

MINUTES OF THE ZONING BOARD PUBLIC HEARING AND REGULAR MEETING, HELD MONDAY, OCTOBER 28, 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: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner

PUBLIC HEARING

Chairman Mills called the meeting to order at 7:09 p.m. He seated Alternate Joanna Gwozdzowski.

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 October 21, 2013*).

Chairman Mills explained that this application was being continued from a Public Hearing of October 21, 2013. Attorney Nicholas Vitti, for the Applicant, described the additional materials the Board had requested regarding the window alternatives and pilaster colors. Nick Kirshner, Langan Project Engineer, presented the three color schemes and three window styles.

After a brief discussion regarding the colors and adding raised cornices on the NW and NE corners, Mr. Michelson moved on behalf of the Board to adopt Option 2 with the window grids from Option 1 and the 3 raised cornices on sides fronting the street.

Mr. Mills asked for any questions from the Public. There were none.

Mr. Killeen noted the need for a parking easement over 13 parking spaces and traffic widening easement as requested by Mani Poola, Traffic Engineer in his July 2, 2013 internal memorandum. Attorney Vitti objected to Mr. Poola's video detection request and also the right to impose other requirements later.

After a brief discussion, Mr. Mills closed the Public Hearing on this application at 7:40pm.

REGULAR MEETING

Ms. McManus made a motion to change the order of the agenda to take Pending Applications next, seconded by Mr. Michelson and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

PENDING APPLICATIONS:

1. Application 213-19 – 467 WEST MAIN STREET ASSOCIATES, LLC & AUTOZONE, INC., 467 West Main Street and 138 West Avenue

Mr. Killeen summarized the draft conditions and moderated the Board's discussion about the proposed stockade fence on the property; the trash management plan, early morning truck delivery noise between 6a – 8a, landscaping and continued maintenance and the height of lighting at 17' shielded from neighboring properties.

Ms. McManus made a motion to approve the application with conditions drafted by Staff and modified by the Board Members, seconded by Mr. Morris and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski). The conditions will read as follows:

***WHEREAS**, the Zoning Board conducted a duly called public hearing on September 23, 2013, continued to September 30, 2013, continued to October 21, 2013, continued to October 28, 2013, and has considered the submitted comments of other interested City agencies, officials, and the general public;*

***NOW THEREFORE BE IT RESOLVED** that the Zoning Board on October 28, 2013 approves Application 213-19 requesting 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, by a motion made by Rosanne McManus, seconded by Bill Morris and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski) approving subject to the following site specific conditions: Final approval of the Special Exception Permit and Site Plan applications are hereby granted for the project as shown in the application materials described on the attached list and supplemented at the public hearing, subject to the following conditions:*

SITE SPECIFIC CONDITIONS:

1. *Prior to the issuance of a Building Permit, the Applicant shall submit final site and architectural plans, landscaping and lighting plans, including specifications for exterior architectural designs, materials, samples and colors, for final approval by Zoning Board Staff, to ensure consistency with the approved plans, architectural elevations and illustrative renderings constituting the record of the application.*
2. *The Architectural plans will be modified to reflect the following features, as shown on the perspective sketches, titled "AutoZone, Proposed Conditions", prepared by Langan Engineering and Environmental Services, and dated October 28, 2013:*

