

MINUTES OF THE ZONING BOARD PUBLIC HEARING AND REGULAR MEETING, HELD MONDAY, OCTOBER 21, 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, Barry Michelson, Rosanne McManus and Joanna Gwozdzowski. Present for staff: David Woods, Principal Planner and David Killeen, Associate Planner

PUBLIC HEARING

Chairman Mills called the meeting to order at 7:05 p.m. Mr. Mills seated Alternate Joanna Gwozdzowski.

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

REGULAR MEETING

OLD BUSINESS

1. **Application 211-29 – Site & Architectural Plan and Coastal Site Plan Review (CSPR), 28 SOUTHFIELD 2011, LLC**, Final Site Plan and Coastal Site Plan approval to construct a residential mixed-use development consisting of four multi-family buildings containing 256 units of housing, ground floor coastal amenity space, 30 boat slips, and a public access system including a waterfront boardwalk, located at 28 Southfield Avenue and 2 Selleck Street in the DW-D zoning district (*request for time extension*).

Mr. Michelson moved to approve the time extension, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

APPROVAL OF MINUTES:

Minutes of September 23, 2013

After a brief discussion, Mr. Michelson moved to approve the minutes as submitted, seconded by Mr. Morris and approved 4 to 0 (Mills, Michelson, Morris and McManus; Gwozdzowski not present at meeting and unable to vote).

Minutes of September 30, 2013

After a brief discussion, Ms. Gwozdzowski moved to approve the minutes as submitted, seconded by Mr. Morris and approved 4 to 0 (Mills, Michelson, Morris and Gwozdzowski; McManus not present at meeting and unable to vote).

Minutes of October 7, 2013

After a brief discussion, Mr. Michelson asked to table the minutes to the next meeting.

Mr. Mills called a brief recess at 7:20pm and resumed the meeting at 7:25pm.

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

PUBLIC HEARING

2. **Application 213-24 – ESTATE OF SAMUEL J. HEYMAN – 537 Canal Street, Special Exception, Site & Architectural Plans and Coastal Site Plan Review,** requesting special exception for Large Scale Development to construct two, one-story buildings; one for a 14,561 s.f. retail CVS drug store and one 3,290 s.f. retail building and associated site improvements on approximately 2.01 acres in the M-G zone known as 537 Canal Street in a coastal area.

Attorney William Hennessey, representing the Applicant, submitted the Notification of Abutters into the record. Mr. Michelson read the Planning Board referral letter into the record. Attorney Hennessey introduced his team, Neil Yunski, Milone & MacBroom and Kathy O'Rourke, Jack McNamara, representing the Yale & Towne site and Shannon Rutherford.

The site is zoned M-G and Attorney Hennessey distributed a list of permitted uses in that district and discussed the history of the site. A Special Exception application is required because it is a large scale development. Landscaping will include new street trees and interior landscaping. Attorney Hennessey distributed a series of pictures showing images of the surrounding neighborhood. They have been working with the Land Use Staff on traffic circulation, parking and landscaping and need additional time to implement the suggested architectural changes. They ask that the Public Hearing be continued to November 18. Board of Representative Member, Terry Adams, submitted a letter of support for the project. The Applicant will be requesting approval of a second building on a separate Site Plan application which will be marketed as a drive-through; CVS may be a 24 hour retail site in the future, but they are not requesting that at this time.

Mr. Michelson noted that CVS already has two applications in the City and asked the status of those. Attorney Hennessey said Hope Street is under construction and High Ridge is working with the State on road work and they need to demolish an existing office building. Mr. Michelson said he had a concern about the setbacks and he'd like to see the building brought closer to the street with different architecture. Mr. Michelson also expressed concern about traffic stacking with two drive-through lanes serving two buildings.

Attorney Hennessey said they addressed the parking and are providing the necessary spaces to accommodate customer convenience and staff and in the winter, allows for piling up of snow.

Attorney Hennessey discussed landscaping and noted no sign proposal has been submitted at this time.

Mr. Morris asked if the landscaping was sufficient to meet zoning requirements. Attorney Hennessey responded yes, and he noted that the applicant is providing 78 new trees, an increase of 8 over what was originally proposed; 340 new shrubs (40 more than originally proposed), and 1,100 ground cover plants (100 more than originally proposed). Additionally, a one foot berm has been added to further landscape the parking areas. Mr. Morris asked that they provide further justification to document the increased parking area by the time of the next hearing.

Shannon Rutherford will provide a written report on parking needs. Ms. McManus further asked the applicant to document the number of parking spaces and building size that were approved for the Bulls Head and Hope Street CVS stores. The applicant agreed to do so.

Mr. Michelson asked about studies of customer time at a drive-through window. Ms. Rutherford said 3 minutes on average with peak being 3:30p-4:30p

Mr. Mills polled the Board about the excess parking in this plan. No general concerns expressed.

Mr. Mills asked if anyone from the public wished to comment. There were none. Mr. Mills continued the Public Hearing on this matter to November 18, 2013 at 7:00pm on the 4th Floor.

Mr. Mills called a recess at 8:42pm and reconvened the meeting at 8:53pm.

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 30, 2013*).

Attorney Nick Vitti returned to provide requested materials and answer Board questions. He submitted a material sample palette. He reviewed the Safety Manual submitted previously showing the Applicant has addressed collection of used batteries and the storage and handling of used oil. He also reviewed the lighting and landscaping plans, which include a fence along the residential property to the North.

