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MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, OCTOBER 27, 2014, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901**

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

Mr. Michelson (acting Chair in Thomas Mills' absence) called the meeting to order at 7:13 PM.

4. **Application 214-26 – ZONING BOARD, CITY OF STAMFORD, Text change**, to ADD Section 7.7 entitled: Special Stamford Transportation Center Platform and Commuter Parking which would apply to all properties zoned C-L or M-G and located within an established boundary of the Transportation Center to require any future development, redevelopment and/or alterations of buildings to apply for a special exception of the Zoning Regulations and establish special parking standards in order to promote parking, traffic flow and commuter access near the Stamford Transportation Center.

Mr. Michelson explained that the Zoning Board would not open the Public Hearing to avoid a potential legal challenge (no Planning Board referral letter and insufficient notice to the Planning Board).

Ms. McManus moved to change the order of the agenda to take Application 214-26 first, seconded by Mr. Morris and the motion was unanimously approved 5 to 0 (Michelson, Morris, McManus, Stein and Gwozdzowski).

Mr. Stein moved to defer the Public Hearing discussion of Application 214-26 until a later meeting, seconded by Ms. McManus and the motion was approved 4 to 1 (Morris, McManus, Stein and Gwozdzowski in favor; Michelson opposed).

After additional discussion by the Board, Mr. Michelson announced that the Public Hearing on this agenda item would be rescheduled for November 24, 2014.

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

REGULAR MEETING

Organizational Meeting – Election of Officers

Ms. McManus moved to table the organizational meeting until the next Zoning Board scheduled meeting of November 10, 2014, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Michelson, Morris, McManus, Stein and Gwozdzowski).

PUBLIC HEARING

1. **Application 214-07 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street**, Applicant requests approval of a Special Exception under Section 7.5 to permit Large Scale Development, and Site and Architectural Plans to reconfigure and add 121 new parking spaces for a total of 307 parking spaces at Cytec located at 1937 West Main Street in an M-L district. Realignment of the parking areas, islands and traffic signals will facilitate improved traffic circulation for the proposed development and construction of an 183,493 s.f. flex-industrial building and smaller building on an adjoining parcel (*continued from October 20, 2014*).
2. **Application 214-08 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street LOT B-2**, Applicant requests approval of a Special Exception under Section 7.5 to permit Large Scale Development and Site and Architectural Plans requesting approval to construct an 183,493 s.f. flex-industrial building and a smaller (6,124 s.f.) building to be used for retail and/or industrial/flex purposes with associated parking (*continued from October 20, 2014*).

Mr. Michelson opened the Public Hearing on these two applications, read a description of the applications into the record and read the Planning Board referral letter into the record.

Attorney William Hennessey explained that Lot B1 (front lot) will add 122 parking spaces and the driveway will be moved east to share the curb cut with Lot B2 which will support a new flex industrial building. Tenant(s) have not been determined. A new signal will be installed at the entry drive opposite Harvard Avenue. The City has plans to add a dedicated left turn lane at West Avenue/West Main Streets and has asked the Applicant to build the intersection improvements. The Applicant proposes to provide needed rights-of-way on the NW and SE corners. They have spent \$250,000 on an option on the NW corner and spent \$70,000 for SE corner right-of-way (ROW). The Applicant believes this ROW effort is a sufficient “fairshare” given projects limited traffic impact and existing congestion at the intersection. AutoZone granted a ROW easement. Attorney Hennessey said they will match the stone faced wall along the entry driveway.

Wayne Violett, BL Companies explained the landscape buffer plan along the east property line; they will also remove invasive plants.

Mr. Morris asked how tall the new trees would be? Mr. Violett said 7’ to 8’ evergreens (Eastern White Pines). Mr. Morris asked if the trees would buffer noise? Mr. Violett said some, but that’s not what plantings are for.

Ms. Gwozdzowski asked if they’d be replacing the existing fencing on the property line? Mr. Violett said the plan calls for replacing it with chain link where needed. Mr. Violett explained the plantings at the entry drive. There will be a detention pond area which will be planted to

buffer the pond and views from the residences from the west. Mr. Violett also explained the lighting plan. LED fixtures with a pole height of 22'-27'. The average foot candle will be 3.0. Wall mounted fixtures on the buildings. Zero trespass lights.

