

**MINUTES OF THE ZONING BOARD**  
**PUBLIC HEARING AND REGULAR MEETING,**  
**MONDAY, NOVEMBER 21, 2016 AT**  
**7:00PM, ON THE 4<sup>th</sup> FLOOR, CAFETERIA,**  
**GOVERNMENT CENTER BLDG, 888 WASHINGTON**  
**BLVD., STAMFORD, CT**

**REVISED**

Present for the Board: Thomas Mills (Chair); David Stein (Secretary), William Morris and Rosanne McManus. Present for staff: Ralph Blessing, Land Use Bureau Chief.

Chairman Mills called the meeting to order 7:04pm.

**PUBLIC HEARING CONTINUED FROM NOVEMBER 14, 2016**

**Application 216-27 –TRUE NORTH STAMFORD, LLC and ST. JOHN’S ROMAN CATHOLIC CHURCH OF STAMFORD, CT., 245 (aka) 279 Atlantic Street, Text Change,** Proposing to Amend table IV, Appendix B, within the C-L, C-G and CC-N districts.

**Application 216-28 – TRUE NORTH STAMFORD, LLC and ST. JOHN’S ROMAN CATHOLIC CHURCH OF STAMFORD CT., 245 (aka) 279 Atlantic Street, approval of Site and Architectural Plans, Special Exception and Costal Site Plan Review,** The proposed redevelopment project is anticipated to consist of 212 apartments, 1 guest suite and up to approximately 8000 sf of retail / flex space as well as 315 parking spaces within an enclosed structural parking garage. An additional level of parking below grade with approximately 71 parking spaces is also proposed as an option to be constructed at the discretion of ROECO. The church and the rectory will also remain on the property.

Chairman Mills read the applications 216-27 and 216-28 into the record

Attorney William Hennessey and his staff presented the changes that they had made based on the comments from the Zoning Board. He went into detail concerning the piazza, the wall design and the rendering.

Attorney Hennessey stated that the conditions presented by the Zoning Board staff for the ground floor elevations are acceptable.

The board discussed the emergency egress of the piazza and they were presented with a plan.

Attorney Hennessey stated that a public cut through of the piazza will not be feasible as it presents a security issue. The only way for the public to cut through would be through the parking garage.

There will be (3) three security gates and that the residents will have a key fob. There will also be security personnel on staff. He stated that the roof top equipment will not be visible from the street and it will be concealed by a parapet.

Attorney Hennessey's team presented the window choice, steel awning choice and material samples to the Zoning Board. He stated that they can come back to the board for approval on material choices. The second canopy was described to the board members. The board agreed that the second canopy was a nice addition.

Attorney Hennessey stated that they are happy to accept a condition that the lighting plan be approved by the Zoning Board.

Ms. McManus asked for details on the parking ratio. Monsignor DiGiovanni stated that there are usually 100 to 125 cars parked for Sunday mass and that there are also people that walk or park in the Bell Street garage. He stated that he is comfortable with losing parking spaces.

Ms. McManus asked about the residential parking ratio. Attorney Hennessey replied that there will be 212 units and one (1) parking space per unit

The board discussed the parking management plan.

Attorney Hennessey discussed the eastern façade directly behind the Center for the Art. His team described the façade to the board. He solicited ideas from the board. He also noted that we do want to get this building going by the spring and thus time is limited. He also stated that there is a condition already in place for this façade.

Ms. McManus asked about the lease agreement. Attorney Hennessey noted that it will be a 99 years ground lease with a potential for renewal.

Chairman Mills asked the amount of B.M.R. requirement funds going to Inspirica.

Attorney Hennessey replied that \$2,400,000.

The board then went into a discussion on the calculations of the B.M.R. obligation.

The board is not comfortable with the formula that was used to come up with the dollar amount be given to Inspirica. Mr. Stein stated that he is more comfortable with \$2,700,000. Attorney Hennessey stated that \$2,700,000 will not work for my client.

Jason Chaplan, Executive Director of Inspirica expressed to the board that he needs the \$2,400,000 to get this project done.

The Board expressed concerns that this method of calculation will set a wrong precedent. Mr. Mills expressed that he wanted clarity on the calculations so that projects in the future who may try supporting deeply affordable units do not look at the final result from this application but also know how the calculation works.

The board discussed an email that was sent to Mr. Blessing from NBC at 4:45pm on November 21, 2016

## **PUBLIC COMMENTS**

**Mike Moran**, Director, Center for the Arts introduced Robert Henrick.

**Robert Henrick**, Representative of NBC stated that we are supportive of the project but we have concerns: Noise and vibrations, production trailer, parking, He asked for help from the board to come to an agreement regarding these concerns.

**Steven Weiss** noted that he has worked with NBC on their concerns of his project and is very surprised by the issues.

**Monsignor DiGiovanni**- noted that we have been very good neighbors to NBC and was very surprised with NBC concerns.

**Attorney John Leydon** noted that NBC has been here for a long time and also expressed surprise to their concerns.

Chairman Mills closed the public hearing for applications 216-27 and 216-28.

Chairman Mills called a recess 10:00pm, Meeting resumed at 10:11pm

## **PUBLIC HEARING**

**Application 216-05 – 95 WEST BROAD STREET, LLC., Site & Architectural / Requested use and Special Exception**, Requesting approval to construct (3) three residential condominium buildings with (3) three residential units in each along with associated parking and site improvements for property located at 91-95 West Board Street. Property is located in the R-5 district.

