

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, FEBRUARY 8, 2016, AT 7:00 P.M.,
4th FLOOR, CAFETERIA, GOVERNMENT CENTER BLDG.,
888 WASHINGTON BLVD., STAMFORD, CT**

Present for the Board: Thomas Mills (Chair); Rosanne McManus, William Morris, David Stein and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner.

Chairman Mills called the meeting to order at 7:13 p.m.

In the absence of a Secretary, motion was made by Mr. Morris and seconded by Ms. Gwozdzowski to appoint Mr. Stein as Secretary. Motion carried on a 5 to 0 vote (Mills, Morris, McManus, Stein and Gwozdzowski)

PUBLIC HEARING

1. **Appl. 215-37 – RICHARD W. REDNISS (22 FIRST CORP), Text change**, to Amend Article III, Section 3-A by adding a new definition #7.5 Assisted Living Facility and to Amend Section 9-AAA MX-D (Mixed Use Development District) and Section 12-D(5) parking regulations by updating language to reflect “Assisted Living Facility” requirements.
2. **Appl. 215-38 – LCB SENIOR LIVING + 1551 SUMMER STREET LLC, 1625 REALTY CORP AND 20 SECOND STREET, LLC, Map Change**, Applicant proposes to change approximately 1.01 acres in Block 228 bounded by Summer, Third and Second Streets currently zoned C-L, C-B and R-MF to MX-D.
3. **Appl. 215-39 – LCB SENIOR LIVING + 1551 SUMMER STREET LLC, 1625 REALTY CORP AND 20 SECOND STREET, LLC, General Development Plan**, Applicant proposes to construct a five-story building to accommodate 79 assisted living units and 25 memory care units for 112 occupants, amenities, landscaping, drainage, parking and site improvements on 1.01 acres at Third, Summer and Second Streets in an MX-D infill zone.

Chairman Mills read the descriptions of each application into the record.

Secretary Stein read into the record the memorandum from Theresa Dell, Planning Board Chair, dated January 20, 2016 in which the Planning Board reported that they had reviewed these applications at their January 19, 2016 meeting and recommended Zoning Board approval, noting that the applications were consistent with the 2015 Master Plan.

Raymond Mazzeo of Redness & Mead made this presentation on behalf of the applicant. He introduced his team, which included Attorney Jacqueline Kaufman and Richard Redniss. Mr. Mazzeo showed an aerial photograph of the area surrounding the subject properties. He described the site, its surroundings and the proposed building which will consist of 104 units of assisted living and memory care units in a 5-story building. He explained the proposed map change, which would place all of the properties into the MX-D District. He demonstrated how this map change would be consistent with the Master Plan and how it was a logical extension of the MX-D District into this area.

He then explained the proposed text changes.

Mr. Mills asked about the proposed parking standard.

Mr. Mazzeo discussed the proposed parking standard of one space for every two units, which was documented in the Traffic Study, utilizing data from the Institute of Transportation Engineers (ITE). Mr. Mazzeo then reviewed the proposed site plan and the floor plans for this development.

Mr. Mills stated he wanted to see a trash management plan submitted with final plans.

Mr. Mazzeo next reviewed the architectural plans indicating the exterior would be sided with Hardiplank at the lower levels and metal panels along the top of the building.

Attorney Kaufman submitted into the record an email from Laura Markowitz, representing the condominium development at 1515 Summer Street. The condominium owners are supportive of the proposal but asked for certain conditions to be considered if the Board approved these applications (construction management, parking, lighting, pets etc.) Ms. McManus commented that final plans need to have effective landscape screening, especially along Third Street.

Chairman Mills next asked if there was anyone from the public that wished to speak in support or in opposition to these applications.

John Zelinsky, Representative 11th District, Board of Representatives, spoke on behalf of his constituents. He stated they were concerned about traffic and congestion, especially with the amount of development that has occurred in this area.

