

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, NOVEMBER 17, 2014, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901**

Present for the Board: Thomas Mills, 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. Mills called the meeting to order at 7:10 PM.

PUBLIC HEARING

1. **Application 214-31 – CITY OF STAMFORD, ENGINEERING BUREAU, 83 Lockwood Avenue - Special Exception**, request to increase the capacity of pre-school children from 240 to 348 at the Pre-school operated by Childcare Learning Centers at 83 Lockwood Avenue in an R-5 zone.

Mr. Mills opened the Public Hearing and read a description of the application into the record. Mr. Michelson read the Planning Board referral letter into the record.

Lou Casolo, City Engineer and Marc Jaffe, CEO Childcare Learning Center, explained the application.

Ms. McManus asked about older children on the property. Mr. Jaffe said yes but they don't share any space nor have any contact.

Mr. Morris asked about parking and traffic. Mr. Jaffe said they use no buses; parents drop off students. They rent a 20 space parking area at 80 Lockwood.

Mr. Michelson asked about the hours of operation. Mr. Jaffe said 7:30am to 5:30pm. MR. Michelson asked about the ages of the children. Mr. Jaffe said 3 to 5 years of age.

Mr. Stein asked if they meet Zoning parking standards. Mr. Jaffe said they have 53 spaces on site for parking plus the 20 space rented lot. Mr. Casolo said he would provide a parking summary.

Ms. Gwozdzowski asked if there was enough play space. Mr. Jaffe said they rotate the kids play time which meets State standards.

Mr. Michelson asked if they prepare meals. Mr. Jaffe said no, food is brought in.

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

Attorney William Hennessey spoke in favor of the application.

Mary Savage, Board of Representative, District 4, spoke in favor of the application. The drop off and pickup (Domus) is busy. Staff parking is challenged. She questioned the use of the second floor for the Arts Program.

Mr. Mills asked about the parking lease. Mr. Jaffe said it was for 3 years and they are negotiating a 7-year extension.

Mr. Mills asked Mr. Casolo to submit to Staff the parking location map and terms of the lease for the program. He closed the Public Hearing on this item at 7:50pm.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes of November 10, 2014

The Board requested various corrections to the minutes. Mr. Stein moved to approve the minutes as corrected, seconded Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein).

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,

After Mr. Cole presented a report on the proposed text changes and after the Board discussed this, Mr. Stein moved to approve the text change application (214-12) as modified by the Zoning Board, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein). The text change will read as follows:

Amend the first line of Article III, Section 9AAAA-4-e, to read as follows:

Maximum Ground Coverage: 60%

Ground coverage is defined to be the percent of lot area covered by buildings, structures, paved parking areas and other ground areas designed to accommodate vehicles (including but not limited to concrete, asphalt, stone or gravel), excluding for purposes of this calculation one story public amenity buildings not to exceed 3%, and floating docks, boardwalks, canopies and similar special structures designed to encourage public access to the waterfront, and also excluding parking spaces dedicated to the general public and access solely thereto.

Amend the fourth paragraph of Article III, Section 9AAAA-4-f, to read as follows:

Off-Site Public Infrastructure and Public Access Improvements: To encourage and facilitate the construction of needed improvements of public infrastructure systems,

including public parks and facilities, public access to the waterfront, and roadways and rights-of-way, the Board may grant a premium of five square feet of structure floor area for each \$100 of contributed funds or documented construction costs, not to exceed 0.50 FAR.

