

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, FEBRUARY 29, 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), Rosanne McManus, William Morris, and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief,

Chairman Mills called the meeting to order at 7:15 p.m.

Motion was made by Ms. McManus to take the agenda out of order. The motion was seconded by Mr. Morris and carried on a 5 to 0 vote. (Mills, Morris, McManus, Stein, Gwozdzowski).

PUBLIC HEARING (continued from February 8, 2016)

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

housing and a full service boatyard and marina with public access to the waterfront and water-dependent uses on approximately 13.4 acres on Southfield Avenue in a DW-D zone. Special Exceptions being requested for proposed uses and development of the project and to establish a DWD district and to provide residential, retail and office and a boatyard/marina use and general public access.

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

Attorney John Freeman, for the applicant introduced Carl Kuehner, CEO of Building and Land Technology.

Carl Kuehner stated that BLT is reviewing the Zoning Board list, and that he is prepared to answer any questions from the Board.

Chairman Mills asked Mr. Kuehner if he had any response to the list.

Mr. Kuehner replied that he needed clarification on a number of issues, for example what is needed to improve the West Beach boat ramp.

Ms. McManus, asked how much time he needed to prepare a response to the list.

Mr. Kuehner replied a couple of weeks.

Chairman Mills asked what on the list he didn't agree with.

Mr. Kuehner said that he would like to answer all issues at one time.

Chairman Mills explained that the Board can't refer out the applications until it hears from BLT.

Attorney Freeman remarked that they should be ready in about three (3) weeks.

Mr. Stein commented that maybe the Board should hear where they are on these items before BLT prepares a final response.

Mr. Stein said that he would like to add to the list a request for additional infrastructure improvements including reconstruction of the intersection of Southfield/Greenwich/Selleck Street and streetscape improvements along the east side of Davenport Street.

Mr. Keuhner said that he would need clarity on what is requested, in order to respond.

Mr. Mills polled Board members on how long to continue the public hearing and Ms. Gwozdzowski agreed to a one month continuance to get a full response.

Mr. Morris agreed and pointed out that the Board was also still waiting for information on boat sizes in other Stamford marinas.

Chairman Mills stated that the Board also wanted an update on the remediation of the 14 acres.

Attorney Freeman said that Bill Buckley was most familiar with the remediation and said that he thought about 160,000 cubic yards of material had been removed. There isn't a specific date by which the remediation needs to be finished. Mr. Kuehner said that remediation was started in 2012 because of emergency conditions that had to be addressed. Attorney Freeman said that they could provide a full response to the remediation issue in (2) two weeks.

Mr. Morris, asked if it is necessary to conduct a public hearing in order to just discuss the remediation issue. Mr. Cole, replied yes.

Chairman Mills announced that the public hearing would be continued to March 14, 2016, at 7:00pm in the Cafeteria, Government Center Building.

Ms. McManus made a motion to return to the regular agenda. Motion was seconded by Mr. Stein and carried on a 5 to 0 vote. (Mills, Morris, McManus, Stein, Gwozdzowski).

PUBLIC HEARING

1. **Appl. 215-33 – 10 RUGBY STREET, LLC, Text change**, to Amend Article II, Section 3-A definitions to add two new definitions (28.5) for Demolition Material Recycling and (28.6) Demolition Material Recycling Facility within the M-G General Industrial District and such use shall be approved by Special Exception of the Zoning Board, subject to special standards identified in the proposed definition, only as an interim use for an initial period not to exceed five years.

Chairman Mills, opened the public hearing on Appl. 215-33.

Rick Redniss, Redniss and Mead, representing the applicant, noted that they had completed the mailed notice of the hearing to surrounding property owners and had discussed the application with neighborhood representatives and officials. He said that concerns had been expressed about enforcement of the standards of the proposed regulations, and questions raised about how the regulations, special exception and site plan approval, and court stipulation would work together. He proceeded to review the revised text, dated 2/29/2016, and highlighted recent changes. He said that it had been suggested that the recycling facility be relocated to the B & S Carting property, but that the owner (BLT) was not interested. Mr. Redniss explained the reason to allow

vacant land to be added to a site, that it would to allow a possible land swap with Pitney Bowes to screen the proposed facility from view from Elmcroft Road. Mr. Redniss presented a short video demonstrating the minimal vibration caused by crushing equipment.

