

**MINUTES OF THE ZONING BOARD  
PUBLIC HEARING & REGULAR MEETING,  
MONDAY, JULY 20, 2015, AT 7:00 P.M., ON THE  
4<sup>th</sup> FLOOR, CAFETERIA, GOVERNMENT CENTER  
BLDG, 888 WASHINGTON BLVD., STAMFORD, CT**

Present for the Board: Thomas Mills (Chair), Barry Michelson (Secretary), 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 7:12 pm.

A motion was made by Ms. McManus to take the agenda out of order and to discuss Application CSPR-986 and then Application 213-24, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein).

**PENDING APPLICATIONS:**

6. **CSPR-986 – WATERFRONT OFFICE BUILDING, LP, 46, 62, 68 and 78 Southfield Avenue**, repair and resurfacing to Stamford Landing South parking lot and repair of sidewalks on 8.15 acres on Southfield Avenue in a CWD zone within the CAM boundary.

Chairman Mills read the description of this item into the record.

Mr. Cole described the scope and history of this project for the Board Members.

After a brief discussion, Ms. McManus made a motion to approve the application with the conditions described in the July 16, 2015 memo from Richard Talamelli, EPB, seconded by Mr. Morris and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein). The conditions will read as follows:

1. *Prior to the start of site activity and issuance of a site development/building permit, revision of the civil drawings to address the following:*
  - *To the extent feasible, complete the depiction of all existing storm drainage and water quality features linked to the proposed parking/site improvements.*
  - *On the site development plans, depict of the coastal jurisdiction line, all pertinent flood hazard boundary information/references, easements, and a summary of the coastal resources present.*
  - *Further measures to retrofit the existing drainage system to enhance the quality of storm water discharges in accordance with the 2004 Connecticut Storm Water Quality Manual, as amended. Appropriate measures may include the replacement of the existing oil/grit separators with the state of the art hydrodynamic systems, installation of basin inserts in structures not served by an advanced oil/grit separator, reconstruction of additional existing basins with deep sumps/bells, etc.*
  - *Ensure coordination and a uniform depiction of storm, sanitary and other related improvements with those proposed for the playground.*

- *Address all comments developed by the Traffic Engineer, particularly as they relate to the extension of the sidewalk north along Southfield Avenue, minimally to the end of the proposed guiderail. All pertinent sidewalk easements shall be provided to the City prior to the receipt of signatures authorizing the issuance of a certificate of occupancy/completion and return of surety.*
  - *All revised plans/reports shall be subject to the review and approval of EPB/Land Use and Engineering Bureau Staff.*
2. *Prior to the start of any site activity and issuance of a site development/building permit, submission of a landscape plan to mitigate for the loss of vegetation, enhance the conservation values of the parcel, and address the visual/aesthetic requirements of the coastal regulations. Any plan shall be developed by a qualified landscape professional and include the location, number, size, type, and root type of plantings tolerant of the coastal environment. Areas in particular need of attention lie within proposed parking islands and entryway. Plans shall be subject to the review and approval of EPB/Land Use Staff.*
  3. *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of erosion/construction controls, landscaping, guiderail installation, sidewalk expansion, professional supervision, and certifications. A detailed estimate of these costs shall be supplied to EPB/Land Use Staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB/Land Use Bureau Staff prior to the start of any site activity and issuance of a building permit.*
  4. *Sediment and erosion/construction controls shall be installed in the manner and location shown on the permit plans prior to the start of any site activity and approved in writing by EPB Staff.*
  5. *All disturbed areas shall be stabilized in accordance with the plans prior to the receipt of signatures authorizing the issuance of a certificate of occupancy/completion and return of surety.*
  6. *All approved landscaping plan shall be implemented under the supervision of a certified landscaping professional with written correspondence certifying (signed/letterhead) full and proper completion prior to the receipt of signatures authorizing the issuance of a certificate of occupancy/completion and return of surety.*
  7. *All grading, drainage structures, sanitary improvements, utilities, final stabilization measures, and other engineered elements shall be completed under the supervision of a Connecticut Registered Professional Engineer and Land Surveyor with written certification (engineer) and an improvement location survey (surveyor) submitted prior to the receipt of signatures authorizing the issuance of a certificate of occupancy/completion.*
  8. *All structural flood proofing shall be completed under the supervision of a Connecticut registered professional engineer/architect. Upon the completion of the construction, and prior to the receipt of signatures authorizing the issuance of a certificate of occupancy/completion and return of surety, a professional engineer or architect,*

