

****DRAFT**DRAFT**DRAFT**DRAFT**
MINUTES OF THE ZONING BOARD PUBLIC
HEARING AND REGULAR MEETING, HELD
MONDAY, NOVEMBER 25, 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 Gwozdziowski. Present for staff: David Killeen, Associate Planner

PUBLIC HEARING

Chairman Mills called the meeting to order at 7:15 p.m.

1. **Application 213-30 – BBSF, LLC & AFFORDABLE HOUSING DEVELOPMENT COMPANY, LLC, 695 Atlantic Street, Final Site & Architectural Plans and/or Requested Uses and Coastal Site Plan Review,** proposes to construct the final 155 unit residential component of the Metro Green development Buildings A and D and Phase II of the 3-level parking garage as well as associated site improvements in the TCDD district (*continued from November 18, 2013*).

Attorney William Hennessey, Sandak, Hennessey & Greco, for the Applicant, recapped the first public hearing and that they are present today to discuss outstanding issues including parking. Attorney Hennessey said a meeting was held last week with neighbors to the project, attended by Terry Adams as well as others and SH&G regarding the parking garage and proximity to new residential buildings. Confirmation was given to the neighbors that the building will be close to the residential buildings and should no longer be a concern. There are sufficient handicap spaces. They discussed parking for retail spaces and the Applicant has agreed to provide parking for employees of the retail use in the garage.

Mr. Michelson asked about parking for guests or visitor parking spaces? Attorney Hennessey said as it's handled now, if you call ahead, they may park on the street. Mr. Morris asked how many spaces are available on the street? Attorney Hennessey said 11 spaces on Atlantic plus loading spaces which will be removed to provide regular parking.

Mr. Mills commented he saw some cars double parked on Atlantic Street and asked how many spaces are on Henry Street. Attorney Feinberg said there are 9 spaces on Henry. There are 4 parking spaces on the street that will be 2-hour signs from 8am-3:00pm.

Brief discussion on various parking spaces, for whom, where and during what times.

Ms. Gwozdziowski asked about pedestrians walking to the Train Station. Attorney Hennessey said that issue was resolved in 2007 with the GDP approval.

Ms. McManus wanted to verify that the traffic design for the intersection takes part of the front of the building.

Mr. Michelson discussed he's part of the Master Plan currently being revised and asked about income ranges for new residential units and BMR demand. Attorney Hennessey discussed BMR requirements and zoning requirements on the number of units available to lower income tenants. This Metro Green project is far ahead of what's required.

David McCarry from Jonathon Rose Companies discussed how they advertise units to prospective tenants, who is eligible and that this criteria and process is regulated by Federal law. City of Stamford Community Development, Tim Beeble, also monitors occupancy closely.

The Board discussed the intersection and Traffic Engineer, Mani Poola's recommendations.

Mr. Michelson asked when this project will be going forward? Mr. Killeen pointed to the memo from Mr. Poola that requires acquisition of a corner property and that construction will likely occur by Summer 2014.

Mr. Mills asked for any comment from the Public.

Terry Adams, Board of Representatives, District 3 and on the Neighborhood Revitalization Board confirmed they'd met on November 22. The main concern is about retail use. He reported that the trade-off will include 6 spaces for St. Luke's Lightworks in the garage.

There being no further comments, Mr. Mills closed the Public Hearing on this application at 8:10pm and called a brief recess. He reconvened the regular meeting at 8:24pm.

REGULAR MEETING

APPROVAL OF MINUTES:

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

PENDING APPLICATIONS:

1. **CSPR-941 – BARTRAM, 225 Weed Avenue**, to construct a new 2-story home and associated site improvements in a flood hazard zone at 225 Weed Avenue.

Mr. Mills read the description of the Application into the record. Mr. Killeen gave an overview of the project and summarized the report from Environmental Planner, Rick Talamelli.

Mr. Michelson made a motion to approve the Application subject to conditions submitted by EPB, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdziowski).

