

MINUTES OF THE ZONING BOARD PUBLIC HEARING AND REGULAR MEETING, HELD MONDAY, JULY 8, 2013, 7:00 P.M., 4TH FLOOR, CAFETERIA, GOVERNMENT CENTER BUILDING, 888 WASHINGTON BLVD, STAMFORD, CONNECTICUT 06901

Present for the Board: Thomas Mills, Bill Morris, Harry Parson, Barry Michelson and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief

PUBLIC HEARING

Chairman Mills called the meeting to order at 7:10 p.m. Mr. Mills seated Alternate Joanna Gwozdzowski in place of absent member Rosanne McManus.

1. **Application 213-18 – CITY OF STAMFORD ZONING BOARD – EPB, Text change**, to Amend Article III, Section 7.1 Flood Prone Area Regulations of the City of Stamford Zoning Regulations, to reflect modifications to the requirements of the “Flood Insurance Study” as prepared by the Federal Emergency Management Agency.

Norman Cole presented the proposed amendments and described them as mandatory technical amendments to maintain Stamford’s participation in the National Flood Insurance Program. He identified the proposed “substantial damage” definition as an option warranting further discussion. Richard Talamelli, Environmental Planner, City of Stamford, explained the “substantial damage” issue. He said it would entitle homeowners to a pool of funds, if available, titled “increased cost of compliance” and would consider the cumulative effect of two storm events within a 10-year period.

Mr. Parson asked who calculates/manages these regulations? Mr. Talamelli said the EPB staff.

Mr. Michelson asked how long it takes for flood damages to be settled and fixed? Mr. Talamelli said it varies, but insurance claims can take time to settle.

Mr. Mills asked if anyone from the public wanted to comment. There was none. Mr. Mills closed the Public Hearing on this item at 7:50pm.

Mr. Parson moved to change the agenda and to move to the Regular Meeting to take up Application 213-18, seconded by Ms. Gwozdzowski and unanimously approved 5 to 0 (Mills, Michelson, Morris, Parson and Gwozdzowski).

REGULAR MEETING

PENDING APPLICATIONS:

1. Application 213-18 – CITY OF STAMFORD ZONING BOARD – EPB, Text change

Mr. Michelson suggested they delete the “substantial damage” language for now. Mr. Morris said he felt it would be better floodplain management. Ms. Gwozdzowski wanted to leave it in. Mr. Mills agreed with Mr. Morris. Mr. Michelson said these pools of funds may or may not be available.

Mr. Michelson moved to change the language of the amendment to take out “substantial damage”. There was no second to the motion. Ms. Gwozdzowski moved to approve the application and leave “substantial damage” language in and adopt the remainder of the text change as submitted. Mr. Parson seconded the motion and it was approved 4:0:1 (Mills, Morris, Parson and Gwozdzowski approving and Michelson abstaining).

Mr. Mills took a brief recess at 8:05pm and resumed the Public Hearing at 8:15pm.

PUBLIC HEARING

2. **Application 213-04 – CITY REALTY, LLC, 336 Courtland Avenue** requests approval of a special exception to expand an existing recycling use in an M-L Zone (*continued from July 1, 2013*).

Mr. Mills stated for the record that the Board Members have all taken the opportunity to inspect the property. Attorney William Hennessey explained that this is the fourth night of the public hearing and noted that the proposal is to adapt the property with equipment to handle single-stream recycling. He described the fact that City trucks picking up trash are causing early morning noise. He described the other industrial uses in the immediate area that also make noise and dust. City Carting is the only regulated business. There are no notices of violation issued by DEEP.

Attorney Hennessey handed out draft conditions. He described the three truck scales to be added (Condition #7). Mr. Mills clarified that the truck leaving the westerly-most scale should exit to the South.

Attorney Hennessey described the Operation’s Plan (Condition #8) which will include sound monitoring. No supermarket compactor waste will be accepted (Condition #9).

Mr. Parson asked who would act as the compliance officer? Attorney Hennessey said he is hired by the Company to ensure procedures are followed. DEEP requires quarterly compliance reports which are prepared by an engineer licensed by DEEP.

