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MINUTES OF THE ZONING BOARD
REGULAR MEETING, HELD MONDAY,
JUNE 23, 2014, 7:00 P.M., 7th Floor, Land Use Bureau,
GOVERNMENT CENTER BUILDING, 888
WASHINGTON BLVD, STAMFORD, CT 06901**

Present for the Board: Tom Mills, 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 7:06 p.m. and seated Ms. Gwozdzowski and Mr. Stein.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes of June 9, 2014

After a brief discussion, Mr. Morris made a motion to approve the minutes as submitted, seconded by Ms. McManus and the motion was unanimously approved 3 to 0 (Mills, McManus, and Morris).

Minutes of June 16, 2014

Mr. Mills tabled the minutes to the next meeting.

PENDING APPLICATIONS:

1. **CSPR-955 – KIRBY/CULLMAN, 74 Saddle Rock Road**, to construct a new single family residence with associated driveway, pool and pool house, utilities, drainage improvements, landscaping and incidental site work on 1.24 acres at 74 Saddle Rock Road in an R-20 coastal flood area.

The Board discussed whether to hold a public hearing. Mr. Cole said it was unusual for the Zoning Board to hold a Public Hearing on a single family dwelling. Mr. Mills said Karen Murphy sent a letter which was forwarded to Staff. Mr. Cole said Karen Murphy in an email had requested a public hearing but he had no information to indicate why a hearing should be held.

Ms. McManus said the Board has EPB and Engineering approval letters and she sees no need for a public hearing. Mr. Morris, Ms. Gwozdzowski and Mr. Stein all agreed.

After a review of materials presented and a brief discussion, Ms. McManus made a motion to approve the application with EPB conditions, seconded by Ms. Gwozdzowski and the motion was unanimously approved 5 to 0 (Mills, McManus, Morris, Stein and Gwozdzowski). The conditions will read as follows:

- 1) *Work shall comply with the following plans and correspondence:*

- *“Site Utility Plan,” “Notes and “Soil Data,” and “Details,” Depicting 74 Saddle Rock Road, Stamford, Connecticut,” Prepared for Cullman and Kirby Residence, Sheets SE-2, SE-4 and SE-5, by Redniss and Mead, revised June 13, 2014.*
- *“Site Grading Plan,” and “Sediment and Erosion Control Plan,” Depicting 74 Saddle Rock Road, Stamford, Connecticut,” Prepared for Cullman and Kirby Residence, Sheets SE-1 and SE-3, by Redniss and Mead, revised June 17, 2014.*
- *“Property and Topographic Survey,” Depicting 74 Saddle Rock Road, Stamford, Connecticut,” Prepared for John J. Kirby, Jr. and Susan R. Cullman, by Redniss and Mead, dated September 19, 2013.*
- *“Cover - General Notes,” “Proposed Second Floor Plan,” “Proposed Attic,” “Proposed Roof Plan,” “Proposed Exterior Elevations,” “Proposed Exterior Elevations,” “Proposed Building Sections,” “Typical Exterior Details,” “Typical Exterior Details,” and “Schedules,” 74 Saddle Rock Road, Stamford, Connecticut 06902, Prepared for Cullman-Kirby, Sheets, A-000, A-102, A-103, A-104, A-200, A-201, A-203, A-300, A-301, and A-600, by Field, Piaker Elman, revised June 6, 2014.*
- *“Proposed First Floor Plan,” “Proposed Building Sections,” and “Proposed Building Sections,” 74 Saddle Rock Road, Stamford, Connecticut 06902, Prepared for Cullman-Kirby, Sheets, A-101, A-204 and A-205, by Field, Piaker Elman, revised June 10, 2014.*
- *“First Floor Framing Plan,” 74 Saddle Rock Road, Stamford, Connecticut 06902, Prepared for Cullman-Kirby, Sheets, F-100, by Field, Piaker Elman, revised June 17, 2014.*
- *“Second Floor Framing Plan,” “Attic Framing Plan,” and “Roof Framing Plan,” 74 Saddle Rock Road, Stamford, Connecticut 06902, Prepared for Cullman-Kirby, Sheets, F-101, F-102, and F-103, by Field, Piaker Elman, revised June 6, 2014.*
- *“Proposed Foundation/Crawl Space Plan,” and “Crawl Space Area and Venting Calculations,” 74 Saddle Rock Road, Stamford, Connecticut 06902, Prepared for Cullman-Kirby, Sheets A-100, A-100a, by Field, Piaker Elman, revised June 17, 2014.*
- *“Drainage Summary Report,” Prepared for 74 Saddle Rock Road, Stamford, Connecticut, by Redniss and Mead, Inc., dated May 9, 2014 and revised June 6, 2014.*

