

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, SEPTEMBER 22, 2014, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901**

Present for the Board: Thomas Mills, Rosanne McManus, Barry Michelson 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 7:09 PM. Ms. Gwozdziowski was seated to vote on all matters heard this evening since members Morris and Stein were both absent.

Mr. Michelson made a motion to take the Woodland Cemetery application out of order, seconded by Ms. McManus and the motion was unanimously approved 4 to 0 (Mills, McManus, Michelson and Gwozdziowski).

PUBLIC HEARING

5. **Application 214-19 – RICHARD W. REDNISS, Text change**, to Amend Article III, Section 7-R, subparagraphs (f) and (g) to include language allowing an exemption from building coverage for one-story parking decks provided they are not more than 5’ above the access street and to allow 5 story buildings and 65’ for 7-R sites within the RM-F district.

6. **Application 214-20 – THE HOUSING AUTHORITY OF THE CITY OF STAMFORD (d/b/a CHARTER OAK COMMUNITIES), Stillwater Avenue and Merrell Avenue, Special Exception and General Development Plans** requesting approval of Special Exceptions and General Development Plans to construct Phase I of onsite revitalization along Stillwater Avenue and Merrell Avenue. Construction of 78 apartments in a 5-story mixed use building with 21,000 s.f. of ground floor commercial space along with site improvements, BMR units, 181 parking spaces, landscaping and amenities on 1.89 acres in R-5 and R-MF districts. Special exceptions include exemption from building coverage with 1-story parking decks and 5-story building and 65’ height allowance for 7-R sites within the RM-F district.

So that members of the Public present would not sit through the entire meeting only to be told these two applications would be continued to next week, Mr. Mills made an announcement that the Public Hearing on these two applications would be continued to September 29, 2014.

PENDING APPLICATIONS:

1. CSPR-957 – Woodland Cemetery Association

Attorney Jim Minor, City of Stamford, presented his memo dated September 19, 2014. He noted that former mausoleum approval required a public access easement, but it was never filed. The

Applicant's exemption claim is contradicted by five previous CAM applications. He noted that the amount of time since the applicant was filed means it's denied.

Mr. Michelson asked if denial doesn't create an opportunity for appeal. Attorney Minor said yes, and he's sure an appeal will be taken. Mr. Michelson asked why the Board should vote if it's automatically denied.

Mr. Michelson made a motion to deny the application based on reasons cited by Attorney Minor's memo dated September 19, 2014 and the Staff Report dated July 9, 2014 and Norman Cole's memo dated September 15, 2014, seconded by Ms. McManus and the motion was unanimously approved 4 to 0 with the application being denied (Mills, McManus, Michelson and Gwozdziowski).

Ms. McManus made a motion to restore the agenda order, seconded by Ms. Gwozdziowski and the motion was unanimously approved 4 to 0 (Mills, McManus, Michelson and Gwozdziowski).

PUBLIC HEARING

1. **Application 214-12 – RICHARD W. REDNISS, Text Change**, proposed text changes to the DW-D District include increasing maximum ground coverage to 60%, increasing maximum offsite infrastructure bonus to .50 FAR, decreasing minimum side yard setback to zero or 4 feet, establishing lower parking standards, establishing a new standard for calculating BMR bonus density and increasing maximum density, preserving the view corridor up to 50%, specifying landscaping buffers and removing Alternate Standards.
2. **Application 214-13 – BELPOINTE CAPITAL, LLC, Map Change**, Applicant proposes to change approximately 3.09 acres of property located at 112 Southfield Avenue, Block #25, from C-WD to DW-D which includes 0.09 acres of Southfield Avenue and a lot area measured to the U.S. Harbor.
3. **Application 214-14 – BELPOINTE CAPITAL, LLC, General Development Plan and Special Exception Requests, 112 Southfield Avenue**, Applicant requests approval of a General Development Plan, Special Exceptions and Coastal Site Plan to construct a multi-family residential development consisting of 109 apartments (4 one-bedroom units and 105 two-bedroom units) with associated parking, amenities, landscaping, drainage and public access to the waterfront on approximately 3 acres in the DW-D district.
4. **Application 214-15 – BELPOINTE CAPITAL, LLC, Final Site & Architectural Plans and Coastal Site Plans, 112 Southfield Avenue**, Applicant requests approval of Final Site and Architectural Plans and Coastal Site Plan Review to construct a multi-family residential development consisting of 109 apartments (4 one-bedroom units and 105 two-bedroom units) with associated parking, amenities, landscaping, drainage and public access to the waterfront on approximately 3 acres in the DW-D district.