Attorney Hennessey discussed that hours of operation have been reduced on Saturday to 7:00am to noon and in the afternoon, operations will be limited outside the building to 5:00pm. The back-up alarms will be changed to “white sound” for all vehicles they own within 3 years but will not affect vehicles owned by others. All new vehicles purchased will also be equipped with these new back-up alarms. Attorney Hennessey explained they agree to limit Municipal Solid Waste (MSW) to 400 tons per day which is the amount currently being received (#23).

Mr. Mills asked that the Operating Plan be subject to Zoning Board approval administratively. Mr. Mills asked that the dB rating of “white noise” for the back-up system be provided to the Zoning Board.

Ms. Gwozdzowski asked if they have plans showing how the buildings will look?

Mr. Mills asked if there were a way to measure odors? Mark Zessin, P.E., answered that DEEP doesn't use any measurement equipment.

Attorney Hennessey reported that buildings would be a metal butler building tan in color and that the MSW building will be re-sided with the same tan metal material.

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

Terry Goldhoff, 9 Maple Tree Avenue, complained about noise and dust. \$90 fines per violation are a cost of business. He asked who enforces these violations?

Kathleen Dechant, 439 Glenbrook, asked if they could do anything to control the order when the doors are open? She cited 22a-174-22 (CGS). Will the operation plan be shared with the neighbors? Attorney Hennessey said they will consult with them and the Glenbrook Neighborhood Association. Ms. Dechant asked if the project was in the Environmental Justice Zone? Attorney Hennessey said no.

Pradnya Nandanwar, 431 Glenbrook, complained about enforcement of noise ordinances.

Miriam Anderson, 431 Glenbrook, asked when the hotline calls would have to be reported to the City? \$90 seems like a small fine for a noise violation.

Don Corbo, representing two properties under contract (to buyers), 55 Crescent St (Sclafani) and 467 Glenbrook Road (former gas station), said they support the application because it will improve the current conditions.

Jay Fountain, Board of Representative member, said City Carting has worked to reduce odor problems. He complimented the Zoning Board for working with the Applicant to develop better conditions.

Ralph Solamano, 9 Maple Tree, noted that if complaints are emailed, there'd be a permanent record.

Marcia Dicenzo, 431 Glenbrook, asked how holidays are handled? Attorney Hennessey said they are closed on Federal holidays: New Years, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas.

Mrs. Smiley, 54 Morris, complained that City Carting trucks collect early in the morning behind CVS and asked if City Carting can regulate collections times.

Mr. Mills invited comments and questions from the Zoning Board members. There were none.

Attorney Hennessey closed by saying this is a well-regulated property which will improve property values and that the design of the new building will control noise and direct it to the south.

Mr. Mills closed the Public Hearing at 10:50pm.

3. **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 252 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, located entirely within the block bordered by Canal, Market, Pacific and Henry Streets, which property is zoned South End Redevelopment District, North (*continued from June 24, 2013*).

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, Y3, Y7 and Y8, identified below, and 2) Coastal Site Plan approval, on a 20.35 acre site at 500 Pacific Street (*continued from June 24, 2013*).

Attorney John Freeman, for the Applicant, explained the purpose of moving 5 units from Y3 to Y1.

After a brief discussion, Mr. Mills continued the Public Hearing on these two applications to the next Zoning Board meeting scheduled for July 15, 2013 at 7:00pm on the 4th floor, cafeteria.

REGULAR MEETING

Mr. Parson moved to table the minutes to the next meeting, seconded by Mr. Michelson and unanimously approved 5 to 0 (Mills, Michelson, Morris, Parson and Gwozdzowski).

OLD BUSINESS

1. **APPL. 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

Lisa Cuscuna, Loft Artists Association, provided an update on the lease agreement with BLT and the dialogue with Terry Adams.

Mr. Mills asked BLT to provide an as-built of sheet-piling work showing the old piling locations and also a week by week breakdown of fuel pumped from the Interim Boatyard.

Mr. Mills asked staff to obtain a written memo from legal counsel with an explanation of why the License Agreement is a sufficient way to authorize the use of the City property at 205 Magee Avenue.

ADJOURNMENT

Mr. Morris moved to adjourn the meeting, seconded by Mr. Michelson and unanimously approved 5 to 0 (Mills, Michelson, Morris, Parson and Gwozdzowski).

Mr. Mills adjourned the meeting at 11:18pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board