- *“Draft Flood Evacuation and Preparedness Plan” 74 Saddle Rock Road, Stamford, Connecticut, Prepared for Cullman Kirby Residence, by Redniss and Mead, revised June 6, 2014.*
 - *“Statement of Consistency with Coastal Area Management Policies,” Cullman Kirby Residence, 74 Saddle Rock Road, Stamford, Connecticut by Redniss and Mead, dated April 28, 2014.*
 - *Correspondence from John Roberge, P.E., Roberge Associates Coastal Engineers, LLC, dated April 8, 2014.*
 - *Correspondence from Brian McMahon, P.E., Redniss and Mead, to Norman Cole, Land Use Bureau Chief, dated April 28, 2014.*
 - *“Waterfront Planting Plan,” Cullman Kirby Residence, 74 Saddle Rock Road, Stamford, Connecticut by DeVore Associates, dated April 28, 2014.*
 - *“Plumbing Schematic for the Cullman Residence,” 74 Saddle Rock Road, Stamford, Connecticut by Shoreline Pools, dated April 16, 2014.*
 - *“Swimming Pool Details for the Cullman Kirby Residence, 74 Saddle Rock Road, Stamford, Connecticut, by Carl Ruspini, P.E., dated April 16, 2014.*
 - *Correspondence from Brian McMahon, P.E., Redniss and Mead to Susan Kiskin, P.E., Stamford Engineering Bureau, dated June 6, 2014 and June 13, 2014.*
 - *Correspondence from Brian McMahon, P.E., Redniss and Mead to Richard Talamelli, Environmental Planner, EPB, dated June 6, 2014 and June 17, 2014.*
 - *Correspondence from Susan Kiskin, P.E., City of Stamford Engineering Bureau, to Richard Talamelli, EPB, dated June 16, 2014.*
 - *“Details for Paved Surfaces,” Cullman Residence, 74 Saddle Rock Road, Stamford, Connecticut by DeVore Associates, dated May 30, 2014.*
- 2) *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion and construction controls, drainage, landscaping, professional supervision and certifications, plus a 15% contingency. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit.*
- 3) *Final civil, architectural and flood preparedness plans shall be subject to the review and approval of EPB Staff prior to building permit.*

- 4) *Work areas shall be staked in the field by a Connecticut surveyor prior to the start of any site activity.*
- 5) *Temporary sediment and erosion and construction controls shall be installed per the approved plans and approved in writing by EPB Staff prior to the start of any site activity.*
- 6) *Prior to the start of any framing or the placement of any house boxes a Connecticut Land Surveyor shall provide an interim improvement location survey/data accumulation plan to confirm elevations of the top of the unfinished foundation walls, piers, crawl space and garage floor (as available), wall openings, sills, and other pertinent features.*
- 7) *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other suitable alternatives prior to the issuance of a certificate of occupancy and release of surety. This condition applies not only to disturbed earth surfaces subject to landscaping but also to areas under any exterior decks, stairs, driveway surfaces, etc.*
- 8) *All drainage, utilities, wall construction, grading, final stabilization measures and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer/surveyor with an improvement location survey (surveyor) and written certifications (engineer) submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of a certificate of occupancy and release of surety.*
- 9) *All approved landscaping and mitigative measures shall be conducted under the supervision of a qualified landscaping professional with written certifications submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy and release of surety.*
- 10) *All floodproofing shall be conducted under the supervision of a professional engineer or architect registered in the State of Connecticut. Upon the completion of the construction, and prior to the issuance of a certificate of occupancy/return of surety, a Connecticut registered engineer or architect shall certify (signed and sealed correspondence) that the structure and all attendant facilities have been constructed in accordance with Section 7.1 of the Zoning Regulations ("Flood Prone Area Regulations of the City of Stamford) and are capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. The letter of certification shall reference each floodproofing measure incorporated into the building.*
- 11) *Upon the completion of the construction and prior to the issuance of a certificate of occupancy, a Connecticut registered professional surveyor shall:*