- a. *The building will be painted in the color scheme contained as Option #2, with the taupe color (Nuthatch #SW6088) extending up the length of the pilasters to the roofline.*
 - b. *The windows will be as illustrated in Option #1 with the grid pattern and will include the white frame as presented at the public hearing.*
 - c. *In total, three corners of the proposed building shall be raised to match the proposed elevations at the corner of West Main Street and West Avenue; the two corners facing West Main Street and the northwestern corner facing West Avenue.*
 - d. *The design shall incorporate the gooseneck lamps illustrated on the perspective sketches and will incorporate split face block as opposed to smooth block.*
3. *Prior to the issuance of a Building Permit, applicant shall provide an easement to the City of Stamford at the northeast corner of the intersection of West Avenue and West Main Street to accommodate future roadway improvements and traffic signal replacement with new equipment, as described in the memorandum from Traffic Engineer Mani Poola to Norman Cole dated July 2, 2013.*
 4. *The Site Plan shall incorporate the following features presented during the public hearing of this application.*
 - a. *Installation of a privacy fence and landscaping trees along the property line to screen residential properties to the north as shown in the revised Landscape Plan dated October 9, 2013.*
 - b. *The light poles in the parking lot will be no more than 17 feet in height (as opposed to the 25 feet initially proposed) and as illustrated in the revised Photometric Plan, dated September 20, 2013. All lighting will be shielded to prevent spillover to neighboring residential properties.*
 5. *Prior to the issuance of a Certificate of Occupancy, applicant shall provide an easement over the parking spaces on the northerly parcel (138 West Avenue) to assure permanent access to these 13 parking spaces for the continued zoning compliance of the commercial use at 467 Main Street.*
 6. *Operations of the AutoZone shall comply with the policies contained in the AutoZone Safety, Health and Environmental Manual, as revised to November 2011.*

7. *Applicant will comply with the Waste Management Plan and the Delivery Schedule prepared by Langan Engineering & Environmental Services, dated May 2013.*
8. *Applicant shall comply with the conditions/comments contained in the August 6, 2013 memorandum prepared by Environmental Planner, Richard Talamelli.*
9. *Applicant shall comply with the conditions outlined in the July 3, 2013 memorandum by Susan Kiskan, P.E.*

GENERAL CONDITIONS:

1. *Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to review by the Environmental Protection Board staff.*
2. *Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit a Drainage Maintenance Agreement and a Landscape Maintenance Agreement, subject to approval by the Environmental Protection Board staff.*
3. *This approval shall expire 12 months from the effective date of the approval unless a building permit has been issued, subject to Zoning Board approval of not more than three (3) one-year extensions, upon timely application and good cause shown.*

Ms. McManus made a motion to change the order of the agenda to take the Old Business item next, seconded by Ms. Gwozdzowski and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

OLD BUSINESS

1. **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 provided the Board Members with an update on the remediation progress from Bill Buckley and stated they would work through the winter to complete the task. Mr. Buckley will be available at the next meeting. Mr. Mills asked that the current piles be photographed to establish a benchmark and provide a better monitoring mechanism for progress.

Attorney Freeman gave the Board an update that a revised License Agreement has been submitted which reflects five conditions suggested by the Planning Board in its initial review. The Cease & Desist has been appealed to the Zoning Board of Appeals and will be heard at their meeting scheduled for January 8, 2014. Mr. Michelson asked if the

agreement had been signed? Attorney Freeman said no. Mr. Cole said it was not necessary for it to be signed before going to the Planning Board, but the agreement language could not be changed if it is approved by the Board. Mr. Cole distributed a chronology of events leading up to and following the issuance of a Cease & Desist on the property along with copies of pertinent resolutions and minutes. Mr. Morris asked if the Zoning Board would approve the option of an alternate boatyard? Mr. Cole said the Board hadn't approved this and the proposed application still needs to be approved by the Zoning Board.

Mr. Michelson asked if the agreement had been submitted to the Planning Board? Mr. Cole said no. Attorney Freeman said as a note that they have filed an application for Blocks C8 and S3 with the Zoning Board. The Board briefly discussed the License Agreement.

APPROVAL OF MINUTES:

Minutes of October 7, 2013

Mr. Michelson asked that the minutes be corrected to include a caption introducing the discussion of the jitney service. After a brief discussion, Ms. Gwozdzowski moved to approve the minutes with that change. Mr. Morris seconded the motion and it passed with the eligible members present voting, 4-0 (Mills, Michelson, Morris and Gwozdzowski; McManus not present at the meeting and could not vote).

Minutes of October 21, 2013

Mr. Michelson asked that the minutes be corrected under the Old Business heading, change of person making a motion on the minutes and addition of language about the CVS public hearing to a paragraph on the second page. After further discussion, Mr. Michelson moved to approve the minutes as modified. Ms. Gwozdzowski seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, McManus, Michelson, Morris and Gwozdzowski).

ADJOURNMENT

Ms. McManus made a motion to adjourn the meeting, seconded by Ms. Gwozdzowski and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski). Mr. Mills adjourned the meeting at 8:15pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board