of a Building Permit, a Consolidation Map, combining 23-25, 35, and 37 Atlantic Street, shall be filed on the City of Stamford Land Records.*

- 4) *Prior to the issuance of a Building Permit, the Applicant shall submit final site and architectural plans, landscaping and lighting plans, including specifications for exterior architectural designs, materials, samples and colors, for final approval by Zoning Board staff, to ensure consistency with the approved plans, architectural elevations, and illustrative renderings constituting the record of the application.*
- 5) *Prior to the issuance of a Building Permit, sewer, streetscape, and storm drainage plans shall be submitted and subject to final review of design specification and construction by the Engineering Bureau.*
- 6) *Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to review by the Environmental Protection Board staff.*
- 7) *Prior to the issuance of a Building Permit, the Applicant shall submit a Construction Staging and Management Plan to ensure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation and protection of environmental quality through the mitigation of noise, dust, fumes and debris subject to final approval of the Land Use Bureau Chief or his designee and the Director of Operations.*
- 8) *Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit a Parking Management Plan, subject to final approval by Zoning Board staff, to include details of the valet operations within the garage and vehicle operations on site.*
- 9) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit signage plans subject to review by the Zoning Board administratively.*
- 10) *Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit a Trash Management Plan, subject to final approval by Zoning Board staff.*
- 11) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Drainage Maintenance Agreement, subject to approval by the Environmental Protection Board staff.*
- 12) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit to the Zoning Board staff evidence of all legal documentation required (i.e. easements, agreements, etc.) to implement the approved valet parking plan.. Such documents shall be subject to the review of the City's Director of Legal Affairs.*
- 13) *The applicant has offered to pay the sum of \$55,000 to the City of Stamford representing its "fair share" contribution to the funding required for off-site pedestrian and traffic management improvements to the intersection of Bedford Street, Broad Street, and Atlantic Street. This contribution shall be made within 30 days of written notification from the City that it intends to proceed with said*

improvements. The Applicant's "fair share" funds of \$55,000 shall be used exclusively for the purpose stated above and upon receipt of the funds by the City, shall be placed in a capital non-recurring account designated for such purpose. In the event that such work does not commence within three (3) years of the Applicant's receipt of a building permit, the requirement for said payment shall be automatically relieved.

- 14) *This approval for Special Exception and Site & Architectural Plans & Requested Uses shall remain in effect for a period of one (1) year from the date of this approval, subject to Zoning Board approval of not more than three (3) one-year extensions, upon timely application and good cause shown.*

OLD BUSINESS

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.

The Board discussed the letter received from Terry Adams on behalf of the South End NRZ, commenting that approval of the Loft Artists proposal should not reduce BLT's obligation to provide 7,000 square feet of cultural use within the Yale & Towne and Harbor Point developments. Attorney Freeman commented that the Loft Artists have signed an agreement with BLT regarding fit up of the second floor space at 575 Pacific Street. Mr. Michelson again noted that staff should work with the Law Department to recommend how to structure the Loft Artist approval to insure that 7,000 square feet of other cultural space is established upon expiration of the Loft Artists' ten year lease at 575 Pacific.

ADJOURNMENT

There being no further business, Mr. Mills adjourned the meeting at 10:20pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board