Amend Article III, Section 9AAAA-4-i, to read as follows:

Below Market Rate Housing Requirement: On all DWD sites, not less than ten percent (10%) of the total number of dwelling units shall be offered for rent or sale as Below Market Rate (BMR) units, for up to 29 units per acre. A bonus density may be allowed pursuant to Article III, Section 7.4 and Appendix B Footnote 4 of these Regulations as it relates to BMR units and bonus density, not to exceed a total of 44 dwelling units per acre;

Amend Article III, Section 9AAAA-5-b, to read as follows:

Public Access to the Waterfront. The design of waterfront improvements shall expressly encourage and invite public access through the development of uses, amenities, signage, and attractive walkways with general utility. Private use areas and vehicular traffic and parking shall be designed accordingly with preference to public pedestrian traffic. Public access shall be insured through the dedication of a permanent easement area encompassing the area of land extending from the mean high water mark, or limit of any walkway provided, to a point thirty (30) feet inland. The public access easement shall connect to any access easements on adjacent property and shall also be extended to a public street or right-of-way in a manner providing safe and convenient public access. Access improvements shall provide for the efficient movement of future pedestrian traffic, shall provide for public safety and tenant security, shall logically connect site uses and activities, and shall link smoothly with existing public access facilities on adjacent property or terminate safely at the point where continuation of such facilities cannot be reasonably anticipated. Changes of paving materials and textures within public access areas should be well considered and provide a clear transition.

Amend Article III, Section 9AAAA-5-c, to read as follows:

Preservation and Enhancement of Visual Resources. The design, placement, arrangement, setback, height and bulk of buildings and structures and related site improvements shall serve to protect and enhance visual access to the harbor from public rights-of-way, views along the water's edge, and the quality of principal public views of the overall site. No more than seventy (70) percent of the site length, measured parallel to the shoreline, shall be occupied by structures.

Amend Article III, Section 9AAAA-5-e, to read as follows:

Parking Requirements. The standards of Section 12 of these Regulations shall apply. The number of residential off-street spaces provided shall not be less than one and one quarter (1-1/4) spaces for each unit of one bedroom or less, one and one half (1-1/2) spaces for each two bedroom unit, or two (2) spaces for each unit of three bedrooms or more. However, when a mixed use development is proposed, the Board may in its sole discretion authorize the reduction of parking standards,—including the potential for shared spaces and off-site parking, pursuant to an approved Parking Management Plan.

Boat slips reserved exclusively for use by residents of the project shall have no parking requirement.

Amend Article III, Section 9AAAA-5-h, to read as follows:

Landscaping. *All areas of the tract not devoted to buildings, structures or other designed uses shall be suitably landscaped to the satisfaction of the Board. As a minimum, a ten (10) foot landscaped buffer area shall be provided for front yards and for not less than 75% of the site perimeter along side yards, provided those areas not meeting the ten (10) foot standard shall be suitably screened with fences and/or walls. Such buffers may include walls or fencing. Additionally, not less than 20% of the area within thirty (30) feet of the waterfront shall consist of landscaped area. Landscaping shall be designed, provided and permanently maintained consistent with the design and visual quality criteria of the DWD District and the protection of adjacent uses and neighborhoods.*

Amend Article III, Section 9AAAA-6, to DELETE paragraphs titled Alternate Standards and REPLACE with paragraph titled Historic Preservation, to read as follows:

Historic Preservation

In order to permit and encourage the preservation and adaptive re-use of historic structures listed or eligible for listing on the National Register of Historic Places or the State Register of Historic Places, such structures may be allowed to remain and shall be exempt from building height and building setback standards. Such structures shall be substantially preserved or restored in conformance with the Secretary of the Interior's standards for the rehabilitation of historic buildings. Where eligibility has not been determined by the State Historic Preservation Officer or the Director of the Connecticut Historical Commission, the Zoning Board may determine eligibility based on the recommendations of at least two independent, qualified historic preservation experts as provided by the applicant.

After a brief discussion, Mr. Morris moved to approve the map change application to place this property into the DW-D zoning District (214-13), seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein).

