

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, NOVEMBER 30, 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), William Morris, David Stein and Joanna Gwozdzowski. Present for staff: David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:08 pm. Ms. Gwozdzowski was seated in place of Ms. McManus.

PUBLIC HEARING

1. Application 215-35 Childcare Learning Centers, Inc. and the City of Stamford - Special Exception and Site Plans/Requested Uses approval to operate a Child Day Care Center at the Lathon Wider Community Center, located at 137 Henry Street (a.k.a. 34 Woodland Avenue) in Stamford. Said site consists of approximately 2.24 acres in the South End neighborhood in the R-MF (Multi-Family Design District) zone.

Mr. Mills read the description of the application into the record. Mr. Michelson read the Planning Board letter into the record, reporting that the Planning Board reviewed this application at their November 18, 2015 special meeting and that they voted unanimously to recommend Zoning Board approval of this application finding it consistent with Master Plan Category 4, Medium Density Multi-family.

Jason Klein, Attorney with Carmody, Torrance, Sandak and Hennessey, 707 Summer Street, presented this application. He first submitted his proof of mailing and then gave a history of the Childcare Learning Center (CLC) which has offered quality, low-cost child care since 1902. CLC used to operate at the Lathon Wider Community Center from the 1970's to around 2009. They have been operating as a temporary use by approval of the Zoning Enforcement Officer since 2014. That approval expires on December 19, 2015. The CLC realized that the Lathon Wider location was important to providing services, so they are now seeking permanent approval. Attorney Klein explained the occupancy of the Community Center by different uses, and he reviewed the parking demand for the CLC, calculating the need for 12 parking spaces for their use, which occupies approximately 2,000 sf of the building. There are 69 spaces on-site, more than enough to satisfy the needs of all existing uses, including the CLC, which will expand to serve 60 students.

Mr. Michelson asked how many households are served by CLC? Mark Jaffe, CEO of CLC said that CLC serves approximately 1,000 students at eight locations, which represents about 1,000 households. Mr. Michelson asked about the facility at Lockwood Avenue. Mr. Jaffe stated that they will continue to operate there. Mr. Michelson asked if these were children of Stamford residents? The answer was yes.

Ms. Gwozdzowski asked if any renovations were proposed. Attorney Klein said no and discussed how this use is consistent with the neighborhood, the R-MF District and how it complies with the conditions for Special Exception approval.

Mr. Mills asked if there was anyone from the public who wanted to speak on this application. There were none.

Mr. Mills closed the public hearing on this application at 7:30pm.

2. Application 207-13MOD - ESRT Metro Tower, L.L.C. requesting approval of a modification of Coastal Site Plan, Special Exception and General Site and Architectural Plans and Requested Uses approval (Metro Green Approval #207-12/13) amending condition 15 of said approval to permit the same number of General Development Plan approval extensions as permitted in the Transportation Center Design District (TCDD) zone. The subject property is located in the TCDD zone.

Mr. Mills read the description of the applications into the record. Mr. Michelson read the Planning Board letter into the record, noting that the Planning Board reviewed this application at their November 18, 2015 special meeting and that they unanimously recommended Zoning Board approval, stating that it was consistent with the Master Plan Category #11, Downtown.

Attorney William Hennessey, with Carmody, Torrance, Sandak and Hennessey, 707 Summer Street, presented this application. He submitted the Certificate of Mailing into the record and stated the Applicant was asking the Board to modify the condition of approval having to do with the number of extensions that could be granted to obtain a building permit, so that the condition was consistent with the text change approved by the Zoning Board in July 2015 (Application 215-20). This application asks that condition #15 be modified. It currently allows for up to 10 years of extensions. If this application is approved, the Applicant would have up to 14 years to apply for a building permit, expiring in 2021.

Attorney Hennessey stated that the Applicant is moving forward with building permits for Building A and soon for Building D. The office tower would be a later phase.

Mr. Michelson asked if this would affect other properties in the TCDD District. The answer was no.

Mr. Mills asked if there was anyone from the public who wanted to speak on this application. There were none.

Mr. Mills closed the public hearing on this application at 7:40pm. Since the Applicant for the next public hearing needed to set up their presentation, a motion was made by Mr. Morris and seconded by Mr. Stein to take the agenda out of order. The motion carried 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski).