There were no other comments from the public.

Mr. Mazzeo responded that their Traffic Study documented that the proposed uses will generate less traffic than the existing uses of the property. Most of the residents will not have cars, and the majority of the parking will be for staff and visitors. He provided Representative Zelinsky with a copy of the Traffic Study.

Mr. Stein expressed his concern about the possible elimination of affordable housing at this location.

Chairman Mills closed this public hearing.

Motion was made by Mr. Stein to take the agenda out of order to address items on the Regular Meeting Agenda beginning with the Minutes. Motion was seconded by Ms. McManus and carried on a 5 to 0 vote. (Mills, Morris, McManus, Stein, Gwozdzowski).

REGULAR MEETING

APPROVAL OF MINUTES:

Reconsideration of Minutes from January 25, 2016

It was noted that Attorney Tom Cassone had contacted the Land Use Bureau office to ask that the Board reconsider its approval of the minutes of January 25, 2016, in reference to an injunction for the operation at 10 Rugby Place. Staff forwarded a summary of the conversation that occurred during that meeting.

After discussing this request and reviewing a summary of the conversation from the tapes, motion was made by Ms. McManus and seconded by Mr. Morris to replace this section of the minutes with the following language:

Mr. Michelson asked Attorney Cassone about an injunction issued by the court. Attorney Cassone confirmed that the Trial Court issued an injunction in its initial decision. He then explained that the Trial Court held another hearing after the initial decision and determined that, since the Vittis were not operating as a willful violation, they could continue their use pending a final ruling by the court system.

Motion carried on a 4 to 0 vote (Morris, McManus, Stein, Gwozdzowski; Mills abstained from the vote).

Minutes for Approval: February 1, 2016

The Board discussed the minutes of the February 1, 2016 meeting. After a brief discussion, motion was made by Mr. Morris to adopt these minutes as presented. Motion was seconded by Ms. McManus. Motion carried on a 4 to 0 vote. (Mills, Morris, McManus, Gwozdzowski; Stein not present at meeting).

PENDING APPLICATIONS:

1. Appl. 215-37 – 22 FIRST CORP, Text Change

After discussing this matter, motion was made by Mr. Stein to approve this Text Change with the typographic correction noted during the Public Hearing. Motion was seconded by Mr. Morris. Motion carried on a 5 to 0 vote. (Mills, Morris, McManus, Stein, Gwozdzowski).

2. Appl. 215-38 – 1551 SUMMER STREET LLC, 1625 REALTY CORP & 20 SECOND STREET, LLC, Map Change

After discussing this matter, motion was made by Mr. Stein to approve this proposed map change to the MX-D District as proposed. Motion seconded by Ms. McManus. Motion carried on a 5 to 0 vote. (Mills, Morris, McManus, Stein, Gwozdzowski).

3. Appl. 215-39 – 1551 SUMMER STREET LLC, 1625 REALY CORP AND 20 SECOND STREET LLC, General Development Plan

After discussing this matter, motion was made by Ms. Gwozdzowski to approve the General Development Plan with the following conditions:

- Final plans shall address:
 - a. Landscape screening, especially along Third Street
 - b. Submission of a trash management and snow management plan.

Motion was seconded by Mr. Stein. Motion carried on a 5 to 0 vote. (Mills, Morris, McManus, Stein, Gwozdzowski).

4. Appl. 215-33 – 10 RUGBY STREET, LLC, Text change

Chairman Mills stated he had not yet had the opportunity to listen to the tapes from this meeting, but he was also interested in reopening the Public Hearing to give the applicant the opportunity to notify affected property owners. It was decided the hearing should be reopened at the February 29, 2016 meeting, and Attorney James Minor should be invited to attend.

OLD BUSINESS

- 1. APPL. 97-011 – Application of ALLAN J. SOCKOL, JOAN LUNDBERG, PHYLLIS COLEMAN and MICHAEL J. CACACE, TRUSTEE, 169 COLONIAL ROAD – Unit 8, COLONIAL POINT CONDOMINIUM ASSOCIATION:** Requesting deck modification.

