

**MINUTES OF THE ZONING BOARD  
PUBLIC HEARING & REGULAR MEETING,  
HELD MONDAY, JULY 21, 2014, 7:00 P.M.,  
4<sup>TH</sup> FLOOR, CAFETERIA, GOVERNMENT CENTER  
BUILDING, 888 WASHINGTON BLVD,  
STAMFORD, CT 06901**

Present for the Board: Tom Mills, Rosanne McManus, Barry Michelson, William Morris, David Stein and Joanna Gwozdziowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:13 PM.

Ms. McManus moved to change the order of the agenda, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein).

**REGULAR MEETING**

**PENDING APPLICATIONS:**

2. **CSPR-953 – ROBERT RADOMSKI, 21 Cove View Drive**, to demolish an existing two-story home and construct a new two-story, two family dwelling with garage of approximately 1,600 s.f. with site improvements and landscaping in an RM-1 district, within the CAM boundary.

Mr. Killeen summarized the application. Mr. Michelson asked how much cut and fill was involved.

After a brief discussion, Mr. Morris moved to approve the application with EPB conditions, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein). The conditions will read as follows:

1. *Submission of a performance surety to secure the timely and proper performance of: a) temporary and permanent sediment and erosion controls and tree protection, b) mitigation landscaping, c) drainage, and d) professional supervision and certification of landscaping, grading, drainage, and other engineered elements. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit.*
2. *Sediment and erosion controls and tree protection 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.*
3. *All disturbed areas shall be stabilized in accordance with the approved erosion control plans prior to the issuance of a final certificate of occupancy.*

4. *Upon the completion of the construction, submission of a final as-built plan in the form of an "Improvement Location Survey" is required, and a Connecticut registered professional Engineer shall submit written correspondence certifying (signed and sealed) that the drainage, grading and final stabilization measures have been fully and properly completed per the approved plans and permit.*
5. *All landscaping shall be installed under the supervision of a qualified landscaping professional with written certification submitted to EPB Staff prior to the issuance of a final certificate of occupancy and release of the performance surety.*
6. *No in-ground fuel storage tanks considering the relative location to nearby coastal resources.*
7. *A Standard Landscape Maintenance Agreement to be filed on the Stamford Land Records;*
8. *A Standard Drainage Maintenance Agreement to be filed on the Stamford Land Records;*

**REFERENCED PLANS –**

- *"Existing Site Plan – C-1," "Erosion Control Plan C-3," and "Drainage and Site Plan Details – C-4," dated January 25, 2014, revised February 24, 2014, "New Site Plan – C-2, last revised February 28, 2014, 21 Cove View Drive, Stamford, Connecticut, prepared by John Mallozzi, P.E.*
  - *"Proposed Floor Plans," A-1 through A-3, prepared for Robert Rodomski, 21 Cove View Drive, prepared by LDF & A Design, dated January 15/ 2014, last revised February 24, 2014.*
  - *"Property Survey," of 21 Cove View Drive, Stamford, Connecticut," prepared by Oswald Blint Surveying, dated September 30, 2013.*
  - *"Site Plan," with plantings at 21 Cove View Drive, Stamford, Connecticut, by LDF & A Design, dated January 6, 2014, last revised May 5, 2014.*
  - *"Summary Drainage Statement," 21 Cove View Drive, Stamford, CT," Prepared by John Mallozzi, P.E., dated January 19, 2014.*
  - *Correspondence from City of Stamford Engineering Bureau (Kisken to Fausty, May 21, 2014).*
3. **CSPR-954 – RYAN, 20 Ocean Drive North**, to remove an outside open staircase, infill a 16 s.f. addition and relocate two air conditioning compressors to the rooftop at an existing residence at 20 Ocean Drive North in an R-10 district, within the CAM boundary.

Mr. Killeen summarized the application.