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: November 23, 2015

There was a discussion of amendments to page 2 and page 3. A motion was made by Mr. Morris, seconded by Mr. Stein, to approve the minutes with the noted changes. The motion carried 4-0 (Mills, Michelson, Morris and Stein. Gwozdzowski not voting as she was not present for the November 23 meeting).

OLD BUSINESS

1. Application 213-30 BBSF, LLC and Affordable Housing Development Company, LLC - Site Plans/Requested Uses and Coastal Site Plan Review to construct a new 11.5-story, 131 unit residential building; a new 2.5 story, 24 unit residential building and the remaining 3 levels of the residential garage as well as other related site improvements on the property described below. The subject development, known as Metro Green, is located on a 5.32 +/- acre site zoned Transportation Center Design District (*request for time extension*).

Attorney Hennessey explained the request for time extension, noting that the Applicant was about to obtain a building permit for Building A and would soon be seeking a Building Permit for Building D. Mr. Stein asked if they were requesting an extension also for Building A, since their letter only requested an extension for Building D. Attorney Hennessey said yes, he would like to amend their request.

After further discussion a motion was made by Mr. Morris, seconded by Mr. Michelson to grant this extension for Application 213-30 as amended. The motion carried 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski).

2. Application 214-07 - West Side Development Partners, LLC, Site Plan/Requested Uses and Special Exception approval in accordance with Stamford Zoning Regulations Section 7.5 (Large Scale Development) related to the construction of over 100 parking spaces as well as traffic circulation and site improvements. The subject property is located in the M-L zone with an address of 1937 West Main Street (Lot B-1), Stamford, Connecticut and consists of approximately 8.8 acres (*request for time extension*).

Attorney Hennessey summarized this request for an extension of time on the lot located at 1937 West Main Street (Lot B-1). After a brief discussion, a motion was made by Mr. Michelson, seconded by Mr. Stein to grant this extension for Application 214-07. The motion carried 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski).

A motion was made by Mr. Michelson, seconded by Mr. Stein to move back to the regular order of the agenda and return to the public hearing. The motion carried 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski).

PUBLIC HEARING (continued from November 23, 2015)

3. **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.
4. **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.

5. **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.
6. **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.
7. **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.
8. **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.
9. **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.

Attorney John Knuff led the presentation of this application, noting that the boatyard consultant Jim Bronstein would make a Power Point presentation to provide additional information to the Zoning Board on the proposed Davenport Boatyard. He would be assisted by Engineer, William Heiple of Fuss & O’Neill.

Attorney Knuff said that he would envision the Applicant would continue their response to questions from the Board and comments from the public at the December 14 meeting of the Zoning Board. At that time, he would expect to have a presentation by Jerry McDunough of Integra Realty Resources concerning the Market Study; Mark Vertucci of Fuss & O’Neill concerning the proposed trucking of vessels to offsite boat storage and a representative of Hinckley to discuss the boatyard operation. He stated that Mr. Bronstein would be available for that meeting as well.

Attorney Knuff then submitted to the record a copy of the Power Point presentation to be made by Mr. Bronstein and a package of five (5) exhibits to respond to questions that had been raised during previous hearings:

Exhibit M – Stamford Fire & Rescue Compliance Letter dated November 24, 2015;

Exhibit N – Email Exchange with Martin Belts, U.S. Coast Guard dated November 20, 2015;

Exhibit O – Stamford Police Department Marine Incident Reports;

Exhibit P – DEEP Proposed Final Decision dated November 20, 2015;

Exhibit Q – A collection of DEEP OLISP letters in response to the multiple applications with dates ranging from October 8 to October 26, 2015.

Attorney Knuff stated that OLISP's comments demonstrated there were no adverse impacts on coastal resources or CAM policies. He also reviewed the exhibits contained in this package and stated there were also about 600 letters of support that had been submitted into the record earlier.

