

**MINUTES OF THE ZONING BOARD PUBLIC
HEARING AND REGULAR MEETING, HELD
MONDAY, JULY 15, 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, Rosanne McManus, Barry Michelson and Joanna Gwozdziowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner

PUBLIC HEARING

Chairman Mills called the meeting to order at 7:10 p.m. Mr. Mills seated Alternate Joanna Gwozdziowski in place of absent member Harry Parson.

1. **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 July 8, 2013*).
2. **Application 212-17 (A) Modification Yale & Towne SPE, LLC (GDP)** – 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 July 8, 2013*).

Attorney John Freeman explained the changes in Y1 and Y3 to move 5 units. He described the changes to the building exteriors. The building materials will remain unchanged.

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

Martin Levine, representing DSSD, addressed the required Jitney service. He described the “Transit Oriented Development (TOD) Transit Management Plan” submitted by Antares. It’s necessary to implement the jitney service for C.O. for Y3 since this is the last Yale & Towne building to be constructed. Mr. Levine described that Josh Lecar, Transportation Planner, had summarized the Jitney proposal in a memo dated April 26, 2007 which is referenced in the Harbor Point initial GDP approval. One of the reasons the Zoning Board approved a lower parking ratio was that the Jitney would reduce the need for some cars: a transit oriented development. Referring to the TOD plan, page 15, Mr. Levine explained the Jitney implementation plan. 1,132 units are now complete which requires Phase II of the Jitney routes to be implemented (routes 1 and 2).

Mr. Michelson asked if the speaker could explain the Special Taxing District. Mr. Levine said he was not familiar with the specifics.

Attorney Freeman described that they are running three buses providing free shuttle transportation to the Transportation Center. They've proposed an Entertainment Loop. They intend to comply. They proposed to do a "journey to work" study to see where and when people want a ride. They've ordered new busses and hopefully will receive them by September 2013.

Mr. Morris asked if they are now required to run a shuttle to downtown? Attorney Freeman replied that they need to apply common sense and evaluate demand. They don't interpret the phasing schedule to be absolute. Empty buses don't reduce traffic.

Mr. Levine noted that the Fuss & O'Neil report on Y3 doesn't recognize the importance of the Jitney. They say "build it and they will come" doesn't work. This is contradicted by the experiences in other cities. Attorney Freeman explained that the Jitney is paid by the Condo/Owner/PUD Association and not with TIF funds that can only be applied to capital costs.

Sandy Goldstein, DSSD, said as the Harbor Point plan was developing, everyone supported the importance of the Jitney. BLT needs to meet its obligation. The Jitney to the Transportation Center is the only one working. Where is it stated that BLT can do a study to determine if the Jitney service is needed. DSSD completed a study of young people living and working in downtown Stamford.

Ms. Gwozdziowski suggested advertising the service would enhance its use.

Mr. Cole said we should implement, with advertisement, and test public response. A study should be performed by the City. BLT has a commitment of routes, headways, etc. These can be fine-tuned. Then, after a trial period, the Zoning Board can review BLT's obligation.

Mr. Mills asked DSSD how soon they could develop a Jitney route plan. John Ruotolo, VP Operations for DSSD, said they've already sketched out a plan. Sandy Goldstein said they could provide a well-developed recommendation by the end of August.

Mr. Mills asked Attorney Freeman if BLT could produce a recommended route. Attorney Freeman said they could report by the end of August 2013.

Application 212-17 (A) Modification Yale & Towne SPE, LLC (GDP)

Attorney Freeman presented a GDP plan dated July 11, 2013, noting that Y7 retail was about 8,000 s.f. too low and should total 110,000 s.f. Y8 retail has been reduced to the amount approved in 2012. Attorney Freeman distributed draft conditions for the 5,000 s.f. cultural requirement and for the Jitney requirement.

Ms. McManus asked what type of cultural use can fit into 1,800 s.f. which seems too small. Attorney Freeman said art galleries, dance studios, etc. and showed the areas in Y2 and Y1 proposed for cultural use.

Martin Levine asked if the retail from Y1 and Y3 have been dropped. Attorney Freeman said yes. Mr. Levine expressed concern with squeezing the Y8 building around the 35A Building and adding parking garages in the Fairway parking lot. This will crowd the site and make it uncomfortable.

Cynthia Reeder, Stamford Resident, asked if they'd allow a commercial dance studio and not a non-profit cultural use and how will the cultural requirement be enforced?

Mr. Mills said the cultural requirement will be recorded on the land records.

Mr. Mills continued the Public Hearing on these two agenda items to the next scheduled meeting which will be held on July 22, 2013 at 7:00pm in the 4th floor cafeteria.

Mr. Mills called a brief recess at 9:22pm and resumed the regular meeting at 9:32pm.

REGULAR MEETING

Ms. McManus moved to change the order of the agenda, seconded by Ms. Gwozdzowski unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus 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 President, described how the South-end Neighborhood Zone has provided a new letter in support. They are currently working with an architect and negotiating the lease.