After a brief discussion, Ms. McManus moved to approve the application with EPB conditions, seconded by Mr. Morris and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein). The conditions will read as follows:

1) *Work shall comply with the following plans and correspondence:*

- *“Development Plan,” 20 Ocean Drive North, Stamford, Connecticut Prepared for Michael T. Ryan and Barbara Ryan, by D’Andrea Surveying and Engineering, P.C., dated March 27, 2014.*
- *“Zoning Location Survey of Property at 20 Ocean Drive North in Stamford, Connecticut, Prepared for Michael T. Ryan and Barbara Ryan, by D’Andrea Surveying and Engineering, P.C., dated March 27, 2014.*
- *“Plans and Details,” and “Elevations,” Prepared for Michael T. Ryan and Barbara Ryan, 20 Ocean Drive North, Stamford, Connecticut, by Zimmerman Architecture, dated February 15, 2014.*
- *“Project Narrative and Drainage Impact Statement for Property at 20 Ocean Drive North, Stamford, Connecticut Prepared for Michael T. Ryan and Barbara Ryan, dated October 30, 2013.*
- *Correspondence from Douglas Alderman, Carpentry Unlimited, Inc., dated April 24, 2014.*
- *Correspondence from Chrys-Ann Young, Certified Real Estate Appraiser, dated June 16, 2014.*
- *“Draft Flood Preparedness Plan for Residents of 20 Ocean Drive North, Stamford, Connecticut by Rocco V. D’Andrea, Inc., dated June 11, 2014.*

2) *Sediment and erosion control and construction controls measures shall be installed in the manner and location specified on the permit plans and approved in writing by Environmental Protection Board Staff.*

3) *Upon the completion of all construction activities and prior to the receipt of EPB authorization for a final certificate of occupancy/completion, all disturbed earth surfaces shall be stabilized with topsoil, seed and mulch, sod or other suitable alternatives.*

4) *Upon the completion of the construction and prior to the issuance of a certificate of occupancy/completion, a Connecticut licensed Land Surveyor/Engineer shall submit an updated improvement location survey and a standard "National Flood Insurance Program Elevation Certificate."*

- 5) *Upon the completion of the construction and prior to the issuance of a certificate of occupancy/completion, submission of written correspondence/affidavit from the Contractor or Architect (on letter head and signed) certifying the final cost of the project.*
- 6) *Final Flood Preparedness plan shall be subject to the review and approval of EPB Staff.*
- 7) *Upon the completion of construction and prior to the receipt of a final certificate of occupancy/completion, 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 and VE, with a project base flood elevation of 15 feet NAVD-88 as reflected on Flood Insurance Rate Map 09001C0517G, dated 7/8/13.*
  - *A coastal site plan review (20 Ocean Drive North, M.T. Ryan and B. Ryan CSPR-954, 7/14) has been issued by the Zoning Board of the City of Stamford to allow construction of certain additions and renovations on the subject property having the coastal resources identified as Coastal Flood Hazard Zone,” “Modified Escarpment,” and “Beach.”*
  - *References to the flood preparedness plan.*

Mr. Morris moved to change the order of the agenda, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein).

### **PUBLIC HEARING**

1. **CSPR-957 – WOODLAND CEMETERY ASSOCIATION, 54 Woodland Place,** clearing, re-grading and re-landscaping of approximately 4 acres of property along the East Branch of the Harbor to prepare the area for future grave sites, including the installation of asphalt roads, fences, drainage structures and construction of a bermed work area in an M-G coastal flood hazard area (*continued from July 14, 2014*).

Mills read a description of the application into the record.

Attorney Finn introduced himself and explained they have worked out an agreement with Palmer Landing.

The public was asked to provide comments.

Attorney John Harness said Palmer Landing does have an agreement and they would like it to be made a condition of approval, requiring modification of the submitted landscape plans.

Philip Kucera, 43 Harbor House #105, asked how the final landscaping will affect the northerly portion of the site?

Dick Bergman, Project Landscape Architect, stated landscaping will screen the entire water frontage. He described the landscape plan.

Attorney Finn said they met with staff and they raised an issue of public access. An earlier application proposed public walkways with a fence to secure the cemetery. They offered to grant a public access but not as part of the Coastal Area Management application. The Cemetery needs to be able to control public access. This would reduce the cost to the City for gates to about \$16,000. CAM exemptions include minor structures and providing improved visual access. He noted that HPAC supports the project.