Mr. Mills and Mr. Michelson asked Attorney Knuff if he would be submitting copies of the proposed boatyard lease and financial information to the Board to help them evaluate whether the proposed boatyard was viable. Attorney Knuff responded that BLT has submitted a business plan and financial information to Pam Lenzion of MarineTec, the Zoning Board's Consultant, for evaluation. He stated that the Applicant is not providing financial information to the Board. Chairman Mills repeated that he wanted to see a copy of the lease to see how it is set up. Mr. Stein wanted more information on the renewal provision. The Applicant proposed a three month notification while the City's Consultant, Pam Lenzion, suggested a year notification as being more comfortable.

Mr. Stein said that MarineTec's report asked for a business plan with 5-year projections. The Applicant has provided only 3 years of projections. Attorney Knuff stated they would provide Ms. Lenzion with additional projections.

Mr. Mills stated that Hinckley will need to provide a clear statement of services they will provide onsite so the Board can determine if they are equal to or better than what was previously provided on the 14-acre parcel.

Attorney Freeman, for the Applicant, stated that they had included in their application a list of their proposed services, all of which were included in a "wish list" by the Harbor Management Commission.

Board members again asked for more information on the lease and financials for the boatyard so that they could determine whether the proposed boatyard would be viable. Attorney Freeman stated that Ms. Lenzion determined that it will be viable. Chairman Mills commented that the Consultant was in a position to advise the Board but not to make the decisions for them. Chairman Mills asked if the Applicant would post a \$100 million performance bond. Attorney Freeman said no, that was too high.

Mr. Stein asked if a building budget was included with the Applicant's financial information reviewed by the consultant. The answer was yes.

Ms. Gwozdzowski asked if funding was included for upgrades to the West Beach ramp. The answer was no. Attorney Knuff stated that Condition #7 gives the Board the authority to determine if there would be any reduction in the capacity of the previous boatyard operation.

The Applicant will demonstrate, with a representative of Hinckley, that these applications are providing the appropriate services to meet current market needs.

Attorney Knuff reviewed some of the documents included in the exhibit package. He stated that Tab "O" includes documentation that there has been a lack of incidents between barges and pleasure crafts in the West Branch of the Harbor. He reviewed the width of the channel at this location noting that it is up to 275 feet.

Mr. Jim Bronstein presented his Power Point presentation to the Board with the assistance of Mr. Heiple. He explained that he would address issues raised by the public including the viability of the boatyard, proximity of the road, and the services to be provided. Mr. Bronstein explained that he is hired by the Applicant but that he worked closely with the operator, Hinckley, in developing the proposed boatyard design. He summarized issues related to boatyards over the last ten years and changes that have been made in the industry since the former boatyard operations on the 14-acre parcel. He talked about technological advancements and explained that boatyards now operate on smaller sites. He refuted the claims of the public that this boatyard was "designed to fail". He discussed boat storage at Magee, explaining that it would be unrelated to the operation of the Davenport Landing facility.

Mr. Morris asked what equipment would be provided at Davenport Landing related to storage at Magee. Mr. Bronstein stated he is uncertain whether Hinckley will have much of a need to use the Magee Avenue site. Boat owners would obtain permits and make arrangements directly with the operator of the Magee Avenue storage facility, BLT. Mr. Stein noted that Ms. Lenzion recommended that commissioning and decommissioning services be provided at 205 Magee Avenue, along with expanded services at that location. Mr. Bronstein stated that the market would influence what services are provided.

Ms. Gwozdzowski stated that Ms. Lenzion's report also recommended basic utilities at the site, such as water and electricity. At this point, Ms. Gwozdzowski stated she had also watched the video of the November 23, 2015 hearing and was prepared to continue participating in the review of these applications.

Chairman Mills asked where other rack storage was used as proposed at Davenport Landing. The answer was, Rex Marine in Norwalk. Mr. Bronstein stated the Fire Marshal has approved their plans to store 150 boats at Davenport Landing (50 indoors) and up to 239 boats at Magee, a slight reduction to the initial number proposed. Inside storage would be able to handle vessels of up to 38 or 40 feet.

Mr. Morris asked about the capacity of the forklift. Mr. Bronstein stated that Hinckley would build to meet demand.

There was some discussion of the Fuel Staging Plan and the use of transient slips for queuing. Chairman Mills asked the Applicant to update the record whenever there is a change to their proposal and to provide full-sized plans.