After a brief discussion, Mr. Stein moved to approve the general development site plan with conditions modified by the Zoning Board (214-14), seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein). The conditions will read as follows:

Site Specific Conditions

- 1) Site and Architectural Plans shall be updated to reflect the modified building location with a setback of 111' from the Mean High Water Line as depicted on sheetA101 prepared by Gooding Architecture, revised through 10/1/14. Landscaping plan shall be updated to show two rows of "knockout roses" between the pool and walkway, as depicted on rendered section prepared by Melillo & Bauer, dated 10/6/14.*

- 2) *Applicant shall provide a public waterfront boardwalk on Applicant's property connecting the existing public access boardwalk to the north and the proposed "Avalon" connection to the south. The public boardwalk component of the approved site plans shall be installed simultaneously with the first phase of construction authorized by issuance of the Building Permit. All public access areas shall be ADA accessible.*
- 3) *Design of the public access improvements are conditionally approved subject to review and approval of final designs and specifications by Zoning Board staff, and include a waterfront boardwalk connecting to the existing boardwalk to the north (Village at Stamford Landing) and the proposed connection to the south (Avalon Harbor) and a pocket park extending along the northerly property line with approximate dimensions of 130 by 60 feet.*
- 4) *Prior to issuance of the Certificate of Occupancy, the Applicant shall execute a standard public access easement consistent with the standards of the DWD zoning district. The public access easement shall be satisfactory as to form by the Director of Legal Affairs, with terms approved by Zoning Board staff to be consistent with the terms and provisions of existing public access easements established for other properties in the immediate vicinity (e.g. Stamford Landing, the Village at Stamford Landing and Avalon Harbor).*
- 5) *Applicant shall submit a written declaration agreement stating how the public access areas and related improvements will be owned and managed to insure their perpetual maintenance, subject to approval by Zoning Board staff prior to issuance of a final Certificate of Occupancy.*
- 6) *Public access signage shall be installed at entrances from the adjoining properties, subject to approval by Zoning Board staff, and shall be installed prior to issuance of a Certificate of Occupancy and maintained by the property owner.*
- 7) *Interpretive signage shall be installed at the Harbor Overlook prior to issuance of a Certificate of Occupancy, subject to approval of final design and specifications by the Zoning Board staff. Interpretive signs shall be comparable in quality to those installed at Cove Island Park. Content of the signs shall focus on the environmental features, natural processes and history of the Stamford Harbor, to inform the general public and to facilitate use of the site for environmental educational purposes. The applicant shall be responsible for the fabrication and installation of the signage, and shall be responsible to maintain the signs in good condition.*
- 8) *All lighting fixtures along the north property line shall be full cutoff and point downward to avoid light spillage onto neighboring properties.*
- 9) *Final calculations demonstrating earned bonus floor area, as determined by a combination of Below Market Rate units, brownfields remediation expenses and*

off-site contribution expenses shall be submitted to Zoning Board Staff prior to the issuance of a Certificate of Occupancy.

- 10) Prior to the issuance of a Certificate of Occupancy, the applicant shall provide documentation of final site remediation costs to include direct construction work to implement an approved site remediation plan, including the excavation/removal/disposal of contaminated soils and the installation of clean fill and/or structural membranes and other appurtenances and related measures, subject to final review and approval by the Zoning Board staff.*
- 11) Prior to the issuance of a Certificate of Occupancy, the applicant shall contribute a total of not less than \$800,000 worth of off-site public infrastructure improvements in the Waterside Neighborhood, the detail of which is to be determined by the applicant, members of the Waterside community, and City staff, subject to final approval by the Zoning Board. It is understood that if the cost of on-site environmental remediation is more/less than estimated, the off-site contribution requirement may be adjusted in order to satisfy the approved floor area bonus.*
- 12) Prior to the issuance of a Certificate of Occupancy, the applicant shall install a new sidewalk along the site frontage on Southfield Avenue pursuant to approved plans. All plans shall be subject to review and approval by the City of Stamford Engineering Department prior to installation.*
- 13) Prior to the issuance of a Certificate of Occupancy, the Applicant shall record on the Stamford Land Records an Affordability Plan, in accordance with the standards of Section 7.4 of the Zoning Regulations, permanently establishing onsite a total of 12 BMR units, subject to Zoning Board staff approval.*
- 14) Sewer, storm drainage and streetscape plans are approved subject to final approval of design specification and construction plans by the Engineering Bureau, prior to the issuance of a Building Permit. Applicant shall address comments of Susan Kiskan, P.E. in her memorandum dated September 3, 2014.*
- 15) Execution of sidewalk easement in favor of the City of Stamford along the frontage of the site, sufficient in width to include all portions of the proposed public sidewalk outside of the Street R.O.W., subject to final approval by the Director of Legal Affairs, prior to issuance of a Certificate of Occupancy.*
- 16) Applicant shall submit a traffic operations plan showing intended vehicle circulation, access gate controls, traffic control signage and pavement marking plans, truck loading operations and provision for emergency vehicle access, subject to approval by the Director of Operations, or designee, prior to issuance of a building permit.*
- 17) Prior to the issuance of a Building Permit for the residential structure, applicant shall obtain a discharge permit from the Stamford Water Pollution Control*