registered in the State of Connecticut, must certify (signed and sealed correspondence) that the proposed development has been constructed in accordance with Section 7.1 of the Stamford Zoning Regulations (“Flood Prone Area Regulations of the City of Stamford”) and is capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Specific reference to the proposed floodproofing measures must be made.

9. Submission of a standard, City of Stamford drainage facilities maintenance agreement to ensure the full and proper function/maintenance of approved drainage structures prior to the receipt of signatures authorizing the issuance of a certificate of occupancy/completion and return of surety.
10. Submission of a standard, City of Stamford landscape agreement to ensure the success of planted features prior to the receipt of signatures authorizing the issuance of a certificate of occupancy/completion and return of surety.
11. Revised public access/boardwalk agreement and plan to accommodate the revised access-way and street opening prior to the receipt of signatures authorizing the issuance of a final certificate of completion/occupancy and return of surety.

Note that given the scope of the work proposed, the owner/applicant may be required to obtain authorization from the State of Connecticut Department of Energy and Environmental Protection (DEEP) under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (“Construction General Permit”). This authorization may be required because the project appears to disturb one (1) or more acres (43,560 square feet) of land either individually or collectively as part of a larger common plan.”

Further note that this response has been coordinated with Susan M. Kisken, Coordinator of Plan Review, Stamford Engineering Bureau

## **OLD BUSINESS**

2. **Appl. 213-24 - Estate of Samuel J. Heyman** requesting Site & Architectural Plans and/or Requested Uses approval, Coastal Site Plan Review, and Special Exception approval pursuant to Article III, Section 7.5-C (Large Scale Development) to construct two, one-story buildings; one for a 14,561 square foot, single story retail building to be used by CVS/pharmacy; and one for a 3,290 square foot retail building (tenant undetermined) and other associated site improvements for the CVS on Canal and Market Street. We should have the description and the action being sought – (*request for Modification of Approved Architectural Design – Building Material Substitute*)

Chairman Mills read the description of this item into the record. Mr. Mills asked the Board Members if they’d visited the site and if they had any problems with the proposed material substitution. Mr. Morris said he had no problems. Mr. Stein said he had no problems. Mr. Michelson said there were other manufacturers and materials that could be considered.

Attorney Jackie Kaufman said other materials had been considered. Upon revisiting this issue with the architects, they felt the new materials chosen and presented were a thicker fiber siding more closely resembling wood from a distance and were closer to what was previously approved by the Board.

A motion was made by Mr. Michelson to approve the exterior materials presented by Attorney Kaufman as substitutes for what the Board had previously approved with the Nichiha “Shadow” siding, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein).

A motion was made by Ms. McManus to return to the public hearing portion of the agenda to discuss Application 215-18 and then followed by Application 215-21, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein).

### **PUBLIC HEARING**

1. **Application 215-18 – JOSEPH POLICASTRO, JR. and FRANK POLICASTRO, and POLICASTRO REALTY, LLC, Site & Architectural Plans and/or Requested Uses and Special Exception**, adaptive reuse of two existing garages and infill construction to create approximately 765 s.f. of new retail space, exterior façade upgrades and improved parking and landscaping to commercial retail shopping center at 59 - 67 Crescent Street on 0.9 acres in the Glenbrook Village Commercial District.

Chairman Mills read the description of this item into the record.

Secretary Michelson read the referral letter from the Planning Board, dated July 1, 2015 recommending approval of the proposed special exception and site plans noting that these applications are consistent with the 2015 Master Plan.