Mr. Mills read the application descriptions into the record. Mr. Michelson read the Planning Board referral letter into the record.

Richard Redniss presented the site plan and oriented the Board to the location and adjacent developments and explained the goal to connect public access to make a continuous waterfront walkway. He used the staff report to present the various applications. The Text Amendment, (214-12) explains many changes were to address the recent McKenzie Superior Court Case and he described the text changes. The "Alternate Standards" section of D-WD will be deleted. The Map Change to D-WD (214-13) asks that the 2.8 acre site be rezoned from C-WD. The GDP/Special Exception (214-14) was reviewed and referral comments from the City Traffic Engineer, Mr. Poola, were discussed. The applicant will do the sidewalk; the crosswalks are "off-site" and should earn bonus FAR and the same comment on \$200,000 for traffic improvements.

Tim Gooding, Project Architect, described the architectural designs and reviewed the proposed building materials. Mr. Mills asked if the metal shingles were similar to what was used at 75 Tresser Blvd and Mr. Gooding replied yes.

Mr. Killeen noted that the current buildings are older than 50 years but HPAC has advised they are not worthy of protection.

Paxton Kinol, developer, explained the design concept of a modern building combined with an older style brick building. Mr. Gooding said materials are half-brick, metal shingles, cultured stone, vinyl large windows and limited EIFS.

Mr. Redniss noted support of the Waterside Coalition and a letter from Jane Freeman summarizing changes that have been made to accommodate the Village at Stamford Landing.

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

Michael Gotlieb, 98 Southfield Avenue requested that the building be setback another 30 feet which is needed to maintain views from the Village at Stamford Landing.

Thomas (Ty) McDaniel, 88 Southfield Avenue, Unit 303, wants the building setback another 30 feet to a total of 132 feet to maintain views from the Village at Stamford Landing.

Mary Barker, 88 Southfield Avenue, Unit 203, won't miss Marshall's Trucking but wants the building setback another 30 feet which is needed to maintain views from the Village at Stamford Landing.

Jack DeSoye, 88 Southfield Avenue wants to protect views of Long Island Sound.

Joan Breslow, North Stamford resident, real estate agent, explained the value of water views.

James Percesepe, 94 Southfield Avenue, architecture isn't compatible with other existing neighborhood buildings and an increased setback would also help.

Richard Thomas, 219 Southfield Avenue said traffic is horrendous and people speed and run the stop sign near the park. The Park needs improvement.

Paul Barker, 88 Southfield Avenue said the new development should be fair and they should increase the setback.

Andrew Peranick, 94 Southfield Avenue said theirs is a low rise townhouse and will lose light and air with the new development.

Bruce Wharton, 94 Southfield Avenue, said new units will make bad traffic worse.

Bob Ericson, 27 Davenport Drive said the project will create jobs and tax revenue.

Russell Davis said this development is progress and not everyone will benefit but the traffic problem needs to get fixed.

Mr. Redniss summarized the Applicants response to the above issues and explained that they worked to resolve many issues with the Village at Stamford Landing but they couldn't reach a complete solution to the setback/view issue.

Paxton Kinol noted that the Village at Stamford Landing is closer (80') to the water than the proposed building (102') and they compromised as much as they could.

Mr. Mills asked the Board members to express issues/questions that the Applicant should address at the continued public hearing scheduled for next Monday, September 29, 2014 at 7:00pm in the 4th floor cafeteria.

Mr. Cole asked if the pocket park would be open to the Public? Mr. Redniss said yes.

Mr. Mills continued the public hearing on these applications to next week, Monday, September 29, 2014 at 7:00pm in the 4th floor cafeteria and took a brief 15 minute recess; resuming the meeting at 9:58pm.