Mr. Mills asked about the Cecil Group Study. The Applicant met with Mani Poola, City Traffic Engineer, in April 2013 and was not aware of the study. Applicant's traffic study suggested changes in lighting to accommodate better traffic flow due to higher traffic levels on West Main Street. Mr. Poola asked for complete mitigation measures including turning lanes, new sidewalks, easements, based on 2035 projected traffic patterns. Mr. Mills asked

about parking meters across the street. Applicant agreed to work with the City to upgrade traffic conditions.

Ms. McManus asked if the windows could be enhanced. Ms. Gwozdziowski asked about lighting near residential properties to the rear.

Mr. Mills continued the Public Hearing on this matter to October 28, 2013 at 7:00pm on the 4th Floor.

REGULAR MEETING

OLD BUSINESS

2. **Application 212-27 – Yale & Towne SPE, LLC (Y3)** - review additional information to relocate a garage entrance and to grant approval of the following: 1) Final Site Plan and Architectural Plan approval for development on the block identified as Y3 below to construct 252 residential units, and 315 parking spaces, landscaping, drainage, roadway and utility improvements; and 2) Coastal Site Plan approval, on a 20.35 acre site at 500 Pacific Street, located entirely within the block bordered by Canal, Market, Pacific and Henry Streets, which property is zoned South End Redevelopment District, North, Block 84, which property is zoned SRD-N South End Redevelopment District – North (*discussion of proposed South-end/Downtown Jitney Service*).

Attorney John Freeman said he was pleased that the Board agreed to the downtown route with one bus. Brief discussion about BLT's planned service. Martin Levine, DSSD, described that the original plan was for two buses at specific times. Brief discussion of City's grant's department anticipated purchase. DSSD is concerned about the language requiring a review of ridership and routes and would recommend the Zoning Board condition an annual review.

Mr. Michelson moved to adopt the conditions he had submitted last week, seconded by Mr. Morris and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdziowski). The conditions as revised and approved by the Zoning Board on October 21, 2013, will read as follows:

In furtherance of The South End Redevelopment District North (SRD-N), Section 9.K.5.h, of the Zoning Regulations and Final Site Plan and Architectural Plan approval for block identified as Y3, Condition #2, August 2, 2013; The Zoning Board at its regularly scheduled meeting of October 7, 2013 granted authorization of BLT's request for a Y3 Foundation Permit, subject to the following standards:

1. *The proposed jitney service route will be defined as the combined routes displayed on an Excel spreadsheet titled "DSSD Loop Revisions 10-07-13" and submitted to the Zoning Board at its meeting of October 7, 2013. This particular route provides for 215 trips per week Sunday through Saturday.*

2. *There will be fourteen (14) stops on this route as designated on Route Map Titled DSSD Revised Route Map 10-07-13 (Excluding stop # 15), and submitted to the Zoning Board for their consideration at their meeting of October 7, 2013.*
3. *The jitney shall commence service and be operational on February 14, 2014.*
4. *BLT shall commence service with one newly acquired jitney style bus. In the event that the jitney buses ordered by grant are delayed or undeliverable, BLT shall retain and initiate service with one jitney bus that is in addition to those already operating and providing shuttle service. The buses put into service shall be the same as those featured in the sample graphic advertisement submitted by BLT for the October 7, 2013 Zoning Board meeting, and are to have aisles and sufficient headroom to accommodate an erect individual of average height. The Buses put in service for this expanded downtown service shall be acceptable to the Board.*
5. *BLT shall submit to the Zoning Board for approval a detailed Marketing Plan based on the Fuss & O'Neill outline of September 6, 2013.*
6. *This jitney service shall operate for a nine (9) month period pursuant to Conditions #1 and #2 above, during which time BLT will document patterns of ridership and destinations. At the conclusion of nine months (11/14/2014), BLT will provide a full report to the Zoning Board of the jitney service and commit to continuing the service as may be approved or modified. All Changes in service including but not limited to: route, schedule, hours of operation or type of Jitney shall be subject to Approval of the Zoning Board. The jitney service shall be subject to an annual review by the Zoning Board.*
7. *In addition to evidence of full compliance with other relevant conditions of approval for the Y3 development, approval of a building permit will be contingent on proof that the combined South-End/Downtown jitney service program is fully operational and that the marketing plan has been approved and is in place.*
8. *This Authorization shall not be construed to effect, modify or alter any other Approval or Condition.*
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.

Attorney John Freeman said Bill Buckley was not present but he will be available at the next meeting to discuss the location of the sheet-pilings in relation to the bulk-heading. Mr.

Killeen reported on a conversation with Brian Thompson of the DEEP concerning the placement of sheet-pilings in relation to the Certificate of Permission issued for this work. Mr. Mills asked Staff to check when this item could be added to the ZBA agenda. If the City does not have a proposed, revised license agreement to forward to the Planning Board by October 28, 2013, the Zoning Board wants to see BLT's appeal of the Cease and Desist presented to the ZBA as soon as possible. Brief discussion on Corporate Counsel's opinion to the Zoning Board and the process needed when BLT resubmits their agreement.

ADJOURNMENT

Mr. Mills adjourned the meeting at 10:37pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board