Attorney William Hennessey made this presentation and introduced his team: the Policastro family (Frank and Joe who manage the property), Christian Frye, Architect and Eric Rains, Landscape Architect.

Attorney Hennessey submitted the certificate of mailing into the record and showed an aerial photo of the property. The existing building is 13,000 s.f., originally built in the M-G District. The buildings have evolved and now this property is the gateway entrance to the Glenbrook Village District. They plan to make improvements to the building and enhance the existing landscaping. If this proposal was in a standard C-N District, no Zoning Board approval would be required. Attorney Hennessey submitted photos of the existing buildings, a landscape plan prepared by Eric Rains and a material sample board of Hardie Plank, AZEK and vinyl railings. A sidewalk easement would be provided. They plan to maintain the existing signage.

Mr. Mills asked if they proposed to use arborvitae shrubs and asked if it would block the view? Mr. Rains said it goes back 10 feet from the edge of the property and would not block the view.

Attorney Hennessey discussed the trash containers. Mr. Stein asked where they'd be located. Mr. Morris asked if they would be new containers and if they could be enclosed with fencing.

Mr. Killeen suggested removal of one parking space. Mr. Morris said the driveway is wider than Village Commercial requirements. Attorney Hennessey stated this is a nonconforming condition, and the Applicant would like to maintain the larger opening on the east side of the property to accommodate better circulation.

Mr. Michelson expressed that it's a clean project and a good adaptive reuse of this property.

Ms. Gwozdzowski asked about the pylon sign? Attorney Hennessey said they'd keep it as is. If the project goes well, they may add a clock.

Mr. Hennessey submitted a letter of support from the Glenbrook Neighborhood Association.

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

Melissa Bontemps, 255 Strawberry Hill Avenue, expressed concern about parking.

There being no further comments, Chairman Mills closed the public hearing on this application.

3. **Application 215-21 – BOYS & GIRLS CLUB OF STAMFORD, 347 Stillwater Avenue, Special Exception and Final Site & Architectural Plans**, requesting approval of Special Exception and Final Site & Architectural Plans to construct additional programming space and a new gymnasium for a total of 60,580 s.f. at an existing building on 0.86 acres at 347 Stillwater Avenue in an R-6 zone with parking and site improvements. Improvements also to abutting Lione Park with new play equipment, sport courts and multi-purpose fields. Special Exception request under Definition 81.1 "Public Youth Services Agency".

Chairman Mills read the description of this item into the record.

Secretary Michelson read the referral letter from the Planning Board, dated June 24, 2015 recommending approval of the proposed special exception and site plans noting that these applications are consistent with the 2015 Master Plan.

Richard Redniss made this presentation and introduced his team. He submitted certificates of mailing into the record.

Mr. Stein indicated he is working with the Yerwood Center and did not believe he has a conflict of interest. Mr. Redniss agreed and it was determined that Mr. Stein would sit on this application.

Mr. Redniss submitted a copy of the lease and provided a history of the Boys & Girls Club explaining how they have worked with the City's Recreation Department and the public schools. The Boys & Girls Club is currently overwhelmed with activity and they are looking at the Yerwood Center but still want to move forward with improvements to the Stillwater location. The Club has shared parking with the City since 1992 but parking spills over into the neighborhood which causes some problems. Mr. Redniss reviewed the applicant's proposal for upgrading the building and the park.

Mr. Poola, City Traffic Engineer, asked that there be speed humps at the exits.

Mr. Stein asked for an explanation addressing the conditions of the special exception requests.

Ms. Gwozdzowski asked about the tree planting area.

Mr. Mills asked if there was a chance that if some of the project doesn't go forward, what building space would be deleted. Mr. Mills asked if they'd worked with neighbors on Delaware about an access-way.

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

Jeffrey Stella, 300 West Broad, said the height of the building would tower over the neighbors and was concerned about noise. Kids walk through the neighbor's property. There's concerns about kids hanging around the parking lot.

