

**MINUTES OF THE ZONING BOARD
ZONING BOARD MEETING
MONDAY, JUNE 29, 2015, AT 7:00 P.M., ON THE
4th FLOOR, CAFETERIA, GOVERNMENT CENTER
BLDG, 888 WASHINGTON BLVD., STAMFORD, CT**

Present for the Board: Thomas Mills (Chair), Barry Michelson (Secretary), William Morris, Rosanne McManus, 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 7:07 pm.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: June 8, 2015

Corrections were noted on page 1 and page 10 by Mr. Michelson and Mr. Stein.

After further discussion, a motion was made to approve the minutes, with corrections as submitted, by Mr. Stein, seconded by Mr. Morris and the motion carried 5 to 0 with Ms. Gwozdzowski voting because she was present at the June 8, 2015 meeting. (Mills, Michelson, Morris, Stein and Gwozdzowski).

PENDING APPLICATIONS:

1. **CSPR-943 – Bradhurst Center Corp, 22 Ralph Street**, to replace an existing backyard fence in a flood hazard zone at 22 Ralph Street.

Mr. Killeen provided an overview of this application, which requests approval of a fence within the Coastal Flood Hazard Zone. The EPB staff report documents the plans and background materials that have been provided to show how the fence has been designed to be flood proofed. The fence will be elevated 2 inches above grade. This fence will be a vinyl fence.

Mr. Killeen reviewed the staff report prepared by EPB and the series of recommended conditions.

After some discussion, a motion was made by Ms. McManus, seconded by Mr. Morris, to approve CSPR #943 subject to the conditions included in the EPB report. The motion carried 5:0 (Mills, Michelson, Morris, Stein and McManus) and the conditions will read as follows:

1. *Work shall comply with the following plans and correspondence:*
 - *“Plot Plan,” Prepared for Bradhurst Center Corporation, Stamford Connecticut, by Edward J. Frattaroli, Inc., revised April 27, 2015.*
 - *"Correspondence from John Pugliesi, P.E., E.J. Frattaroli, Inc., dated April 27, 2015, revised June 5, 2015.*

- *“Fence Installation Detail,” Prepared for Eileen Bisordi, 22 Ralph Street, Stamford, Connecticut by Edward J. Frattaroli, Inc., undated.*
 - *“Notice of Acceptance (NOA),” Miami-Dade County Building and Neighborhood Compliance Department Board and Code Administration Division, by Helmy. Makar, P.E., L.S., dated April 7, 2001.*
 - *“Vinyl Fence Kits,” Assembly and Installation Instructions, by Barette Outdoor Living, 11/13.*
 - *“Privacy Fencing Solutions for Life,” Active Yards, by Barette Outdoor Living, 11/13.*
2. *Boundary staking by a Connecticut Land Surveyor prior to the start of any site activity.*
 3. *Any necessary sediment and erosion controls shall be installed prior to the start of any site activity and approved in writing by EPB Staff.*
 4. *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other suitable alternatives prior to the receipt of a signature authorizing the issuance of a certificate of occupancy. This condition applies not only to disturbed earth surfaces slated for landscaping but also to areas under any exterior decks/porches, stairs, driveway surfaces, gutter outfalls (throughout), etc.*
 5. *Upon the completion of the construction and prior to the receipt of a signature authorizing the issuance of a certificate of occupancy/completion, a Connecticut registered professional land surveyor shall submit an improvement location survey confirming the final location of the fence.*
 6. *Upon the completion of the construction and prior to the receipt of a signature authorizing the issuance of a certificate of occupancy/completion, a Connecticut licensed engineer shall certify (signature/seal) that the fence has been constructed in accordance with Section 7.1 of the Stamford Zoning Regulations and is capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.*
 7. *Upon the completion of construction and prior to the receipt of a signature authorizing the issuance of a certificate of occupancy, the applicant shall file a notice on the Stamford Land Records disclosing the following information.*
 - *The subject property lies within a known flood hazard area described as Zone AE, with a projected base flood elevation of 13 feet NAVD-88, as depicted on Flood Insurance Rate Map 09001C0517G, dated July 8, 2013.*
 - *A permit (22 Ralph Street, Bradhurst Center Corporation/Eileen Bisordi, CSPR-943, 6/15) has been issued by the Zoning Board of the City of Stamford to construct a fence on property having the coastal resource identified as “Coastal Flood Hazard Area.”*

2. **CSPR-983 – CALVER, 191 Weed Avenue**, construct a 5’-6’ fence on southerly and westerly bounds of property on .54 acres in an R-7-1/2 district in a coastal management area at 191 Weed Avenue.

