

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, NOVEMBER 23, 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 and David Stein. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:08 pm.

PUBLIC HEARING (items continued from November 16, 2015)

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 M-G zone, temporary parking, no utilities and no equipment storage.

Mr. Mills read the description of the applications into the record and noted that the Public Hearing was a continuation from November 16, 2015.

Attorney John Knuff said 18 people spoke in opposition, not a representative cross-section of Stamford. The Applicant's experts agree that the operation on three separate properties is a workable model.

Attorney Knuff submitted four exhibits into the record to respond to public comments and explained how his team would show how the Applicant's proposal is responsive to all concerns raised.

Mr. Mills asked if police had answered a request for incidents with barges. Mr. Cole said no.

Bill Heiple, Engineer with Fuss & O'Neill, said the DEEP approval of structures/dredging means the application is consistent with CAM policies. He provided a power-point presentation addressing a number of perceived issues with these applications (e.g.: barges, ice, presence of a road through the proposed boatyard, water depth, etc.).

Attorney Knuff said 205 Magee will be staffed with a person, available by appointment, and more will be hired based on demand.

Mr. Heiple said the wave fence at the 14-acre site will be repaired in time for the marina phase III.

Mark Vertucci, P.E., Transportation Engineer for Fuss & O'Neill, discussed the trailer route which is limited to 30'-35' boats using illustrations in a power-point presentation. The height limit at Washington Blvd is 14'6". Mr. Cole described the over-sized boat haul permit. Mr. Vertucci said for an individual, it is \$26 and takes 2 days to process.

Ms. McManus asked if BLT explored using West Beach ramp.

Attorney Knuff said that this presentation concludes their rebuttal for tonight.

Mr. Stein said the Board would like to see the Applicant's lease and the financials for the boatyard, and asked if they have a business plan for Davenport. Attorney Knuff said they would have to ask their client and that they had shared some of that information with MarineTec.

Mr. Mills asked if Pam reviewed the lease and said the Board needs to review the terms. Attorney Knuff said he'd ask his client.

Mr. Stein said Pam's report recommends a business plan, to eliminate the road and to provide revised drawings.

Mr. Mills asked if the fuel docks were equivalent (former Yacht Haven West versus the proposed)? Attorney Knuff said they'll address that. Mr. Mills asked if they have addressed all of Staff's comments? Attorney Knuff said yes. Mr. Mills asked Mr. Cole to please review the responses and let the Board know. Mr. Mills said BLT has to demonstrate their proposal is equal to or better than what existed before. Mr. Knuff said the Planning Board wants the Applicant to build a boatyard that exceeds demand.

Mr. Mills continued the Public Hearing on these applications to the next meeting scheduled for Monday, November 30, 2015 at 7:00pm in the 4th floor cafeteria. He took a brief recess and resumed the meeting at 9:20pm.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: November 16, 2015

Several corrections were noted. After further discussion, a motion was made to approve the minutes, with corrections as submitted, by Ms. McManus, seconded by Mr. Stein and the motion carried 5 to 0 (Mills, Michelson, Morris, Stein and McManus).

PENDING APPLICATIONS:

1. CSPR-993 – 1442 SHIPPAN AVENUE, LLC, 1442 Shippan Avenue, proposal to demolish a portion of the existing house and driveway with first floor renovations and new 2-car attached garage of 604 s.f., construction of a driveway and wooden deck on .47 acres in an R-10 zone within the CAM boundary.

