

**MINUTES OF THE ZONING BOARD
REGULAR MEETING, HELD
MONDAY, DECEMBER 9, 2013, 7:00 P.M.,
7TH FLOOR, LAND USE CONFERENCE AREA,
GOVERNMENT CENTER BUILDING,
888 WASHINGTON BLVD, STAMFORD, CT 06901**

Present for the Board: Thomas Mills, Barry Michelson, Rosanne McManus and Joanna Gwozdziowski. Present for staff: Norman Cole, Land Use Bureau Chief

REGULAR MEETING

Chairman Mills called the meeting to order at 7:08 p.m. He seated Alternate Joanna Gwozdziowski in place of absent Board Member Morris.

Mr. Michelson made a motion to change the order of the agenda to discuss application 213-30, seconded by Ms. McManus and unanimously approved 4 to 0 (Mills, Michelson, McManus and Gwozdziowski).

PENDING APPLICATIONS:

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 (*continued from December 2, 2013*).

Mr. Mills lead a discussion of the draft conditions, item by item. Mr. Michelson asked how visitor parking would be handled. Mr. Cole suggested that a Parking Management Plan be required (add Condition #6).

Mr. Michelson questioned Condition #8 and asked if the Board should add that funds would be returned if not used. Mr. Cole said that was not necessary in this case because it is clear that all the funds will be needed.

Ms. McManus made a motion to approve the application with the draft conditions as amended, seconded by Ms. Gwozdziowski and unanimously approved 4 to 0 (Mills, Michelson, McManus and Gwozdziowski). The conditions to read as follows:

Requesting Approval of Site Plans/Requested Uses and Coastal Site Plan Review to construct a new 11.5-story, 131 unit residential building; a new 2.5 story, 24 unit residential building and the remaining 3 levels of the residential garage as well as other related site improvements on the property commonly referred to as Metro Green.

Said applications were accompanied by Architectural Plans, prepared by Perkins Eastman, dated August 30, 2013 and titled AS-101 Architectural Site Plan, A101 Building A First Floor Plan, A102 Building A Second & Third Thru Eighth Floor Plans, A103 Building A Ninth Thru Eleventh & Roof Plans, A104 Building A

Upper Roof Plan, A105 Building D First Floor Plan, A106 Building D Second Floor Plan, A107 Building D Third Floor Plan, A108 Building D Roof Plan, A201 Building A Exterior Elevations, A202 Building A Exterior Elevations, A203 Building A Exterior Elevations, A204 Building D Exterior Elevations, A205 Building D Exterior Elevations, A301 Building A Building Sections, A302 Building A Building Sections, A303 Building D Building Sections; an Improvement Location Survey, prepared by Redniss & Mead and dated July 11, 2012 (signed August 17, 2012); Civil Engineering Plans, prepared by Tighe & Bond, Inc., dated August 30, 2013 and titled C0.0 Utility Preparation Plan, C1.0 Drainage and Utility Plan, C1.1 Drainage and Utility Plan Enlargements, C2.0 Sediment and Erosion Control Plan, C2.1 Sediment and Erosion Control Details, C3.0 Details – Storm Drainage, C3.1 Details – Drainage, Sanitary and Utility, C3.2 Details – Drainage, Sanitary and Utility, C3.3 Details – Utility, C4.0 Site Parking and Logistics Plan, C4.1 Site Parking and Logistics Plan Enlargement; Landscaping Plans, prepared by Lee Weintraub Associates, dated August 30, 2013 and titled L-001 General Notes, L-100 Materials Plan, L-101 Dimensions Plan, L-200 Grading Plan, L-300 Planting Plan, L-301 Planting Notes, Details & Schedule Phase 1, L-400 Lighting Plan, L-500 Site Details, L-501 Site Details; and Parking Garage Plans, prepared by Walker Parking Consultants, dated August 30, 2013 and entitled GA-101 Phase 2 Ground Tier Plan, GA-102 Phase 2 Typical Tier Plan, GA-103 Phase 2 Top Tier Plan, GA-201 Phase 2 Garage Elevations, GA-202 Phase 2 Garage Elevations, GA-301 Phase 2 Garage Section, GA-602 Sign Schedule and Details; GA-603 Mounting Details and Sign Details 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 November 18, 2013 and November 25, 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.*
2. *Prior to the issuance of a Building Permit, the Applicant shall submit final site and architectural plans, landscaping and streetscape plans for Atlantic 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.*
4. *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 October 23, 2013.

5. *Submission of 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 mitigation of noise, dust, fumes and debris, subject to final approval by the Director of Operations and Land Use Bureau Chief, prior to issuance of a Building Permit. 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, measures requiring the timely removal of construction debris and/or litter from the job site, areas designated for interim tenant parking, and designation of the contact person responsible for enforcement of the Management Plan.*
6. *Employees of the retail space in Building B shall be required to park onsite in the residential garage.*
7. *All handicap accessible parking spaces required in connection with the Metro Green residential development shall be accommodated onsite in the residential garage.*
8. *The Applicant shall make a payment to the City of Stamford in the amount of \$500,000 representing a "fair share" contribution to the funding required to realign and widen the east bound and west bound approaches to the intersection of Henry Street and Atlantic Street. This contribution shall be made upon the earlier of a) issuance of a Building Permit for the office building or b) within 30 days of written notification from the City that it intends to proceed with this intersection improvement project; provided such notification is accompanied by a statement from the City that any third party required by resolution of the Zoning Board, or any other body, board, or commission of the City of Stamford, to contribute funds for the intersection improvements has either made such payment or will be required to do so at the same time as Applicant. Notification of intent to proceed with the project shall include reasonable evidence, such as a notice of condemnation or executed purchase agreement, that the City is prepared and committed to acquire necessary property to construct the intersection improvements. The Applicant's "fair share" funds of \$500,000 will be used exclusively for the purposes stated above and upon receipt of such funds by the City, shall be placed in a capital non-reoccurring account designated for such purposes.*

