

MINUTES OF THE ZONING BOARD
PUBLIC HEARING AND REGULAR MEETING,
MONDAY, JANUARY 9, 2017 AT
7:00PM, ON THE 4th FLOOR, CAFETERIA,
GOVERNMENT CENTER BLDG, 888 WASHINGTON
BLVD., STAMFORD, CT

Present for the Board: David Stein (Acting Chair) Rosanne McManus (Acting Secretary) William Morris, Joanna Gwozdzowski and Sandra Dennies-Alternate, Present for staff: Ralph Blessing, Land Use Bureau Chief, and Vineeta Mathur, Associate Planner.

Acting Chair Stein called the meeting to order at 7 pm.

Acting Chair Stein stated for the record the Sandra Dennies-Alternate is being seated in place of absent Thomas Mills.

PUBLIC HEARING CONTINUED FROM DECEMBER 12, 2016

1. **Application 216-41 – Ten Rugby Street, LLC. 10 Rugby Street, Special Exception Coastal Site Plan Review and Site and Architectural Plan Review**, Proposing to construct a 21,000 square foot building to house all operating procedures of a demolition materials recycling facility indoors (office, material storage, stockpiling, loading/unloading and use of all heavy machinery). The building design and feature will mitigate noise, vibrations, duct, offsite parking and truck circulation associated with the present use.

Acting Chair read application 216-41 for the record and stated that this application is a continuation from the December 12, 2016 meeting.

Richard Redniss of Redniss & Mead presented the changes to the application to the board. He stated that the building will be reduced in size. He presented the concrete pad re-design and also described the replacement of the rubber pads. The impactor is mobile and will be driven off the concrete to change the pads.

He described the changes made to the operations management plan. Dust sensors will be inside the building placed in several locations and if dust comes up to a pre-determined threshold level the misting system would turn on so that no dust will migrate outside the building. Misting will happen throughout the day and as needed.

Mr. Stein asked what other activities will happen inside the building other than the impactor. Mr. Redniss replied screening and moving materials.

Mr. Stein asked if any screening will be done outside.

Mr. Redniss replied nothing will be done outside but parking.

Mr. Morris asked what will be different between the operations now and in the future if this proposal is approved.

Mr. Redniss replied that the use of the impactor is the difference between what is permitted now and what will be allowed after this approval. They will be able to use the Impactor only once this application is approved.

Attorney Thomas Cassone representative for 10 Rugby Street, LLC described how the operation is currently working and that they have not performed most operations since last summer due to the City's judgement.

Mr. Morris asked what is allowed today.

Attorney Cassone replied excavating, separating and moving of materials.

Mr. Morris asked if it is their own or a contractor's material.

Attorney Cassone replied own materials as it states now.

Mr. Stein asked that under the proposal could another contractor being in materials if approved?

Attorney Cassone replied yes.

Ms. McManus asked how many trucks would typically come in and out of the site on a daily basis.

Mr. Redniss replied that the truck traffic should not increase, we are happy to work with you on that but we do not expect this to be part of the conditions.

Mr. Stein asked how does he sub-contract?

Antonio Vitti, owner of 10 Rugby Street, LLC answered the question. He stated that he has been at this location since 1976 and that he has been in business for 55 years. He stated that they service about a 1000 customers who will have to go to Bridgeport if this cannot happen. He expressed that we do not need more trucks on the highway and that they want to control the dust, and do everything legally.

Mr. Morris asked what is the need to take the impactor to a job site and why would a contractor want that.

Tony Vtti, jr., part owner of 10 Rugby Street, LLC stated that some developers prefer to have materials grinded on their site so that they can reuse the product however when we do that the cost is higher for the developer as we have to transport the impactor to the site.

Allowing the use of the impactor will save truck traffic on the streets. By grinding materials we can load more onto the trucks thus there less trucks and less traffic.

Ms. Gwozdzowski asked what is the assurance that the doors will not stay open at all times.

Ms. McManus noted that she believed that the application stated that the doors will be closed.

Mr. Redniss clarified that the doors will stay open to take in the fresh air and the impactor will sit behind a wall.

He stated that this use is in an MG Zone which allows a certain amount of noise. The use will never be silent. There is however a noise ordinance what the applicant will adhere to. He stated that they are going to build in swift enforcement. Mr. Redniss mentioned that City Carting has more dust and more noise than this use does and City Carting does not have any of these requirements.

Mr. Stein asked if there any other changes from last time.

Mr. Redniss replied that he believes that it was mostly in the mechanical area and the changes to the pad which he described earlier. He stated that they would like to include the public hearing records which were presented during the text change to this application.

Ms. Dennies asked if Mr. Redniss could explain #7B of the operations management plan.

Mr. Redniss replied the roof is pitched towards the tracking pad so that the fumes can exit out.

Questions for the engineer

Peter McGee, Mechanical Engineer answered questions from the board concerning the filtering system. He was asked how often the filter should be changed, the cost for the filters, the location of each filter and the fumes being contacted by the filters. The filtering system is designed to protect the worked and surrounding area. The dust escaping out the door will be an acceptable level based on OSHA standards.

Mr. Morris asked if there is a noise alarm.

Mr. McGree replied that he does not know since it is not his expertise.

Ms. Gwozdzowski asked how long will this project take for it to be set up.

Mr. Redniss replied six to eight months post demolition

Mr. Stein asked if the litigation is still ongoing.