Mr. Mills asked Attorney Freeman when they can provide the as-built survey of sheet-piling work? Attorney Freeman said certainly by the end of this month.

Attorney Freeman passed out plans to create a better entrance lobby to C5. Mr. Mills polled the Zoning Board on whether they would want to entertain this architectural modification.

Mr. Michelson asked if BLT has withdrawn the appeal of the Cease & Desist order to the Zoning Board of Appeals? Attorney Freeman said no.

Mr. Michelson said then he didn't think the Zoning Board should take up the C5 modifications.

Mr. Morris, Ms. McManus and Ms. Gwozdzowski all agreed they'd like to discuss this item at the next meeting scheduled for July 22.

PENDING APPLICATIONS:

1. Application 213-04 – CITY REALTY, LLC, 336 Courtland Avenue, Special Exception

Mr. Killeen lead a discussion of draft conditions of approval prepared by Staff.

After a lengthy discussion, Mr. Michelson moved to approve the special exception application with conditions, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski). The conditions of approval to read as follows:

1. *All required on-site parking shall be suitably striped as depicted on the plan titled "Site Plan & Demo Plan" prepared by Edward J. Frattaroli, Inc. and dated March 15, 2013, revised through April 29, 2013, and maintained available for use.*
2. *Designation of vehicle access routes, intended truck parking areas and container storage areas shall remain consistent with the site plans prepared by Anchor Engineering Services, Inc. titled "Volume Reduction Facility Prepared for City Recycling, Inc. Truck Turning Movements (SU)", "Volume Reduction Facility Prepared for City Recycling, Inc. Truck Turning Movements (WB-50)" and Volume Reduction Facility Prepared for City Recycling, Inc. Truck Turning Movements (WB-65)", dated April 24, 2013.*
3. *Truck access shall be restricted to Taylor Reed Place, and no trucks shall use Crescent Street to access or exit the site. Three (3) additional scales shall be added to the site, bringing the total number of certified scales to five (including the two existing scales), to avoid truck queuing.*
4. *Noise Control: Consistent with the submitted plan titled "Floor Plan and Elevations, A.01" prepared by AWA Design Group P.C., dated April 24, 2013, the north wall of the building shall have no windows or doors and shall be constructed in conformance with the submitted plan titled "Building Code and Plans, A.02" prepared by AWA Design Group P.C., dated April 24, 2013. All operations shall comply with the City of Stamford Noise Ordinance. Notwithstanding anything depicted on the submitted drawings, the western wall of the building shall have no windows or doors. The truck scale in the new building shall be oriented to the south and accessed only by a doorway on the south wall of the building. No operations may emit noise beyond the boundary of the site exceeding 61 dBA during the day and 51 dBA during the night when measured from the adjacent residential zone.*

5. *As required by a permit from the Environmental Protection Board for the subject property, dated May 1, 2013, the Applicant shall provide for review and approval of the Zoning Board staff prior to issuance of a Certificate of Occupancy, the approved landscaping/mitigation plan showing the protection of the regulated area/wetland and the buffering of neighboring residential properties.*
6. *Site lighting shall be directed to cause no glare on adjacent residential property. Specifications/plans for site lighting and the proposed perimeter fence shall be subject to approval by the Zoning Board administratively.*
7. *No materials, including processed or baled materials ready for shipment off-site, shall be sorted, stockpiled or stored outside of the building except in a sealed container.*
8. *Recycled materials shall be limited to only those materials authorized by Conn. D.E.E.P. regulations, excluding waste oil and storage batteries.*
9. *The Applicant shall remain compliant with its State of CT D.E.E.P. Permit and all conditions thereof. At the time of filing with CT D.E.E.P., the Applicant shall provide the Zoning Board staff with a copy of any amendment, modification or update to said permit or any application for a new permit*
10. *Waste material accepted at the site shall not exceed a maximum of 1000 tons of waste. The Zoning Board recognizes that the applicant has a legal nonconforming use to receive a maximum of 400 tons of MSW (Municipal Solid Waste) at this site each day, which may include garbage and putrescent waste. No waste originating from supermarket compactors which includes any putrescent waste shall be accepted at this site, and the Applicant shall comply with all Connecticut statutes and regulations related to the disposal of restaurant waste. No toxic, biomedical or hazardous waste shall be accepted at this facility.*
11. *On a quarterly basis, the Applicant shall provide Zoning Board staff with a copy of all monthly summaries as required by CT D.E.E.P.*
12. *An Operations Plan establishing a schedule for regular site cleanup, fugitive dust control, monitoring maintenance of perimeter fencing to control debris, management of the doors and the handling of "municipal solid waste" (MSW) shall be submitted for review and approval by the Zoning Board administratively. Such Operations Plan shall include, but not be limited to, the following stipulations: All MSW shall be removed from the sorting floor daily, no containers storing MSW shall be stored outdoors; the MSW tipping floor shall be washed not less than twice daily – once at mid-day and another at the end of each operational day – between March 1st and October 31st, inclusive, and at least once daily during all other months (except under freezing conditions); a deodorizing system shall run during all operations of the MSW facility; doors to the MSW facility shall be closed no later than 3:30 pm each day; no route trucks shall be parked onsite overnight; all conveyors shall be cleaned during weekly maintenance; periodic monitoring of sound produced by the facility at residential property lines; and a*

compliance officer shall be onsite during all hours of operation to ensure the site is maintained in a safe and clean condition.

