

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, NOVEMBER 10, 2014, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901**

Present for the Board: Thomas Mills, Barry Michelson, Rosanne McManus, William Morris, David Stein and Joanna Gwozdzowski. Present for staff: David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:11 PM.

REGULAR MEETING

Organizational Meeting – Election of Officers

Mr. Morris moved to nominate Thomas Mills as Chair of the Zoning Board, seconded by Ms. McManus and the motion was unanimously approved 5 to 0 (Michelson, Morris, McManus, Stein and Mills).

Mr. Morris moved to nominate Barry Michelson as Secretary of the Zoning Board, seconded by David Stein and the motion was unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Stein).

After a brief discussion by the Board of the 2015 meeting schedule, the Board approved the calendar with the addition of a Public Hearing on Thursday, September 10, 2014.

PUBLIC HEARING

1. **Application 214-21 – KEVIN ROMANO, 965 Hope Street, Special Exception and Final Site and Architectural Plans** requesting approval of special exception and site plans to construct a mixed-use development with ground level retail and 14 residential units in a VC district with site improvements and parking at 965 Hope Street.

Mr. Mills opened the Public Hearing and read a description of the application into the record. Mr. Michelson read the Planning Board referral letter into the record.

Attorney Mario Musilli submitted the notice to abutters into the record. He explained that there was an engineering issue and asked the Board to continue the hearing and proposed a continuation of the Public Hearing on this matter until December 8. The Applicant would also consider requests of the City to retain a 10' setback from the curb-line.

Mr. Mills continued this application to the Zoning Board meeting of December 8, 2014 at 7:00pm in the 4th floor Cafeteria.

2. **Application 214-25 – LUIS DIEGO LORET DE MOLA, Text change**, to Amend Article III, Section 9, Subsection N by adding paragraphs b and c to establish exemptions

from this subsection and to provide further definitions for R-D districts with 20 or more units that are single family detached and improvements have been completed within 3 years of Zoning Board approval of a zone change to R-D.

Mr. Mills opened the Public Hearing and read a description of the application into the record. Mr. Michelson read the Planning Board referral letter into the record.

Mr. Killeen read a letter dated November 10, 2014 from the Applicant's Attorney requesting continuation of this application to December 8, 2014 to give the Applicant the opportunity to address the Planning Board's concerns.

Mr. Mills continued this application to the Zoning Board meeting of December 8, 2014 at 7:00pm in the 4th floor Cafeteria.

3. **Application 214-30 – CITY OF STAMFORD, Text change**, to Amend Article III, Section 13-G, Sign Regulations in the C-L, C-G, C-I and C-S zoning districts by amending paragraph 8 and adding a new paragraph 9 establishing standards for signage on buildings facing I-95.

Mr. Mills opened the Public Hearing and read a description of the application into the record. Mr. Michelson read the Planning Board referral letter into the record.

Mr. Killeen made a presentation of the proposed text amendment.

Ms. McManus asked if similar restrictions could be added to the CC-N and CC-S districts. Mr. Killeen responded that it would require a separate text change and public hearing. Mr. Stein asked if large banners were permitted under this text change. Mr. Killeen said no; those banners are illegal.

Mr. Mills asked if the Board could control the design of these signs. Mr. Killeen answered no, it's outside the Architectural Review District but additional language could be added related to the design and type of signs.

Mr. Mills asked if anyone from the public wanted to comment. There were no members of the public speaking in favor or opposition to this proposed text change.

After a brief discussion by the Board, Mr. Mills closed the Public Hearing on this application.

4. **Application 211-24A Modification – PROCUREMENT, LLC, 11 Maplewood Place, 808, 812, 816, 820 and 826 High Ridge Road - Special Exception modification**, Applicant requests modification of an approved Special Exception and Site Plan (211-23.24 revised to 9/12/14) pursuant to Section 9 E.4, RM-1 Multi-Family, Low Density Design District to increase the number of dwelling units by 2 units, to increase the number of parking spaces by 3 spaces, to eliminate the requirement that ownership of the units be in the form of a condominium and to eliminate the requirement that a traffic signal be installed at the intersection of Bradley Place and High Ridge Road prior to the allowance of vehicular traffic from the subject premises to pass via easement over an

adjacent parcel to Bradley Place. Located in the RM-1, Multi-Family Low Density Design District, having addresses of 11 Maplewood Place, 808, 812, 816, 820 and 826 High Ridge Road.