Chairman Mills read the application 216-05 into the record

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

Attorney Joseph Capalbo, representative for the applicant introduced his team and presented the mailing to the board. He then described the proposed project to the board including the location and the zoning district (R-5). He indicated that there are already units built by this applicant on the site. This parcel of land became available which the applicant purchased and is wishing to build the same type of units, 9 units to total 15 for the entire project. Three of these units are per the bonus density. A total of 33 parking spaces are proposed. Each unit will have a two (2) car garage. No impact of traffic on the neighborhood is anticipated.

He stated that these units will be built the same way as the first 6 units. He described the materials being used, the landscaping plan and the lighting plan. Trash pickup will be provided by the City. There will be a condo association.

He described to the board the results of the City's Traffic Engineer report.

Mr. Stein asked about the BMR compliance of the prior units. Attorney Capalbo noted that there is no BMR requirement for those units since they are already built and have received C of Occupancy. BMR requirement would be applied to 9 new units and the bonus density is 1.2 units.

Ms. McManus asked for a description of the fence. Attorney Capalbo noted that there is an existing stone wall that will be continued.

Ms. McManus asked about planting and trees along the wall. Attorney Capalbo responded that there is only one tree in the back in far corner. No other trees exist on the site.

Mr. Stein noted that a photometric plan was not provided per staff report. Attorney Capalbo responded that lighting is described on the landscaping plan.

Mr. McManus noted that we would like to see a lighting plan and this should be a condition of approval.

Mr. Stein asked about snow removal. Attorney Capalbo noted that there is plenty of room in the back to store snow. If there is a time that the snow has to be removed it will be up to the condo association.

**NO PUBLIC COMMENTS**

Chairman Mills closed the public hearing for application 216-05

**REGULAR MEETING**

**PENDING APPLICATIONS**

- 1 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

Chairman Mills read the application 216-22 for the record.

The Board discussed the revised conditions of approval for application 216-22 dated November 16, 2016 and made suggestions to amend the conditions.

After a discussion of each of the conditions Mr. Morris moved to approve the conditions as amended for application 216-22, seconded by Ms. McManus and carried on a vote of 4 to 0 (Mills, Morris, Stein & McManus)

2. Application 216-27 –TRUE NORTH STAMFORD, LLC and ST. JOHN’S ROMAN CATHOLIC CHURCH OF STAMFORD, CT., 245 (aka) 279 Atlantic Street, Text Change

Chairman Mills reads the applications 216-27 and 216-28 for the record.

After a discussion, Mr. Morris moved to approve application 216-27 seconded by Ms. McManus and carried on a vote of 4 to 0 (Mills, Morris, Stein & McManus)

3. Application 216-28 – TRUE NORTH STAMFORD, LLC and ST. JOHN’S ROMAN CATHOLIC CHURCH OF STAMFORD CT., 245 (aka) 279 Atlantic Street, approval of Site and Architectural Plans, Special Exception and Costal Site Plan Review

The Board discussed the conditions of approval for application 216-28 dated November 18, 2016

The board discussed the concerns from NBC regarding noise and vibrations. It was discussed whether a condition relating to the issues was needed. Mr. Mills, Mr. Morris were not in favor of such a condition. Mr. Stein was in favor of adding such a condition. It was decided that the condition will not be added.

The board discussed condition #10 in length. They discussed how the funds should or should not be used if the Inspirica project does not go through.

They discussed the calculations for the B.M.R. obligation. They agreed that while this is a good cause and were in favor of the project they felt that the dollar amount of \$2,400,000.00 is too low and was not based on a calculation found in the zoning regulations. Mr. Stein expressed a concern that this will set a wrong precedent since this amount is less than the fee in lieu amount set forth in the zoning regulations.

The Board discussed several changes to the condition. Mr. Stein suggested “Said funding shall be provided directly to Inspirica, to be held in escrow until said funds are used in the development of the 53 unit project in two years of the date hereof; subject to three one year extensions upon the approval the Zoning Board”.

After a discussion of each of the conditions Mr. Morris moved to approve with conditions dated November 18, 2016 and amended as discussed tonight, November 21, 2016 with the amount of \$2,400,000.00 reflected in the conditions, seconded by Ms. McManus to go into discussion. Mr. Stein and Ms. McManus were not in favor of the dollar amount they felt that it is too low.

Mr. Stein made a motion to amend the obligation to \$2,787,260.00. There were no seconds.

Ms. McManus made a motion to amend the BMR obligation to \$2,550,000.00, seconded by Mr. Stein.

Mr. Mills and Mr. Morris noted that they are in favor of \$2,400,000.00. There was a lengthy discussion of how the calculations were used for the fee in lieu for this project.

Ms. Manus withdrew her motion and stated that in the future she will not endorse how this calculation was implemented. And that she is in favor of changing some of the zoning regulations.

Chairman Mills asked Mr. Morris if his motion was still on the table. Mr. Morris replied yes. Mr. Morris made a motion to approve application 216-28 with conditions amended tonight (November 21, 2016), seconded by Ms. McManus and carried on a 3 to 1 vote (Mills –yes, Morris- Yes, McManus- Yes, Stein- No)

### **ADJOURNMENT**

Mr. Morris moved to adjourn the meeting at 11:45pm, seconded by Ms. McManus and carried on a vote of 4 to 0 (Mills, Stein, Morris & McManus)

The meeting was adjourned at 11:45pm

Respectfully submitted,

David Stein, Secretary  
Stamford Zoning Board

ZB PH112116