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MINUTES OF THE ZONING BOARD  
PUBLIC HEARING & REGULAR MEETING,  
HELD MONDAY, DECEMBER 8, 2014, 7:00 P.M.,  
4<sup>TH</sup> FLOOR, CAFETERIA, GOVERNMENT CENTER  
BUILDING, 888 WASHINGTON BLVD,  
STAMFORD, CT 06901**

Present for the Board: Thomas Mills, Rosanne McManus, William Morris, Barry Michelson 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 7:13 pm. Ms. Gwozdzowski was seated for Mr. Stein who was absent.

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

**PUBLIC HEARING**

4. **Application 214-33 – HIGH RIDGE REAL ESTATE OWNER, LLC, Text change,** to Amend Article II, Section 3A, Definition 98.1 (Surgery Center/Out Patient) to clarify the term “gross floor area” and that authorization of special exceptions for said use exceeding 15, 000 s.f. rests with the Zoning Board; amend Article III, Section 9, BBB.2 to allow Surgery Center/Out Patient as a permitted use in the C-D District with a limitation of six (6) operating rooms/surgical suites; amend Section 9, BBB.3 to exempt emergency generators not exceeding eight feet in height, setback a minimum of 23 feet from the property line and adequately screened, from the calculation of non-porous surface area coverage, and amend Section 9 BBB.3 to require that emergency generators in the C-D District have a minimum 23 feet setback from the boundary line of a residential district.
5. **Application 214-34 – HIGH RIDGE REAL ESTATE OWNER, LLC, 0 Turn of River Road, Final Site & Architectural Plans,** Applicant requests approval of Final Site plans for change of use from general office use of 14, 147 s.f. to a Surgery Center/Out Patient facility on the third floor of Building 5 and to install an emergency generator with landscaped screening in a C-D district.

Mr. Mills opened the Public Hearing on these two applications and read a description of each into the record. He continued the Public Hearing on these applications to the next meeting scheduled for Tuesday, December 16, 2014 at 7:00pm on the 7<sup>th</sup> floor, conference area of the Government Center.

Ms. McManus moved to change the order of the agenda back to the original, seconded by Ms. Gwozdzowski and the motion was approved 5:0 (Mills, Morris, McManus, Michelson and Gwozdzowski).

1. **Application 214-21 – KEVIN ROMANO, 965 Hope Street, Special Exception and Final Site and Architectural Plans** requesting approval of special exception and site plans to construct a mixed-use development with ground level retail and 14 residential units in a VC district with site improvements and parking at 965 Hope Street (*continued from November 10, 2014*).

Attorney Mario Musilli, for the Applicant, noted that this was a continued public hearing. He described the abutting adjacent buildings. They have met with the Springdale Neighborhood Association and they support this project. He presented the architectural plans. The Applicant proposes to have the right to move the first floor of the building back 3 feet from the property line, reducing retail space to 600 s.f. (first floor only) if necessary to site electrical transformer next to the sidewalk. There was a delay with the application due to a study of switching the mechanicals to gas to reduce the electrical supply needed and to avoid the CL&P transformer. Also, the Zoning Board does not have the latest set of plans which the Applicant agreed to submit. Attorney Musilli stated that the Applicant will use Hardi Plank siding instead of the vinyl siding shown on the plans.

Ms. McManus stated she preferred separate canopies.

Mr. Michelson asked that the entry door be accented in some way.

Mr. Michelson read the Planning Board comments of support into the record.

Mr. Morris asked if they wanted windows on the south and north sides. Attorney Musilli said they'd prefer to enhance the wall, rather than add windows. Mr. Cole said he wanted to explore the windows further.

Ms. Gwozdzowski asked about visitor parking. Attorney Musilli said they will rely on street parking.

Mr. Mills closed the public hearing on this application at 7:55pm.

4. **Application 214-32 – WALTER PIANTINO, 26 Orchard Street - Special Exception and Coastal Site Plan Review**, requesting Special Exception and Coastal Site Plan Review approval to construct five (5), three (3) bedroom condominiums pursuant to Section 7.3, Special Exception uses for Historic Buildings, with parking and amenities in an R-MF zone within the CAM boundary.

Mr. Mills read a description of the application. Mr. Michelson read a copy of the Planning Board referral letter into the record. A copy of the letter to abutters was submitted for the record.

Walter Piantino, project architect and Larry McGowan, developer explained the site plan and history of the building, describing the 2 and 3 bedroom units. Mr. McGowan explained loss of rental market which stalled and then lead to foreclosure of the project. The five 3-bedroom units are left to be completed and he is now requesting approval to proceed.

Mr. Mills asked if anyone from the public wanted to comment. There was none.