Authority and shall provide information requested in the August 20, 2014 memorandum from Prakash Chakravarti, P.E., Supervising Engineer, and Stephen W. Pietrzyk, Regulatory Compliance Officer.

- 18) Applicant shall submit a certificate of liability insurance, in form and amount acceptable to the Director of Legal Affairs, indemnifying the City of Stamford for personal accident or injury within all public access areas, said requirement to be recorded on the land records as a continuing obligation of the property owner and a continuing condition of any occupancy permit.*

Standard Conditions

- 1) Prior to the issuance of a Building Permit, the Applicant shall submit final construction documents, site and architectural plans, landscaping and streetscape 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) No significant mechanical equipment, in addition to that depicted on the building and site plans, shall be installed within view of any public street without prior approval of the Zoning Board staff.*
- 3) A Street Opening Permit shall be required for any work within a public street right-of-way.*
- 4) Prior to the issuance of a Building Permit, the Applicant shall submit a Construction Staging and Management Plan to ensure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation and protection of environmental quality through the mitigation of noise, dust, fumes and debris subject to final approval of the Land Use Bureau Chief or his designee. Such Construction Management Plan shall address, but not be limited to, reasonable restrictions on times when deliveries can be made to the job site, measures to control dust, staging areas for materials and construction worker parking as well as temporary measures requiring the timely removal of construction debris and/or litter from the jobsite and provide for.*
- 5) Prior to the issuance of a Building Permit, final sedimentation and erosion control plans shall be submitted and subject to approval by the Environmental Protection Board staff. Sediment and erosion and construction controls shall be installed in the manner and location shown on the permit plans prior to the start of any site activity. All erosion controls and drainage systems shall be constructed under the supervision of the project engineer, and as-built certifications of all drainage improvements shall be provided to EPB staff prior to the issuance of any Certificates of Occupancy.*