Ms. Gwozdziowski asked residents if it's dark in the parking lot at night and not safe. Residents said yes.

Rodney Pratt, Board of Rep District #9, said the police department will be walking through the area to deal with these neighborhood issues and they hope to address concerns at Lione Park. There are serious water issues also. He supports organizations like this because there's a need for the Teen Center.

Candra Walston, 38 Connecticut Avenue, said there's not currently a heavy police presence and after 9:30pm, people go home and the area is unlit. More parking is required. She asked if they will still park on Stillwater.

Rose Fernandez, 48 Delaware Avenue, agrees with all said. There's a large parking problem as people park all over the street, blocking driveways and there is a need for more police presence.

Mr. Redniss responded to neighborhood concerns, stating that the organization has always been in a bit of a catch-22 situation with addressing these issues of neighbors, kids and parking. This application seeks to add additional parking and to add lighting at the Park to improve these conditions. Regarding the height of the proposed building, he stated that it is what is allowed in the R-6 District. This was the first he has heard about the issue of people cutting through adjacent residential properties from the facility. The organization would agree to install a fence along that property line.

Mr. Mills closed the public hearing on this application at 8:49pm.

Mr. Mills took a brief recess and reconvened the meeting at 9:03pm

2. **Application 215-19 – 432 FAIRFIELD AVENUE, LLC, 432 Fairfield Avenue, Special Exception, Final Site & Architectural Plans and Coastal Site Plan Review**, requesting approval of Special Exception, Final Site & Architectural Plans and Coastal Site Plan Review to construct two buildings for industrial and commercial storage totaling approximately 48,643 sf on 2.05 acres in an M-G zone with parking and site improvements. Special Exception request under Section 7.5 for site development over 40,000 s.f.

Chairman Mills read the description of this item into the record.

Secretary Michelson read the referral letter from the Planning Board, dated June 24, 2015 recommending approval of the proposed special exception and site plans noting that these applications are consistent with the 2015 Master Plan. The Planning Board recommended that

the Zoning Board accept Mani Poola's recommendations to reduce the ingress and egress driveways.

Richard Redniss, for the Applicant, provided a historical zoning overview of this property. He submitted a Letter of Zoning Compliance for uses of this property from Jim Lunney, ZEO.

Mr. Redniss responded to concerns from the neighbors and Mr. Poola regarding the speed humps and parking. He introduced Ravi Ahuja, AWA Design Architect who described the project and submitted building design material samples.

Mr. Cole asked what the garage clearance height would be. Mr. Ahuja stated 15 feet. Mr. Cole asked about truck loading and who had control over that. Two locations were identified.

Mr. Morris asked what storage would occur here. Mr. Ahuja stated it would be small contractors, plumber supply, HVAC, electrical, etc. No manufacturing was anticipated unless approved by the ZEO.

Attorney Stuart Ratner, representing the owner of the other half of the property, Buddy's Domain, discussed uses of the gravel portion of the property. He said it would be used as allowed under the zoning regulations.

Mr. Morris asked if trucks and containers needed to be cleaned. Attorney Ratner responded they needed to be free of debris.

Mr. Cole stated that there needs to be a statement on the record as to the intended use of this portion of the property.

Mr. Redniss stated that the ZEO would determine which uses will be allowed on this property.

Mr. Morris questioned signage.

Ms. McManus questioned the landscaping plan.

After the applicant completed their presentation, Chairman Mills asked if there was anyone from the public that wished to address this application. The following individuals spoke:

- a. Fred Wishinski, 79 Noble Street, said the property used to be manufacturing. Now there is storage of materials and vehicles, parking and noise, which is a problem.
- b. Michelina Docino, 44/46 Liberty Place, and
- c. Rocco Docino, 44/46 Liberty Place, spoke. The Docino's raised questions of security in the area; problems determining who owns what part of the property and a concern there is no plan for the extended sidewalk. What landscaping? Could rain gardens be used to handle drainage? This area has no identity and needs a better use. Since it is on a hill, trucks are always going up and down the hill, braking, etc. The property looks horrible. How will the 2<sup>nd</sup> lot be developed? Screening?
- d. Rosina Binetti, 456 Fairfield Avenue, owns the property across the street; can't keep tenants because of the noise and parking problems at this location.
- e. Richard Fedeli, 22 Carlisle Place, agrees with neighbors but he'd like to see the property developed.

