

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, JULY 27, 2015, AT 7:00 P.M., ON THE
4TH FLOOR, CAFETERIA, GOVERNMENT
CENTER BLDG, 888 WASHINGTON BLVD.,
STAMFORD, CT**

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

Meeting was called to order by Chairman Mills at 7:06 p.m.

Motion was made to take the following items out of order under Old Business by Mr. Stein; seconded by Ms. McManus. Motion carried 5:0

OLD BUSINESS:

1. **Appl. 212-23 Revised – TEN RUGBY STREET, LLC**, to modify and amend the Zoning Regulations of the City of Stamford by adding a new definition to Section 3-A of 82.5 Recycling Reclamation Facility, Text change (*request for discussion of Stipulated Judgment*)

Atty. Jim Minor was present to discuss the proposal of Ten Rugby Street, LLC to limit its rights to continue its crushing operations at Ten Rugby in exchange for the City allowing the applicant to submit a new text change application and Special Exception application for their operation. Mr. Minor explained it might be years before the appeals process is completed in the court system and this agreement could allow the City to achieve immediate reductions in the activities currently underway on the property. The only question before the Zoning Board is whether they would agree to entertain their applications.

Mr. Morris asked if the applicant was willing to reduce the number of days of the crushing activity to five a month if the Board agreed to hear the application. Mr. Minor stated “yes”.

Mr. Michelson asked if the Zoning Board could legally hear this application since it was substantially the same, under the City Charter. Attorney Minor stated that the Board had done this in the past, such as the application for Text Change to allow surgery center/outpatient uses in the C-D District. Mr. Michelson stated that the referenced application was considered substantially different. Would that be the case for the subject Text Application? Attorney Minor responded that the City would not know until the application was submitted.

Mr. Stein asked if there was a written agreement. Attorney Minor said “no”.

Mr. Mills asked when the City would negotiate a stipulated judgement. Attorney Minor stated this would be considered after a Text Change is approved, since crushing is not permitted under the current regulations.

Mr. Morris stated that the limitation on the number of days of the applicant using the crusher would be a substantial change. Ms. McManus stated that she was willing to consider another application.

Mr. Mills asked if the stipulated judgment could be considered simultaneously with the applications. Attorney Minor said “yes” it could be added onto the conditions of approval.

Chairman Mills asked if there were any other Board questions of Attorney Minor. There were none. It was decided the Board would deliberate on this item later.

Motion was made by Mr. Michelson to go back to the original order of the agenda; seconded by Ms. McManus. Motion carried 5:0 (Mills, Michelson, Morris, McManus, Stein)

PUBLIC HEARING - opened at 7:25 p.m.

1. **Application 215-19 – 432 FAIRFIELD AVENUE, LLC, 432 Fairfield Avenue, Special Exception, Final Site & Architectural Plans and Coastal Site Plan Review**: Requesting approval of Special Exception, Final Site & Architectural Plans and Coastal Site Plan Review to construct two buildings for industrial and commercial storage totaling approximately 48,643 sf on 2.05 acres in an M-G zone with parking and site improvements. Special Exception request under Section 7.5 for site development over 40,000 sf

Chairman Mills asked the applicant to come forward, noting that this hearing has been continued from July 20, 2015.

Rick Redniss, Ray Mazzeo, and Ravi Ahuja, Architect, were present to explain this application and to follow-up with issues raised at the last public hearing, as follows:

Mr. Redniss noted that the owners of the eastern portion of the property were represented by Attorney Kenneth Bernhard of Cohen & Wolf. Mr. Redniss clarified that some neighbors had raised concerns related to the operations at 49 Liberty Street. This is a different property. Since the last meeting, the applicant has reviewed truck turning movements, has added more loading spaces and has removed two corners of the lower level of the building to accommodate SU-30 trucks. Applicant has also submitted a combined site plan to show all necessary plan information on one plan (landscaping, employee parking, driveway, sidewalk easements, etc.). Mr. Redniss stated that trucks would enter from Liberty Street but only be allowed to exit on Fairfield Avenue. Employee cars would be allowed to enter and exit onto Liberty Street. He discussed the high number of vehicles parking on-street in this area. If this application is approved, the applicant would construct 8 on-street parking spaces, which would be available to the general public.

Applicant has reviewed the draft conditions circulated by the Zoning Board staff and objects to Condition No. 10, which would allow no use of the eastern portion of the property until a site plan is approved by the Zoning Board. They have submitted an alternate condition for the Board’s consideration. Chairman Mills asked Mr. Redniss and Mr. Ahuja to show the change in elevation between the eastern and western portions of the property. The change in elevation would be around 30 inches or less.

Mr. Stein stated he would prefer to see a condition that limited all disabled vehicles from being stored on the property. How are trucks getting in and out of the property at 49 Liberty Street? Multiple locations was the answer.

