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MINUTES OF THE ZONING BOARD
SPECIAL MEETING, HELD TUESDAY,
DECEMBER 16, 2014, 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, Rosanne McManus, Barry Michelson, 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 7:04 pm. Ms. Gwozdzowski was seated for Mr. Morris who was absent.

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 (*continued from December 8, 2014*).
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 (*continued from December 8, 2014*).

Mr. Mills opened the Public Hearing on these two applications and read a description of each into the record. Mr. Michelson read a copy of the Planning Board letter dated December 5, 2014 into the record. Mr. Stein recused himself for reasons previously stated.

Attorney O’Hanlan described the previous denial based on concern for proliferation throughout C-D zoned sites. The surgery center is compatible with C-D uses and the site is better than Downtown because patients need to be picked up and dropped off. Stamford Hospital is opposed because they don’t want the competition. There is no court appeal of the previous denial. The applications have been changed to address the Zoning Board’s concerns and the reason for the first denial. The current text change limits surgical suites to six within the C-D zone. The text has been changed and is significantly different. The State Department of Health has to issue a

Certificate of Need. Attorney O'Hanlan submitted and presented responses to the Planning Board's concerns. Stamford Hospital "clinic" at 292 Long Ridge Road of 46,000 sf needs a Certificate of Decision amendment.

Mr. Mills asked if the Board could approve this but deny an application for expansion for someone else? Attorney O'Hanlan said yes.

Mr. Michelson said the Zoning Board hasn't had the opportunity to consider whether the application has been "substantially changed".

Mr. Mills asked if the Planning Board was aware of the Law Department's opinion about the one-year rule? Mr. Cole said no. The Planning Board met on December 2 and Jim Minor's opinion was issued on December 4.

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

Attorney William Hennessey said the Hospital's opposition was not based on competition, but the fact there was no study supporting the addition of this surgical use in the C-D district. David Gamble will be studying the impact of this application and the Board shouldn't proceed with bad planning. For jurisdictional reasons, this application should not be heard. He presented a map where surgery centers are currently allowed and a map of C-D zones that would be added. The limit of 6 surgery suites is in effect "spot zoning".

Michael Pellicci, business owner on Stillwater Avenue, spoke in opposition.

John Ciuffo, business owner on Stillwater Avenue, spoke in opposition. What's good for Stamford Hospital is good for Stamford. He supports the West Side.

Michael Fedele, Chairman of the Board of Directors of Stamford Health Systems, summarized the Stamford Hospital capital program and reinvestment in the West Side. These applications need to be carefully considered. The Hospital already competes with Greenwich and Norwalk medical providers.

Attorney Hennessey said he needed more time to complete his presentation. Attorney O'Hanlan said he wanted to close the Public Hearing tonight. Ms. Gwozdzowski said she would like more advice from Attorney Minor. Ms. McManus and Mr. Michelson said they did not need more advice from Attorney Minor at this time.

Attorney Hennessey said making a major zoning text change requires extensive study.

After taking a consensus of the Board, Mr. Mills continued the Public Hearing on these applications to the next scheduled meeting which is January 5, 2015 at 7:00pm in the 4th floor Cafeteria of the Government Center.

REGULAR MEETING

Mr. Stein reported that he had listened to the tapes from the last meeting and was qualified to participate.

APPROVAL OF MINUTES:

Minutes of December 8, 2014

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

PENDING APPLICATIONS:

1. **CSPR-971 – MINKLER, 108 Houston Terrace**, to add a 950 sf second floor addition consisting of 4 bedrooms and one bathroom to an existing home located at 108 Houston Terrace in an R-7.5 zone within the CAM boundary.

Mr. Killeen described the application and read the EPB referral conditions.

After a brief description, Ms. McManus moved to approve the application subject to EPB conditions, seconded by Mr. Michelson and the motion was approved 5:0 (Mills, Stein, McManus, Michelson and Gwozdzowski). The conditions will read as follows:

1. Work shall comply with the following plans and correspondence:

- *“Map,” prepared for Roger Minkler, Stamford, Connecticut, prepared by Moody & O’Brien, LLC, dated November 6, 2008.*
 - *“Proposed 2nd Floor Addition for Mr. and Mrs. Roger Minkler,” 108 Houston Terrace, Stamford, CT, Prepared by Sound View Engineers & Land Surveyors, LLC (Sheets 1 and 2), undated.*
2. Application 214-07 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street
 3. Application 214-08 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street LOT B-2

Mr. Cole reviewed the applications and discussed the conditions prepared by Staff.