Mr. Mills stated they have filed a CAM application and have an executed agreement with Palmer Landing.

Attorney Finn described the plan to provide a walkway, City to provide two gates. No bikes, no boomboxes. They are grandfathered for in-ground burials.

Mr. Killeen explained why these activities are not exempt from CAM.

Mr. Cole asked if the Applicant intends to show proposed grave sites? Attorney Finn said that was not part of their application.

Mr. Cole said the Zoning Board could consider addressing above-ground mausoleum and crypts so these don't need subsequent CAM applications.

Mr. Cole said the Harbor Commission voted to deny the application so the Zoning Board needs a 4:1 vote to approve.

Mr. Mills asked when they could submit all the revised materials. Attorney Finn said probably by Friday, July 25, 2014.

Mr. Mills polled the Zoning Board to see if they wanted to continue the Public Hearing until the next meeting scheduled for July 28, 2014 and the consensus was yes.

Mr. Mills continued the Public Hearing on this agenda item to the next meeting scheduled for July 28, 2014 at 7:00pm in the 4<sup>th</sup> floor cafeteria.

The Board recessed at 9:00pm and reconvened at 9:18pm.

- Application 210-15 Modification** – HP Gateway Land I, LLC, modification of General Development Plan, Special Exception and Coastal Site Plan Approvals including modifications to: (1) the garage entrance, to increase ingress and egress lanes, (2) the landscape plan and public realm improvements, (3) the parking deck, to eliminate an internal ramp, and (4) the residential building, for a 6.27 +/- acre site located in the TCDD, bordered generally by Washington Boulevard, Pulaski Street, the Rippowam River and the Metro North Railroad (State of Connecticut D.O.T.)

3. **Application 210-16 Modification** - HP Gateway Land I, LLC requesting modifications to Coastal Site Plan and Final Site and Architectural Plans and Requested Uses for Phase I (FSP) approvals including modifications to: (1) the garage entrance, to increase the ingress and egress lanes, (2) the landscape plan and public realm improvements, (3) the parking deck, to eliminate an internal ramp, and (4) the residential building, for a 6.27 +/- acre site located in the TCDD, bordered by Washington Boulevard, Pulaski Street, the Rippowam River and the Metro North Railroad (State of Connecticut D.O.T.)

Mr. Mills read a description of the applications into the record.

Attorney John Freeman, for BLT, said they have withdrawn their request to modify the public realm. 2010 BETA turning movements were not accepted by Connecticut DOT; they were revised higher and they used these higher numbers. Pulaski intersection is at LOS "D". OSTA background traffic numbers.

There was general discussion of how OSTA calculated background traffic.

Mr. Mills asked if traffic going into the garage backs up, how can they divert this to Pulaski Street? Attorney Freeman said they have on-site staff (4) at all times.

Mr. Stein said BLT should build Riverwalk at Mill River Park elevation of 10'-12'. Attorney Freeman said they already received approval of the current plan as part of the complex site plan approval.

Mr. Cole asked why isn't vehicle access to CL&P property required? Attorney Freeman said there was no easement. They will work out another way to reach their site.

The public was asked to provide comments.

Patrick Filbin, Empire State (Metro Center) resubmitted May 19, 2014 and May 1, 2014 memos regarding unpermitted signs and a February 3, 2014 memo objecting to the six lane driveway.

Milton Puryear, Executive Director Mill River Collaborative, addressed the Mill River Park plan for Riverwalk at elevation 12 feet. The BLT proposed walk elevation at 20 feet doesn't connect. He presented an overall vision to connect Scalzi Park to Harbor Point with a public riverwalk.

Art Selkowitz, Mill River Collaborative, said they don't expect BLT to build the Riverwalk now, they can build it when they build the office building.

Attorney Freeman said OLIN's plan for Mill River Park didn't show any improvement on the east side of the River at Gateway. They are offering Mill River Park an easement for free.

Mr. Mills closed the Public Hearing on these two items at 10:50pm.

