

MINUTES OF THE ZONING BOARD
PUBLIC HEARING AND REGULAR MEETING,
MONDAY, OCTOBER 17, 2016 AT
7:00PM, ON THE 4th FLOOR, CAFETERIA,
GOVERNMENT CENTER BLDG, 888 WASHINGTON
BLVD., STAMFORD, CT

Present for the Board: Thomas Mills (Chair); David Stein (Secretary), William Morris, Joanna Gwozdzowski. Present for staff: Ralph Blessing, Land Use Bureau Chief, and Vineeta Mathur, Associate Planner.

Chairman Mills called the meeting to order at 7:05pm

A motion was made at 7:06 pm by Mr. Stein to go into executive session to discuss the pending litigation regarding the boatyard Cease and Desist order and the appeal of the decision regarding application 215-03, seconded by Ms. Gwozdzowski and carried on a vote of 4 to 0 (Mills, Morris, Stein, Gwozdzowski)

The executive session ended at 7:42 pm.

Mr. Stein moved to return to the public hearing, seconded by Ms. Gwozdzowski and carried on a vote of 4 to 0 (Mills, Morris, Stein, Gwozdzowski) and the meeting was called back into order at 7:43pm.

Mr. Morris moved to take the agenda out of order to Old Business to discuss 100 Prospect Street, seconded by Ms. Gwozdzowski and carried on a vote of 4 to 0 (Mills, Stein, Morris, Gwozdzowski)

OLD BUSINESS

1. **100 Prospect Street** – Request to reaffirm the permission granted to Housing Development Fund in 2009 by Zoning Board Chair for use of the Below Market Rate (BMR) one bedroom apartment at 100 Prospect Street for income eligible temporary staff.

Chairman Mill asked Ms. Mathur to describe the request.

Vineeta Mathur summarized the current request and the approval granted by former Zoning Board Chair Phyllis Kapillof.

Joan Carty, President of the Housing Development Fund, stated that because the building has changed ownership (from Seaboard Realty to Harold Realty) new owners along with Housing Development Fund would like for the board to reaffirm the agreement for the one BMR unit to be leased from Harold Realty to the Housing Development Fund in turn the Housing Development Fund would lease to their temporary employees.

Chairman Mills and the board members were concerned that there was nothing in writing from Ellen Bromley stating that she is ok with this. The board felt that since she (Ellen Bromley) oversees BMR units there should have been something in writing.

After a brief discussion Mr. Morris moved to reaffirm the approval of one BMR unit (#102 units) to be leased to temporary employees working for the Housing Development Program. If the building should change ownership, then the Housing Development Program would have to seek the board's re approval, seconded by Ms. Gwozdzowski in and carried on a vote of 4 to 0 (Mills, Morris, Stein, and Gwozdzowski)

Mr. Morris moved to stay on Old Business and discuss applications 215-30, 214-07 and 214-08, second my Mr. Stein and carried on a vote of 4 to 0 (Mills, Morris, Stein & Gwozdzowski)

2. **Application 215-30 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street –(Lot B-2)** Discussion of proposed settlement agreement for the case captioned: Progress Park Corp. v. Zoning Board of the City of Stamford and West Side Development Partners, LLC The appeal concerns an approval to construct a 115,420± square foot building for use as a “Home Center” with a 28,118± square foot garden center as well as a 7,605± square foot retail/industrial/flex building with associated parking and site improvements (Appl. 215-30). The subject property is located in the M-L Zoning District with an address of 1937 West Main Street (Lot B-2) and consists of approximately 19 acres. Docket Number FST-CV15-6026988-S (*Request for time extension*).

3. **Application 214-07 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street**, Applicant requests approval of a Special Exception under Section 7.5 to permit Large Scale Development, and Site and Architectural Plans to reconfigure and add 121 new parking spaces for a total of 307 parking spaces at Cytec located at 1937 West Main Street in an M-L district. Realignment of the parking areas, islands and traffic signals will facilitate improved traffic circulation for the proposed development and construction of an 183,493 s.f. flex-industrial building and smaller building on an adjoining parcel (*Request for time extension*).

