

MINUTES OF THE ZONING BOARD PUBLIC HEARING AND REGULAR MEETING, HELD MONDAY, SEPTEMBER 16, 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 Gwozdzowski. 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 Gwozdzowski.

1. **Application 213-25 – RICHARD W. REDNISS, Text change,** to Amend Article II, Section 3A by adding a new definition 79.5 Public/Nonprofit Youth Services Agency and to amend Article III, Section 4-AA-3 paragraph 3.3 and to Amend Appendix A, Table I by adding use #36.5 for Public/Nonprofit Youth Services Agency marked with a “B” in the R-6 district. The text change would recognize certain 501 C-3 nonprofit organizations and allow a set of Special Standards through special exception approval of the Zoning Board for parking requirements, setbacks and building coverages within the R-6 district.

Barry Michelson read the Planning Board referral letter into the record.

Richard Redniss oriented the Board Members to the site, explained the history of the Boys & Girls Club and noted they’ve received several variances to build the facility. All Stamford school bus children to the club every day. The Club is at capacity with waiting lists. They’ve searched for satellite locations without success. Parking lease expansion/extensions have been approved. He explained the text amendment and how the shared parking with the City park works well. He showed a map of other R-6 zones adjacent to City parks.

Mr. Mills asked the Board for questions. Mr. Michelson asked if a tax classification is a valid zoning standard and whether the Club is a profit or non-profit entity. Mr. Redniss said there are many existing examples in the zoning regulations and cited several but he would be happy to remove this standard. Mr. Michelson asked if the parking shouldn’t be based on a specific standard? Mr. Redniss said they have lots of parking data from years of experience.

Mr. Morris asked how long should the established collaboration with the City be? Mr. Redniss said it would be reasonable to require 10 years.

Mr. Mills asked how long their lease is? Mr. Redniss said until 2043. Mr. Mills asked why not longer? Mr. Redniss said it’s been past practice to ask for a 25 year lease. Mr. Mills asked if there shouldn’t be a specific parking standard? Mr. Cole responded yes, but the

terms of the specific exceptions, use and parking management will be more important controls.

Mr. Mills asked if anyone from the public wanted to comment. There were none.

Mr. Michelson asked what the setbacks are? Mr. Redniss said 10 feet all sides.

Mr. Mills asked if they'd spoken to the neighbors? Mr. Redniss said yes. One is happy to see the parking lot lights go away.

Ms. McManus asked if the parking then would move south? MR. Redniss said yes. The new lot will be opposite Oxford Court.

Mr. Mills closed the Public Hearing at 7:45pm.

2. **Application 213-26 – STAMFORD HOSPITAL, INC. & STAMFORD HEALTH SYSTEM, INC., Text change**, The Stamford Hospital & Stamford Health System, Inc. propose to Amend Article III, Section 9-L-5-d of the Hospital Complex Design District (HCDD) Zoning Regulations to increase the maximum building height from 75 to 100 feet.
3. **Application 213-27 - STAMFORD HEALTH SYSTEM, INC. & THE STAMFORD HOSPITAL**, 30 Shelburne Road, requesting modification of the approved General Development Plan to accommodate a medical office building which will contain approximately 97,400 square feet of Floor Area and will be approximately 100 feet tall. The property is located at 30 Shelburne Road in the HCDD zoning district (Hospital Complex Design District)

Barry Michelson read the Planning Board referral letter into the record.

Attorney William Hennessey, Jr., for the Applicant, introduced the consultant team and proposed owner of the Medical Office Building and explained the text and GDP applications to the Board Members. He summarized the history of the hospital's planning to expand the facility to 30 acres. The original GDP estimated the medical office building as 80,000 s.f. Now they've designed it to be 97,400 s.f. and 97 feet high. They agree with staff's suggestion to change the text limiting one building up to a height of 100 feet.

Mr. Michelson asked with office vacancies so high, why would doctors want to locate to this medical office building? Attorney Hennessey said for the convenience of being close to the hospital.

Stephen Buckeridge, Senior Vice President of Development for Frauenshuh HealthCare Real Estate Solutions, said doctors want to be close to each other for referrals and close to the hospital. They've held meetings with local doctors to measure demand.

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

Richard Zakowski, representing his aunts who own a home on Wright Street complained that the special building was higher than represented and despite repeated requests to rezone his property and provide access to the hospital loop road, he's been negatively impacted. He asked when landscaping will go in to buffer their house.

Mr. Mills closed the Public Hearing on these applications at 9:00pm. Mr. Mills called a 10 minute recess and resumed the meeting at 9:10pm.

REGULAR MEETING

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

OLD BUSINESS

2. **Application 211-42 - STAMFORD EXIT 9, LLC and NBC UNIVERSAL, 1** Blachley Road, Final Site & Architectural Plans for NBC (*administrative review of signage*).