Regarding Application 214-07, Mr. Michelson moved to approve the application subject to conditions as modified, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, McManus, Stein 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 unless otherwise approved by the Zoning Board or, for minor modifications, Zoning Board staff.*

STANDARD CONDITIONS:

- 2) *Prior to the issuance of a Building Permit, storm drainage plans shall be submitted and subject to final review of design specification and construction by the Engineering Bureau. Applicant shall address applicable comments of Susan Kiskien, P.E. in her memorandum dated July 11, 2014.*
- 3) *Prior to issuance of a Building Permit, the Applicant shall submit final site plans, landscaping, lighting and fencing plans, for approval by Zoning Board staff, to ensure consistency with the approved plans constituting the record of the application.*
- 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 prior approval of the Zoning Board staff.*
- 5) *A Street Opening Permit shall be required for any work within a public street right-of-way.*
- 6) *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.*
- 7) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a standard Drainage Maintenance Agreement and Landscape Maintenance Agreement, subject to approval by the Environmental Protection Board staff.*
- 8) *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, in an amount equal to the estimated cost of landscaping 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.*
- 9) *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.*

Regarding Application 214-08, Mr. Michelson moved to approve the application subject to conditions as modified, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, McManus, Stein and Gwozdziowski). The conditions will read as follows:

SITE-SPECIFIC CONDITIONS:

- 1) *All work shall substantially conform to the above referenced Building and Site Plans unless otherwise approved by the Zoning Board or, for minor modifications, Zoning Board staff.*
- 2) *The +/- 183,493 square foot one-story building is approved for such uses authorized in the M-L district. Provided, however, issuance of Special Exception approval by the Zoning Board shall be required for any use or combination of uses that would exceed the traffic impact generated by light industrial uses for the entire building.*
- 3) *Development of the +/- 6,124 square foot building in the southwestern corner of Lot B-2 is approved in concept only. Construction of this building shall be subject to the administrative approval of the Zoning Board for the use and final architectural design of the building.*
- 4) *To improve traffic safety and operations at the Harvard Avenue @ West Main Street intersection, the Applicant shall realign the new driveway with the intersection, subject to approval of final specifications by the City Traffic Engineer, with all work to be completed prior to the issuance of a Certificate of Occupancy.*
- 5) *To mitigate traffic impacts to the intersection of West Main Street and West Avenue, the Applicant has agreed to acquire property rights at the northwest and southeast corners of the intersection and convey the necessary road widening rights to the City of Stamford and/or State of Connecticut to enable reconstruction of the intersection to add new turning lanes. Such road widening rights shall be conveyed prior to the issuance of a building permit. In addition, the Applicant (or successor) shall make a “fair share” contribution of \$200,000 toward the intersection improvement work prior to the issuance of a building permit.*
- 6) *The sound wall shown on the landscaping plan titled “LL-4, Landscaping Sections and Details” dated July 1, 2014 shall be built prior to the issuance of a certificate of occupancy for the development of Lot B-2. Modifications to accommodate any alternate sound barrier shall be agreed to by the property owners at 58 Progress Drive (i.e., Charter Oak Communities), Zoning Board staff and the Applicant. In no event shall the noise emitted from the Applicant’s property exceed the maximum decibel levels outlined in the Stamford Noise Ordinance.*
- 7) *Prior to issuance of a Building Permit, the Applicant shall submit a “Noise Mitigation Plan” for review and approval by Zoning Board staff.*
- 8) *Final details of the landscaping on the east side of Lot B-2 shall be determined by the Zoning Board staff after consultation with the Applicant and neighbors. Said landscaping shall consist of a combination of fencing, new plantings, and existing vegetation, and shall be implemented prior to the issuance of a Building Permit to the extent practical given construction sequencing.*

- 9) *The portion of new wall located on the southeastern corner of Lot B-2 shall be constructed with a treatment to reasonably match the existing stone wall at the entrance to the Property.*
- 10) *Prior to issuance of a Certificate of Occupancy, the Applicant shall provide a "Truck Routing Plan" prepared in consultation with the City of Stamford Traffic Engineer.*
- 11) *No vehicular access will be allowed to Acosta Street.*
- 12) *The applicant shall submit final specifications for exterior lighting to minimize trespass lighting on adjoining residential properties and shall include hours of operation and a plan to reduce after hours lighting, subject to approval of Zoning Board Staff prior to issuance of a Building Permit.*

STANDARD CONDITIONS:

- 13) *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. Applicant shall address comments of Susan Kiskan, P.E. in her memorandum dated July 11, 2014.*
- 14) *Prior to issuance of a Building Permit, the Applicant shall obtain a discharge permit from the Stamford Water Pollution Control Authority and shall provide information requested in the June 4, 2014 memorandum from Prakash Chakravarti, P.E., Supervising Engineer, and Stephen W. Pietrzyk, Regulatory Compliance Officer.*
- 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.*
- 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. If deemed necessary in the reasonable exercise of judgment of the City Engineer or Chief of Police, the applicant or successor shall fund the cost of a police officer to direct traffic at the entrance of the site until such time as the level of construction activity at the site no longer warrants this measure, in the judgment of such City Officials.