- f. John Zito, 117 Houston Terrace, feels the development will improve the area and supports Frank, the developer of this property.
- g. Bill Comeau, 100 Noble Street, is concerned about loading dock across the street with noise, trucks and parking problems that will be generated. He is also concerned about the way vehicles are being washed.

Mr. Redniss responded to concerns of the public. He noted that this plan will address the issues raised by adding sidewalks, widening the road, adding parking and improving the area.

Mr. Mills had some questions about turning movements, noise, vehicle washing and drainage and continued the public hearing on this matter to the next meeting scheduled for Monday, July 27, 2015 at 7:00pm on the 4<sup>th</sup> floor of the Government Center.

**4. APPL. 213-38 – Final Site & Architectural Plan and Coastal Site Plan Review (CSPR), WALTER WHEELER DRIVE SPE, LLC and THE STRAND/BRC GROUP, LLC**, Requesting Final Site and Architectural Plans and Requested Uses and Coastal Site Plan Review related to the development of a new 16-story (155 feet) building with 391 housing units and associated parking and landscaping and is located in the SRD-S district at the southeast corner of the intersection of Washington Blvd. and Atlantic Street, Block #25 known as Harbor Point Block C8.

Chairman Mills read the description of this item into the record.

Attorney John Freeman presented this application and introduced his architect, Victor Mirontshuck. They provided an overview of the proposed development, in the context of the overall Harbor Point Development. Mr. Mirontshuck provided a PowerPoint presentation to illustrate the proposed design of the building, elevations, and site plans. He addressed their landscaping plan and addressed the question about the square footage of the building relative to the GDP. This figure is inflated because it includes balconies.

Mr. Michelson asked if the Applicant was seeking approval of signage. Attorney Freeman answered no.

Mr. Mills asked if flooding was a concern with the garage being built so low. Attorney Freeman stated it was behind the hurricane barrier.

Mr. Michelson noted that he had concerns about this public hearing being held in July when people are on vacation. He also stated there are concerns about parking problems in this area.

Attorney Freeman discussed the Parking Management Supplement that had been provided to explain the proposed use of tandem spaces in this development. He also referred to a parking study that had been performed for some existing BLT developments in the South-End, illustrating that parking demand was less than one parking space per unit.

Mr. Michelson asked how many tenants had a second automobile. He also wondered if people were parking on the streets to avoid paying for the second parking space.

Mr. Cole commented that BLT was scheduled to appear before the City's Traffic Advisory Commission to address the need for better management of parking on the streets in this development. He noted there was a need to have parking for diners at the restaurants as well as the people using the public access.

Attorney Freeman then submitted a Zoning Compliance Chart that had been requested by Staff. He noted that some aspects of compliance are based on the entire tract not on the development of a specific parcel.

After the applicant completed their presentation, Chairman Mills asked if there was anyone from the public that wished to address this application. The following individuals spoke:

1. Al Koproski, 222 Ocean Drive East, stated that he is very much in favor of development in this area. He does not see a parking problem here, stating there are many young people living here who use the train.
2. Jack Conklin, Stamford resident and President of the Stamford Chamber of Commerce. The Chamber has been supportive of the South-End from the beginning. When businesses are considering Stamford, they look at 1) the South-End and 2) the Downtown. He is concerned there are no projects underway right now. He noted that the South-End would continue to be industrial if it hadn't been for BLT.
3. Matt Christy, World of Beer. His company invested here because of the long-term vision for change. Businesses need to see work continue at Harbor Point. He doesn't see parking as an issue. His employees park in an open air lot and in another garage in the development.
4. John Wooten, 50 Stone Street. He is a resident of the South-End and a member of the South-End NRZ. He feels that work needs to continue. He stated that parking problems aren't all related to the BLT Development. Much of it relates to existing residents who may have no other place to park. He wants to see C8 move forward.
5. Carol Ann McClean. She is a Stamford resident and sits on the RTC. She asked that this application be tabled until after people come back from vacation. She stated she had not received notice of this meeting. She asked how big the parking spaces were and stated there were problems with noise from generators on rooftop pools. She claimed that the Applicant had misrepresented materials to a buyer of one of their buildings and that they were now in court.