Mr. Killeen provided an overview of this application, which requests approval of a fence within the Coastal Flood Hazard Zone. The EPB staff report documents the plans and background materials that have been provided to show how the fence has been designed to be flood proofed. The fence will be elevated 3 inches above grade. This fence will be a cedar fence.

Mr. Killeen reviewed the staff report prepared by EPB and the series of recommended conditions.

After some discussion a motion was made by Mr. Michelson with the correction to the staff report that the Fence Installation Detail was prepared by Gill and Gill, not Frattaroli, seconded by Mr. Stein to approve CSPR #983 subject to the conditions included in the EPB report. Motion carried 5 to 0 (Mills, Michelson, Morris, Stein and McManus) and the conditions will read as follows:

1. *Work shall comply with the following plans and correspondence:*
 - *“Improvement Location Survey – Record of 191 Weed Avenue,” Prepared for James D. Calver and Kristi J. Calver, Stamford, Connecticut, by William W. Seymour and Associates, P.C., revised January 20, 2015.*
 - *Correspondence form Craig J. Flaherty, P.E., Redniss and Mead, dated June 18, 2015.*
 - *Correspondence from Harrison W. Gill, III, AIA, Gill and Gill, dated November 17, 2014.*
 - *“Typical Fence Post Section,” and “Typical Fence Post Foundation Section,” Calver Residence, 191 Weed Avenue, Stamford, Connecticut,” Prepared by Gill and Gill, revised April 23, 2015.*
2. *Boundary staking by a Connecticut Land Surveyor prior to the start of any site activity.*
3. *Any necessary sediment and erosion controls shall be installed prior to the start of any site activity and approved in writing by EPB Staff.*
4. *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other suitable alternatives prior to the receipt of a signature authorizing the issuance of a certificate of occupancy.*
5. *Upon the completion of the construction and prior to the receipt of a signature authorizing the issuance of a certificate of occupancy/completion, a Connecticut registered professional land surveyor shall submit an improvement location survey confirming the final location of the fence.*

6. *Upon the completion of the construction and prior to the receipt of a signature authorizing the issuance of a certificate of occupancy/completion, a Connecticut licensed engineer/architect shall certify (signature/seal) that the fence has been constructed in accordance with Section 7.1 of the Stamford Zoning Regulations and is capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.*

7. *Upon the completion of construction and prior to the receipt of a signature authorizing the issuance of a certificate of occupancy, the applicant shall file a notice on the Stamford Land Records disclosing the following information.*
 - *The subject property lies within a known flood hazard area described as Zone AE, with a projected base flood elevation of 14 feet NAVD-88, as depicted on Flood Insurance Rate Map 09001C0517G, dated July 8, 2013.*

 - *A permit (191 Weed Avenue, J. Calver, CSPR-983, 6/15) has been issued by the Zoning Board of the City of Stamford to construct a fence on property having the coastal resource identified as “Coastal Flood Hazard Area.”*

3. **Application 214-40 – STRAZZA, Text change,** to Amend Article III, Section 5D by adding a condition 5) that would permit placement of accessory structures used for farm purposes on parcels of 50 acres or more, used as farm land, to be located within the front yard, when meeting certain setback and height standards.

It was noted for the record that Board Member Rosanne McManus had viewed the video from the public hearing and was, therefore, eligible to sit on this application. She noted that she had not received copies of the two letters that were submitted into the record and asked that alternate Gwozdzowski be seated on this application. Chairman Mills seated Ms. Gwozdzowski.

The Board discussed the revised language for this text change and the inventory of properties that could be affected by this text change, which were prepared by Norman Cole, Land Use Bureau Chief.

Mr. Michelson stated that he thought the 50-acre minimum lot size was restrictive, as the average size of a Connecticut farm appears to be 25 – 30 acres. He asked if the text could be modified to allow the provisions of this text change on properties of 30-acres or more. Mr. Cole responded that this change would require a new application.

Mr. Stein asked what the language “used for residential purposes” would mean in this regulation. Mr. Cole responded that the affected properties would still be in single family residential districts and only one residence would be allowed, aside from any legal non-conforming residence on the property.