Mr. Killeen reviewed the application and the EPB staff report. After a brief discussion, a motion was made to approve the application, with EPB conditions, seconded by Mr. Morris and the motion carried 5 to 0 (Mills, Michelson, Morris, Stein and McManus). The conditions will read as follows:

1. Work shall conform to the following plans:

- *“Site Development Plan,” and “Notes and Details,” Prepared for 1442 Shippan Avenue, Stamford, Connecticut, prepared by D’Andrea Surveying & Engineering, PC, dated and last revised October 19, 2015.*

- *“Zoning Location Survey,” 1442 Shippan Avenue, Stamford, Connecticut, prepared by D’Andrea Surveying & Engineering, PC, dated September 1, 2015.*
 - *“Topographic Survey,” 1442 Shippan Avenue, Stamford, Connecticut, prepared by D’Andrea Surveying & Engineering, PC, dated June 1, 2015.*
 - *“EPB Planting Plan,” 1442 Shippan Avenue, Stamford, Connecticut, Prepared by Environmental Land Solutions, LLC, dated October 6, 2015, revised November 3, 2015.*
 - *“First Floor Plan – A-2,” “First Floor Plan – A-2.1,” “Second Floor Plan,” “West & South Proposed Elevations,” and “East & North Proposed Elevations,” Additions & Alterations, 1442 Shippan Ave. Res., Prepared by Balance Architecture LLC, dated July 15, 2015.*
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, drainage, landscaping, professional supervision and certifications. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the submission of the performance surety and issuance of a building permit.*
 3. *Work areas shall be staked in the field by a Connecticut surveyor prior to the start of any site activity.*
 4. *Temporary sediment and erosion/construction controls shall be installed per the approved plans and approved in writing by EPB Staff prior to the start of any site activity.*
 5. *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 a certificate of occupancy and release of surety.*
 6. *All disturbed earth surfaces shall be stabilized with topsoil, seed and mulch, sod, stone, pavement or other EPB approved alternatives immediately upon the completion of construction and prior to the receipt of EPB authorization for a final certificate of occupancy. This condition applies not only to lawn and landscape areas, but also to all areas under decks, elevated additions, stairs, drives, etc.*
 7. *All final grading, drainage, stabilization, 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.*
 8. *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.*

9. *Submission of a standard, City of Stamford drainage maintenance agreement to ensure the full and proper function of all drainage facilities installed on the parcel prior to the receipt of a final certificate of occupancy and return of surety.*

OLD BUSINESS

1. Appl. 214-32 - WALTER PIANTINO, AIA, Special Exception approval pursuant to Section 7.3, Special Exception Uses for Historic Buildings, and Coastal Site Plan Review to retain a restored two family dwelling and construct five (5) additional condominium units as shown on a previously approved set of plans, for property located in the R-MF, Multiple Family Residence Design, at 26 Orchard Street (*modification to approved plans*).

Mr. Killeen reviewed the modified plans with the Board. Larry McGowan, Applicant, was present and made his case to request modifications of the roof lines (could cause ice build-up) and the proposed balconies (tenants could store excessive belongings on them).

After a brief discussion, a motion was made by Mr. Michelson and seconded by Mr. Morris to keep the roofs as shown on the perspective sketch and to require the balconies to be at least four (4) feet in depth. The motion carried on a 3 to 2 vote (Michelson, Mills and Morris in favor and McManus and Stein opposed).

2. Application 213-44 Rich Cappelli Associates LLC and Louis R. Cappelli Family Limited Partnership II. Development of 650 residential units, ground floor retail, and associated parking and site improvements on 21 properties of approximately 4.4 acres, zoned CC- N (*request for extension of time under Condition #3*).

Mr. Killeen described the request to extend the deadline for developing plans for the post office with a 60-day extension from December 1, 2015 to February 1, 2016.

After a brief discussion, a motion was made to approve the time extension by Mr. Michelson, seconded by Mr. Morris and the motion carried 5 to 0 (Mills, Michelson, Morris, Stein and McManus).

3. Discussion of proposed regulation regarding notification signs on properties scheduled for public hearing.

Mr. Killeen presented a draft regulation regarding notification signs on properties scheduled for public hearing. The Board asked Staff to examine further the appropriate height for the text and to reduce the wording on the sign.

NEW BUSINESS

Ms. McManus moved to adjourn the meeting at 10:17pm, seconded by Mr. Morris and the motion passed 5:0 (Mills, Michelson, McManus, Morris and Stein in favor).

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board