- 13. The Applicant shall maintain a 24/7 hotline where City of Stamford residents may raise concerns related to operations. The hotline shall be monitored daily by the Applicant, and all concerns shall be responded to within 48 hours and addressed within a timely manner. The hotline telephone number shall be advertised on the gate of the subject property, the company's website as well as on the Glenbrook Neighborhood Association website, to the extent permitted. On a monthly basis, the Applicant shall provide Zoning Board staff with a summary of all complaints received in connection with the hotline.*
- 14. There shall be no reprocessing, conversion or change of form of materials on the premises and all separated and sorted material shall be transferred to other sites for final reprocessing, reclamation, conversion, incineration or other disposition.*
- 15. All onsite machinery and new route trucks owned or operated by the Applicant that will transport waste to or from this facility, shall be equipped with an automatically adjusting broadband "white sound" reversing alarm or similar alarm that is compliant with the City of Stamford noise ordinance. Within 36 months of receipt of a certificate of occupancy for the new facility, all route trucks owned and operated by the Applicant that will transport waste to or from this facility, shall be equipped with the same technology.*
- 16. Operations shall be limited to between the hours of 6:00 am and 8:00 pm, Monday through Friday and between the hours of 7:00 am and noon on Saturday; provided, however, no operations (except facility maintenance), shall take place outside of any building after 5:30 pm, including but not limited to the receipt of materials. No operations shall take place on Sunday or on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving or Christmas Day.*
- 17. No trucks shall idle onsite for a period of over three (3) minutes.*
- 18. All operations shall remain subject to Section 164-10 (Noise Ordinance) of the City of Stamford Code of Ordinances and Connecticut General Statutes Section 8-12 (Procedures When Regulations are Violated) and any penalties and/or enforcement actions described therein.*
- 19. The former railroad spur bordering the subject site to the north, is not included within the approved site area and shall not be used in connection with the approved operation except for temporary construction staging. The property bordering the subject site to the south and currently leased from the Connecticut Department of Transportation shall be subject to all of the conditions of approval contained herein and shall only be used for purposes of truck circulation and storage of covered containers and trailers. In accepting this condition of approval, the Applicant knowingly and voluntarily waives the right to use such property for other purposes than stated above without further Zoning Board approval.*

20. *In lieu of conducting the improvements requested in the memorandum from the City Traffic Engineer dated May 15, 2013, the Applicant has offered to pay the sum of \$200,000 to the City of Stamford representing its "negotiated sum" contribution to the funding required for off-site pedestrian and traffic management improvements to the intersection of Courtland Avenue, Taylor Reed Place and Maple Tree Avenue. This contribution shall be made within 30 days of written notification from the City that it has awarded the project to a contractor and intends to proceed with said improvements. The Applicant's "negotiated sum" of \$200,000 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 five (5) years of the Applicant's receipt of a certificate of occupancy, the requirement for said payment shall be automatically relieved. The proposed design of these intersection improvements must be submitted for the Zoning Board's administrative review before this project is sent out to bid.*
21. *The Applicant shall work cooperatively with the City of Stamford Board of Education and community groups to create a student education program related to the recycling operation. Said plan shall include, but not be limited to, onsite student tours with viewing from the proposed observation deck.*
22. *Prior to issuance of a certificate of occupancy, the Applicant shall repave the entire site.*
23. *Prior to issuance of a certificate of occupancy, the Applicant shall clean and paint the existing recycling buildings except for the north side of the existing building, which shall be sheathed in the same tan metal siding being used on the façade of the new buildings.*
24. *Prior to issuance of a certificate of occupancy, a sound attenuating wall, not to exceed 20 feet in height, shall be installed and extend approximately 145 linear feet along the northern property line from the eastern corner of the existing recycling building to the north-eastern corner of the property.*
25. *The existing freestanding building located on the eastern most portion of the property will remain and its present use will be continued. It is presently used as a combination of administrative offices and warehouse for spare parts and other items in connection with the business. It is not and will not actively be reused for recycling/collection purposes.*
26. *All work shall substantially conform to the Building and Site Plans submitted with this application unless otherwise approved by the Zoning Board.*
27. *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.*

28. *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 and the Director of Operations.*
29. *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.*
30. *Prior to issuance of a Building Permit, sewer and storm drainage plans shall be submitted and subject to final review of design specification and construction by the Engineering Bureau.*
31. *Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit a Drainage Maintenance Agreement and a Landscape Maintenance Agreement, subject to approval by the Environmental Protection Board staff.*
32. *The Applicant must receive a Building Permit within 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.*

ADJOURNMENT

Mr. Mills adjourned the meeting at 10:55pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board