After some discussion, a motion was made by Mr. Morris and seconded by Mr. Stein to approve Application #215-10 as amended and the motion carried 5 to 0 (Mills, Michelson, Morris, Stein and Gwozdzowski) and the text will read as follows:

To amend Article III, Section 5-D of the Zoning Regulations of the City of Stamford, by adding a new Condition #5, to read as follows:

5. *On all parcels of 50 acres or more, used for residential purposes and where the remainder of the property is used exclusively as farm land, all buildings used for farm purposes shall be considered principal buildings under these Regulations and therefore the standards of Article III, Section 6-A of these Regulations shall not apply, provided such farm buildings are located a minimum of one and one-half (1.5) times the minimum setback requirements of Appendix B for the Zoning District in which the property is located and provided when located within a Front Yard that they are located a minimum of 100 feet from all property lines and shall not exceed a height of two (2) stories and a height of thirty-five (35) feet measured to the peak of the roof. Total building coverage of all buildings shall not exceed fifty percent (50%) of the Maximum Building Coverage requirements of Appendix B for the Zoning District in which the property is located.*

OLD BUSINESS

1. **Appl. 212-18 and 212-19 - TRINITY STAMFORD LLC and the CITY OF STAMFORD URBAN REDEVELOPMENT COMMISSION** requesting Special Exception Approval & Approval of Site Plans/Requested Uses related to the redevelopment of Urban Renewal Plan Reuse Parcels 19 & 19B (commonly referred to as Parcels P-II and P-IV) with two apartment buildings including a total of 417 dwelling units and approximately 10,838 square feet of ground floor retail space as well as an expansion of the Summer Street Parking Garage with 324 new structured parking spaces and associated site improvements (*request for time extension*).

Lisa Feinberg, Attorney for the Applicant, made this presentation. Attorney Feinberg explained that the Applicant was making good progress on the first building and expected a ribbon cutting to be scheduled soon. The Applicant needs more time to complete the second building (Phase IV) and hoped to close on it by the end of the year. This extension would help them complete the process.

After further discussion, Ms. McManus made a motion to approve this request, seconded by Mr. Stein and the motion carried 5 to 0 (Mills, Michelson, Morris, Stein and McManus). The new deadline for obtaining a building permit will be August 9, 2016.

2. **Appl. 213-44 - Rich Cappelli Associates LLC and Louis R. Cappelli Family Limited Partnership II** - Site and Architectural Plan & Requested Uses and Coastal Site Plan Review for the development of 650 residential units, ground floor retail, and associated parking and site improvements on properties of approximately 4.4 acres, zoned CC- N, and commonly referred to as 421 Atlantic Street (*proposed modifications to final plans*).

Amy Souchuns, Attorney for the Applicant, made this presentation and introduced her team: Kathleen Hennessy, Project Manager and Bruce Berg, CEO, the Cappelli Organization; Rick Redniss and Ray Mazzeo of Redniss and Mead.

Attorney Souchuns reported that:

1. The Applicant continues to keep in touch with Metro Green regarding the proposed BMR fee-in-lieu payment though they are afraid the timing may not work out properly, and,
2. The Applicant continues to monitor the Magnolia tree that was to be saved under the conditions of approval. Meanwhile, the condition of the tree has deteriorated and the Applicant would like to remove it during the construction process and,

3. The Applicant is seeking an extension of one year to obtain a building permit with a new expiration date of July 29, 2016 and
4. The Applicant has been working hard to market the Post Office building for a retail or restaurant use. The Marketing Company, CBRE, has developed a marketing flyer for the property and has fielded calls from prospective tenants, with several site visits by those prospects during the last 90 days.

Mr. Michelson asked if the Applicant had documentation of the condition of the Magnolia tree. Attorney Souchuns stated that background material documenting the deteriorating condition of the tree had been submitted during the public hearing of this application.

Mr. Killeen asked if the Applicant intended for this evening's report to be one of the quarterly updates that were required under Condition 11 of their approval. Attorney Souchuns said yes. Mr. Killeen asked that future reports be more detailed regarding the types of businesses that were being targeted, how they were being marketed and the number and type of responses they were receiving. Mr. Killeen also suggested that the advertising materials more clearly highlight the unique historic character of the subject property. Mr. Berg stated that they are making progress with finding investors for the project, but that some of them are reluctant to commit because they find some of the conditions too restrictive. Attorney Souchuns reviewed their requests for modification of the building design and introduced Kathleen Hennessy, Project Manager for the Cappelli Organization.