5. **Application 214-19 – RICHARD W. REDNISS, Text change**, to Amend Article III, Section 7-R, subparagraphs (f) and (g) to include language allowing an exemption from building coverage for one-story parking decks provided they are not more than 5' above the access street and to allow 5 story buildings and 65' for 7-R sites within the RM-F district.
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Mr. Mills read the application descriptions into the record. Mr. Michelson read the Planning Board referral letter into the record. Richard Redniss submitted abutting property owner notification into the record.

Mr. Mills announced that the Public Hearing on these two applications would be continued to the next meeting scheduled for Monday, September 29, 2014 at 7:00pm in the 4th floor cafeteria.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes of July 28, 2014

Ms. McManus made a motion to approve the minutes with the proposed changes; seconded by Mr. Michelson and the minutes were unanimously approved 4 to 0 (Mills, McManus, Michelson and Gwozdzowski).

Minutes of September 15, 2014

Mr. Michelson made a motion to approve the minutes as submitted; seconded by Ms. McManus and the minutes were unanimously approved 4 to 0 (Mills, McManus, Michelson and Gwozdzowski).

PENDING APPLICATIONS:

2. Application 214-17 – HIGH RIDGE REAL ESTATE OWNER, LLC, Text change
3. Application 214-18 – HIGH RIDGE REAL ESTATE OWNER, LLC, 0 Turn of River Road, Final Site & Architectural Plans

After a brief discussion, Mr. Michelson made a motion to deny the text change application, seconded by Ms. McManus and the motion was unanimously approved 3:0:1 (Mills, McManus and Michelson voting to deny and Gwozdzowski abstaining).

4. CSPR-952 – TRILLIUM ARCHITECTS, 225 Dolphin Cove Quay, to demolish an existing two-story home and construct a new two-story home of approximately 3,565 s.f. with site improvements and landscaping in an R-7.5 coastal flood area.

Mr. Killeen described the application. After a brief discussion, Ms. McManus made a motion to approve the application subject to EPB conditions, seconded by Ms. Gwozdzowski and the motion was unanimously approved 4 to 0 (Mills, McManus, Michelson and Gwozdzowski). The conditions will read as follows:

1. *Work shall comply with the following plans and correspondence:*
 - *“Site Development Plan,” and Construction Details,” 225 Dolphin Cove Quay, Stamford, Connecticut, Prepared for Vickers, by McChord Engineering Associates, Inc., dated September 4, 2014.*

- *“Title Sheet/Zoning,” “Foundation Plan,” First Floor Plan,” “Second Floor Plan,” “Roof Plan,” “Exterior Elevations,” “Exterior Elevations,” “Building Sections,” “Wall Sections,” Interior Details,” “Exterior Details,” “First Floor Electrical Plan,” and “Second Floor Electrical Plan,” Vickers Residence, 225 Dolphin Cove Quay, Stamford, Connecticut by Trillium Architects, LLC, revised August 11, 2014.*
 - *“First Floor Plan,” and “Second Floor Plan,” ,” Vickers Residence, 225 Dolphin Cove Quay, Stamford, Connecticut by Trillium Architects, LLC, revised May 9, 2014.*
 - *Correspondence from Dan LaMesa, P.E, Geodesign, Incorporated, dated June 20, 2014.*
 - *“Foundation Plan,” Vickers Residence, 225 Dolphin Cove Quay, Stamford, Connecticut by Trillium Architects, LLC, revised May 30, 2014.*
 - *Correspondence from Steve McAllister, P.E., L.S., McChord Engineering Associates, Inc., dated May 1, 2014, revised August 18, 2014.*
 - *“Flood Evacuation and Preparedness Plan,” Prepared for 225 Dolphin Cove Quay, Stamford, Connecticut, by McChord Engineering Associates, Inc., dated May 1, 2014, revised September 10, 2014.*
 - *Correspondence from Scott Cullen, Registered Consulting Arborist, dated June 3, 2014.*
 - *“Tree Protection Exhibits for Trillium Architects,” 225 Dolphin Cove Quay, Stamford, Connecticut by Scott Cullen, dated June 3, 2014.*
 - *Correspondence from Elizabeth DiSalvo, LA, dated September 1, 2014.*
 - *“Planting List for Vickers Residence,” by Hines Associates, undated.*
2. *Within sixty (60) days of decision, revision of the flood preparedness plan to accurately define the location of the project site (P. 2), consistency in the application of document revision dates (P. 2-6), include pedestrian evacuation procedures (P. 6), remove extraneous page (P.7) installation of a copy of the final site plan (Figure 2), and clarification of the chosen evacuation route to avoid areas of flooding at Greenwich Avenue (Figure 3).*
 3. *Final planting plan shall be subject to the review and approval of EPB Staff.*
 4. *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion controls, tree protection, drainage, landscaping, and professional supervision/certifications. 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.