2. **CSPR-939 – TOTINO, 267 Weed Avenue**, to approve plans for interior renovations to a dwelling within the CAM boundary and partially within an R-7.5 zoned flood hazard area. The renovation would bring the home into conformance with the Flood Prone Area Regulations.

Mr. Mills read the description of the Application into the record. Mr. Killeen gave an overview of the project and summarized the report from Environmental Planner, Rick Talamelli.

Len D'Andrea, Rocco D'Andrea Surveyors was present to answer any questions on behalf of the Applicant.

Mr. Michelson asked if the homeowner was still required to get flood insurance? The answer was yes. Ms. McManus said she was okay with all submitted reports. Mr. Morris had a question for Mr. D'Andrea on accommodations made to meet elevation concerns? Mr. D'Andrea discussed actions taken to meet FEMA requirements.

Mr. Michelson made a motion to approve the Application subject to conditions submitted by EPB, seconded by Ms. Gwozdzowski and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

Mr. Mills had a question about evacuation requirements for structures not meeting current FEMA regulations. Mr. Killeen responded.

3. **CSPR-944 – SILVER, 298 Ocean Drive East**, to reconstruct a wall, steps and slope revetment damaged during Hurricane Sandy in a coastal flood hazard zone at 298 Ocean Drive East.

Mr. Mills read the description of the Application into the record. Mr. Killeen gave an overview of the project and summarized the report from Environmental Planner, Rick Talamelli.

Mr. Morris suggested the Board carry over discussion of this application until Staff receives a letter from the Engineering Department.

Mr. Mills postponed further discussion of this application to the next meeting.

4. **Application 213-24 – ESTATE OF SAMUEL J. HEYMAN** – 537 Canal Street, Special Exception, Site & Architectural Plans and Coastal Site Plan Review

Mr. Killeen reviewed the proposed Application and reviewed the draft conditions for approval.

The Board discussed the conditions proposed. Revised conditions will read as follows:

Site & Architectural Plans and/or Requested Uses approval, Coastal Site Plan Review, and Special Exception approval pursuant to Article III, Section 7.5-C (Large Scale Development) to redevelop the property with a 14,561 square foot, single story retail building to be used by CVS, a 3,290 square foot retail building and other associated site improvements.

Said applications were accompanied by, civil engineering plans prepared by Vanhasse Hangen Brustlin, Inc., dated July 2, 2013 consisting of "C-1 Legend & General Notes," "C-2 Layout & Material Plans," "C-3 Grading & Drainage Plan," "C-4 Utility Plan," "C-5 Soil Erosion & Sediment Control Plan," "C-6 Site Details 1," "C-7 Site Details 2," "C-8 Site Details 3," and "C-9 Site Details 4;" Landscape Plans prepared by Vanhasse Hangen Brustlin, Inc., dated July 2, 2013 consisting of sheets "L-1 Planting Plan" (revised November 13, 2013) and "L-2 Planting Details"; Survey prepared by Vanhasse Hangen Brustlin, Inc., dated December 12, 2012 consisting of "Sv-1 ALTA/ACSM Land Title Survey Landscape Site Plan"; Lighting Plan prepared by Hubbell Lighting, Inc. dated June 6, 2013; and Architectural Elevations prepared by BKA Architects, Inc. dated November 15, 2013 and consisting of a rendering titled "Exterior Views" and such related materials, reports, renderings and exhibits constituting the application file, as may be amended to be consistent with representations made during the public hearing on October 21, 2013 and November 18, 2013. Together all of these documents are referred to hereinafter as the "Building and Site Plans."