Mr. Freeman responded to questions from the public and the Board.

Mr. Michelson asked for more information from the applicant's Parking Management Plan.

Mr. Mills continued the public hearing on this matter to the next meeting scheduled for Monday, July 27, 2015 at 7:00pm on the 4<sup>th</sup> floor of the Government Center.

### **REGULAR MEETING**

### **PENDING APPLICATIONS:**

1. Application 215-11 – STAMFORD ZONING BOARD, Text change

No discussion. The public record has been held open to allow comments by the Stamford Police Chief by the September 10, 2015 Zoning Board meeting.

2. Application 215-18 – JOSEPH POLICASTRO, JR./FRANK POLICASTRO, Special Exception

The Board discussed this application briefly and indicated they needed no additional information and asked staff to draft a set of conditions of approval for their consideration on the 27<sup>th</sup>.

3. Application 215-19 – 432 FAIRFIELD AVENUE, LLC, 432 Fairfield Avenue, Special Exception, Final Site & Architectural Plans and Coastal Site Plan Review

No discussion since this item was continued.

4. Application 215-21 – BOYS & GIRLS CLUB OF STAMFORD, 347 Stillwater Avenue, Special Exception and Final Site & Architectural Plans

The Board discussed this application briefly and indicated they needed no additional information and asked staff to draft a set of conditions of approval for their consideration on the 27<sup>th</sup>.

5. Application 213-38 – Final Site & Architectural Plan and Coastal Site Plan Review (CSPR), WALTER WHEELER DRIVE SPE, LLC and THE STRAND/BRC GROUP, LLC, Requesting Final Site and Architectural Plans and Coastal Site Plan Review

No discussion since this item was continued. Mr. Cole stated that Staff would try to draft conditions for the Board's consideration.

### **APPROVAL OF MINUTES:**

Minutes for Approval: None

### **OLD BUSINESS**

1. **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 discussed the revised draft of Condition #1 and Condition #3 she had worked on with staff of the Land Use Bureau and Zoning Board member David Stein who had volunteered to assist with the review of these revisions. Mr. Stein stated that the original language would have taken away some of the City's rights to deny or withhold a C.O. on the North Tower for other legitimate zoning concerns. A bond would be required if the Post Office rehabilitation was not completed before the North Tower C.O. was requested. The bond amount was increased from \$450,000 to \$750,000 (or submission of 3 competitive bids).

After some discussion, Motion was made by Mr. Morris, seconded by Mr. Stein to approve the modified conditions as revised and presented this evening. Motion was approved 4 to 0. (Mills, Michelson, Morris, and Stein. Ms. McManus did not vote since she was not present for the discussion at the last meeting.) The new conditions, which will supersede the current ones, will now read as follows:

*Conditions No. 1 and 3 of Approval No. 213-44 are hereby superseded and replaced with the following:*

*1. The use of the bronze, blue or grey/silver glass for the exterior walls of the proposed buildings in accordance with the specification sheets provided for each glass is hereby approved, subject to notification to the Zoning Board staff of the final selection 30 days prior to submission for a Building Permit for the North Tower.*