Ms. Hennessy explained:

1. Modification of the exterior designs:
 - a. Glass finish - proposing a change from a bronze finished glass to a blue or silver/grey material. The Board asked if the Applicant was looking for an open approval for all 3 colors. The answer was no. Mr. Mills stated he didn't want to see the downtown high rises all be one color like the Trump Parc Building.
 - b. Garage floor plans/details/modification to elevations. Ms. Hennessy explained they would like to eliminate the below-level parking and incorporate additional parking on the fifth floor by relocating utility rooms. She presented elevations that illustrated this would raise the garage height approximately 4 feet from the Board approved plans, since the 5th floor would have taller ceilings. She discussed the new roofline and explained that the building would end up approximately 7 feet lower than what was approved by the Board. Mr. Cole asked for documentation that the rooftop mechanicals would still be screened with the proposed new roof design and slope.
 - c. Condition #3: rehabilitation of the Post office. Attorney Souchuns explained that the Applicant needed flexibility with timing since the State Historic Office (SHPO) will take a long time to review the plans. She requested several modifications to the existing condition. Mr. Stein commented that the revised language would not link the rehabilitation of the Post Office to the other building approvals. The Board was concerned that the materials came in so recently that they had no staff report yet. They asked Attorney Souchuns to provide all necessary plans to enable staff to review and comment on building design, parking, screening of mechanicals, etc., but they were willing to approve the time extension and building color and have the remaining items considered at a future meeting.

After some discussion, Mr. Michelson made a motion, seconded by Ms. McManus to approve an extension of time to obtain a building permit to July 29, 2016 and to allow the Applicant to use

either bronze, blue or grey/silver colored glass on the exterior of the building, subject to review of the final design by the Zoning Board administratively. The motion carried 5 to 0 (Mills, Michelson, Morris, Stein and McManus).

NEW BUSINESS

1. Administrative review of signage, Fortina Restaurant, 100 Washington Blvd.

Mr. Killen reviewed this request for approval of a sign within the Harbor Point Development, in the SRD-S District. He explained that it is consistent with the Design Guidelines for this area.

A motion was made by Mr. Michelson and seconded by Mr. Stein to approve this request for signage on the Fortina Restaurant. The motion carried 5 to 0 (Mills, Michelson, Morris, Stein and McManus).

2. Status Report on Strand v. ZBA Boatyard Court Case and Boatyard Consultant Contract

Norman Cole, Land Use Bureau Chief, and Thomas Madden, Economic Development Director for the City of Stamford, made this presentation. Mr. Cole reported that the City's original consultant, Luis Ajamil, had other commitments and was, therefore, unable to complete all of the tasks contained in the Scope of Services under this contract. He submitted a draft document as of June 29, 2015 and Mr. Cole and Mr. Madden will provide comments by June 30. He expects a revised document could be available by the end of this week, addressing Task #1.

In the meantime, Mr. Cole and Mr. Madden reached out to approximately three other consultants in this field and selected Pamela Londzion of Marine Tec Management Company to complete the remaining work. Assuming BLT is able to respond to requests for information from Ms. Londzion in a timely way, it is expected that she could have a study completed for the Zoning Board by late July or early August.

Mr. Stein asked what role Ms. Londzion will play in Task #1. Mr. Madden responded that she will make sure that the results of Task #1 are coordinated with the completion of Task #2.

Mr. Mills asked whether the first consultant, Luis Ajamil, needs to be kept involved. Mr. Madden stated that his product is forthcoming. Mr. Mills suggested that he would like to see the draft document from Mr. Ajamil and the comments from Mr. Cole and Mr. Madden. Ms. McManus stated that she wanted the Zoning Board to review the final report. Mr. Cole stated that he would plan to send a pdf of the final report to the Board before their July 13 meeting. Mr. Cole said it would be about 50 pages.

Mr. Madden said that he expects the Mayor to sign the new contract for \$50,000 with Ms. Londzion's firm on June 30. He stated that BLT has provided the necessary funds to the City.