- *Certify (signed and sealed plan) the final elevation of: i) garage, crawl and primary floor levels, ii) top of the unfinished foundation walls, iii) the bottom elevation, size and exterior grade at wall openings, iv) bottom elevation of meters/panels, v) top of equipment platforms, vi) other facilities as deemed appropriate by EPB Staff.*
- *Complete a standard "National Flood Insurance Program Elevation Certificate."*

12) *Upon the completion of construction and prior to the receipt of a final certificate of occupancy, the applicant shall file a **standard** notice on the Stamford Land Records disclosing the following information.*

- *The subject property lies, in its entirety, within a known flood hazard area described as Zone AE, Elevation 14 feet NAVD-88 and VE, Elevation 15 feet NAVD-88 as depicted on Flood Insurance Rate Map 09001C0519G, dated July 8, 2013.*
- *A permit (74 Saddle Rock Road, Cullman/Kirby, CSPR 955, 6/14) has been issued by the Zoning Board of the City of Stamford to allow the construction of a new single family dwelling, drive, drainage, pool, and other related facilities on the subject property having coastal resources identified as "Coastal Flood Hazard Area," "Beach" and "Modified Escarpment."*
- *Acknowledge the existence of the "Flood Preparedness Plan."*
- *Restrictions prohibiting the use or modification of the enclosed areas below the limits of the minimum elevation standard of 15 feet NAVD-88. Specific enforcement provisions for non-compliance shall be included.*

13) *In-ground fuel storage is prohibited.*

14) *Submission of a **standard**, City of Stamford landscape maintenance agreement to ensure the success of landscape features prior to the receipt of a final certificate of occupancy and return of surety.*

15) *Submission of a **standard**, City of Stamford drainage maintenance agreement to ensure the full and proper function of all drainage structures prior to the receipt of a final certificate of occupancy and return of surety.*

2. **Application 213-43 – RICHARD REDNISS, Text change**, to Amend Appendix B, Footnote #4 by adding Master Plan Category #10 Downtown Corridor to locations in which density may be reduced by Special Exception for Mixed-use projects in the C-G or CC-N Districts (*continued from May 5, 2014*).
3. **Application 213-44 – RICH CAPPELLI ASSOCIATES, LLC & LOUIS R. CAPPELLI FAMILY LTD. PARTNERSHIP II, Special Exception, REVISED**

Site & Architectural Review and Coastal Site Plan Review, large scale development for 650 residential units and associated site improvements in two towers at the corner of Tresser and Atlantic Streets, acquisition and historic preservation of the Post Office at 421 Atlantic Street, over 41,000 sf of ground floor retail space and two parking garages in a CC-N district. Special Exceptions requested include large scale development, increased density, conversion of commercial FAR into dwelling units, historic preservation premium, parking at 1:1 ratio, reduced rear yard, partial waiver of open space and fee-in-lieu for BMR. Simultaneous application with St. John's Parcel to authorize transfer of 240 residential units and parking (*public hearing held on April 21, 2014 and continued to May 5, 2014 and May 19, 2014*).

4. **Application 213-45 – SAINT JOHN URBAN DEVELOPMENT CORP, Special Exception**, requesting conversion of commercial development rights to authorize 240 existing residential units, permit one parking space per dwelling onsite (148 spaces) and adjacent (93 spaces), fee-in-lieu funds for BMR requirements all in conjunction with the large scale development for Cappelli at Tresser and Atlantic Streets in a CC-N district (*public hearing held on April 21, 2014 and continued to May 5, 2014 and May 19, 2014*).

Mr. Mills read a description of the applications into the record.

Mr. Mills lead a discussion on the reflectivity of glass and comparison to Trump Parc. Their glass is usually for commercial applications.

Mr. Cole said their glass has one-half the reflectivity compared to Trump Parc.

Mr. Mills invited the Board to comment on the draft conditions.

Mr. Morris asked to change condition #7 to what was used for Parcel 38.

Mr. Killeen explained the proposed open space and impact from saving the Post Office.

Mr. Mills asked for clarification on the amount of retail in the North Tower. Mr. Cole said the commitment of 10,000 s.f. was generous. The Board discussed improving the wording of condition #2 (BMR payment) to be flexible in timing to match the needs of the recipient non-profit. Regarding Condition #3, historic easement, the Board asked for it to be broken into 2 parts – the façade and the easement and to include HPAC. The Board asked for research of Lowes and Roseland for Condition #4 Post Office marketing. Condition #5 had the Board asking for clarification vis-a-vis Mani Poola's email. The Board asked that Condition #6 be tightened with Zoning Board review. Additional Board suggested conditions included a whereas clause related to the sale of the Post Office and phasing of the two buildings; regarding St. John's, Mr. Cole commented that 1) require Zoning Board review of any future development or rehabilitation of buildings/site plans and 2) require BMR of 10%.