Mr. Cole explained this request to construct a deck on a condominium in a development that was previously approved by the Zoning Board. Mr. Cole explained that the development was carefully planned to include at-grade patios for each unit. The applicant is requesting approval of a deck about one foot above the ground in the same location where the patio was laid out. Staff supports this request.

After discussing this matter, motion was made by Ms. McManus to approve the request to approve construction of a deck as presented. Motion was seconded by Mr. Stein. Motion carried on a 5 to 0 vote. (Mills, Morris, McManus, Stein, Gwozdzowski).

- 4. APPL. 214-39 - Application for HOPE ENTERPRISES, LLC: Requesting approval of Special Exception and Site and Architectural Plans and Requested Uses related to the construction of a one-story building, consisting of 2,844 square feet of retail space and 2,629 square feet of basement storage space with 28 parking spaces and associated site improvements, on a previously-developed lot.**

(Request for Time Extension)

Mr. Killeen referred to the letter from Attorney Leydon, dated February 3, 2016, in which the applicant requests an extension of one (1) year in which to obtain a building permit. He explained that this approval required the applicant to address drainage plans from a previous development onsite before a C.O. could be issued. That work has been complete and the applicant is now seeking a Building Permit but will need more time.

After a brief discussion, motion was made by Mr. Stein to approve the request for extension of time for one year to obtain a Building Permit. Motion was seconded by Ms. McManus. Motion carried on a 5 to 0 vote. (Mills, Morris, McManus, Stein, Gwozdzowski).

Chairman Mills called for a brief recess at 8:35 p.m. The meeting was resumed at 8:50 p.m.

- 2. APPL. 206-20 Application for FINAL SITE PLAN, DONISIS, LLC. 191-193 ERSKINE ROAD,** Residential Designed Development (R-D) consisting of 24 homes and amenities with access roadways, driveways, onsite septic, city water, storm water management, and open space. *(Request to approve alternate architectural style / site plan for lot 13).*

Local architect Louis Contadino stated that he was seeking approval of an alternate architectural design and layout for the buyers of Lot 13 at Lake Windermere. The design has been approved by the Homeowner's Association. Mr. Contadino explained the new design. Surveyor Len D'Andrea explained how the development was proceeding and explained that the 77 ft. separation requirement in

the initial approval was subsequently removed in an amended Certificate. Mr. Cole stated that the average length of home designs in previous approvals was between 95 ft. and 105 ft. By angling the garage, the length of this home is closer to 140 ft. The Board determined they would approve the architectural design only and leave the approval of the final site plan to staff when the applicant seeks a Building Permit.

Mr. Cole asked about the use of Hardi Plank materials when cedar had been used previously. The architect explained that it would look no different when you are back 30 ft. from the house.

After discussing this matter, motion was made by Ms. McManus to approve the alternate architectural design only, as presented. Motion was seconded by Mr. Morris. Motion carried on a 5 to 0 vote. (Mills, Morris, McManus, Stein, Gwozdzowski).

Motion was made by Ms. McManus and seconded by Ms. Gwozdzowski to return to the Public Hearing agenda at 9:24 p.m. Motion carried on a 5 to 0 vote. (Mills, Morris, McManus, Stein, Gwozdzowski).