4. **Application 214-08 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street LOT B-2**, Applicant requests approval of a Special Exception under Section 7.5 to permit Large Scale Development and Site and Architectural Plans requesting approval to construct an 183,493 s.f. flex-industrial building and a smaller (6,124 s.f.) building to be used for retail and/or industrial/flex purposes with associated parking and site improvements on 27 of 35 total acres in an M-L zone (*Request for time extension*).

City of Stamford attorney Jim Minor, discussed the Progress Park appeal with the board. He stated that the Zoning Board approved several applications including the one that needs to be discussed for site plan approval to allow Home Depot to be developed behind the Cytec

Building. The board needs to review and approve the stipulation for judgement between the City, West Side Development LLC and Progress Park Corp. The applicant is requesting the Stipulation #13, item #C be changed since Home Depot; the future lessee is not willing to keep part of the store closed if the intersection is not completed. If the Zoning Board cannot come to an agreement they may back out.

Attorney Bill Hennessey, representing the property owner West Side Development LLC spoke on behalf of the property owner. He also stated that the City of Stamford Traffic Engineering Department has worked very hard with the State on planning the improvement of West Ave & West Main Street intersection. The property owner has agreed to give two easements and half a million dollars towards this intersections. He also requested that the board approve the plan being presented by the Traffic Engineering Bureau regarding the West Ave & West Main Street intersection improvement. He noted that Home Depot is not agreeable to stipulation #13 (c).

Mr. Stein asked when the applicant intends to deliver the funding and the two easements. Attorney Hennessey replied that the obligations are expected to be completed in the next few weeks.

Robert Zaitooni, City Traffic Engineer described the status of the improvements at the West Ave & West Main Street intersection. The city has filed a grant with the State of Connecticut for \$2 million. The cost of the project is around \$2.6 – \$2.7 million. Timeline for the completion of the intersection is late 2018 – early 2019. The opening of Home Depot is expected to be around the similar timeframe however there may be a short lag time.

He reviewed the traffic study with the board. Mr. Zaitooni noted that it is not necessary to close a part of the store in order to maintain operable traffic until the intersection improvements are completed. Mr. Zaitooni noted that the Traffic Bureau can optimize the signal timing for the peak hours, but we want the right to have a police officer if we (the city) feels that the traffic is heavy.

Mr. Zaitooni passed out to the board members a Preliminary Design Plan for West Main Street and West Ave dated February 29, 2016.

Chairman Mills asked who would pay for the police officer. Robert Zaitooni stated that he would suggest that the applicant pay for the traffic police.

There was discussion about the funding sources for the intersection.

Attorney William Hennessey described the change to the site plan. There are changes to the private easement area. Additionally the small retail building and associated parking proposed in the front of the Home Center will be removed.

After some discussion, Mr. Stein moved to authorize Chairman Mills to sign and approve the stipulation with the following changes. The third sentence of condition 13 shall be amended to read “Such plan will be subject to administrative approval by Zoning Board staff and that no building permit will be issued until the plan has been approved by zoning board staff”. 13 (a) of

the conditions will be amended to read “Where reasonably required police officers will manage traffic circulation during construction at the applicant’s expense as determined necessary by the City’s Traffic Engineer. Sub-section (c) of condition 13 will be deleted. The motion was seconded by Mr. Morris and carried on a vote of 4 to 0 (Mills, Morris, Stein, and Gwozdzowski)

After a brief discussion Mr. Morris moved to grant a one year extension for application 215-30, Seconded by Ms. Gwozdzowski and carried on a vote of 4 to 0 (Mills, Morris, Stein, and Gwozdzowski)

After a brief discussion Mr. Morris moved to grant a one year extension for application 214-07, Seconded by Mr. Stein and carried on a vote of 4 to 0 (Mills, Morris, Stein, and Gwozdzowski)