5. *Work areas, including the limits of the coastal velocity zone, shall be staked in the field by a Connecticut surveyor prior to the start of any site activity.*
6. *Erosion controls and tree protection measures shall be installed and approved in writing by EPB Staff prior to the start of any land disturbing activities.*
7. *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other EPB approved alternative prior to the receipt of a signature authorizing the issuance of a certificate of occupancy/return of surety. This condition applies not only to disturbed earth surfaces slated for landscaping but also to areas under any exterior decks, stairs, driveway surfaces, etc.*
8. *All final grading, stabilization measures, drainage, and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer with written certifications (Engineer) and an improvement location survey (Surveyor) submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy and return of surety. Note that because subsurface structures are proposed, the owner is responsible for ensuring that the structures comply with the approved plans and city standards, and that the necessary inspections are made by the certifying professionals prior to backfilling.*
9. *All approved landscaping and tree protection elements shall be conducted under the supervision of a qualified landscaping professional and arborist with written certifications submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy and return of surety.*
10. *Upon the completion of the construction and prior to the issuance of a certificate of occupancy and return of surety, a Connecticut land surveyor shall complete a standard "National Flood Insurance Program Elevation Certificate."*
11. *Prior to the receipt of a final certificate of occupancy, transfer of title and return of surety, the applicant shall file a **standard** notice on the Stamford Land Records disclosing the following information.*
 - *The subject property lies, in part, within known flood hazard areas described as Zone VE, Elevation 16 feet NAVD-88, as depicted on Flood Insurance Rate Map 09001C0151G, dated July 8, 2013.*
 - *A permit (225 Dolphin Cove Quay, CSPR-952, 9/14) has been issued by the Zoning Board of the City of Stamford to allow construction of a new single family dwelling, drive, drainage other related improvements on a waterfront property that supports the coastal resources identified as "Coastal Flood Hazard Area," "Shorelands," and "Modified Escarpment."*

- *Acknowledge the existence of the final “Flood Preparedness Plan.”*

12. *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, transfer of title and return of surety.*

13. *Submission of a **standard City of Stamford** drainage facilities maintenance agreement to ensure the full and proper maintenance/function of the mitigating drainage structures prior to the receipt of a final certificate of occupancy, transfer of title and return of surety.*

OLD BUSINESS

1. Application 213-47 - TR Eastview, LLC - GDP, FSP and Special Exception, “infill” development that includes the construction of a new six (6) story residential building with 82 residential apartments (*administrative review of parking plans*) (*continued from September 15, 2014*).

Mr. Cole reported his conversation with Robert DeMarco, Chief Building Official for the City of Stamford, who said that a building code review could start now without the need for any Zoning Board approval.

2. Discussion of fee-in-lieu from RICH CAPPELLI ASSOCIATES, LLC & LOUIS R. CAPPELLI FAMILY LTD. PARTNERSHIP II and THE FIRST PRESBYTERIAN CHURCH OF STAMFORD, CT & FULLER DEVELOPMENT, LLC projects to Metro Green.

Mr. Cole led a discussion.

The meeting adjourned at 10:56 p.m. on a motion by Ms. McManus, seconded by Ms. Gwozdzowski and the motion was approved 4:0 (Mills, Michelson, McManus and Gwozdzowski).

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board