- 6) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Drainage Maintenance Agreement and Landscape Maintenance Agreement, subject to approval by the Environmental Protection Board staff.*
- 7) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Trash Management Plan, subject to the review of the Zoning Board staff.*
- 8) *All engineered elements, including but not limited to utilities, drainage, pollution controls, walls, grading, final stabilization measures, etc., shall be completed under the supervision of a Connecticut Registered Professional Engineer with written certifications and an improvement location survey (“as-built plan”) submitted to Land Use Bureau Staff prior to the issuance of a certificate of occupancy/completion and release of the performance surety*
- 9) *Prior to the issuance of a final certificate of occupancy and return of surety, the supervising landscaping professional shall certify, in writing, that all approved landscaping measures have been completed in accordance with the approved design plans.*
- 10) *Applicant shall submit construction plans and specifications for all structures and improvements within designated flood-hazard areas, along with pertinent certifications, subject to approval by EPB staff prior to issuance of a building permit to construct such structures and improvements. All structural floodproofing shall be completed under the supervision of a Connecticut registered professional engineer/architect. Upon the completion of the construction, and prior to land Use Bureau Staff authorization for a final certificate of occupancy and return of any required performance surety, a professional engineer or architect, registered in the State of Connecticut, must certify (signed and sealed correspondence) that the proposed improvements have been constructed in accordance with Section 7.1 of Stamford’s Flood Prone Area Regulations and are capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Specific reference to each of the proposed floodproofing measures must be made.*
- 11) *Prior to the issuance of a Building Permit of the residential structure, Applicant shall submit a performance bond or other acceptable surety to ensure completion of all required site improvements, in an amount equal to the estimated cost of landscaping, public access improvements (exclusive of buildings), interpretive signage, streetscape improvements, tree protection, erosion controls, as-built certifications and professional supervision of engineered elements, subject to the approval of Director of Legal Affairs as to form and subject to approval of amount by the Zoning Board staff.*
- 12) *The Applicant shall have one year from the effective date of this approval within which to secure a Building Permit, subject to Zoning Board approval of three*

extensions, each not more than one year, upon timely application and good cause shown.

13) Applicant shall make best efforts to keep the property in good condition up until and during the construction process. Existing lawn areas shall be mowed and maintained, and construction debris shall be kept to a reasonable minimum.

After a brief discussion, Mr. Stein moved to approve the final site plans and Coastal Site Plan Review application with the same conditions as modified by the Zoning Board for Application 214-14 (214-15), seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein).

5. Application 214-07 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street
6. Application 214-08 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street LOT B-2

Mr. Mills tabled discussion of these applications to the Zoning Board meeting of November 24, 2014 at 7:00pm in the 4th floor Cafeteria.

7. Application 214-30 – CITY OF STAMFORD, Text change,

Mr. Mills asked Staff to send out a corrected text change and tabled discussion of this application to the Zoning Board meeting of November 24, 2014 at 7:00pm in the 4th floor Cafeteria.

8. Application 211-24A Modification – PROCUREMENT, LLC, Special Exception modification

Mr. Killeen read Condition #2.

Mr. Michelson stated that the court case did not award the additional two units. Mr. Cole agreed.

Mr. Mills polled the Board Members. Mr. Morris, Ms. McManus and Mr. Stein were okay with adding the two additional units.

The Board discussed adding the three spaces subject to an enhanced landscape plan.

After further discussion, Ms. McManus moved to approve the special exception modification with conditions as amended, seconded by Mr. Stein and the motion was approved 4:1 (Mills, Morris, McManus and Stein voting to approve; Michelson voting to deny). The conditions were modified as follows:

2. *Residential development shall be limited to a total of nineteen (19) dwelling units. In addition to the two (2) onsite BMR units required for this development (Condition 17), Applicant shall make a fee-in-lieu payment equivalent to .1 BMR units, based on the current area median income, calculated currently at \$18,140 prior to the issuance of a Certificate of*

Occupancy.

8. *The applicant shall submit a modified site plan replacing the nine (9) surface parking spaces at the rear of building 2 with landscaping and replacing the vehicle control gate with a landscaped buffer a minimum of ten (10) wide along the northerly property line, subject to Zoning Board staff approval of revised landscaping and site plans prior to issuance of a building permit. Applicant shall be permitted to construct three (3) parking spaces at the rear of the property as shown on "Plot Plan", revised to July 23, 2014 (parking spaces 31, 32, and 33, subject to submission of a landscaping plan to increase the buffering between the parking spaces and the property line, subject to approval of the Land Use Bureau staff and installation prior to issuance of Certificate of Occupancy.*

NEW BUSINESS

1. Administrative review of signage, 101 Park Place; 101 Washington Blvd

Mr. Mills tabled discussion of this item to the next meeting scheduled for November 24, 2014 at 7:00pm in the 4th floor Cafeteria.

There being no further business, the meeting adjourned at 11:06 p.m.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board