Mr. Cole asked for the hours the lights will be used. Attorney Hennessey said there are 24 hour security lights and other lighting will depend on the tenants.

Ms. Gwozdzowski asked what uses are they proposing for the building? Mr. Stein and Mr. Morris asked what uses are permitted in an M-L district? Attorney Hennessey read off as-of-right uses. The Applicant is willing to accept a condition that the Zoning Board would need to approve any use that generated more traffic than uses listed in the traffic impact study.

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

John Lyons, owner of the industrial buildings on Nurney Street which is a dead-end street, asked the Applicant to consider a new road through the site. West/West Main Street need improvement. The Hospital should have paid to fix this. Vehicles can't get out from Nurney Street.

John Tucciarone, 516 W. Main Street, submitted a letter for the record describing traffic and congestion at the intersections of W. Main and Harvard Avenues.

Nataliya Korostensky, 36 DePinedo Avenue, #3, condo owner for 10 years said the proposed industrial building and trucks are not consistent with the goals for the West Side. This will be noisy and brightly lit at all times and she urged the Board to consider neighboring residences.

Constantin Oltean, 36 DePinedo Avenue, #1, said this project will impact residential quality of life. There will be noise and fumes and pollution and 24 hour lighting will have a negative impact.

Alejandra Real, 36 DePinedo Avenue, commented about negative impact to residences and said this is a contaminated site. SiMan Chan, 36 DePinedo Avenue #4 said they need to fix the contamination and there is concern about the health impacts.

Attorney Hennessey said the Hospital project isn't impacting West/West Main Streets. This project will clean-up the site. He discussed potential uses.

Mr. Michelson asked how the remediation would be done? Steve Wise said a combination of removal and capping.

Mr. Michelson closed the Public Hearing on these applications at 9:18pm. He took a brief recess and continued the meeting at 9:30pm.

3. **Application 213-34 – BLCR HOLDINGS, LLC, Special Exception** requesting approval of a Special Exception under Section 7.3-D-2-d to allow preservation of two historic buildings serving as real estate offices in an R-20 residential area at 817 and 819 Long Ridge Road.

Mr. Michelson opened the Public Hearing on these two applications and read a description of the applications into the record. Ms. McManus read the Planning Board referral letter of August 29, 2014 into the record.

Attorney James Murphy explained the Zoning Board approved the text amendment in 2013, amending Section 7.3-D-2-d. The Historic Preservation Advisory Commission has reviewed and supported the plan with no changes. He will record the City's standard historic façade easement.

Richard Redniss confirmed that the site fronts more than 40% of the C-D zone. He explained if Connecticut DOT forces the parking to be moved, they can still provide 4 spaces on their own property. Section 7.2 requires 3 spaces for historic properties of this type.

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

Mr. Michelson closed the Public Hearing on these applications at 9:54pm.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes of October 20, 2014

Ms. McManus moved to approve the minutes as submitted, seconded Mr. Stein and the motion was approved 5:0 (Michelson, McManus, Morris, Stein and Gwozdzowski).

PENDING APPLICATIONS:

1. Application 214-12 – RICHARD W. REDNISS, Text Change
2. Application 214-13 – BELPOINTE CAPITAL, LLC, Map Change
3. Application 214-14 – BELPOINTE CAPITAL, LLC, General Development Plan and Special Exception Requests, 112 Southfield Avenue
4. Application 214-15 – BELPOINTE CAPITAL, LLC, Final Site & Architectural Plans and Coastal Site Plans, 112 Southfield Avenue,

The Zoning Board reviewed the proposed text change and received input from Mr. Cole on the history of approvals in the DWD District under Alternate Standards that would be eliminated under this amendment. The Board discussed keeping side yard and BMR requirements unchanged and maintaining a minimum view corridor of 30%. They also considered some potential language changes to the proposed section addressing historic preservation.

After lengthy discussion, Mr. Michelson tabled further discussion to the next scheduled meeting of November 10, 2014 at 7:00pm in the 4th floor cafeteria.

The Board reviewed the rest of the agenda items and Ms. McManus asked how best could the Board utilize their review given the late time. Mr. Cole suggested the Board table discussion on the remainder applications to the next scheduled meeting and that there'd be ample time to

discuss the BLCR Holding application and possibly the proposed parking revisions to Application 213-47.