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. *Submission of a Parking Management Plan, prior to a Building Permit, subject to Zoning Board Staff approval.*

OLD BUSINESS

1. **Application 213-24 - Estate of Samuel J. Heyman** (*administrative review of architectural materials for CVS on Canal Street*).

General discussion. Ms. McManus suggested vertically extending the pilasters on all four sides of the building. Ms. Gwozdzowski made a motion to approve the modified architecture as amended to raise the pilasters on all four sides, seconded by Mr. Michelson and unanimously approved 4 to 0 (Mills, Michelson, McManus and Gwozdzowski).

2. **CSPR-929 – ANDREW & KRISTEN HAYES, 8 Westcott Road**, - approved to renovate an existing single family home by adding a second floor and scenery loft of approximately 1,721 s.f. in an R-10 zoned coastal flood area (*request for time extension*).

After a brief discussion, Mr. Michelson made a motion to approve the time extension, seconded by Ms. McManus and unanimously approved 4 to 0 (Mills, Michelson, McManus and Gwozdzowski).

3. **Application 211-15 – GDP & Final Site and Architectural Plans - RMS FRANKLIN, LLC & JFFS REALTY, LLC, 159-163 Franklin Street** (*administrative approval of signage*).

Mr. Cole presented and explained the MXD sign regulations and reviewed the Board's past decisions on other residential buildings.

Mr. Michelson said he wanted to inspect the site and requested decision on this be tabled. Ms. McManus and Ms. Gwozdzowski agreed. Mr. Mills tabled this item to the next meeting.

4. **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.

Mr. Mills asked why the DEEP reports didn't include the 1848 tons of soil removed as reported by Bill Buckley on 11/18/13. Mr. Cole couldn't explain this. Attorney Freeman said BLT is reporting monthly and the DEEP probably hasn't reported they've received this information yet.

Ms. McManus and Ms. Gwozdzowski asked for information explaining whether the grant for remediation work was a consideration in when the remediation would be finished. Attorney Freeman explained that the contamination was worse than they thought and that they have complied with all of the Zoning Board timing requirements.

Mr. Mills asked Attorney Freeman if BLT could resume sending copies of DEEP weekly reports to the Zoning Board. Attorney Freeman said they would resume this procedure.

5. Proposed BLT Jitney Service, South-end/Downtown; building permit for Y3

Mr. Mills, referring to the draft bond agreement, said the Cease & Desist wasn't very strong.

Mr. Michelson said that's a reason why BLT should just start the Jitney Service before receiving a full building permit.

Ms. McManus said she was okay with the cash bond agreement. She said the public's real concern is with the boatyard. She also said she wants the South-End development to keep going forward.

Ms. Gwozdzowski asked what could the Board do if the delayed start of the Jitney Service go on for months. Mr. Mills said he didn't think a Cease & Desist would help.

Ms. Gwozdzowski suggested the Board should increase the amount of the bond.

Mr. Mills said he'd spoken to Mr. Morris who also wanted to increase the bond amount. They discussed a total bond of \$250,000 with a part in cash and a part as a bond that would turn into cash on February 15, 2014. The Bond would be forfeited at a rate of \$1,000 per day that the Jitney Service is not started.

Attorney Freeman said they'd like a decision tonight so they don't have to layoff all the workers at the Block Y3 site.

Mr. Michelson asked Staff for suggestions on how to implement a cash bond of \$250,000.

Mr. Cole said that one approach would be to require \$60,000 cash and a \$190,000 letter of credit.

Mr. Mills asked how the Board Members felt about a total of \$250,000. All Board Members concurred.

Ms. McManus moved that Staff work with BLT on an agreement totaling \$250,000 with a combination of cash and Letter of Credit, subject to Law Department approval with an initial \$60,000 cash and the balance of \$190,000 to be forfeited at a rate of \$1,000 per day if the Jitney is not started by February 14, 2014, seconded by Ms. Gwozdzowski and unanimously approved 4 to 0 (Mills, Michelson, McManus and Gwozdzowski).

APPROVAL OF MINUTES:

Minutes of November 25, 2013

After a brief discussion, Mr. Michelson made a motion to approve the minutes as amended, seconded by Ms. McManus and unanimously approved 4 to 0 (Mills, Michelson, McManus and Gwozdzowski).

Minutes of December 2, 2013

After a brief discussion, Ms. McManus made a motion to approve the minutes as amended, seconded by Ms. Gwozdzowski and unanimously approved 4 to 0 (Mills, Michelson, McManus and Gwozdzowski).

NEW BUSINESS

ADJOURNMENT

Mr. Mills adjourned the meeting at 9:30pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board