Mr. Mills asked if they had considered extending the new streetscape? A request for Staff review of final streetscape to maintain pedestrian amenity through curb cuts on Tresser and Atlantic Blvds.

Mr. Mills asked to have the text change clarify language about Downtown Master Plan and retail streets. Mr. Mills said the Zoning Board would reserve review of additional modifications to the architecture and the Board would continue deliberations on these three applications at the next scheduled meeting which will be July 7, 2014 at 7:00pm in the 4th floor cafeteria.

5. **Application 208-06 Modification** - WALTER WHEELER DRIVE SPE, LLC and THE STRAND/BRC GROUP, LLC for approval of Modifications to approved Final Site and Architectural Plans and/or Requested Uses and Coastal Site Plan Approval
6. **Application 213-35** – WALTER WHEELER DRIVE SPE, LLC, Text change
7. **Application 213-36** – Amended GDP – WALTER WHEELER DRIVE SPE, LLC and THE STRAND/BRC GROUP, LLC, Block C8, Washington Blvd, Walter Wheeler Drive and Atlantic Street for approval of an Amendment of the approved General Development Plan

Mr. Mills read a copy of the application descriptions into the record.

Mr. Killeen introduced the Staff prepared draft conditions.

After further discussion, Ms. Gwozdzowski made a motion to approve the text amendment, application 213-35, seconded by Ms. McManus and the motion was unanimously approved 5 to 0 (Mills, McManus, Morris, Gwozdzowski and Stein).

After further discussion, Ms. McManus made a motion to approve the GDP amendment, application 213-36, with the clarification that there is an used FAR of 60,000 square feet of commercial space, based on staff's calculations, seconded by Mr. Stein and the motion was unanimously approved 5 to 0 (Mills, McManus, Morris, Gwozdzowski and Stein).

After further discussion, Ms. McManus made a motion to approve the final site and architectural plan amendments and the special exception amendments, application 208-06, seconded by Ms. Gwozdzowski and the motion was unanimously approved 5 to 0 (Mills, McManus, Morris, Gwozdzowski and Stein). The findings and conditions will read as follows:

***WHEREAS** on June 2, 2008, the Zoning Board granted Antares Stamford Waterfront Manager LLC (“Antares”) and its related entities Final Site and Architectural Plan approval and Coastal Site Plan approval in connection with five (5) proposed buildings to be located on property located in the vicinity of the intersection of Washington Boulevard and Atlantic Street; and,*

***WHEREAS** included in that approval was a mixed use building on Block S3 of the Harbor Point General Development Plan (as amended), which building contained residential, retail and hotel uses;*

***WHEREAS** Three Harbor Point Square LLC (“Three Harbor Point”) is the successor developer to Antares and sought modifications to the approved plans for Block*

S3 to redesign the hotel/residential building to increase the height from thirteen (13) stories to twenty (20) stories, redesign the ground floor restaurants to include two detached restaurant buildings and add a second lobby entrance for automobile drop-off;

WHEREAS, *the Zoning Board formally approved a modification to the original plans on April 23, 2012 and;*

WHEREAS, *Walter Wheeler Drive SPE, LLC and the Strand/BRC Group, LLC have submitted a request to modify those previous approvals and the requested modifications are shown on detailed Architectural Plans, Site Plans and Renderings, listed below:*

S3 – LIST OF PLANS

1. *Amended General Development Plan, prepared by EDI International and dated May 29, 2014;*
2. *Shared Parking Plan dated May 30, 2014 and updated June 16, 2014 (Revised Tables);*
3. *2014 Plans/Renderings, prepared by EDI International and dated September 26, 2013 – Harbor Point Block S3, South Rendering, View #1, View #3, Night Renderings (with lights). (All submitted to the Zoning Board on June 16, 2014).*
4. *1st Floor Site Plan, prepared by EDI International and dated January 24, 2014 (colored version) submitted to the Zoning Board on June 16, 2014.*
5. *Architectural Renderings/Materials, prepared by EDI International dated May 22, 2014;*
6. *Brick Paver Sample S3 Breezeway and Paver Sample S3 Pool Deck (June 16, 2014);*
7. *Unit Mix and Area Tabulations, prepared by EDI International dated November 1, 2013;*
8. *1st Floor Plan A101, prepared by EDI International dated January 24, 2014 (submitted May 22, 2014);*
9. *2nd Floor Plan A102, prepared by EDI International dated September 11, 2013 (submitted May 22, 2014)*
10. *3rd – 4th Floor Plan A103, prepared by EDI International dated January 24, 2014 (submitted May 22, 2014);*
11. *6th Floor Plan A106, prepared by EDI International dated September 11, 2013 (submitted May 22, 2014);*
12. *7th – 11th Floor Plan A103, prepared by EDI International dated September 11, 2013 (submitted May 22, 2014);*
13. *12th – 16th Floor Plan A108, prepared by EDI International dated January 24, 2014 (submitted May 22, 2014).*