Mr. Mills closed the public hearing on this application at 8:13pm.

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

### **REGULAR MEETING**

#### **APPROVAL OF MINUTES:**

##### **Minutes of December 1, 2014**

After a brief discussion, Mr. Morris moved to approve the minutes as submitted, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

Mr. Mills took a brief recess at 8:20pm and resumed the meeting at 8:35pm.

#### **PENDING APPLICATIONS:**

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

Mr. Cole summarized the status of the application and asked the Board to carry this item until the next meeting scheduled for Tuesday, December 16, 2014 at 7:00pm on the 7<sup>th</sup> floor of the Government Center.

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

### **PUBLIC HEARING**

6. **Application 214-24 – TWO YALE & TOWNE, LLC, 115 Towne St,** Applicant requests Zoning Board approval to amend the approved Final Site Plan to allow signage at 115 Towne Street in an SRD-N district (*continued from November 24, 2014*).

Attorney Amy Souchuns, for the Applicant, distributed a memo, undated. She described the illumination would be a 4 watt LED similar to a 60-watt light bulb, similar to the Design Within Reach. They would agree to change the plan to match their sign (Design Within Reach).

Mr. Cole read a memo dated December 8, 2014 into the record.

Attorney Souchuns pointed out that the building name is “111 Harbor Point”. She said signs visible from I-95 help those trying to find the building, which is another type of “way finding”.

Mr. Mills asked if anyone from the public wanted to comment. There was none.

Mr. Mills closed the Public Hearing on this application at 9:00pm.

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

**PENDING APPLICATIONS:**

3. Application 214-21 – KEVIN ROMANO, 965 Hope Street, Special Exception and Final Site and Architectural Plans

Mr. Mills asked if the Board had any comments. Ms. McManus said she'd prefer to add windows. Mr. Morris agreed; otherwise some architectural enhancements. The consensus of the Board was to enable Staff to review the setback and electrical transformers. The Board wanted modifications to the canopy to accent the building entrance and distinguish it from the storefront. Articulation of the white facia board was requested. They also wanted more detailed landscaping and streetscape plans.

Mr. Mills asked the Applicant to get and send the Board copies of the latest plans and tabled further discussion until the next scheduled meeting.

4. Application 214-24 – TWO YALE & TOWNE, LLC, 115 Towne St

After a brief discussion, Mr. Mills asked to receive a copy of the case law cited. He tabled further discussion of this application until the next meeting.

Mr. Morris moved to take the agenda out of order, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Morris, McManus, Michelson and Gwozdzowski).

9. Application 214-32 – WALTER PIANTINO, 26 Orchard Street - Special Exception and Coastal Site Plan Review

Mr. Killeen said he'd spoken with Lynn Drobbin, Historic Preservation Advisory Commission and they waived their right to review this application since it was handled by Renee Kahn. The Zoning Board would like Staff to review the previous conditions for this project. Mr. Mills tabled further discussion until the next scheduled meeting.

Mr. Michelson moved to take the agenda out of order, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Morris, McManus, Michelson and Gwozdzowski).

10. Application 214-31 – CITY OF STAMFORD, ENGINEERING BUREAU, 83 Lockwood Avenue - Special Exception

The Board discussed parking at this location and Mr. Cole discussed the history of the school and the day care use at this location.

Ms. McManus moved to approve the application with conditions, seconded by Mr. Morris and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Gwozdzowski). The condition will read as follows:

1. *Based on the application and materials submitted with this request, the proposed use would fall short of the City's parking requirements by fifty (50) parking spaces. The Zoning Board approves this application conditioned on the applicant demonstrating compliance with Parking Requirements before the issuance of a Certificate of Occupancy, by either securing fifty (50) parking spaces offsite to the satisfaction of the Zoning Enforcement Officer; OR obtaining a variance through the Zoning Board of Appeals; OR through a combination of these options.*

Mr. Mills left the meeting at 9:35pm. Mr. Michelson took over as chair.

The Board decided to deliberate on Applications 214-27, 214-28 and 214-29.

6. Application 214-27 – RMS MAIN STREET LLC & RIPPOWAM PARK COMPANY, LLC, Text change
7. Application 214-28 – RMS MAIN STREET LLC & RIPPOWAM PARK COMPANY, LLC, Map Change
8. Application 214-29 – RMS MAIN STREET, LLC & RIPPOWAM PARK COMPANY, LLC, 896, 902, 908 & 914 Washington Blvd; 135 & 159 Main St; 8 Relay Place, Special Exception, General Development Plan and Final Site & Architectural Plans, Coastal Site Plan Review

They discussed #214-27 first, related to the proposed text change. Mr. Cole reviewed the text change and noted one change Staff requested, relating to the submission of plans when General Development Plans and Final Site & Architectural Plans are submitted simultaneously.