*3. All exterior and interior rehabilitation work for the Post Office Building shall conform to the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings. A Historic Preservation architect shall prepare the rehabilitation plans for the exterior and interior of the Post Office Building. The plans shall be referred to the Stamford Historic Preservation Advisory Commission (Stamford HPAC) for written comment, and they shall be subject to approval by the State Historic Preservation Office (SHPO) and to administrative review and final approval by the Zoning Board prior to issuance of a Building Permit for the Post Office Building. Nothing in this condition shall preclude the applicant from obtaining SHPO and Zoning Board approvals for the exterior rehabilitation separately from those approvals for the interior rehabilitation.*

*No later than December 1, 2015, the applicant shall submit the exterior rehabilitation plans to SHPO for its review and approval, copies of which shall be submitted simultaneously to Zoning Board staff and to Stamford HPAC. Within thirty (30) days from SHPO approval of the exterior rehabilitation plans, the applicant shall submit the approved plans to the Zoning Board for administrative review and final approval. The Building Permit for the Post Office Building shall not be issued until SHPO and the Zoning Board have granted such approvals. Exterior rehabilitation work shall commence within two (2) months of Zoning Board approval. All exterior rehabilitation work shall be completed within six (6) months of the issuance of said Building Permit, and no later than thirty (30) months from the date that the applicant acquired title to the Post Office property (which date was December 5, 2014), subject to extensions by the Zoning Board, upon timely application and good cause shown.*

*If (a) there is any violation of the above timeline or (b) the exterior rehabilitation work is not completed prior to the issuance of a Certificate of Occupancy for the North Tower, then, prior to the issuance of a Certificate of Occupancy for the North Tower, the applicant shall deposit with the City a Performance Bond, letter of credit, or cash to ensure the completion of the exterior rehabilitation of the Post Office Building. The Bond, letter of credit or cash shall be in an amount equal to the estimated cost of said rehabilitation work up to a maximum of \$750,000 subject to the review and approval of the Director of Legal Affairs as to form and subject to approval of amount (but in no event to exceed \$750,000) by the Zoning Board staff. The Performance Bond or letter of credit shall be clean, unconditional and irrevocable, shall name the City as beneficiary and shall be for a term which is automatically renewable to a date which is 18 months following issuance of a Certificate of Occupancy for the North Tower. So long as the applicant has deposited a Bond, letter of credit or cash, if and as required pursuant*

*to the above provisions, in no event shall a Certificate of Occupancy for the North Tower be withheld, delayed, or, once granted, revoked or suspended, due solely to (a) or (b) above; provided, however, that nothing shall affect any other right (that is not set forth in this Revised Condition 3) of the Zoning Board or the Zoning Board staff or the City of Stamford to withhold or delay, or once granted, revoke or suspend, a Certificate of Occupancy for the North Tower. In the event that the exterior rehabilitation work is not completed within 12 months following issuance of a Certificate of Occupancy for the North Tower, then the City shall be entitled to call on the Bond, or draw on the letter of credit for payment of the full amount thereof, or retain the full amount of the cash deposit.*

2. **Appl. 212-23 Revised – TEN RUGBY STREET, LLC**, Text change (*request for discussion of Stipulated Judgment*).

Land Use Bureau Chief Norman Cole discussed the applicant's request and circulated a draft series of conditions for a stipulated judgment. Discussion ensued. Mr. Cole explained that this agreement would establish terms by which the Applicant would be bound and would give the City immediate enforcement. He stated a new text change application would be required along with a Special Exception application.

Mr. Michelson stated that he feels this proposal is outrageous. The judge, in granting a stay after issuing an injunction to stop a nuisance, is undermining the Zoning Board's authority to control a nuisance use.

Mr. Stein stated that, before we spend time talking about his proposal, we should have an agreement from the Board.

Chairman Mills asked that Attorney Jim Minor be present for the discussion.

It was agreed that the Zoning Board members would review the draft set of conditions for further discussion at the next meeting.

## **NEW BUSINESS**

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

A report was distributed by Staff from BLT, which was a summary of the weekly removal of soil from the C8 Block.

## **ADJOURNMENT**

There being no further business, motion was made to adjourn the meeting at 12:15 AM by

Ms. McManus, Seconded by Mr. Morris. Motion carried 5-0.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board