- 19) *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.*
- 20) *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a modification of the existing Drainage Maintenance Agreement and Landscape Maintenance Agreement, subject to approval by the Environmental Protection Board staff.*
- 21) *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.*
- 22) *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 landscaping improvements and sedimentation and erosion controls, in an amount equal to the estimated cost of said improvements, subject to the approval of Director of Legal Affairs as to form and subject to approval of amount by the Zoning Board staff.*
- 23) *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.*
- 24) *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.*

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

Mr. Killeen reviewed the application and draft conditions prepared by Staff.

After further discussion, Mr. Michelson moved to approve the application subject to conditions as modified, seconded by Ms. Gwozdzowski and the motion was approved 5:0 (Mills, Michelson, McManus, Stein and Gwozdzowski). The conditions will read as follows:

SITE SPECIFIC CONDITIONS

1. *The Board authorizes the waiver of parking standards in Article IV, Section 12(B)(4) to allow parking extending beyond the building lines of a building, as proposed in the approved plans.*

2. *The applicant will provide more detailed plans for streetscape improvements along Hope Street, subject to review by the Zoning Board staff prior to issuance of a Building Permit.*
3. *All work shall conform to the above referenced Building and Site Plans.*
4. *The applicant will submit final specifications of exterior architectural designs, materials samples, and colors, subject to final approval by Zoning Board staff, consistent with the character of the building and site plans, architectural elevations and illustrative renderings constituting the record of the application, prior to the issuance of a building permit. Exterior surfaces will be clad with Hardie Plank Materials and Azek will be used as trim. Applicant shall submit revised plans to further articulate the treatment of the base course and the fascia/lintel above the first floor of the building, subject to review by the Zoning Board staff prior to issuance of a Building Permit. Applicant shall also provide an alternate architectural treatment to further accent the main entry door of the building and consider revising the canopy design to consist of two separate canopies. Applicant shall also provide an alternate treatment for the north and south elevations to include windows (if acceptable to the Building Official) or other architectural enhancement, subject to review by Zoning Board staff.*
5. *The applicant will submit final lighting design and details for approval by Zoning Board staff prior to issuance of a building permit.*
6. *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 proper screening and prior approval of Zoning Board staff. If necessary to permit placement of electrical transformers below ground in front of the building, the applicant may submit revised plans showing the first floor of the building (only) being slid back approximately 3 feet, subject to final approval by Zoning Board staff.*
7. *Erosion and Sedimentation Control Plans shall be subject to EPB staff approval prior to the issuance of a Building Permit*
8. *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 on-site one (1) BMR unit, subject to approval of the final Affordability Plan by the Zoning Board Staff. In addition to this BMR unit, the applicant shall make*

a partial fee-in-lieu payment equivalent to .4 (40%) of a BMR unit, subject to the provisions of 7.4.C.4.)(d), as shown on plans submitted as part of this application. (Applicant shall submit formal request to Zoning Board requesting approval of the partial fee-in-lieu payment).

STANDARD CONDITIONS:

9. *Erosion and Sedimentation Control Plans shall be subject to EPB staff approval prior to the issuance of a Building Permit*
10. *The applicant will submit sanitary sewer and storm drainage plans, subject to final review of design specification and construction plans by the Engineering Bureau and meet conditions of letter from Susan Kiskan, P.E. of September 12, 2014, prior to the issuance of a building permit.*
11. *A Street Opening Permit shall be required for any and all work within the City of Stamford street right-of-way.*
12. *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a trash management and snow removal plan related to the residential and commercial components of this plan, subject to approval by Zoning Board staff.*
13. *Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Drainage Maintenance Agreement subject to approval by Land Use Bureau staff and the City Engineer.*
14. *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.*
15. *Submission of a Performance Bond, or other acceptable surety, to ensure completion of all required landscaping, streetscape improvements, and sedimentation and erosion controls, in an amount equal to the estimated cost of said improvements, subject to the approval of Director of Legal Affairs as to form and subject to approval of amount by the Zoning Board staff, to be provided prior to the start of any construction activities.*
16. *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 working parking as well as temporary measures requiring the timely removal of construction debris and /or litter from the job site.