Ms. McManus asked a question about employee parking.

Mr. Stein asked if employee parking was restricted to employees of 49 Liberty Street. "Yes".

Discussion ensued about the height of dumpsters stored on the property in relation to current building height limits.

Applicant is proposing screening, which is not currently required.

Mr. Mills asked about drainage down the driveway.

Ms. Gwozdzowski asked about hours of operation. Were those 7 days a week? Mr. Redniss stated they were Monday through Friday. On weekends, activity could be restricted to 8:00 a.m. to 6:00 p.m.

Chairman Mills asked if there was anyone from the public that wished to speak:

Ms. Rosita Binetti, 456 Fairfield Avenue - Concerned about parking in this area. Feels that public parking will be taken away. Concerned about the gravel parking surface and extensive hours of operation.

Rick Fedeli, 22 Carlisle Place - Explained that speed bumps were added when a child was killed in an accident at the neighboring intersection.

Jessie Ward, 57 Carlisle Place - Asked how the City can regulate two separate uses on this property. Chairman Mills noted that the property is supposed to be subdivided. Mr. Ward suggested there be a stipulation on the hours of operation. Mr. Michelson asked about current operations. Mr. Ward said it can be as late as 1:00 a.m. Mr. Michelson asked do trucks idle? Mr. Ward: "some do".

Mary Docimo, 46 Liberty Place - Residents are concerned about traffic, noise and the mess that's here. She wondered if adding new business would exacerbate the situation.

Michelina Docimo, 46 Liberty Place - She and her father spoke last week. The major issue is the need to screen this use. The plastic screen against the chain link fence is not enough. It might be better to have a wood fence and plant some arborvitaes. She would like to see more trees on this property

Mr. Redniss then responded to the comments made by the public:

1. Property is zoned M-G, Industrial, which has no limits. Proposed weekend hours are 8:00 a.m. to 6:00 p.m.
2. They are willing to limit the uses to those outlined in their rewrite of the draft of Condition No. 10.

3. There is not less parking for the public; there's more. The Board asked if it was more parking or just moved back further. Mr. Redniss stated that curb cuts have been reduced along this property, giving more room for on-street parking.
4. Applicant is willing to accept a condition to pay for the removal of speed bumps - or to lower them.
5. Proposed landscaping should be sufficient, but applicant will add more trees if the staff feels they are necessary.
6. Applicant proposes to subdivide this property if this application is approved. There are 5 pages of permitted uses in the M-G District and a subdivision is a matter of right.
7. Construction would be complete in approximately one year.

Mr. Morris asked: If there is employee parking on 49 Liberty. Mr. Redniss: "yes" but not sure how many. Mr. Morris: are 10 spaces enough? What is the maximum number of employees per shift? After discussion with his client, Mr. Redness reported that the applicant would be willing to increase the number of employee parking spaces on the vacant parcel to 15 spaces.

8. The applicant would be willing to install a white vinyl fence instead of the chain link fence.

There being no further comments Chairman Mills closed the public hearing on this application.

The Board took a brief recess at 8:50 PM. Chairman Mills called the meeting back to order at 9:00 PM.

Motion was made by Mr. Morris; seconded by Ms. McManus to take the agenda out of order to go to Pending Applications and address Item Nos. 2, 4, 6, 7, 8 and two others for which staff asked that the rules be waived. Motion carried 5 to 0.

REGULAR MEETING

PENDING APPLICATIONS:

2. **Application 215-18 – Joseph Policastro, Jr., Frank Policastro and Policastro Realty, LLC**, Special Exception and Final Site and Architectural Plans and Requested Uses approval related to the adaptive reuse of two existing garages and infill construction of approximately 765 square feet of new retail space within an existing commercial retail shopping center located at 59-67 Crescent Street in Stamford. Additionally, the applicants propose exterior façade upgrades, an expansion of the existing colonnade as well as parking and landscaping improvements. Said site consists of approximately 0.9 acres in the Glenbrook Neighborhood of the V-C (Village Commercial District) zone.

The Board reviewed a draft set of conditions for this application that had been generated by staff. The Board asked if the applicant was satisfied with the proposed conditions. Mr. Killeen responded there were three conditions they questioned:

- a. The requirement to install a fence or wall along the front property line. The applicant is concerned about safety issues.
- b. The requirement that the driveway opening be narrowed to around 20 feet to conform to the Village Commercial District Standards. Mr. Killeen explained that this technique aids in traffic calming in a village setting of this type. The applicant is concerned about the difficulty and expense of narrowing the driveway since the City had recently completed street scape improvements along this stretch of Crescent Street.
- c. One condition recommends removing a parking space and creating an area for dumpsters and enclosing them with a fence. Staff feels this is an important condition to achieve and would like to work with the applicant in developing a plan.