Mr. Michelson questioned why the contract is being signed without the Zoning Board's approval of the consultant. Mr. Cole explained the process that was used to select the consultant, pointing out that this was consistent with how the first consultant was selected. He stated that it would take longer to involve the Board and he asked what role they wanted to play. Mr. Mills polled the Zoning Board members to find out if they were comfortable with the selection process. Mr. Stein, Ms. McManus, Ms. Gwozdzowski and Mr. Morris stated they were comfortable with the

selection process as outlined by Mr. Cole. Mr. Cole stated that he would share draft products as the study proceeded. Mr. Michelson stated that he appreciated knowing the selection process and just wants to make sure the proposal will be successful. The Board will have to evaluate the products as they are submitted. Mr. Mills stated that the consensus of the Board is that Staff is moving in the right direction. Mr. Mills asked that the Board be notified when the contract is signed and he asked for a timeline. Could the report go to the Planning Board and the Harbor Management Commission by late July or early August so that they could review it while the Zoning Board is on vacation in August? Mr. Cole stated that was his goal as well. The Board agreed they would revisit the progress of this report and make a determination about public hearing dates for pending BLT applications at their July 27 meeting.

Mr. Killeen stated that the Board has regularly scheduled meetings for September 10, September 21 and September 28 currently. After some discussion amongst the Board, Mr. Mills stated that he would like to schedule the hearings for multiple meetings and on back-to-back nights for these applications, such as the 9th and 10th or the 16th and 17th of September. The 21st and 28th of September are still possibilities. Mr. Mills asked that all other agenda items be scheduled for another night.

Mr. Michelson provided an update on the pending court case, reporting that he had met with Corporate Counsel Katherine Emmett. He said the court had advised Corporation Counsel it will not be acting on the appeal of the Cease and Desist for now. The Court feels that the Zoning Board has jurisdiction.

John Freeman, Attorney representing BLT, then spoke. Attorney Freeman said he was encouraged that progress was being made in the selection of a new consultant and said that BLT is prepared to complete remediation work on the 14-acre parcel. He noted that BLT has been very cooperative. They have provided necessary funding for the consultant studies and are prepared to respond to questions of the new consultant and proceed with their current applications. As a result, Attorney Freeman asked the Board to schedule a hearing on another of their pending applications, for the C8 Block. Attorney Freeman and BLT's Engineer, Bill Buckley, provided an update on their efforts, to remediate contamination on the C8 Block and on the 14-acre parcel. The Board Members expressed concern about leaving portions of the site exposed to rain and flooding, which could result in contamination of clean soil that is being used to fill holes at the 14-acre site.

Mr. Mills stated he would like to see the site capped in conjunction with the applicant's pending application to use the site for public access, open space and a marina. Mr. Buckley stated there is a separation berm in the center of the site and that a felt liner prevents leaching of contaminants into clean soil.

Mr. Michelson asked if the CT DEEP is still involved in monitoring remediation efforts. Mr. Buckley said yes. Mr. Michelson stated he wants a complete plan for the reuse of the 14-acre parcel. Mr. Stein agreed.

Ms. McManus noted that the C8 Block is not part of the boatyard plan and she doesn't want to see a delay in the South End redevelopment process.

Mr. Morris felt the City needed to continue applying pressure and that there was a responsibility to the residents to maintain control.

The Board asked if Staff concerns about the pending boatyard applications have been addressed. Mr. Cole stated that some additional information had been provided and that his biggest concern was the market study/consultant report.

Mr. Mills stated he was okay with the public hearing on the C8 Block being scheduled in July as long as BLT was cooperating with the ongoing consultant study. After some discussion, other Board members agreed. By Consensus, the Board agreed to schedule a public hearing for July 20. They cautioned the Applicant that they would not complete their deliberation on the application in July if the Applicant did not cooperate fully with the Consultant Study.

3. Pedestrian Walkway between Woodland and Henry Street near Pacific Street

Attorney Freeman asked the Board to consider one more item. BLT acquired the former B&S Carting property over the last year and they have removed most of the former operations located there. Because of some recent shootings in the area, the residents have a real safety concern. BLT is requesting permission to pave a pedestrian path between Woodland Avenue and Henry Street and install lighting to make it easier and safer for resident to walk through the neighborhood. Mr. Cole reported that the former B&S Carting operation had illegally expanded into an adjacent residential area, and some of the proposed lighting would be within the expanded area. Mr. Cole was comfortable with having the Zoning Board approve the paved pedestrian path between Woodland Avenue and Henry Street and having the lighting installed, as long as BLT provided a written agreement they would not utilize the property for a recycling operation while the pedestrian path was in place.

The Board, after noting that the location of the paved path would effectively prevent reuse of the property for the recycling operation, agreed with Mr. Cole's assessment and supported the proposed path with the condition that BLT provide the necessary written agreement.

ADJOURNMENT

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

There being no further business, the meeting adjourned at 10:30 p.m.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board