Attorney Cassone replied that no not really.

Mr. Stein asked if is there is a draft of the stipulated agreement that we can see.

Attorney Cassone replied that yes.

PUBLIC COMMENTS FOR APPLICATION 216-41

Sheila Barney, resident expressed that she has some concerns but is ok with the project.

Terry Adams, Board of Representative #3, noted that he is concerned with the dust management. He stated that controlled dust can get airborne and does not feel that this misting system/ filters will work. He stated that the only solution I feel will be regular water misting. He requested that the board work with OSHA on dust control.

Acting Chair Stein stated that the public hearing for application 216-41 will be continued at the January 23, 2017 meeting.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: December 12, 2016: Following a brief discussion, Ms. McManus moved approval of the minutes as amended, seconded by Mr. Morris and carried on a vote of 5 to 0 (Stein, McManus, Morris, Gwozdzowski & Dennies)

Minutes for Approval: December 19 2016: Following a brief discussion, Ms. McManus moved approval of the minutes as amended, seconded by Ms. Gwozdzowski and carried on a vote of 5 to 0 (Stein, McManus, Morris, Gwozdzowski & Dennies)

PENDING APPLICATIONS

1. **CSPR 1023 – SUSAN L. GARDNER, 421 Ocean Drive West**, – Proposing to raise existing residential dwelling above the based flood elevation and construct small additions, chimney, covered entry and covered porch. Property is in the CAM boundary.

Acting Chair Stein read application CSPR-1023 for the record.

Ms. Mathur presented the application to the board and following a brief discussion Ms. McManus moved to approve CSPR-1023 with conditions prepared by EPB staff, seconded by Ms. Gwozdzowski and carried on a vote of 5 to 0 (Stein, Morris, McManus, Gwozdzowski & Dennies)

2. **CSPR 1025– THOMAS M. CASSONE, 102 Soundview Drive**, – Proposing to install an underground propane tank. Property is in the CAM boundary.

Acting Chair Stein read application CSPR-1025 for the record.

Ms. Mathur presented the application to the board.

Ms. Dennies stated that the application refers to a 150 gallon tank whereas the report from EPB states a 125 gallon tank. She asked staff to make a note of the discrepancy and to ensure that the correct size be stated in the approval.

After a brief discussion Ms. McManus moved to approve C SPR-1023 with conditions prepared by EPB staff, seconded by Mr. Morris and carried on a vote of 4 to 0 to 1 (Stein, McManus, Morris & Gwozdzowski)

*Ms. Dennies abstained from the vote

4. Application 216-42 Stamford Yacht Club, 97 Ocean Drive West and 0 & 43 Ralsey Road South, Stamford, CT, Special Exception, Coastal Site Plan Review and Site and Architectural Plans Review

Acting Chair Stein read application 216-42 for the record.

Ms. Gwozdzowski recused herself from this application.

After a brief discussion of the draft conditions, Ms. Dennies moved to approve application 216-42 as amended, seconded by Mr. Morris and carried on a vote of 4 to 0 (Stein, Morris, McManus & Dennies)

Acting Chair Stein called recess at 8:55 pm

Meeting resumed at 9:00 pm

ADMINISTRATIVE REVIEW

1. 201 High Ridge Road – Landscaping Plan Modification

Acting Chair Stein read the Landscaping Plan Modification request for the record

Attorney Lisa Fienberg of Carmody Torrance Sandak & Hennessey presented the modification request to the board. She described the history of the building, the layout of the grounds and the over growth of the trees that hide the building from the street. She stated that while some of the trees are dead and need to be removed there are more trees that even though are not dead they would like to remove to make the building visible from the street and thus make the building more marketable. She also stated that no trees will be removed around the perimeter and that they are planning to also plant new trees.

After a brief discussion Ms. McManus moved to approve the new landscaping plan and staff approval of the 16square foot sign, seconded by Ms. Gwozdzowski and carried on a vote of 5 to 0 (Stein, Morris, McManus, Gwozdzowski & Dennies)

OLD BUSINESS

1. Application 216-18 – Point 72 Asset Management, L.P. & Soundview Farms, LLC , 43 Gatehouse Road, approval of Site & Architectural Plans and Costal Site Plan Review (*Update on Landscaping issues*)

Acting Chair Stein read the Landscaping request for the record.

Attorney William Hennessey of Carmody Torrance Sandak & Hennessey presented the request to the board. He stated that because this land at one time was a chicken farm they had to do a soil study which showed a high level of arsenic. He stated that his client would like to do a complete remediation of the site which will require removal of some trees.

He noted that he wanted to bring to the board the request of the tree removal to be able to start the remediation. He stated that he will come back to the board with a new landscaping plan for the official approval. The board agreed to this request.

ADJOURNMENT

Ms. Dennies moved to adjourn the meeting at 9:35 pm, seconded by Ms. McManus and carried on a vote of 5 to 0 (Stein, Morris, McManus, Gwozdzowski & Dennies)

The meeting was adjourned at 9:35 pm

Respectfully submitted,

Roseanne McManus, Acting Secretary
Stamford Zoning Board

ZB PH 10917

NOTE:

These proceedings were recorded on **video** and are available for viewing through the City of Stamford's web page – www.stamfordct.gov.

There proceedings were also **audio tape** recorded and are available for review in the Land Use Bureau located on the 7th floor of the Government Center, 888 Washington Boulevard, during regular business hours.