After some discussion, the Board decided to remove the first two conditions from their approval of this application, but they wanted to require an area for dumpsters, with a suitable enclosure.

After a brief discussion, a motion was made by Mr. Michelson to approve Application 215-18 with conditions as discussed, seconded by Mr. Morris and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein). The conditions will read as follows:

SITE-SPECIFIC CONDITIONS:

1. *All work shall substantially conform to the above referenced Building and Site Plans [LIST TO BE PROVIDED IN CERTIFICATE] unless otherwise approved by the Zoning Board or, for minor modifications, by Zoning Board staff.*
2. *All shrubs and plantings along the Crescent Street border of the property shall be trimmed so as to maintain a bulk and height which appropriately buffers parked cars from the sidewalk.*
3. *Applicant shall modify proposed site plans, subject to the approval of the Zoning Board staff, as follows:*
 - a. *The landscaping plan shall be modified to substitute Yew for Arborvitae along the property line for the first 10 feet at the northwest corner of the property, as discussed during the public hearing.*
 - b. *The boundaries of an area shall be identified for the placement of all dumpsters and the details of the design for a suitable dumpster enclosure shall be provided, to shield dumpsters from public view.*
 - c. *The rear parking space at the southeast corner of the existing building will be removed or permanently dedicated and marked for use for loading and delivery purposes only, to maintain access to the rear of the building.*
4. *The Applicant shall contact the State of Connecticut and make good faith efforts to secure the right to maintain a landscaped area on the State owned property to the West of the shopping center, so as to maintain a consistent appearance along the street fronts.*
5. *Conveyance of a permanent easement over the existing public sidewalk located along Crescent Street where it crosses onto the subject private property. The terms of the public sidewalk easement shall be subject to approval by the Director of Legal Affairs*

and the easement shall be executed prior to the issuance of a Certificate of Occupancy.

STANDARD CONDITIONS:

6. *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.*
7. *Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to approval by the Environmental Protection Board staff.*
8. *Prior to the issuance of a Building Permit, applicant shall address questions raised by Environmental Protection Board staff in their memorandum dated June 25, 2015.*
9. *Prior to the issuance of a Building Permit, applicant shall satisfy any required sewer connection charges and obtain a discharge permit from the Stamford Water Pollution Control Agency (WPCA) as required by that Agency. Applicant shall also provide WPCA with additional information for food preparation establishments located within this retail facility.*
10. *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.*
11. *Submission of a Performance Bond, or other acceptable surety, to ensure completion of all required landscaping, 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 or issuance of a Building Permit.*
12. *The Applicant shall execute and file a Landscape Management Agreement and Drainage Facilities Management Agreement prior to obtaining a Certificate of Occupancy.*
13. *The Applicants 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 215-21 – BOYS & GIRLS CLUB OF STAMFORD, 347 Stillwater Avenue,** Special Exception and Site & Architectural Plan applications to facilitate the construction of additions to the existing Public/Nonprofit Youth Service Agency building for additional programming space and a new gymnasium, totaling approximately 25, 850 sq. ft. of floor area, with associated parking, driveways, and landscaping on a 0.86± acre site in the R-6 zoning district, commonly referred to as 347 Stillwater Avenue.

The staff circulated a draft set of conditions of approval. The Board reviewed an aerial photo of the site and its surroundings and discussed the concerns expressed by neighbors along West Broad Street that clients of the Boys and Girls Club would walk through their property. The applicant offered to install a fence. There was discussion of how much property should be fenced and whether portions of the park should be fenced. The Board then asked questions about the road improvements requested by Traffic Engineer, Mani Poola. Mr. Killeen stated that one condition of approval required the applicant to coordinate the design of the park with the Engineering Department. Mr. Michelson asked that there be a condition that staff notify the Zoning Board of the phasing plans for this application.

After a brief discussion, a motion was made by Mr. Morris to approve Application 215-21 with conditions as discussed, seconded by Mr. Michelson and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein). The conditions will read as follows:

SITE-SPECIFIC CONDITIONS:

- 1. All work shall substantially conform to the above referenced Building and Site Plans [LIST TO BE PROVIDED IN CERTIFICATE] unless otherwise approved by the Zoning Board or, for minor modifications, by Zoning Board staff.*
- 2. Prior to issuance of a Building Permit, applicant shall provide documentation of all City approvals for the leased parking area on Lione Park and documentation that the City has granted approval for the applicant's building to cantilever over the edge of the City's property. Alternatively, Zoning Board staff may approve revised plans where the building is located entirely on the subject property*
- 3. It is understood that the proposed development may be phased according to the availability of capital funds to complete the project. Construction of each phase or partial build-out shall be subject to administrative review and approval of the Zoning Board staff. Applicant shall notify the Zoning Board staff when a phasing schedule has been developed so that staff may notify the Zoning Board of whether the project will be completed as approved or in phases.*
- 4. As discussed during the public hearing, prior to issuance of a Certificate of Occupancy, applicant will install a fence along their northern property line to separate the property from residential properties along West Broad from Stillwater Avenue to Delaware Avenue.*
- 5. As shown on the submitted plans, applicant shall install an enclosure around the two dumpsters at the northeast corner of the property near Delaware Avenue, subject to approval of the Zoning Board staff.*
- 6. Applicant shall coordinate the design of the proposed improvements to Lione Park and the site plan for the Boys and Girls Club with the City's Engineering and Traffic Department. The required speed hump will be located on the "exiting" half of the proposed driveway onto Stillwater Avenue.*
- 7. The sound amplification outside the clubhouse will be allowed to operate only from 2:00 PM to dusk during the school year and only from 9:30 AM to 6:30 PM during the*

summer. Additionally, as stated by the applicant, the Boys and Girls Club will lower the volume below levels currently used.

STANDARD CONDITIONS:

8. 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.
9. 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.
10. Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to approval by the Environmental Protection Board staff.
11. The Applicant shall execute and file a Landscape Management Agreement and Drainage Facilities Management Agreement prior to obtaining a Certificate of Occupancy.
12. The Applicants 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.
6. **CSPR-985 – EYAL AND IRINA VITA, 139 Houston Terrace**, renovations of approximately 800 s.f. and new deck to existing single family structure on 0.18 acres in a R-7-1/2 zone within the CAM boundary.

Mr. Killeen provided a brief summary of this application, noting that this property is located in a shoreland area, outside of the coastal flood hazard area. There are no sensitive coastal resources on site or nearby which will be impacted. He summarized the EPB Staff Report on this application.

After a brief discussion, a motion was made by Mr. Michelson to approve Application CSPR 985 with conditions as discussed, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein). The conditions will read as follows:

1. Work shall generally conform to the following plans/correspondence:
 - “Erosion Control Plan,” House Addition,” 139 Houston Terrace, Stamford, Connecticut, by Rose, Tiso and Company, LLC, dated July 7, 2015.
 - Correspondence from Joseph Badinter, P.E., BGM Engineering, LLC, dated July 8, 2015.
 - “Cover Sheet,” “Architectural Site Plan,” “Foundation Plan,” “First Level Floor Plan,” “Second Floor Level Floor Plan,” “Roof Plan,” “Exterior Elevations,” “Sections and Details,” “Sections and Details,” “Plan and

Elevations at Kitchen,” “Window and Door Schedule,” “139 Houston Terrace Renovation, by Matt Hoffman, dated May 14, 2015.

- *“Zoning Location Survey,” 139 Houston Terrace, Stamford, Connecticut, Prepared for Irina and Eyal Vita, by K and A Land Surveyors, LLC, dated May 18, 2015.*
 - *“Planting Plan,” 139 Houston Terrace, Stamford, Connecticut, by E. Vita, received, July 10, 2015.*
2. *Within ninety (90) days of approval, submission of a revised landscape plan that provides for expanded planting, and greater detail. The plan, as developed by a qualified landscape professional, shall include the location, type, number, size and root type of the landscape features tolerant of the coastal environment. Plan is subject to the final review and approval of EPB Staff.*
 3. *All erosion/construction control measures shall be installed in the manner and location depicted on the permit plans prior to the start of any site activity, and maintained in a fully functional condition throughout the period of construction.*
 4. *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. This condition applies not only to disturbed earth surfaces subject to landscaping, but also to areas under any exterior decks, stairs, walkways, driveway surfaces, gutter outfalls, etc.*
 5. *All site work shall be conducted under the supervision of a Connecticut Engineer and Land Surveyor. Prior to the receipt of signatures authorizing the issuance of a certificate of occupancy/completion, a Connecticut Land Surveyor and Engineer shall provide written correspondence (engineer – signed/sealed) and a final improvement location survey (surveyor - signed/sealed) showing the final location of all improvements. Pertinent to the certification, is the final area of imperviousness given the anticipated removals plan.*
 6. *All approved landscaping and mitigative measures shall be conducted under the supervision of a qualified landscaping professional with written certifications (signed/letterhead) submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy/completion.*
 7. **CSPR- 970 – OSTERMAN, 70 Gurley Road**, to construct a pool and gazebo with associated terracing and amenities on a property located at 70 Gurley Road in an R-10 zone within the CAM boundary.

Mr. Killeen provided a brief summary of this application to construct a pool and gazebo on the waterfront parcel. He referenced the EPB Report prepared by Rick Talamelli. He also noted the comments received from the Harbor Management Commission.