WHEREAS *the Board conducted a duly called public hearing convened on June 2, 2014 and continued to June 9, 2014 and June 16, 2014; and,*

WHEREAS during the public hearing, various other materials were presented by the Applicant and others in furtherance of the application, all of which materials are contained in the application file; and,

WHEREAS the Zoning Board makes the following special findings:

1. The objectives set forth in § 9.J.6 are satisfied in that the Modified S3 Plans meet the requisite standards for development in SRD-S District in that the design is of high quality with desirable materials, remains environmentally sensitive, facilitates publicly accessible amenities along Stamford's waterfront, and therefore, satisfies the architectural standards set forth in the Harbor Point Design Guidelines, as amended;

2. The standards contained in § 7.2 and § 9.J.5. of the Zoning Regulations remain satisfied in that the Modified S3 Plans are an improvement to the approved design for Block S3 and do not otherwise alter the other Phase I improvements with respect to density, floor area, building height, setbacks, coverage, landscaping, open space, parking (public and private), access to public transportation, and below market rate housing;

3. The uses shown in the Modified S3 Plans are permitted in the SRD-S District; and

4. The Modified S3 Plans are consistent with the principles articulated in the Harbor Point Design Guidelines with respect to architectural designs, layout, frontages and relationship to the existing neighborhoods.

WHEREAS the Board has taken into account the input presented at the public hearing;

NOW THEREFORE BE IT RESOLVED that the Zoning Board approves the Modifications to Block S3, as shown on the referenced plans subject to the following conditions:

1. All conditions contained in the underlying Zoning Board Approval No. 208-06 Final Site Plan approval remain in effect unless otherwise expressly superseded by this Modification Approval and those contained in the Modification Approval dated April 23, 2012.

2. Submission of final exterior architectural designs and materials for the rooftop penthouses and the flat stairwell/elevator portion of the building façade, revised to articulate flat surfaces with splines and/or reveals and to connect the penthouse facades into the overall building, subject to approval by Zoning Board staff, prior to installation.

3. Submission of final exterior building lighting plans, specifications and illumination levels subject to administrative approval of the Zoning Board, prior to installation and operation of this lighting feature. The Harbor Management Commission shall be allowed 30 days to comment on the exterior building lighting plans and the

Zoning Board shall give due consideration to their comments prior to rendering its decision.

4. *Final plans, showing details of the proposed screening separating the private pool and private club room patio (rails, fencing, landscaping, etc.) from the public access areas shall be subject to approval of the Zoning Board staff.*

5. *Prior to issuance of a Certificate of Occupancy for this development, applicant shall provide public access easements for approval by Zoning Board staff and Corporate Counsel staff, and will formally file approved easements on the Land Records of the City of Stamford.*

6. *Prior to issuance of a Certificate of Occupancy, applicant shall provide detailed plans illustrating how the public access areas will be marked to clearly identify them as being available for use by the general public, subject to approval of the Zoning Board staff. The approved public access signage shall be installed prior to the issuance of a Certificate of Occupancy.*

7. *There shall be no signage located above the first floor of the building. All signs to be located on this property are subject to the approval of the Zoning Board.*

8. *Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit a final, comprehensive Parking Management Plan demonstrating there is sufficient parking to accommodate this residential development and all commercial development and marina parking related to this Phase I Harbor Point development, including all required public parking, subject to the approval of the Zoning Board staff. Public parking spaces shall be signed for two hour parking and enforced in cooperation with the City Traffic Enforcement Department.*

9. *Final Plan approval shall expire unless the applicant, within two years of the effective date of this approval, obtains a Building Permit, subject to Zoning Board approval of three extensions, each not more than one year, upon timely application and good cause shown.*

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

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board