17. 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.

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

Mr. Mills continued discussion of this application to the next meeting scheduled for Monday, January 5, 2015 at 7:00pm in the 4th floor cafeteria.

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

Mr. Killeen reviewed the application and draft conditions prepared by Staff.

After further discussion, Mr. Stein moved to approve the application subject to conditions as discussed, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, McManus, Stein and Gwozdzowski). The conditions will read as follows:

1. *All work shall conform to the following plans and correspondence:*
 - *Drawings prepared by Walter Piantino, Architect; “26 Orchard Street” drawing numbers; S-101, A-101, A-102, A-103, 102, C-101, C-103” dated 2/22/08, 2/08/08, 1/28/08, 1/28/08, 8/29/07, 2/08/08, and 2/08/08, respectively.*
 - *Drawings prepared by R.J. Gallagher Jr. & Associates; “Site Utilities Grading and Erosion And Sedimentation Control Plan and Site Details” dated 01/02/08*
 - *Drawing prepared by Environmental Land Solutions, LLC; “Landscape Plan –L.1” dated 2/21/08.*
2. *Submission of a final written description, plans and specifications defining the proposed historic restoration measures, subject to approval by Zoning Board staff in consultation with the Director of the Historic Neighborhood Preservation Program, Inc., prior to start of construction and renovations to the historic structure.*
3. *Execution of a standard historic facade preservation easement, subject to approval by Zoning Board staff prior to the issuance of a building permit, to be recorded with final photo exhibits prior to certificate of occupancy.*
4. *Submission of final written certification of the historic restoration by the Director of the Historic Neighborhood Preservation Program, Inc., prior to the issuance of a certificate of occupancy.*

5. *Submission of final specifications of exterior architectural designs, materials samples, and colors, including fencing, subject to final approval by Zoning Board staff, consistent with the building and site plans, architectural elevations and illustrative renderings constituting the record of the application, prior to the issuance of a building permit.*
6. *Signage plans shall be submitted to and subject to approval by the Zoning Board staff, not to exceed one sign fifteen (15) square feet in area.*
7. *Final construction plans, including site grading and utility plans, shall be subject to approval by the Engineering Bureau prior to the issuance of a building permit.*
8. *Submission of a Performance Bond, or other acceptable surety, to ensure completion of all required landscaping, and drainage, in an amount equal to the estimated cost of said improvements, subject to the approval of Director of Legal Affairs as to form and subject to approval of amount by the Zoning Board staff, to be provided prior to the start of any construction activities.*
9. *Submission of a Landscape Maintenance Agreement, subject to approval by the Director of Legal Affairs and Environmental Protection Board staff prior to issuance of a Certificate of Occupancy.*
10. *No significant mechanical equipment, shall be installed within view of any public street without prior approval of the Zoning Board staff.*
11. *Submission of a trash management plan and snow removal plan subject to Zoning Board staff approval, in consultation with the Director of Operations, or designee, prior to issuance of a building permit.*
12. *A Street Opening Permit shall be required for any work within the City of Stamford street right-of-way.*
13. *Dedication of a plaque designating the original year of construction on the historic building prior to the issuance of a Certificate of Occupancy.*
14. *Lighting plans are approved, subject to review of construction documents by the Zoning Board staff prior to issuance of a Building Permit.*
15. *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.*
16. *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.*

9. Proposed Restaurant at One Harbor Point Square; 2200 Atlantic Street

Mr. Killeen summarized the request.

Thomas Haynes, architect, discussed hours of operation and reviewed the plans for the first floor. Egress into the parking garage will be provided and 1 parking space will be removed. Discussion of signage and lighting.

Mr. Rob Krauss, representing Fontina Restaurant, discussed the other locations of this restaurant, including a new one in Armonk, New York and answered the Board's Questions.

After further discussion, Ms. McManus moved to approve the application to operate a rooftop restaurant at 2200 Atlantic Street which will possibly include the use of backlit signage, as presented, seconded by Ms. Gwozdzowski and the motion was approved 5:0 (Mills, Michelson, McManus, Stein and Gwozdzowski).

Mr. Michelson circulated a draft sign regulation for residential districts that he would like the Board to consider.

There being no further business, the meeting adjourned at 10:35 p.m.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board