After a brief discussion, a motion was made by Mr. Stein to approve Application CSPR 970 with conditions as discussed, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein). The conditions will read as follows:

1. *Work shall comply with the following plans and correspondence:*
 - *“Site Development Plan,” “Staging, Sediment and Erosion Control Plan,” and “Staging, Sediment and Erosion Control Plan,” Depicting 70 Gurley Road, Stamford, Connecticut, Prepared for Herbert S. Washer, Sheets SE-1, SE-2 and SE-3, by Redniss and Mead, revised June 29, 2015.*
 - *“Property and Topographic Survey,” Depicting 70 Gurley Road, Stamford Connecticut , Prepared for L. Thomas and Phyllis R. Osterman, by Redniss and Mead, revised May 4, 2015.*
 - *“Mitigation Planting Plan,” Osterman Residence, 70 Gurley Road, Stamford, Connecticut, by Bruce Zellers Design, dated May 5, 2009.*
 - *“Drainage Summary Narrative,” Prepared for Thomas and Phyllis Osterman, 70 Gurley Road, Stamford, Connecticut, by Brian P. McMahon, P.E., Redniss and Mead, revised October 21, 2014.*
 - *Correspondence from Brian McMahon, P.E., Redniss and Mead, dated May 21, 2009.*
 - *Correspondence from John C. Roberge, P.E., Roberge Associates, dated March 18, 2009 w/attached sketches.*
 - *“General Notes and Existing Site Plan,” “Proposed Plan,” “Proposed Partial and Foundation Plans,” “Drainage Plan and Sections,” “Proposed Sections,” and “Sections and Details,” Osterman Residence, Proposed Swimming Pool/Retaining Wall Structure, 70 Gurley Road, Stamford, Connecticut, Sheets D-01 to D-06, by Roberge Associates, Coastal Engineers, LLC, revised October 15, 2014.*
 - *“Photo Exhibit 1 of 3, CAM Application,” 70 Gurley Road, Stamford, Connecticut, by Redniss and Mead, revised October 21, 2015.*
 - *Letter of Map Revision – Coastal High Hazard Area, Determination Document (Removal), Case Number 15-01-0964A, dated May 6, 2015.*
2. *Final architectural and civil drawings shall be subject to the review and approval of EPB Staff prior to the start of site activity and issuance of a building permit with special attention to ownership, and all pertinent flood hazard data.*
3. *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion controls, drainage, landscaping, professional supervision and certification. A detailed estimate of these costs shall 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.*
4. *Structure and work areas shall be staked by a Connecticut surveyor prior to the start of any site activity. Special attention to the projected limits of the base flood is warranted. The*

pool and other pertinent structures **must** be situated outside of the projected limits of the flood.

5. *Temporary erosion/construction controls shall be installed and approved in writing by EPB Staff prior to the start of any site activity.*
6. *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other EPB approved alternative prior to the issuance of certificate of occupancy/completion.*
7. *All final grading, drainage, pool/wall construction, stabilization and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer and land 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 certificate of occupancy/completion. Proper professional supervision of all construction phases is warranted.*
8. *All landscape features shall be installed under the supervision of a qualified landscape professional with written certifications submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy/completion.*
9. *Submission of a standard drainage facilities maintenance agreement to ensure the full and proper function of structured drainage systems prior to the start of any site activity and issuance of a building permit.*
10. *Submission of a standard landscape maintenance agreement to ensure the success of mitigation landscaping prior to the start of any site activity and issuance of a building permit.*
11. *The outlet of the existing 4" PVC pipes to the south shall be rip rapped per the direction of the project engineer to ensure stability.*
12. *Excess fill to be removed from site from site unless otherwise authorized by the project engineer and EPB Staff.*

8. CSPR-984 – ENGINEERING BUREAU, CITY OF STAMFORD, 99 Dyke Lane, Reconstruction and stabilization of the shoreline, pathways and site features to provide resiliency and repair of damage caused by recent super storms. This construction will require new stabilized embankment using rip-rap, new pathways using asphalt with stone buffer strips. The proposed pathway has been adjusted from the location of the existing path creating a need to relocate certain site features such as, but not limited to, benches, light fixtures and plantings. The site is the 7-acre Kosciuszko waterfront park which is within the coastal management area.

Mr. Killeen provided a brief summary of this application to repair the rip-rap along the shoreline that had been damaged during Hurricane Sandy. He noted the comments from the Harbor Management Commission addressing the concern this property had previously been used as a landfill. He summarized the EPB Report that had been prepared by Pam Fausty.

