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**MINUTES OF THE ZONING BOARD PUBLIC**  
**HEARING AND REGULAR MEETING, HELD**  
**MONDAY, SEPTEMBER 30, 2013, 7:00 P.M., 7<sup>TH</sup>**  
**FLOOR, LAND USE CONFERENCE AREA,**  
**GOVERNMENT CENTER BUILDING, 888**  
**WASHINGTON BLVD, STAMFORD, CT 06901**

Present for the Board: Thomas Mills, Bill Morris, Barry Michelson and Joanna Gwozdzowski.  
Present for staff: David Killeen, Associate Planner

**PUBLIC HEARING**

Chairman Mills called the meeting to order at 7:05 p.m.

1. **Application 213-19 – 467 WEST MAIN STREET ASSOCIATES, LLC & AUTOZONE, INC., 467 West Main Street and 138 West Avenue,** requests approval of a special exception per Appendix A, Table II, Item 60 to operate a retail automotive parts and equipment store which specifically excludes automotive service in a C-L Zone (*continued from September 23, 2013*).

Tom Mills opened the continued Public Hearing on this application.

Mr. Mills stated that the Public Hearing would continue until the meeting scheduled for October 21, 2013 at 7:00pm on the 4<sup>th</sup> Floor, Cafeteria, at the written request of the applicant.

**REGULAR MEETING**

**APPROVAL OF MINUTES:**

**Minutes of September 16, 2013**

After a brief discussion, Mr. Morris moved to approve the minutes with modifications submitted by Mr. Michelson as follows: On the first page, replace the third paragraph from the bottom with the following paragraph: “Mr. Mills asked the Board for questions. Mr. Michelson asked if a classification under the tax code is a reasonable zoning standard and whether it should make a difference if the entity is a profit or nonprofit. Mr. Redniss said there are many existing examples in the Zoning Regulations, and cited several sections that generally referred to eligibility standards for establishing income for certain classifications housing, but he would be happy to remove this standard. Mr. Redniss said they have lots of data from years of experience.”  
Seconded by Ms. McManus and unanimously approved 4 to 0 (Mills, Michelson, Morris and Gwozdzowski).

**OLD BUSINESS**

1. **CSPR-940 – ANDERSON, 40 Flying Cloud Road**, requesting approval to install a buried propane tank to be used for home heating at an existing residence in an R-7.5 zoned coastal management area.

David Killeen reviewed the coastal application and discussed the report of the City's Environmental Planner, Rick Talamelli.

After a brief discussion, Mr. Morris moved to approve the application with EPB conditions and a review by the Fire Marshal, seconded by Ms. Gwozdzowski and unanimously approved 4 to 0 (Mills, Michelson, Morris and Gwozdzowski). The approval to read as follows:

1. *Work shall comply with the following plans and correspondence:*
  - *“General Location Survey,” Depicting Proposed Propane Tank, 40 Flying Cloud Road, Stamford, Connecticut, Prepared for Mark and Susan Anderson, by Redniss and Mead, dated September 12, 2013.*
  - *Correspondence from Carl Ruspini, P.E., Ruspini Consulting Engineers, LLC, dated June 18, 2013 and September 16, 2013.*
  - *“Propane Tank Hold Down,” 40 Flying Cloud Road, by Ruspini Consulting Engineers, dated June 10, 2013.*
  - *“Conduit Trench Detail,” by Carl Ruspini, P.E., dated September 16, 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. *All excavated areas shall be returned to the existing grade, and all excess soil shall be removed from the property.*
4. *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.*
5. *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 the following:*
  - *Submit a standard “National Flood Insurance Program Elevation Certificate” for the dwelling.*

- *Submit an improvement location survey to confirm the final location of the propane tank, transmission lines, and other related features.*
6. *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, hold down system, transmission lines, and other related features 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.*
  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 known flood hazard areas described as Zone AE, with a projected base flood elevation of 12 feet NAVD-88, as depicted on Flood Insurance Rate Map 009001C0518G, dated July 8, 2013.*
  8. *Review by City of Stamford Fire Marshal to assure that the tank installation is designed to meet best management practices for control and monitoring of potential leaks.*

*A coastal site plan review (40 Flying Cloud Road, Anderson, CSPR-940, 9/13) has been issued by the Zoning Board of the City of Stamford to allow construction of a 500 gallon, underground propane tank, hold down system, transmission lines, and other related facilities on a property having coastal resources identified as “Coastal Flood Hazard Zone,” “Modified Escarpment” and “Tidal Wetlands.”*

2. **Application 212-07 – Dynafield, LLC and JPMorgan Chase Bank, NA, Final Site & Architectural Plan, 559 Newfield Ave,** construction of a new 3,447 s.f. Bank with drive-through and associated site improvements located on .75 acres in the B-D district (*administrative review of signage*) [continued from September 23, 2013].