PUBLIC HEARING (continued from February 1, 2016)

1. **Appl. 215-02 – THE STRAND/BRC GROUP, LLC, Text change**, to Amend Article III, Section 9(J)(5)(b) of the SRD-S District to increase permitted non-residential floor area ratio (FAR) from 0.20 to 0.23.
2. **Appl. 215-03 – THE STRAND/BRC GROUP, LLC, Washington Blvd./Bateman Way, Amend GDP**, requesting approval to amend the General Development Plan (GDP) for Harbor Point, originally approved as Application 206-57, by: 1) removing the note on the plan stating “maintain existing boat storage operation” and adding a note to read “Block P7 Permitted Uses: Office and Retail, Public Access, Marina, Parking” and 2) deleting the language of approval Condition #7 and replacing it with “Subject to SRD regulations, any future final site plan application, for full development of the 14 acre site, shall include a marina and public access improvements which shall be subject to review and approval of the Zoning Board.” in the SRD-S district, and to seek Coastal Site Plan Review of these amendments.
3. **Appl. 215-04 – SOUTHFIELD PROPERTY, LLC, Text change**, to Amend Article III, Section 9AAAA DWD Designed Waterfront Development District standards regarding maximum building height, minimum front setback, retention of existing structures and exemption of Water Dependent Uses from the calculation of building coverage, ground coverage, public access, preservation of visual resources and landscaping.
4. **Appl. 215-05 – WATERFRONT OFFICE BUILDING, LP, Map Change**, requesting approval to amend the Zoning Map to change from CWD to DWD for approximately 8.15 acres of property known as Stamford Landing and identified as 46, 62, 68 and 78 Southfield Avenue, Block #25.
5. **Appl. 215-06 – SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street, Special Exception, General Development Plans and Coastal Site Plan Review**, requesting approval of special exceptions and General Development Plan to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone. Special Exceptions being requested for proposed uses and development of the project and to establish a DWD district and to provide residential, retail and office and a boatyard/marina use and general public access.

6. **Appl. 215-07 – SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street, Final Site and Architectural Plans & Requested Uses, Special Exception and Coastal Site Plan Review**, requesting approval of Final Site & Architectural Plans, Special Exception and Coastal Site Plan Review to construct 261 units of housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone.
7. **CSPR-978 – WATERFRONT MAGEE, LLC, 205 Magee Avenue**, to provide winter boat storage on 3.5 acres in a M-G Zone, temporary parking, no utilities and no equipment storage.

Attorney John Freeman, for the applicant, provided a brief update on the BLT applications. He explained that the applicant can add more boat slips on the 14-acre parcel and that they were looking at what improvements could be made to the launching ramp at West Beach. He provided information on a trash management plan, which he stated was part of the original application. He would provide a snow management plan as well.

Mr. Stein and Ms. Gwozdzowski stated on the record that they both had reviewed all videos of meetings necessary to be up-to-date as seated members on this application.

Attorney Knuff next reviewed his memorandum that responds to questions raised by Board member Stein. He stated that he worked hard to locate case law that was directly related to the Stamford Zoning Regulations but there was not a lot of information directly on point. There is quite a bit of case law on water-dependent uses and mitigating the lack of water-dependency for non-water-dependent developments. He reviewed Mr. Stein's questions one at a time.

Chairman Mills asked if Connecticut DEEP has commented yet on the applicant's request to modify Condition #7 of the GDP approval. Mr. Cole replied, No.

Chairman Mills asked Attorney Knuff if boat storage is not water-dependent, could that part be deducted from the 26,000 sq. ft. building at Davenport. Attorney Knuff stated that they calculate Yacht Haven West as having 1.88 acres of water-dependent use.

Mr. Stein asked Attorney Knuff if he could provide the Board with case law on water dependent uses. Attorney Knuff agreed he would.

Mr. Cole then reviewed a summary of suggested improvements to the pending applications, based on conversations with individual Board members, his reflection on minutes from the public hearings and a review of his original staff report. He reviewed with the Board his recommendations labeled Working Notes, dated February 5, 2016. The consensus of the Board was that these notes were a good start.

Mr. Stein commented that there should be a further reduction in housing, to about 100 units.

Ms. Gwozdzowski asked that security measures be added to the Davenport Landing site in the same way they have been integrated at 208 Magee.

Mr. Stein stated that he would like to see more off-site improvements included with this application.