8. Application 213-34 – BLCR HOLDINGS, LLC, Special Exception

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

1. *In the event that the property owner is required at any time in the future to relocate the parking along the westerly side of the parcel along Long Ridge Road, the owner will provide prior written notice of such relocation to the Zoning Board Staff. The relocated parking shall be as depicted on the drawing titled: “Existing and Proposed Site Plan depicting #817 & #819 Long Ridge Road, Stamford, CT prepared for BLCR Holdings, LLC”, prepared by Redniss & Mead, dated 8/5/14.*
2. *Execution of a standard historic façade preservation easement for both buildings, subject to approval by Zoning Board staff, to be recorded with final photo exhibits within 90 days of the effective date of this approval.*

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*).

Mr. Cole distributed a “Notice of Amended Condition” which included draft conditions for approving the revised parking configuration. Mr. Michelson said that he opposed voting on an item that was provided to the Board that night.

After a brief discussion, Ms. McManus moved to approve the modified parking plans, seconded by Mr. Stein and the motion was approved 4 to 1 (Morris, McManus, Stein and Gwozdzowski approving; Michelson voting no). Conditions included the requirement that there be a long-term lease (50 years) between 100 Prospect Street and 545 Bedford Street, and a Non-Disturbance Agreement by the current mortgagee of 100 Prospective Street. The conditions will read as follows:

This notice shall confirm that upon request of TR Eastview, LLC, modification of the development plan approved in connection with Zoning Board Certificate #213-47 (the “Original Approval”) for property known as 545-573 Bedford Street, Stamford, Connecticut (the “Property”) was administratively approved by the Zoning Board on October 27, 2014 (the “Administrative Approval”). Pursuant to the Administrative Approval, the previously approved basement level parking on the Property will be eliminated and in lieu thereof, the parking garage (“Garage”) on the adjacent property at 100 Prospect Street shall be utilized for the parking of forty-five (45) automobiles belonging to the tenants of the Property via a physical connection between the grade

level of parking on the Property and the Garage. The Administrative Approval also included adjustments of the Original Approval to facilitate the elimination of the basement level parking and incorporation of the direct connection with 100 Prospect Street. A detailed description of these changes can be found in the application file in the office of the Zoning Board.

This Administrative Approval is subject to the following conditions:

- 1. That the owner(s) of the Property and the owner(s) of 100 Prospect Street enter into a lease incorporating the following requirements:*
 - a. The term shall be not less than twenty-five (25) years with a renewal option of not less than an additional twenty-five (25) years;*
 - b. In the event that the lease is subordinate to any mortgage affecting 100 Prospect Street, such mortgagee of 100 Prospect Street must agree to provide a Non-Disturbance Agreement from the mortgagee in favor of the owner of the Property;*
 - c. Any owner and any mortgagee who succeeds to the interest of Owner of 100 Prospect Street must be obligated to provide the City of Stamford with a copy of any Notice of Default, to Tenant under the lease; and*
 - d. A Notice of Lease conforming with C.G.S.A. §47-19, or the actual lease, must be recorded on the Stamford Land Records.*

The current mortgagee of 100 Prospect Street shall provide a Non-Disturbance Agreement in favor of the Owner of the Property and such agreement shall be recorded on the Stamford Land Records and shall contain, among other provisions, a provision requiring such mortgagee when it succeeds to Ownership of 100 Prospect to provide the City of Stamford with a copy of any Notice of Default sent to the Owner of the Property under the lease.

- 2. Prior to the termination of the above referenced lease for any reason (including but not limited to its lease expiration date), the owner of the Property shall obtain from the Zoning Board approval of an alternative parking plan satisfying the applicable parking requirement contained in the Stamford Zoning Regulations at that time.*
- 3. Prior to the issuance of a Building Permit for the garage connection with 100 Prospect Street, Applicants shall submit final site and architectural plans demonstrating construction details of said connection for final approval by Zoning Board staff.*

There being no further business, the meeting adjourned at 10:30 p.m.

Respectfully submitted,

Barry Michelson, Acting Chair
Stamford Zoning Board