Ms. McManus moved to approve Application 214-27, seconded by Ms. Gwozdzowski and the motion was approved 4:0 (Michelson, Morris, McManus and Gwozdzowski). The text will read as follows:

***TO AMEND Article III, Section 9-I (Mill River District) to read as follows (unless specifically modified below, the remainder of this regulation remains unchanged):***

***Subsection 3 Development Standards:***

*Development Standards. Unless otherwise provided in Subsection 7 below, the following standards shall apply to the development of property within the Mill River Design District:*

*Paragraph 3.d. Usable Open Space. A minimum of one hundred (100) square feet of usable open space per dwelling unit shall be provided on the lot, suitably located and designed to meet the needs of the residents of the premises, provided that there shall be no minimum requirement for dwelling units intended for low or*

*moderate income elderly and/or disabled persons developed by, for, or in cooperation with the Stamford Housing Authority, non-profit housing developers and/or the City of Stamford.*

*Paragraph 3.f. Building Setbacks. Building setbacks shall satisfy the following standards: front yard setback: 5 feet; side yard setback: 10 feet; rear yard setback: 20 feet.*

***Subsection 4 Site Design and Architectural Criteria:***

*Paragraph 4.d. Signage. Signage for non-residential uses shall be determined by the Zoning Board, as deemed appropriate to the project design, location and uses, and shall not exceed the standards of the C-N District set forth in Section 13-F of these Regulations. Signage for residential uses shall be limited to wall signage and shall not exceed a total of 60 square feet, subject to review by the Zoning Board.*

***Subsection 5 Below Market Rate Dwelling Unit Requirement***

*Paragraph 5.a. Unless otherwise provided in Subsection 7 below, all residential development within the MRD District shall be required to include Below Market Rate (BMR) dwelling units in an amount not less than twelve percent (12%) of the total number of residential units approved pursuant to the MRD zone change.*

***Subsection 7 Mixed-Use Commercial Development***

***7. Mixed-Use Commercial Development***

*Paragraph 7.a. The total floor area ratio for all uses shall not exceed three (3.5), excluding ground floor retail, service uses and resident amenity space and excluding portions of parking structures that do not exceed twenty-five (25) feet above grade (excluding parapet walls) and are suitably screened from pedestrian views.*

*Paragraph 7.e. (NEW) Following Special Exception approval from the Zoning Board, the residential off-street parking requirement may be reduced to one (1) parking space for each residential unit of two bedrooms or less and one and one-quarter (1.25) spaces for each residential unit of three bedrooms or more. Any application for this Special Exception shall include a Parking Management Plan and may include parking management strategies including, but not limited to, valet, tandem, vehicle elevator, and/or stacked vehicles.*

*Paragraph 7.f. (NEW) On sites that are within 500 feet of open space/public parks in the Mill River Corridor Boundary, no additional open space is required on the lot.*

*Paragraph 7.g. (NEW) There shall be no required front yard or side yard setback provided the average sidewalk width for all street frontages is a minimum of 10 feet. However, on a site specific basis, the Zoning Board may increase the required setbacks to 5 feet in the front yard and 10 feet in the side yard for sites within the ARD after considering the relationship of yard requirements and separation of structures on the site to each other with the objective of assuring adequate light, open space, screening, landscape, safety and privacy for existing and proposed dwelling units, and overall urban design considerations. The requirements of Article III, Section 7-K of these Regulations shall not apply.*

### ***Subsection 8 Application Review Procedures***

*Amend the first sentence and insert a NEW second sentence, to read as follows:*

*An application for MRD District designation shall only be considered simultaneously and in common with an application for General Development Plans, and subsequent or simultaneous approval of Final Site Plans, in conformance with the review and application procedures of Section 9AAAA-7 and 8, except that references to DWD shall be construed as references to MRD. When a project consists of a single phase and General Development Plan approval and Final Site Plan approval are considered simultaneously, separate General Architectural Plans as described in Section 9AAAA-8-b-4 are not required.*

The Board then reviewed the proposed conditions submitted by Staff for approval of the Site & Architectural Plans for this project. Mr. Cole explained the draft conditions. Ms. McManus asked if they could add the standard condition regarding property maintenance during development.

The Board then acted on the proposed map change Application 214-28. Mr. Morris moved to approve the map change, seconded by Ms. McManus and the motion was approved 4:0 (Michelson, Morris, McManus and Gwozdzowski).

