

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, MARCH 14, 2016, AT 7:00 P.M.,
4th FLOOR, CAFETERIA, GOVERNMENT CENTER BLDG.,
888 WASHINGTON BLVD., STAMFORD, CT**

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

Chairman Mills called the meeting to order at 7:08p.m.

PUBLIC HEARING

1. **Application 216-01 -City of Stamford –Zoning Board**, to Amend Article III, Subsection 13-C-5 and Section 20-C regarding Public Notice signs.

Chairman Mills opened the hearing and Mr. Stein read the Planning Board referral comments for the record.

Mr. Morris commented that there is some confusion regarding when the signs have to be erected versus taken down.

Mr. Stein commented that the amount of days the sign is to be posted could cause confusion and might need to be rewritten.

Mr. Cole noted that the draft language needs to address special circumstances such as rezoning where the property is not owned by the applicant and doesn't have permission to post signs on private property.

Public Comment:

Attorney William Hennessey stated that Board members seem to feel that the text is very complicated and that he is not sure that this solution is necessary for a problem that doesn't exist. He pointed out that the Zoning Board can't comply when rezoning private property, and that there is confusion how many signs to post for unconsolidated assemblages or properties with multiple frontages. Notice requirements already exist, including newspaper notices, mailings to neighbors, and posting with the Town Clerk and City website. Now we are considering 12 square foot signs. If the sign is vandalized would that be a defective notice?

Mr. Stein commented that a sign more effectively reaches affected neighbors.

Ms. Gwozdzowski – Stated that affected people who did not receive notice by mail would benefit from a posted sign.

Attorney Lisa Feinberg testified that the existing mailing notice requirement has problems that warrant attention and explained the notice mailing process to the board.

Mr. Stein asked how much it would cost to post signs.

Attorney Hennessey replied probably a couple of thousand dollars.

There being no further comment from the public, Chairman Mills closed the public hearing at 7:30pm.

Mr. Stein moved to change the order of the agenda to take up Old Business, seconded by Ms. Gwozdzowski, and passed 4:0 (Mills, Morris, Stein and Gwozdzowski in favor).

OLD BUSINESS

1. **APPL. 212-14 & 212-15 Applications of STAMFORD HEALTH SYSTEM, INC. & THE STAMFORD** *(Modification of General Development Plan/Final Site Plan)*. Tabled.
2. **Application 213-44 – RICH CAPPELLI ASSOCIATES, LLC & LOUIS R. CAPPELLI FAMILY LTD. PARTNERSHIP II, Special Exception, Site & Architectural Review and Coastal Site Plan Review** *(Approval of fee-in-lieu payment- condition #5 of Certificate of Decision)*

Attorney Souchuns explained that they were ready to make the \$3,156,273 fee-in-lieu payment but were requesting that the current Area Median Income (AMI) figure of \$127,900 be locked in for 30 days to shield them from the risk that the AMI might change while they were processing the payment.

Mr. Stein said that the regulations say that the payment has to be calculated based on the AMI in effect when payment is made, and that everyone is at risk.

Attorney Souchuns said that they would pay Johnathan Rose the agreed amount, based on the resolution adopted by the Board, and that there would already be an additional payment required to the City of about \$77,000 due to an increase in the AMI. She stated that they would need 30 days to process the payment.

Mr. Morris said that he thought the request was reasonable.

Ms. Gwozdzowski commented that the new AMI could go down or up, but that it is right to use the current AMI at the time payment is made.

Secretary Stein moved to reject the applicant's request and to require payment based on the AMI at the time of payment. Ms. Gwozdzowski seconded the motion, which passed 3-1 (Mills, Stein, Gwozdzowski in favor) (Morris opposed).

PUBLIC HEARING (continued from February 29, 2016)

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 General Development Plan for Harbor Point**
3. **Appl. 215-04 – SOUTHFIELD PROPERTY, LLC, Text change, DWD standards.**
4. **Appl. 215-05 – WATERFRONT OFFICE BUILDING, LP, Map Change, CWD to DWD, 46, 62, 68 and 78 Southfield Avenue.**
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, 205 Magee Avenue**

Attorney John Freedman, representing the applicant Building and Land Technology, introduced Bill Buckley, P.E. to discuss remediation work at the 14 acre site.

Mr. Buckley presented an outline of remediation status as of November 19, 2012, passed out a drawing showing original, explained remediation plans and current status.

Chairman Mills stated that he remembered a drawing showing enlargement of the hot spots.

Mr. Buckley said that they have removed 160,000 tons of contaminated soil.

Mr. Morris, referring to the current drawing, asked how BLT intended to deal with the area shown in green.

Mr. Buckley said that this area would be addressed when they had a final development plan for the property.

Chairman Mills asked why they haven't finished the hot spots at the travel lift area.

Mr. Buckley answered that it was being delayed to avoid having to shut down the travel lift.

Chairman Mills asked why they couldn't finish the green area.

Mr. Buckley said that it is bordered by a rip rap shoreline and would need a coffer dam and that DEEP doesn't require this to be finished until there is a development plan for the property.

Chairman Mills asked if DEEP is OK with the possibility that property might sit unfinished for another 20 years.

Mr. Buckley said that DEEP is aware of their plans and doesn't expect remediation to take 20 years. He said that he would like to replace the 800' of rip rap with a bulkhead but this would require a new Structures and Dredging permit from DEEP.

Chairman Mills asked why not start that process now.

Ms. Gwozdzowski asked if the Board can get an update from DEEP confirming the hot spots and the status of the remediation plan.

Mr. Cole answered that he would make this request.

Chairman Mills said that he would like to ask DEEP what would be required if the current applications were denied.

Chairman Mills asked Att. Freeman if the Board could get an update on winter boat storage – the number and size of boats stored and where they are from.

Attorney Freeman replied yes.

Mr. Buckley remarked that Parcel "Y" shown on the drawing is currently owned by Ponus Yacht Club and which prevents BLT from completing the remediation of this area.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: February 29, 2016

A motion was made by Ms. Gwozdzowski to approve the minutes as submitted, seconded by Mr. Morris and carried on a vote of 4 to 0. (Mill, Morris, Stein Gwozdzowski).

Chairman Mills called a recess at 8:50pm and the meeting reconvened at 9:05pm.

1. **Appl. 215-33 – 10 RUGBY STREET, LLC, Text change**, Demolition Material Recycling and Demolition Material Recycling Facility within the M-G General Industrial District.

Chairman Mills opened discussion on the draft text amendment, dated February 29, 2016, and polled members of the Board. Ms. Gwozdzowski said that she thinks the application is a compromise worth considering. Mr. Stein agreed. Mr. Morris agreed.

Mr. Mills lead a discussion of each section of the proposed text. Following further discussion, Mr. Morris moved approval of the draft text dated February 29, 2016, as revised by the Board. Mr. Stein seconded the motion, which carried unanimously on a vote of 4 to 0. (Mill, Morris, Stein, Gwodziowski).

Mr. Cole noted that there was very little pending business for the meeting scheduled for March 21, 2016 and recommended cancellation of the meeting.

ADJOURMENT

Chairman Mills adjourned the meeting at 9:35 p.m.

Respectfully Submitted,

David Stein, Secretary
Stamford Zoning Board