After a brief discussion, a motion was made by Ms. McManus to approve Application CSPR 984 with conditions as discussed, seconded by Mr. Michelson and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein). The conditions will read as follows:

1. *Work shall comply with the following plans and correspondence:*
 - *“Title sheet,” - Kosciuszko Park Kosciuszko Park Embankment Reconstruction, “Existing Conditions,” “Overall Site Layout and Staging Plan,” “Layout,” “Section - 1,” “Section - 2,” “Section – 3 (Alternate - A,” “Site Details – DT-1,” “Site Details – DT-2,” Stamford, CT, Shoreline Repairs, 100% Construction Documents, prepared by Diversified Technology Consultants, dated September 5, 2014, revised July 16, 2015 (sheet LY-1).*
 - *Correspondence from Diversified Technology Consultants (Bevilacqua to Casolo, July 16, 2015)*
2. *Sediment and erosion controls and tree protection shall be installed in the manner and location shown on the permit plans prior to the start of any site activity and approved in writing by EPB Staff.*
3. *All disturbed areas shall be stabilized in accordance with the approved erosion control plans prior to the issuance of a final certificate of occupancy.*
4. *Upon the completion of the construction, submission of a final as-built plan in the form of an “Improvement Location Survey” is required, and a Connecticut registered professional Engineer shall submit written correspondence certifying (signed and sealed) that the walls, grading and final stabilization measures have been fully and properly completed per the approved plans and permit.*
5. *All landscaping shall be installed under the supervision of a qualified landscaping professional with written certification submitted to EPB Staff prior to the issuance of a final certificate of occupancy and release of the performance surety.*

MOTION WAS MADE BY MS. MCMANUS, SECONDED BY MR. MICHELSON, TO WAIVE THE RULES TO ADD TWO ITEMS TO THE AGENDA. APPROVED 5:0.

-Appl. #214-37 - 111 West. North Street (Request to approve proposed treatment of mosaic windows).

-Appl. #211-40, 41 - 57 Broad Street/ Summer House (Tolari). (Request for approval to modify the exterior treatment of the approved plan.)

9. **Appl. #214-37, 111 W. North Street** - Special Exceptions and Site & Architectural Plans and Requested Uses to facilitate the reuse of an existing nonconforming 3-story 24,000± sf building and 1,800± sf outbuilding to provide student housing and incidental educational uses located on a 1.16± acre site in the R-10 zoning district, commonly referred to as 111 West North Street (*request to approve proposed treatment of mosaic windows*).

Mr. Killeen explained this request, noting that the applicant has obtained approval of the Historic Preservation Advisory Commission. They are asking to cover the mosaics with a durable, weather resistant banner, one over the door and one next to the door on the side of the building. Mr. Killeen indicated that they will still need to comply with zoning requirements that limit them to signage of multiple signs up to a total of 15 sf with no sign exceeding 6 sf. As a non-residential use, they are also entitled to one additional sign up to 12 sf.

After a brief discussion, a motion was made by Ms. McManus to approve the proposed treatment of mosaic windows with the condition that the applicant modify the design and size of the proposed seal and school name to comply with all zoning requirements, as determined by the Zoning Enforcement Officer, seconded by Mr. Stein. The motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein).

At this point in the meeting, there was no one present to discuss Application 211-40, 41. Motion was made by Ms. McManus, seconded by Mr. Stein to return to the public hearing portion of the agenda. Motion carried 5:0.

PUBLIC HEARING – resumed at 9:50 PM

3. **APPL. 213-38 – Final Site & Architectural Plan and Coastal Site Plan Review (CSPR), WALTER WHEELER DRIVE SPE, LLC and THE STRAND/BRC GROUP, LLC**, Requesting Final Site and Architectural Plans and Requested Uses and Coastal Site Plan Review related to the development of a new 16-story (155 feet) building with 391 housing units and associated parking and landscaping and is located in the SRD-S district at the southeast corner of the intersection of Washington Blvd. and Atlantic Street, Block #25 known as Harbor Point Block C8.

Chairman Mills read the description of this item into the record.

Attorney John Freeman represented the Applicant for this continued public hearing joined by Architect, Victor Mirontshuck.

Mr. Freeman discussed the question regarding notices to adjoining property owners and Mr. Cole confirmed that notice had been given in accordance with the regulations. Mr. Freeman then reviewed the proposed parking at 504 parking spaces, which exceeds the Zoning requirement of 1.25 parking spaces per unit. He provided copies of an analysis of other BLT developments prepared by Fuss & O’Neil, which showed the parking demand to be less than one parking space per unit. He noted other Zoning Board approvals for residential developments around the train station especially in the Downtown such as the “hole-in-the-ground” project and the Summer House, which are lower than one parking space per unit, with other parking management techniques, such as shared parking, valet parking, etc. This development proposes a limited number of tandem spaces which would be linked to two-bedroom units. Bike storage will also be provided. Mr. Freeman discussed the issue of a second parking space. Mr. Michelson asked if he had information on the number of tenants who own a second vehicle. Atty. Freeman explained that they ask for this information on their applications but not everyone answers this question, so they do not have that information available.

Atty. Freeman stated that BLT was also committed to working with staff to develop management strategies for on-street parking. Some parking should be restricted to a maximum of two hours.