Site Specific Conditions

1. *All work shall substantially conform to the above referenced Building and Site Plans or as approved by the Zoning Board or, for minor modifications, Zoning Board staff. Provided; however, the site plan shall be consistent with "Conceptual Layout & Materials Plan, CP-7" prepared by Vanasse Hangen Brustlin, Inc. dated October 4, 2013.*
2. *Prior to the issuance of a Building Permit, the Applicant shall submit final site and architectural plans, landscaping and streetscape plans (for John Street), including specifications for exterior architectural designs, materials, samples and colors, for final approval by Zoning Board staff, to ensure consistency with the approved plans and architectural elevations constituting the record of the application.*
3. *Any modification to product representations or material samples provided in connection with the applications or during the public hearing must be approved by the Zoning Board administratively. As presented during the public hearing, the reveal between wall surfaces and the pilaster surfaces will be 1.5" to 2". The metal along the cornice shall be chosen with the goal of preventing "oil canning", and the final material shall be subject to Zoning Board staff approval. The canopies shall be metal with a solid cover to provide adequate refuge from the weather.*
4. *The Board approves the rise up above the sign on Market Street and Canal Street prior to issuance of a Building Permit. The Applicant shall submit for administrative approval revised elevations showing additional pilasters at the location of the downspouts on John Street and along the signs on the Canal and Market Street signs.*

5. *The Applicant shall submit a sign application which will be subject to review and approval by the Zoning Board administratively aside from signs included in previous presentations to the Board.*
6. *Prior to issuance of a Building Permit, the Applicant shall submit final construction drawings and necessary reports for review and approval by the Engineering Bureau to address comments of Susan Kiskin, P.E. in her memo dated August 8, 2013.*
7. *Development of the westerly portion of the site, including the western building, adjacent parking, drive-through lane and southerly curb cut on John Street are approved in concept only at this time. Until a specific development plan is proposed and approved for this westerly portion it shall be graded and maintained as open lawn and, at Applicant's option, the northerly curb cut to John Street may be two (2) way. Development of the westerly portion of the site shall be subject to administrative approval of the Zoning Board for the use and final architectural design of the building and associated parking, access streetscape and related site improvements.*
8. *The two existing billboards on the property will be removed upon the expiration of the current billboard leases or prior to issuance of a certificate of occupancy for the CVS building, whichever occurs first.*
9. *All lighting fixtures shall be full cutoff, there shall be no unshielded light sources, and lights shall be so located that their beams are not directed into residential areas and will not cause unwanted trespass lighting. The sconces on the building will be subject to approval of the Zoning Board staff.*
10. *Trash collection shall occur no earlier than 7:00 a.m. and no later than 7:00 p.m. Monday through Saturday and shall not be permitted on Sunday or holidays.*
11. *The Applicant shall limit the use of the trash compactor to between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.*
12. *The Applicant shall limit the hours of product delivery to between the hours of 7:00 a.m. and 7:30 p.m. Monday through Saturday. Delivery personnel shall be instructed by the Applicants to turn off their vehicle engines for the duration of the delivery.*
13. *The drive through window speaker shall be internally set and locked at a setting which conforms to the City of Stamford Noise Ordinance during both daytime and evening hours.*
14. *Accumulations of snow should be deposited within the property boundaries or removed from the site. Applicants shall not push snow onto adjacent properties.*

Standard Conditions

1. *A Street Opening Permit shall be required for any and all work within any street right of way of the City of Stamford.*
2. *Prior to issuance of a Building Permit, Erosion and Sedimentation Control Plans shall be submitted and shall be subject to approval by EPB staff*
3. *Submission of a standard Landscape Maintenance Agreement and a Drainage Facilities Maintenance Agreement, subject to approval by the Director of Legal Affairs and Environmental Protection Board staff prior to issuance of a Certificate of Occupancy.*
4. *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 approval of the Land Use Bureau staff.*
5. *Operation and maintenance of any street lights located within the public street right-of-way, other than standard "cobra head" fixtures, shall be subject to determination by the Stamford Director of Operations.*
6. *This approval for Special Exception and Site & Architectural Plans & Requested Uses shall remain in effect for a period of one (1) year from the date of this approval, 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 approve the Application subject to the amended conditions, seconded by Mr. Morris and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdziowski).

Mr. Mills called a 5 minute recess at 9:10pm and resumed the regular meeting at 9:15pm.