Ms. Gwozdzowski asked how they could insure public access to these properties if they are included in the final plans. Mr. Cole explained that legal public access agreements would be a condition of approval prior to the issuance of a Certificate of Occupancy.

Mr. Morris commented that he wanted to hear the applicant's response to this input before the applicants are referred out. Chairman Mills agreed, He stated we are not close to having an approvable set of applications.

Attorney Freeman asked for some time to respond to these recommendations.

Chairman Mills continued this public hearing to February 29, 2016, at 7:00 p.m. in the 4th Floor Cafeteria of the Government Center, 888 Washington Boulevard, Stamford.

REGULAR MEETING

PENDING APPLICATIONS:

1. Appl. 215-02 – THE STRAND/BRC GROUP, LLC, Text change
2. Appl. 215-03 – THE STRAND/BRC GROUP, LLC, Washington Blvd./Bateman Way, Amend GDP
3. Appl. 215-04 – SOUTHFIELD PROPERTY, LLC, Text change
4. Appl. 215-05 – WATERFRONT OFFICE BUILDING, LP, Map Change
5. Appl. 215-06 – SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street, Special Exception, General Development Plans and Coastal Site Plan Review
6. Appl. 215-07 – SOUTHFIELD PROPERTY LLC and WATERFRONT OFFICE BUILDING, LP, 28, 46, 62, 68, 78 Southfield Avenue, and 2 Selleck Street, Final Site and Architectural Plans & Requested Uses, Special Exception and Coastal Site Plan Review
7. CSPR-978 – WATERFRONT MAGEE, LLC

There was no deliberation on these applications since the hearing was continued to February 29, 2016.

Mr. Morris left the meeting around 10:45 p.m.

OLD BUSINESS

3. **APPL. 212-14 & 212-15 Applications of STAMFORD HEALTH SYSTEM, INC. & THE STAMFORD HOSPITAL** requesting 1) Modification of the General Development Plan to demolish an approximately 10,000 square foot existing building, convert a green roof to Floor Area and reconfigure parking and site improvements & 2) Approval of Site Plans/Requested Uses related to Phase II of the hospital redevelopment to include completion of the approximately 560,000 square foot Specialty Building, demolition of approximately 46,000 square feet of existing buildings and associated parking and site improvements. The property is located at 30 Shelburne Road in the HCDD zoning district (Hospital Complex Design District). (*Modification of General Development Plan/Final Site Plan*).

Attorney Lisa Feinberg presented this request on behalf of Stamford Hospital. Attorney Feinberg explained that the applicant is completing construction of the Hospital as it was approved in 2012. She provided the history of approvals for this project. Since the original approval, a number of issues came

up requiring administrative approval by the Zoning Board, including modifications to the loading dock, sidewalk along West Broad Street, the proposed parking, landscaping, lighting, and proposed green roofs, as discussed in her correspondence dated February 1, 2016. She also showed signage plans that were required as a condition of previous approvals, noting that the proposed signage is well within the allowable signage under the Regulations.

After discussing the plans, motion was made by Ms. McManus to approve the proposed rooftop sign and the revised loading dock plans as submitted, along with the lighting plans (with the understanding that the Board could request modifications to the lighting for up to a year). Motion carried on a 4 to 0 vote. (Mills, McManus, Stein, Gwozdzowski).

After additional discussion, motion was made by Mr. Stein to approve the plan to eliminate the green roofs over the garages. Motion was seconded by Ms. Gwozdzowski, and motion carried on a 4 to 0 vote. (Mills, McManus, Stein, Gwozdzowski).

ADJOURNMENT

Ms. McManus moved to adjourn the meeting at 11:45 p.m.; seconded by Mr. Stein and the motion passed 5:0 (Mills, Morris, McManus, Stein, and Gwozdzowski in favor).

Respectfully submitted,

David Stein, Secretary
Stamford Zoning Board