David Killeen introduced the request for review. Attorney Hennessey explained the modification to a 99 s.f. sign.

After a brief discussion, Mr. Michelson moved to approve the signage, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

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

5. **Application 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.

Bill Buckley submitted the sheet pile as-built dated September 6, 2013.

Mr. Michelson asked if they weren't supposed to finish the remediation by October 2013? Mr. Buckley said the contamination was much worse than they thought. Mr. Michelson asked what the new estimate was to finish. Mr. Buckley say they can make that estimate better by the end of October 2013.

Mr. Mills asked for confirmation that they would give the Board an update on the as-built showing the offsets and a list of people arranging for winter storage on the interim boatyard.

Attorney Freeman asked for approval of a change of hours for the interim boatyard. Mr. Mills asked what the off-season hours were last year in order to make a comparison.

Attorney Freeman presented a plan for Jitney service explaining the delay in starting up was obtaining the new buses which have been delayed by the City approving the agreement to receive the grant funds. Mr. Mills asked for a firm date when the grant funds will be available and when the buses will be ordered. Mr. Mills asked Norman Cole to send Attorney Freeman the chart to add commuter services and commuter routes. Mr. Mills told Attorney Freeman to work with DSSD on this and report back to the Board at the next meeting, Monday, September 23, 2013.

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

OLD BUSINESS

- 3. Application 211-21 - 25 BANK STREET, LLC, Site and Architectural Plans and Requested Uses and Special Exceptions to construct a new 5-story, 14 unit mixed use building with off-site parking in a CC-N zoning district located at 25 Bank Street (*extension of time request*).**

After a brief discussion, Mr. Michelson moved to approve the time extension, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdziowski).

- 4. Application 212-21 and 212-22, Willie James Wilson, 190 Stillwater Avenue, six-unit residential redevelopment with associated parking and landscaping on a 0.10± acre property in the Village Commercial Zoning District (*extension of time request*).**

After a brief discussion, Ms. McManus moved to approve the time extension, seconded by Ms. Gwozdziowski and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdziowski).

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

PENDING APPLICATIONS:

- 4. CSPR-938 – AGARWAL, 86 Rogers Road, requesting approval to install a natural gas generator at an existing residence in an R-20 zoned coastal management area.**

After a brief discussion, Mr. Michelson moved to approve the coastal application with the conditions stated by EPB with the exception that the generator platform shall be elevated to 14 feet, 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) *Work shall comply with the following plans and correspondence:*
 - *“Location Plan,” and “Plan and Section,” Generator Pad, 86 Rogers Road, Stamford, Connecticut,” Sheets SK-1 and SK-2, by John Mallozzi, P.E., dated June 25, 2013.*
 - *“Improvement Location Map,” Prepared for Madan Agarwal and Minoo Agarwal, Stamford, Connecticut by John O’Brien, PLS, Moody and O’Brien, dated February 1, 2013.*
- 2) *Temporary construction and sediment and erosion control measures shall be installed along the limits of construction and maintained in a fully function condition throughout the period of construction.*
- 3) *Upon the completion of all construction activities and prior to the receipt of EPB authorization for a certificate of occupancy/completion, any 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 registered professional land surveyor shall:*
 - *Submit a new, standardized, “National Flood Insurance Program Elevation Certificate” for the dwelling based on the current mapping, zones and elevations.*
 - *Submit an improvement location survey to confirm the final location and the top elevation of the generator platform which shall be not less than 14 feet.*
- 5) *Upon the completion of construction and prior to the receipt of a final certificate of occupancy/completion, a Connecticut Engineer/Architect shall submit written correspondence certifying (signed and sealed) that the elevated generator platform, underground lines, and other related facilities have been **constructed** in accordance with the “Flood Prone Area Regulations of the City of Stamford” (Section 7.1 of the Zoning Regulations), and are capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.*
- 6) *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 known flood hazard areas described as Zone AE, with a projected base flood elevation of 11 feet NAVD-88, as depicted on Flood Insurance Rate Map 009001D0519F, dated June 18, 2010.*

- *A coastal site plan review (86 Rogers Road, Agarwal, CSPR-938, 9/13) has been issued by the Zoning Board of the City of Stamford to allow construction of an elevated generator platform and other related facilities on a property having the coastal resource identified as "Coastal Flood Hazard Zone."*
5. CSPR-942 – Redniss & Mead, Inc., 118 Dolphin Cove Quay, to install a 500-gallon underground propane tank in a flood hazard zone at 118 Dolphin Cove Quay.