Chairman Mills then asked if anyone from the public wanted to speak:

Carolyn Greenberg, 18 Rising Rock Road, member of Save Our Boatyard - Reported that she attended an Arts Festival in the South End over the weekend and parking was a real problem. Some areas were double-parked and there were many people parked at the Ponus Yacht Club. If there are so many vacant parking spaces in BLT's buildings, why can't they be opened to the public?

Carol Ann McClean, P.O. Box 700D Riverside, CT 06818 - Stated that a number of owners from her condominium are listed in the proofs of mailing with the wrong address. She stated they were different than the records of the Tax Assessor. She is concerned that others may not have been notified as well. She noted that businesses are providing testimony on this application but she feels that BLT is not disclosing necessary information to businesses. Parking is a huge problem. She asked that this application be continued to September. She is concerned about trucks idling at a neighboring parking lot at night time. The lot is next to 256 Washington Blvd. She provided testimony and videos on truck idling during State hearings.

Maureen Boylan, 61 Seaview Avenue - She is active in Save Our Boatyard, which regularly attends Zoning Board meetings since demolition of the boatyard. She read into the record a letter from Kevin Dailey raising concerns over the removal of the boatyard and the consideration of the current application. She asked that the lawsuit be allowed to move forward.

Steven Loeb, 2241 Shippan Avenue - He is speaking as a citizen and read into the record a letter he had submitted for the Board's consideration. He discussed the history of the property and stated this application was a major violation of the regulations.

Paula Daniels, 301 Commons Park Road - Speaking on behalf of the unemployed, she is concerned that construction has stopped, and people are out of work. She asked the Board to consider approving this application to improve the quality of life for those who are unemployed.

Matt Christy, World of Beer - Does not believe the project should be held hostage. Parking and the boatyard issues do not impact the goals of the South End NRZ. Workers are getting fewer tips and fewer hours of work because there is not enough business.

John Wooten, 50 Stone Street - Resident of South End and he is concerned about the impact on the neighborhood of stopping work here. He wants to see this fixed and get things going again.

Atty. John Freeman responded to the comments made by the public:

1. Notice issue has been addressed
2. Parking is available in parking garages and it is open to the public after 6:00 p.m.
3. Many groups are involved. He is concerned that representatives of Save Our Boatyard can make statements and cite statistics without having to document them.
4. The applicant is working with the City to develop a new boatyard.

5. Real people are being affected by the construction delays. Mr. Michelson stated that BLT could submit an application for a replacement boatyard under the regulation, but they took too long. Atty. Freeman said they are trying to move forward. There is more than one issue.

Mr. Mills asked if tenants of BMR units would obtain a discount on the cost of a second parking space. Mr. Cole stated there is nothing in the affordability plan that relates to lowering the cost of additional parking.

Atty. Freeman addressed the issue of trucks idling in the Washington Blvd. parking lot. He said he was aware that complaints have been made to DEEP and the Police Department but no violations have been cited. This is not a staging area for BLT's construction vehicles.

Ms. Gwozdzowski mentioned that she had seen U-Haul trucks parked in the street. Atty. Freeman stated there are loading docks for this purpose. Mr. Mirontshuck confirmed that there are loading docks in all of the residential buildings in Harbor Point. They do not want to see U-Haul trucks in the street either.

Architect Victor Mirontshuck then gave an overview of the proposed architecture for the C8 Block and referred to material samples. Mr. Mills asked about the treatment of the first floor, especially along Washington Blvd. which is a gateway for this development. Mr. Stein agreed this area should be better activated. It was noted that there are better materials to the top of the first floor on the C4 and C5 blocks. Mr. Mills asked additional questions about the proposed materials for the façades, the railing, windows, etc. Mr. Mirontshuck said they could use brick at the first floor if the project is approved. Mr. Cole asked if this would be half brick. Mr. Mirontshuck stated it could be full brick at the lower level and half brick above if the Board preferred.

Mr. Mills asked about the proposed grill over the parking garage openings. Mr. Mirontshuck stated that he had seen insect screening used effectively on garages in Texas and he could provide samples.

Mr. Mills ask for confirmation that there is no signage at the top of the building. Mr. Mirontshuck stated there is none at the top floor, but there are proposed signs at lower levels, near the lobby door.

Ms. Gwozdzowski asked if there is any proposed specialty lighting of this building, similar to the S3 Block. Atty. Freeman stated "no".

Mr. Michelson stated he would like to see an enlarged rendering of the section of the building along Washington Blvd. Mr. Stein agreed. Mr. Cole asked if the EIFS would be scored in any way to break up the façade. Mr. Mirontshuck said "yes", there would be.

After further discussion, Mr. Mills closed the Public Hearing, leaving the record open only to receive additional information as follows:

1. A more detailed rendering and redesign of the first floor façade of the building along Washington Blvd. and other architectural treatments such as the grill on the parking garage.
2. A response from the City Attorney to the legal concerns raised in the correspondence from Steven Loeb.