After a brief discussion Mr. Morris moved to grant a one year extension for application 214-07, Seconded by Ms. Gwozdzowski and carried on a vote of 4 to 0 (Mills, Morris, Stein, and Gwozdzowski)

Chairman Mills called recess at 9:15pm

Meeting resumed at 9:20pm

Mr. Morris moved to stay out of order 216-32 and 216-33 – seconded by Mr. Stein and carried on a vote of 4 to 0 (Mills, Morris, Stein, and Gwozdzowski)

PUBLIC HEARING CONTINUED FROM SEPTEMBER 26, 2016

4. **Application 216-32 – EMPIRE WEST MAIN LLC, 17 WEST MAIN FRITZ PROPERTIES, LLC & WALTER O. FRITZ, West Main Street and Greenwood Hill Street - Map change**, Applicant proposes approximately 57,865 +/-square feet on block 293, includes 4 lots consisting of 001-8850, 001-9212. 000-8045, 002-6917, 000-6814 & 001-8849,; southwest intersection of West Main Street and Greenwood Hill Street.

5. **Application 216-33 – EMPIRE WEST MAIN LLC, 17 WEST MAIN FRITZ PROPERTIES, LLC & WALTER O. FRITZ, West Main Street and Greenwood Hill Street, - General Development, Final Site Plan, Special Exception and Costal Site Plan Review**, requesting approval of General Development, Final Site Plan, Special Exception and Costal Site Plan Review for the development of a 5 story mixed-use building with ground floor restaurant/retail and 110 apartments above as well as parking behind the building and associated site improvements.

Chairman Mills read applications 216-32 and 216-33 into the record.

Attorney Lisa Feinberg noted the changes that the applicant had made to address comments made by the Zoning Board at the previous public hearing.

Attorney Feinberg described the building colors and landscaping around building and roof top. She passed out a landscaping plan to the board. An updated photometric plan was also submitted.

Ravi Ahuja, the architect noted that the railing will be similar to the balcony-rendering of the northeast corner.

Attorney Fienberg noted that they will accept a condition to report back to the Zoning Board at 75% occupancy with a parking management plan. Attorney Feinberg provided a rendering of the northwest corner the building to show what the residents will see from Greenwood Hill Street.

PUBLIC COMMENTS

Coleman Clark, 53 Greenwood Hill Street noted that additional parking on Greenwood Hill Street is not appropriate.

Attorney Feinberg stated that she will work with Robert Zaitooni on a parking plan for West Main Street and Greenwood Hill Street. The City is evaluating the resident parking permit policy. The policy is being rewritten and will be going before the Board of Representatives.

Chairman Mills noted that Robert Zaitooni, City Traffic Engineer can work with the residents regarding the issues of parking and traffic in the area.

Chairman Mills closed the Public Hearing on applications 216-32 and 216-33.

Mr. Stein moved to go back to Regular Meeting, seconded by Ms. Gwozdzowski and carried on a vote of 4 to 0 (Mill, Morris, Stein, Gwozdzowski)

PUBLIC HEARING

1. **Application 216-34 – 191 SUMMER STREET LLC, 191 Summer Street– Special Exception**, Proposing to convert the professional office space located on the second floor to (7) seven residential studio apartments, and the replacement and addition of windows on the second floor.

Chairman Mills read application 216-34 into the record.

Mr. Stein read the Planning Board referral comments for the record.

Attorney Chris Russo with Q & R Associates, Fairfield CT. Attorney Russo presented the certificate of mailings to the board. He described the proposed project to the Zoning Board. He

discussed the parking requirement and stated that with a professional office use, 11 parking spaces would be required whereas for apartments only 7 parking spaces will be required.

With the available capacity in the three City garages in the vicinity he expressed that parking will not be a problem. The windows will be replaced per building code but will be made with the other windows to keep the historical design of the building.

Chairman Mills closed the public hearing for application 216-34

PUBLIC HEARING CONTINUED FROM SEPTEMBER 12, 2016

2. **Application 216-11 – JOSEPH CRISCUOLO, 45 CHURCH STREET, Map Change,** to change to V-C zone approximately 0.35 acres at the corner of Church Street and Parker Avenue, currently zoned C-N.