Ms. Gwozdzowski asked where trucks waiting to enter the site would park. Mr. Redniss stated that this would be addressed in the required operations plan.

Mr. Stein suggested that “vehicle idling” be added to paragraph “d” to be a part of the operations plan.

Mr. Redniss commented on letters from neighbors and responded to Sheila Barney’s letter about the stipulation. Our text already requires consideration of violations. Plan to cover the building to control noise will be in the application.

Public Comment:

Maureen Vega, Manor Street. – Stated that there is a serious problem with dust, supports putting the operation indoors.

Irene Toigo, Harbor Street, Stated has had experience with dust, vibration and noise. Visually, I will not like a large industrial building. Submitted video of activity at site on Saturday, February 27, 2016.

Carol Ann McClain, Republican Town Committee member, - Vitti’s operation is a quality of life issue. Question how standards of the text will be monitored and enforced.

Sheila Barney – Concern with enforcement.

John Wooten, There is a trust issue with Vitti; concern with enforcement.

Terri Adams, District 3 State Rep; - Vitti has a history of violating zoning rules. Why believe that he will abide by the rules of a zoning approval.

Recess at 9:20pm Resume at 9:35pm

Rick Redniss – Reside properties Vitti brought cannot be used for crushing. If the appellate court supports Vitti, then there will be no incentive to improve conditions for the neighbors. A pattern of violations will result in the Zoning Board not extending the approval.

Jim Minor, Special Council – City of Stamford; Stated this started with 2010 zoning order, this trial court decision in 2014, appellate court case was argued in October 2015, nut no decision. Either way, this case will be appealed to Connecticut Supreme Court. During the appeal process there is not likely to be any stopping the current crushing use. If the Zoning Board approves a site plan there will be a stipulation that will allow the court to immediately find Vitti in contempt and impose fines and suspend the operation. The law department initiate request for court to enforce the stipulation.

Rick Redniss, Vitti is willing to voluntarily stop working on Saturdays and Sundays. Operations will be Monday – Friday would be the same hours as the regulation. If he (Vitti) converts the hours back to residential, they can never again be used commercially.

Public Hearing Closed at 10:00pm (Record left open till 3/4/16)

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: February 8, 2016 Minutes

A motion was made by Mr. Stein to approve. Motion seconded by Ms. McManus and carried on a 5 to 0 vote. (Mills, Morris, McManus, Stein, Gwozdzowski).

Appl. 215-33 – 10 RUGBY STREET, LLC, Text change, to Amend Article II, Section 3-A definitions to add two new definitions (28.5) for Demolition Material Recycling and (28.6) Demolition Material Recycling Facility within the M-G General Industrial District and such use shall be approved by Special Exception of the Zoning Board, subject to special standards identified in the proposed definition, only as an interim use for an initial period not to exceed five years.

Ms. McManus agreed with the trust issue, but text cannot address this.

Chairman Mills; Should we prohibit a jaw crushing “zenith” type machine.

Mr. Stein; Add to paragraph d last sentence, “the use of a jaw crushing machine (such as a zenith) shall not be permitted on the site”.

Ms. McManus; “Vehicle idling: after street cleaning.

PENDING APPLICATIONS:

1. Application 215-33 – 10 RUGBY STREET, LLC, Text change
2. Appl. 215-02 – THE STRAND/BRC GROUP, LLC, Text change
3. Appl. 215-03 – THE STRAND/BRC GROUP, LLC, Washington Blvd./Bateman Way, Amend GDP
4. Appl. 215-04 – SOUTHFIELD PROPERTY, LLC, Text change
5. Appl. 215-05 – WATERFRONT OFFICE BUILDING, LP, Map Change
6. 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

7. 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
8. CSPR-978 – WATERFRONT MAGEE, LLC

OLD BUSINESS

NEW BUSINESS

ADJOURMENT

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

Respectfully submitted,

David Stein, Secretary
Stamford Zoning Board

Agenda 2/29/16