5. **Application 213-30 – BBSF, LLC & AFFORDABLE HOUSING DEVELOPMENT COMPANY, LLC**, 695 Atlantic Street, Final Site & Architectural Plans and/or Requested Uses and Coastal Site Plan Review

Mr. Mills noted this application requires additional materials from the Applicant. This item will be added to the next meeting agenda.

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 Freeman was present for the weekly update.

Mr. Mills asked why this report is not being presented by Rob Danielson and why more materials aren't being removed. Attorney Freeman said the work is not as complicated and the report was submitted to Norman Cole on 11/25/13. Mr. Mills said that report had not been forwarded on.

Attorney Freeman read the memo for the record. Regarding timing, BLT is working diligently to keep remediation on target. They are following all DEEP protocols; they have reviewed all actions and approve the progress.

Mr. Mills said on 9/13/13 they received the last memo from Mr. Danielson that BLT had removed 98,500 cu yards to date from work started January 11, 2013 and now they've received no further reports. The Board is not receiving any further emails from Mr. Danielson and the Board wonders why Mr. Danielson is not appearing and not reporting. Attorney Freeman noted Mr. Danielson is their consultant and if he doesn't write the report, Mr. Buckley does. Due to winter weather and additional funding, work has been shut down for the season.

Mr. Michelson asked why has the site been closed. Attorney Freeman reported they are still working throughout the winter. Mr. Michelson said he visited the site two weeks ago, the gate was closed and no activity was occurring.

Mr. Mills said sheet piling may be going forward but not soil removal. Attorney Freeman said they expect funding in January, 2014 and they will proceed. Both Mr. Mills and Mr. Michelson said they'd never heard about funding being a condition for remediation.

Mr. Morris asked a question about site monitoring and whether the State is on site daily. Mr. Morris said he'd like to see Rob Danielson providing a manifest that says what's left the site to this point. Mr. Mills asked Mr. Killeen to check with Jeff Wilcox from the State to verify 1) amount of materials removed as of 9/20/13 and 2) has anything else occurred.

Mr. Mills asked about sheet piling and bulk-heading since Mr. Buckley is also not present to provide a report. Attorney Freeman said they are having some difficulty getting sheet piling into the ground and that Mr. Buckley is evaluating options.

Mr. Morris asked where they are having difficulty? Attorney Freeman said he did not believe they are working in the area of the interim marina.

Discussion of the pending Bridgewater Application and estuary and barge locations on the property.

The Board discussed the status of Y3, the Jitney Service and pursuit of a building permit. Mr. Killeen pointed out that Staff had suggested a Bond be posted.

Discussion of the need for verification of jitney stops from Mani Poola and a marketing plan for the Jitney Service and some confirmation from the bus company on the status of the buses. Mr. Mills asked BLT to work with Norman Cole instead of the Building Department on the Building

Permit and to submit a marketing plan and a cash Bond of \$60,000 for work that should be accomplished by February 14, 2014.

NEW BUSINESS

Discussion of Zoning Board meeting calendar for 2014. If changes are needed, they can be made throughout the year. Mr. Mills

Discussion of canceling December 16, 2013 meeting.

APPROVAL OF MINUTES:

Minutes of October 28, 2013

Mr. Michelson asked that the minutes be revised as suggested on page 5. Discussion of clerk being present as it is difficult for Staff to take notes and participate in the meeting.

After a brief discussion, Ms. Gwozdzowski moved to approve the minutes with corrections. Mr. Morris seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

Minutes of November 18, 2013

Mr. Michelson asked that the minutes be changed on page 3 regarding fair share contribution. Discussion of what was said at the meeting. Mr. Michelson asked that the minutes be changed on page 4 regarding Ponus boat storage. Discussion by Mr. Morris on boat storage.

After a brief discussion, Ms. McManus moved to approve the minutes with corrections. Mr. Morris seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

ADJOURNMENT

Ms. Gwozdzowski made a motion to adjourn the meeting, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris and McManus). Mr. Mills adjourned the meeting at 10:40pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board