Chairman Mills read application 216-11 into the record.

Attorney William Hennessey, made a statement to the Zoning Board and explained that his firm will be filling a text change.

Chairman Mills noted that the Public Hearing for application 216-11 is continued to December 12, 2016

PUBLIC HEARING CONTINUED FROM SEPTEMBER 26, 2016

3. **Application 216- 22 - LADDINS TERRACE ASSOCIATES LP (owner) and T.M. CROWLEY & ASSOCIATES, 1938 West Main Street, 0 West Main Street and Lot A-West Main Street requesting approval for Site & Architectural Plans and Special Exception,** requesting approval to construct two one-story retail buildings totaling 18,857 sq. ft. Building is located in the M-L Zone.

Chairman Mills read application 216-22 into the record.

Attorney William Hennessey made a brief statement and asked for a public hearing extension.

Chairman Mills noted that the Public Hearing for application 216-22 is continued to November 14, 2016

PUBLIC HEARING CONTINUED FROM SEPT 19, 2016

6. **Application 215-28 – 215-28A -THE STRAND/BRC GROUP LLC and WALTER WHEELER DRIVE SPE, LLC, Parcels P4 and P5, 0 Washington Blvd, Amended GDP, Final Site & Architectural Plans and Coastal Site Plan Review**, requesting Amendment of GDP and approval of Final Site & Architectural Plans and Coastal Site Plan Review to construct 435 units of housing of approx. 564,000 sf with related parking, utilities and site improvements in an SRD-S district.

Chairman Mills read applications 215-28 and 215-28A into the record.

John Freeman, described the application for the board. Victor Mirontschuk, architect made a presentation and described the changes in the plan

The Board had several questions concerning this project and future building and is requested Norman Cole to possibly attend the November 14, 2016 or provide an update to the staff report on the project.

Chairman Mills asked staff if there had been resolution of the question regarding the size and number of the towers and whether P4/P5 can be considered one building or two buildings per zoning. Vineeta Mathur responded that there was still an outstanding question about the number of towers as stated in the staff report.

John Freeman stated that they had considered P4/P5 as a single building given that it has a single base and a single lobby.

Chairman Mills noted that the Public Hearing for applications 215-28 and 215-28A will be continued to November 14, 2016.

APPROVAL OF MINUTES:

Minutes for Approval: Sept 12, 2016 Following a brief discussion, Mr. Stein moved approval of the minutes as submitted seconded by Ms. Gwozdzowski and carried on a vote of 4 to 0 (Mills, Stein, Morris, Gwozdzowski)

Minutes for Approval: Sept 26, 2016 Following a brief discussion, M. Gwozdzowski moved approval of the minutes as submitted seconded by Mr. Stein and carried on a vote of 4 to 0 (Mills, Stein, Morris, Gwozdzowski)

PENDING APPLICATIONS

1. **CSPR 1019-SOUNDWATERS INC. 1281 Cove Road**, Repair of historic shed located behind Holly Pond Mansion that was damaged from Hurricane Sandy. Shed is used for the storage of small boats and for educational purpose. Property is located in the CAM boundary.

Chairman Mills read application CSPR-1019 into the record.

Ms. Vineeta Mathur presented the application. After a brief discussion Ms. Gwozdzowski moved to approve with the EPB conditions made by Richard Talamelli, seconded by Mr. Stein carried on a vote of 4 to 0 (Mills, Stein, Morris, Gwozdzowski,)

ADJOURNMENT

Ms. Gwozdzowski moved to adjourn the meeting at 11:19 pm, seconded by Mr. Stein_ and unanimously approved 4 to 0 (Mills, Stein, Morris, and Gwozdzowski)

The meeting was adjourned at 11:20pm

Respectfully submitted,

David Stein, Secretary
Stamford Zoning Board

ZB PH101716