Ms. Gwozdzowski moved to approve the Final Site Plans of Application 214-29 with conditions as modified and the addition of the property management condition, seconded by Ms. McManus and the motion was approved 4:0 (Michelson, Morris, McManus and Gwozdzowski). The conditions will read as follows:

#### **SITE-SPECIFIC CONDITIONS:**

- 1) All work shall substantially conform to the above referenced Building and Site Plans [LIST TO BE PROVIDED IN CERTIFICATE] unless otherwise approved by the Zoning Board or, for minor modifications, by Zoning Board staff.*
- 2) The Applicants shall coordinate final design and landscaping of Rippowam Park with Land Use Bureau and Engineering Bureau staff.*

- 3) *Unless otherwise agreed to by the Zoning Board, the ongoing maintenance of Rippowam Park shall be the responsibility of the Applicants, or its successor in ownership.*
- 4) *Prior to demolition of the existing structures on the site, the Applicants shall provide the Historic Preservation Advisory Commission (HPAC) reasonable opportunity to document the historic features of the buildings with photographs and to salvage architectural features for potential re-use.*
- 5) *Prior to issuance of a Building Permit, the Applicants shall consult with a licensed arborist and develop tree protection measures for the large maple tree adjacent to the southwest corner of the property.*
- 6) *Prior to issuance of a Building Permit, the approved General Development Plan shall be filed on the City of Stamford Land Records. Said plan shall provide reasonable notice of the approved development, subject to approval by Zoning Board staff, and shall be endorsed by the Zoning Board Chairman.*
- 7) *Final signage plans shall be subject to administrative review by the Zoning Board.*
- 8) *Prior to Certificate of Occupancy, the Applicants shall address comments of Mani Poola in his memorandum of November 4, 2014. Provided, however, the Applicants shall not be required to replace or modify the traffic signal equipment at the intersection of Washington Boulevard and Main Street.*
- 9) *The Applicants shall work with the Traffic Advisory Committee to implement time-restricted on-street parking/loading on Washington Boulevard and Rippowam Place in front of the development. To the extent feasible, truck loading activities shall be off-street from the private driveway off Relay Place.*
- 10) *Accumulated plowed snow not able to be safely and adequately stored on site shall be removed from the site. In no event shall snow from the site be plowed or stored on any city street or right-of-way.*
- 11) *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.*
- 12) *Prior to issuance of a Certificate of Occupancy, the Applicants shall submit a Parking Management Plan, consistent with definition #71.5 of the Zoning Regulations, subject to approval of Zoning Board staff.*
- 13) *On the first and second anniversary of the Certificate of Occupancy, the Applicant shall report the number of occupied residential units and the total number of vehicles owned by residents.*

STANDARD CONDITIONS:

- 14) *Prior to the issuance of a Building Permit, sewer, streetscape, and storm drainage plans shall be submitted and subject to final review of design specification and construction by the Engineering Bureau. Applicants shall address comments of Susan Kiskan, P.E. in her memorandum dated October 17, 2014.*
- 15) *Prior to the issuance of a Building Permit, the Applicant shall submit final 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.*
- 16) *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. Rooftop mechanical equipment shall be designed to be unobtrusive as viewed from nearby buildings.*
- 17) *A Street Opening Permit shall be required for any work within a public street right-of-way.*
- 18) *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. Said plan shall require Relay Place to remain open throughout construction for continuous access to residential properties.*
- 19) *Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to approval by the Environmental Protection Board staff.*
- 20) *Prior to issuance of a Building Permit, a Consolidation Map shall be filed on the City of Stamford Land Records.*
- 21) *Prior to the issuance of a Certificate of Occupancy, the Applicants 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 on-site a total of eleven (11) BMR units, subject to Zoning Board staff approval.*
- 22) *Prior to issuance of a Certificate of Occupancy, the Applicants shall submit a Drainage Maintenance Agreement and Landscape Maintenance Agreement, subject to approval by the Environmental Protection Board staff. The Landscape Maintenance Agreement shall include plans for Rippowam Park.*
- 23) *Prior to issuance of a Certificate of Occupancy, the Applicants shall submit a Trash Management Plan, subject to the review of the Zoning Board staff.*

24) *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.*

25) *Prior to the start of any construction activities or the issuance of a Building Permit, whichever comes first, Applicant shall submit a Performance Bond, or other acceptable surety, to ensure completion of site improvements including required off-site improvements, in an amount equal to the estimated cost of landscaping, streetscape improvements and sedimentation and erosion controls, subject to the approval of Director of Legal Affairs as to form and subject to approval of amount by the Zoning Board staff.*

26) *The Applicants 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.*

There being no further business, the meeting adjourned at 10:06 p.m.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board