The Board took a brief recess at 9:17pm and reconvened at 9:29pm.

Mr. Bronstein continued his presentation, giving Oxford, Maryland as an example of a boat storage facility located 10 to 15 minutes inland. There is no current need to provide boat storage on valuable waterfront parcels. He gave several examples of boatyards operating on parcels of 2

to 6 acres. He stated that the proposed building was not too small and was designed to be the right size. He reviewed perspective sketches and specifications of the proposed building and showed the different areas of the building and how they would be used.

Mr. Bronstein then discussed the proposed road that would go through the Davenport Landing site. Mr. Morris asked if they could store more boats without the road? The answer was yes, but not sure how many. Mr. Stein asked if there was a detriment to the project if there was no road, noting that Ms. Lendzion recommended there be no road. Attorney Freeman stated that the road was being proposed to provide office traffic and direct access to Southfield and to improve overall traffic conditions in the Waterside neighborhood.

Mr. Bronstein showed several photos of other boatyards operating with a road running through their property (e.g., Riviera Beach in Florida). He then reviewed a list of the services to be provided at the Davenport Landing boatyard. Ms. Gwozdzowski asked if the O&G operation to the north would affect painting services? Mr. Bronstein said no, that will be performed inside or to the south of the boatyard building. Mr. Heiple commented that outdoor painting is only done when you know the wind direction, so you would make sure the wind is not coming in the direction of the painting. Historically, wind patterns go northerly at this location. Mr. Michelson noted that the mechanical trades should include mechanics of different types (engines and systems). Mr. Michelson also commented that operators from the region have indicated there is a growing market for larger boats. Mr. Bronstein stated that the market consultant, Jerry McDunough would be present to discuss this at the next Zoning Board hearing.

Chairman Mills asked the Applicant to provide additional information on the demand for indoor storage in the Stamford region.

Since the Zoning Board will have no meeting on December 7, 2015, Chairman Mills continued the public hearing on these applications to Monday, December 14, 2015 at 7:00pm in the 4th Floor Cafeteria of the Government Center.

PENDING APPLICATIONS:

1. **Application 215-35 Childcare Learning Centers, Inc. and the City of Stamford**
- Special Exception and Site Plans/Requested Uses

The Board discussed this application and reviewed the proposed conditions submitted by the Applicant. Mr. Killeen stated that the proposed condition #1 should be modified so that increases in the capacity of the CLC be approved by the Zoning Board, not the Land Use Bureau.

A motion was made by Mr. Stein, seconded by Ms. Gwozdzowski to approve application 215-35 with the conditions as modified. The motion carried 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski). The conditions will read as follows:

SITE-SPECIFIC CONDITIONS:

- 1) *The Applicant's operations on the Property shall be limited to six full time staff and sixty children. Any increases in staff or children located on the Property shall receive administrative approval from the City of Stamford's Zoning Board.*
- 2) *The applicant shall continue to utilize the parking lot located in the rear of the property off of Woodland Avenue as a "drop off" and "pick up" location.*

2. **Application 207-13MOD - ESRT Metro Tower, L.L.C.** modification of Coastal Site Plan, Special Exception and General Site and Architectural Plans and Requested Uses

Mr. Killeen referred the Zoning Board to the proposed language shown on page 2 of the Staff Report.

A motion was made by Mr. Morris, seconded by Mr. Stein to approve the amended Condition #15 to Application 207-13 as shown in the Staff Report dated November 19, 2015. The motion carried 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski). The condition will read as follows:

15.) The General Development Plan shall remain in effect for a period of five (5) years from the effective date of this approval, subject to Zoning Board approval of not more than nine (9) one-year extensions, upon timely application and good cause shown.

OLD BUSINESS

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

Mr. Killeen discussed changes that had been made to the proposed regulation and showed a mock-up of a proposed sign with the language discussed at the last Board meeting.

The Board discussed the timing for putting the sign up, the size of the lettering and the materials for the sign. The Board asked to continue discussion of the regulation at the next meeting.

Mr. Morris moved to adjourn the meeting at 11:33pm, seconded by Mr. Stein and the motion passed 5:0 (Mills, Michelson, Morris, Stein and Gwozdzowski in favor).

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board