Mr. Mills then continued the meeting and went to the item for which the Board had earlier waived the rules:

Application 211-40, 41, 57 Broad Street/ Summer House (Tolari): Special Exceptions and Site and Architectural Plans and Requested Uses to construct a new 21 story mixed use building with ground floor retail space below a 4 story structured parking garage and 16 residential floors, in a CC-N zoning district. The Applicants specifically requested Special Exception approval for a partial BMR fee-in-lieu payment; large scale development; a residential density of 400 square feet of land area per family; 1 parking space per unit, shared parking for 16 parking spaces and a combination of self-parking, tandem and valet parking; waiver of the 10% usable open space at grade requirement; reduction of the rear yard setback from 20 feet to 0 feet; a building area of 100%; and premium F.A.R., located at 57-59 Broad Street, 184 Summer Street, 208 Summer Street, 222 Summer Street, 118 Summer Street and Summer Place (*request for approval to modify the exterior treatment of the approved plan*).

Attorney Michael Cacace was present for the applicant.

Todd Gambino and Enrique Brown represented the FD Rich Company on this request. They explained that the original color approved for the building would closely resemble the color of the Target, 66 Summer Street and some of the other buildings in the immediate vicinity. They are asking approval to change the color from a tan color to a light-colored, almost white finish.

Consulting Architect Harry Kaufman was introduced. He explained there were three colors in total -- a primary color, a secondary color and an accent color, which were illustrated on renderings prepared by Lessard Design and dated July 7, 2015.

After a brief discussion, a motion was made by Ms. McManus to approve the request to modify the exterior treatment of the approved plan by approving the primary and secondary colors and Accent Color #3, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, McManus, Morris and Stein).

PENDING APPLICATIONS:

1. **Application 215-11 – STAMFORD ZONING BOARD:** to establish a local regulatory framework for the palliative use of marijuana pursuant to Chapter 420f of the Connecticut General Statutes, and to establish the appropriate location and operation of medical marijuana dispensaries and production facilities in the City of Stamford, Text change

No discussion. The public record has been held open to allow comments by the Stamford Police Chief by the September 10, 2015 Zoning Board meeting.

3. **Application 215-19 – 432 FAIRFIELD AVENUE, LLC, 432 Fairfield Avenue -** Special Exceptions, Site & Architectural Plans, and Coastal Site Plan Review applications to facilitate the construction of a 49,000± square foot indoor industrial and commercial storage facility with associated parking, driveways, and landscaping on the westerly 1.1± acre portion of a site, in the MG zoning district, commonly referred to as 432 Fairfield Avenue.

No discussion.

5. **Application 213-38 – Final Site & Architectural Plan and Coastal Site Plan Review (CSPR), WALTER WHEELER DRIVE SPE, LLC and THE STRAND/BRC GROUP, LLC** - Final Site and Architectural Plans and Requested Uses and Coastal Site Plan Review related to the development of a new 16-story (155 feet) building with 391 housing units and associated parking and landscaping and is located in the SRD-S district at the southeast corner of the intersection of Washington Blvd. and Atlantic Street, Block #25 known as Harbor Point Block C8.

No discussion.

APPROVAL OF MINUTES:

Minutes for Approval: None

The Zoning Board had received draft minutes for July 13, 2015 and July 20, 2015, but there was no time to discuss these during this meeting, and it was decided to delay the review and approval of these minutes until the next Zoning Board meeting on September 20, 2015

NEW BUSINESS:

Status Report on Strand v. ZBA Boatyard Court Case and Boatyard Consultant Contract

Staff distributed an updated Market Study that had been presented to the City from BLT. Mr. Mills asked if staff felt this was responsive to the questions raised by the City's consultant, MarineTec. Mr. Cole stated that the data may be sufficient, but that the narrative needs some work. He expected to receive the remaining reports from MarineTec by the second week of August. Pam of MarineTec will be asking clarification of BLT's consultant by the end of this week. Mr. Stein asked if MarineTec would be requesting a new report from BLT. Mr. Cole said "no". The reports will be circulated to the Planning Board and the Harbor Management Commission for review and comment in August. He thought mid-September could be a good target for Zoning Board Public Hearings on these applications.

After some discussion with other board members, Mr. Mills suggested the following dates for the hearings:

Wednesday/Thursday, September 16 & 17

Monday/Tuesday, September 28 & 29

He asked staff to begin looking for alternative locations for these hearings, such as Westover School and Turn of River School.

Mr. Stein asked if there was an update on the court case. None.

ADJOURNMENT

Motion was made to adjourn the meeting at 11:47 PM by Mr. Morris, seconded by Ms. McManus. Motion carried 5:0.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board