### **REGULAR MEETING**

### **APPROVAL OF MINUTES:**

### **Minutes of June 16, 2014**

Mr. Michelson proposed revisions. After a brief discussion, Mr. Morris made a motion to approve the minutes with the revisions, seconded by Ms. McManus and the motion was unanimously approved 4 to 0 (Mills, McManus, Morris and Gwozdzowski).

### **Minutes of June 23, 2014**

After a brief discussion, Ms. McManus made a motion to approve the minutes as submitted, seconded by Mr. Morris and the motion was unanimously approved 5 to 0 (Mills, McManus, Morris, Stein and Gwozdzowski).

### **Minutes of July 7, 2014**

Mr. Michelson proposed revisions. After a brief discussion, Mr. Michelson made a motion to approve the minutes with the revisions, seconded by Mr. Morris and the motion was unanimously approved 4 to 0 (Mills, Michelson, Morris, Stein and Gwozdzowski).

### **Minutes of July 14, 2014**

After a brief discussion, Mr. Stein made a motion to approve the minutes as submitted, seconded by Ms. McManus and the motion was unanimously approved 5 to 0 (Mills, McManus, Morris, Michelson and Stein).

### **PENDING APPLICATIONS:**

1. Appl. 214-06 – RICHARD W. REDNISS, Text change

Mr. Mills read a description of the applications into the record.

Ms. McManus said she voted for the Saddle Rock map change so she supports the text change application being reviewed now.

Mr. Morris said he agreed with Ms. McManus.

Mr. Michelson stated that he had submitted a text change to be incorporated in Section 7 of the Zoning Regulations. He stated that he liked the idea of a universal solution to deal with the height issue created by the change in the flood regulations. He thought a Special Exception and set-backs should be required once an Applicant requests relief from the height restrictions of the underlying residential zone. He also felt that the proposed language is unclear and confusing.

Mr. Stein said he was okay with the text amendment.

Mr. Mills said he isn't sure this text change addresses every occurrence of "need". Non-conforming buildings aren't served for example.

After further discussion, Mr. Stein moved to approve the application, seconded by Ms. McManus and the motion was approved 3:1:1 (Stein, McManus and Morris voting yes, Michelson voting no and Mills abstaining).

Ms. McManus moved to change the order of the agenda, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein). The text change will read as follows:

*Amend Article II, Section 3-A, Definition 16 (Building, Height of) by adding new paragraph (after paragraph 3-A-16-b) to read as follows:*

*Where a residential building is to be built, altered or reconstructed in order to comply with the Minimum Elevation Standard of Article III, Section 7.1 Flood Prone Area Regulations, and such building is located fully or partially within the Coastal Boundary as defined in Article III, Section 7(T) Coastal Area Management Regulations, building height may be measured from the Base Flood Elevation applicable to the residential building, provided that the resulting height of the building measured from average grade is not more than five (5) feet greater than the maximum building height permitted in the applicable Zoning District.*

## **NEW BUSINESS**

### 2. Review of signage – Infinity (*continued from July 14, 2014*).

The Applicant described the sign letters are only 4'2" high. The total sign area is less than Postmark. Postmark is "halo" lit.

Mr. Michelson made a motion to approve the sign without lighting, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Mills, McManus, Michelson, Morris and Gwozdzowski).

### 1. Administrative review – Doral Farms – Addition for 12 Farm Hill Road (*continued from July 14, 2014*).

After a brief discussion, Ms. McManus moved to approve the requested addition, seconded by Mr. Michelson and the motion was unanimously approved 5 to 0 (Mills, McManus, Michelson, Morris and Stein).

Mr. Redniss asked the Board to consider one additional item.

Charter Oak Communities, Lawnhill Terrace Site. The Applicant requests approval to re-stripe an existing parking lot to include handicap spaces. The restriping will end up losing 17 parking spaces but Charter Oak Communities proposed to add 22 additional parking spaces along the site's border with CL&P properties. In additional, total off-street parking will go from 191 spaces to 196.

After a brief discussion, Ms. McManus moved to approve the requested parking proposal, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Mills, McManus, Michelson, Morris and Stein).

Ms. McManus moved to adjourn the meeting, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Mills, McManus, Michelson, Morris and Stein).

The meeting adjourned at 11:40 p.m.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board