After a brief discussion, Mr. Morris moved to approve the coastal application with the conditions stated by EPB, 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. *Work shall comply with the following plans and correspondence:*
 - *"Correspondence from Bret Holzwarth, P.E., Redniss and Mead, dated July 31, 2013.*
 - *"Propane Tank Hold Down," Shulman Residence, 118 Dolphin Cove Quay, Stamford, Connecticut by Thune Associated, dated August 26, 2013.*
 - *"Site Development Plan," and "Notes and Details," Depicting 118 Dolphin Cove Quay, Stamford, Connecticut, Prepared for Doug Bassett, by Redniss and Mead, Inc., revised, August 8, 2013.*
2. *Temporary construction and sediment and erosion control measures shall be installed along the limits of construction and maintained in a fully function condition throughout the period of construction.*
3. *Upon the completion of all construction activities and prior to the receipt of EPB authorization for a certificate of occupancy/completion, any 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 registered professional land surveyor shall provide an final improvement location survey showing the location and pertinent elevations of the tank, lines, and other related facilities.*
5. *Upon the completion of construction and prior to the receipt of a final certificate of occupancy/completion, a Connecticut Engineer/Architect shall submit written correspondence certifying (signed and sealed) that the underground propane tank, lines, and other related facilities have been **constructed** in accordance with the "Flood Prone Area Regulations of the City of Stamford" (Section 7.1 of the Zoning*

Regulations), and are capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 500-year storm.

6. CSPR-934 – GUDAS CARPENTRY, 18 Euclid Avenue, requesting approval to construct a new two unit, two story residential townhouse of approximately 1,830 s.f. and install drainage improvements in an R-5 zoned coastal management area.

After a brief discussion, Mr. Morris moved to approve the coastal application with the conditions stated by EPB, 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. *Work shall conform to the following plans/reports:*
 - *“Site Plan,” and “Detail Sheet,” Prepared for Gudas Carpentry, LLC, Lot 7, Euclid Avenue, Stamford, Connecticut, Sheets 1 and 2 of 2, by J. Edwards and Associates, revised July 23, 2013.*
 - *“Landscape Plan,” Gudas Carpentry, LLC, Lot 7, Euclid Avenue, Stamford, Connecticut, Sheet LP-1, by Robert Sherwood, Landscape Architect, LLC, revised June 25, 2013.*
 - *“Title Sheet and General Notes,” “Zoning and Building Code Information and General Notes,” “Proposed Foundation Plan,” “Proposed First Floor Plan,” “Proposed Second Floor Plan,” “Proposed Attic Floor Plan,” “Proposed Roof Pl,” “Proposed Front Elevations,” “Proposed Side Elevations,” “Proposed Rear Elevation,” “Proposed Building Sections,” “Proposed Building Section and Window and Exterior Door Schedules,” “Proposed Typical Wall Section,” “Second Floor Framing Plan,” “Attic Framing Plan,” and “Roof Framing Plan,” 12 Euclid Avenue, Stamford Connecticut, Prepared for Gudas Carpentry, by Aedifex Architecture and Construction Management, dated December 29, 2012.*
 - *“Drainage Narrative,” Lot 7, Euclid Avenue, Stamford, Connecticut by J. Edwards and Associates, revised July 17, 2013.*
2. *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion and construction controls, drainage, landscaping, professional supervision and certifications, plus a 15% contingency. 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*

3. *Work areas shall be staked in the field by a Connecticut surveyor prior to the start of any site activity.*
4. *Temporary sediment and erosion and construction controls shall be installed per the approved plans and approved in writing by EPB Staff prior to the start of any site activity.*
5. *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other suitable alternative prior to the issuance of certificate of occupancy and release of surety. This condition applies not only to disturbed earth surfaces subject to landscaping but also to areas under any exterior decks, stairs, driveway surfaces, etc.*
6. *All final grading, drainage, stabilization and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer/surveyor with an improvement location survey (surveyor) and written certifications (engineer) submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy and release of surety.*
7. *All approved landscaping and mitigative measures shall be conducted under the supervision of a qualified landscaping professional with written certifications submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy and release of surety.*
8. *In-ground fuel storage is prohibited.*
9. *Submission of a **standard**, City of Stamford landscape maintenance agreement to ensure the success of landscape features prior to the receipt of a final certificate of occupancy and return of surety.*
10. *Submission of a **standard**, City of Stamford drainage maintenance agreement to ensure the full and proper function of all drainage facilities installed on the parcel prior to the receipt of a final certificate of occupancy and return of surety.*

APPROVAL OF MINUTES:

Minutes of July 29, 2013

After a brief discussion, Ms. McManus moved to approve the minutes as submitted. Mr. Michelson seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, McManus, Michelson, Morris and Gwozdzowski).

Minutes of August 2, 2013

After a brief discussion, Ms. McManus moved to approve the minutes as submitted. Ms. Gwozdzowski seconded the motion and it passed with the eligible members present voting, 3-0 (McManus, Michelson and Gwozdzowski).

ADJOURNMENT

Mr. Mills adjourned the meeting at 10:40pm.

Respectfully submitted,

Barry Michelson, HD

Barry Michelson, Secretary
Stamford Zoning Board