Alyson Karbach of NW Signs reviewed the signage request. She noted that Chase is seeking approval for the proposed pylon sign in front of the bank and the wall signs on three sides of the building.

After a brief discussion, Mr. Morris moved to approve the signage (# 1,2,3, and 5 on submitted plans) with conditions, seconded by Mr. Michelson and unanimously approved 4 to 0 (Mills, Michelson, Morris and Gwozdzowski). The conditions to read as follows:

1. Sign to be a maximum of 50 square feet. The Board asks the Zoning Enforcement staff to make sure the total sign is included within this calculation.

2. Directional signs to be approved by the Zoning Enforcement Officer (#13, 17, 18, 19 and 20).
  3. Sign lighting to be shut off by 9:00pm.
3. **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.

Mr. William Buckley, Engineer, representing Harbor Point, provided an update on the remediation efforts underway on the site. He referred to an Improvement Location Survey prepared by Redniss & Mead, dated 9/27/13, which he indicated showed dimensions at various locations, every 100 feet, to show the distance between the face of existing wood pile of the inside face of the new oversheeting. Mr. Buckley also submitted photos of the work underway. Noting that some of the distances were as much as 24" from the original woodpile to the new oversheeting, Mr. Mills asked what standard is applied by the DEEP. Mr. Buckley replied that it is generally 18", but the DEEP is comfortable with the installation as it is proceeding, since the angle of the existing woodpiles can affect the placement of the new sheetpiles. Mr. Mills instructed staff to check with DEEP to obtain further input on the placement of the new oversheeting. The DEEP staff contact is Brian Thompson. Mr. Buckley reported that he anticipates completion of the oversheeting work for this year by mid-October. At that point, he will have a certified survey drawing prepared and provide measurements at 25 foot intervals.

He then reported on continuing efforts to remove contaminated soil from the property and backfilling as soon as possible, noting that they had found oil in some of their recent excavations. He is uncertain of when work will be completed. He also reported that Ponus Yacht Club is currently having underground utilities on 'Parcel X'.

Mr. Buckley will provide his next report to the Zoning Board at their October 21 meeting.

Next, Attorney John Freeman, representing BLT, provided an updated proposal for the expanded jitney service between the South End and the Downtown, prepared by Fuss & O'Neill. He reported that he has not yet had the opportunity to meet with the Downtown Special Services District (DSSD) to discuss the differences between the schedules proposed by BLT and the ones proposed by the DSSD, the Earth Tech TOD Study, and Josh LeCar (City staff). Marty Levine, representing DSSD, submitted an updated spreadsheet with a variety of schedules proposed so far and provided a copy of the original Josh LeCar memo, which he noted was included in the original Zoning Board approval and sets the standard for the operation of the jitney service. He also provided a summary of important documents related to the jitney service's approval and implementation and a map illustrating the DSSD's Downtown Transit Loop Proposal dated August 19, 2013.

Mr. Mills asked that BLT and DSSD representatives meet as soon as possible to review the different proposals on the table (current service route, DSSD proposal, BLT proposal, Josh LeCar proposal and TOD proposal) and come back to the Board with a recommendation for a preferred route and schedule, showing all of the proposed stops. He asked the representatives to also drive the routes to determine the length of each trip.

Mr. Freeman, Mr. Ruotolo, and Mr. Levine agreed to set up a meeting this week and have a route documented by this Friday, October 4 at noon to accommodate a mailing to the Zoning Board for their scheduled October 7 meeting. If the route and schedule are not submitted by 12:00 noon on Friday, the meeting would be canceled.

### **ADJOURNMENT**

Ms. Gwozdzowski moved to adjourn the meeting, seconded by Mr. Michelson and unanimously approved 4 to 0 (Mills, Michelson, Morris and Gwozdzowski).

Mr. Mills adjourned the meeting at 8:55pm.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board