Mr. Mills opened the Public Hearing and read a description of the application into the record.

Attorney John Leydon submitted the Certificate of Mailing into the record. He also submitted a Traffic Statement from Tighe & Bond dated November 7, 2014.

Attorney Leydon referenced three items that have been submitted for Zoning Board consideration: 1) an application and backup materials, 2) a narrative dated November 7, 2014 and 3) a Staff report. Mr. Leydon provided a history of the approvals and appeals related to this application and after considerable time, the Applicant is now asking for reconsideration of four points contained in the conditions of approval under Application 211-23 and 211-24. The first item is based on the approved number of units (7 units in Building 1; now requesting 9 units as initially proposed).

Mr. Stein asked if the court asked the Zoning Board to consider 9 units? Attorney Leydon said no, the decision of the court overturned denial of the Special Exception application.

Mr. Michelson asked if this conflicted with the building plans? Attorney Leydon said no. The Board discussed the issue of the two approvals and the Court ruling.

The second item is the form of ownership. Attorney Leydon argued that this form of ownership should be allowed in the current marketplace and there is no legal basis for a restriction. Mr. Michelson and Mr. Stein noted that ownership of these units as condos was offered by the Applicant as a compromise with the neighbors during the Public Hearing of the applications. Mr. Mills noted that the Board cannot impose such a restriction.

The last two requests deal with logistics. They are requesting 3 more parking spaces in the screened area and regarding the access to Bradley Place, the Applicant requests access over the buffer strip between Lot B and Lot C. The Applicant is committed to constructing turning lanes to enable smoother traffic movement and they are willing to pay a total of \$100,000 for traffic improvements.

Mr. Morris asked if these items were addressed by the court decision? Attorney Leydon said no.

Mr. Stein noted that the original application was based on a traffic study that recommended a traffic light and that was reflected in the court decision. Mr. Michelson agreed saying it was part of the basis for the court overturning the Zoning Board denial of the first application.

Mr. Stein asked if the Applicant is asking for the condition to be eliminated? Attorney Leydon said no. He explained that the Applicant is willing to make the contribution to traffic improvements including the traffic light. The Applicant is only asking that driveway access to Bradley Place be allowed immediately rather than having that access conditioned on the traffic light being installed before access is allowed.

Leonard D'Andrea, Surveyor, gave an overview of the site, reviewed parking, traffic flow circulation and drainage. The Applicant never had a problem with the requirement for a traffic signal but their concern is that High Ridge Road is a State Highway and State approval is still required. Mr. D'Andrea said that the proposed circulation pattern will be enhanced with this new plan.

Ms. McManus asked if they had asked the State for approval of the traffic light and been denied? Mr. D'Andrea said yes. Mr. Mills asked if they had anything in the record regarding the Traffic Light and was this light included in the High Ridge/Long Ridge Corridor Study? Mr. Mills asked the Applicant to submit a letter of denial from the State DOT.

Mr. Morris asked for a rationale for the condition limiting access to Bradley Place? The answer was to limit traffic congestion for the neighborhood on Bradley Place.

Ms. McManus asked about the three additional parking spaces. Mr. D'Andrea commented that there is a landscape buffer of 10-15 feet.

At 8:15pm, Mr. Mills asked if anyone from the public wanted to comment.

Paul Longo, 76 Bradley Place, expressed concern about excessive density on this site and the fact this would be the first approval of an apartment complex on High Ridge Road. Agreements were made to reach a consensus on the number of units and the daycare size. He expressed concern that Mr. Osta is now seeking to break every agreement made with the neighborhood.

Mike McNamara, 21 Bradley Place, said he is a 30 year resident and requests that everyone live with the compromise agreed to in 2011. He also expressed concern about traffic and turning movements. He wants to keep approvals as they are.

Jewel Evans, 290 Sundance Road, expressed concern that the Applicant wants to make these apartments after he told neighbors they would be condos.

Eileen Towne, 74 Snow Crystal, opposes all of the current requests. This project is too big. The driveway access to Bradley Place is a big issue and there is already too much traffic.

Stephanie Schwartz, 120 Snow Crystal, expressed concern about traffic impacts of this development on existing neighbors. There is too much traffic now. She urged the board to decline the request to alter access.

Neil Cator, 13 Turn of River, said the increased density will lower the value of property and he's concerned about that impact.

Steven Arvan, 27 Bradley Place, said his number 1 concern is traffic. He's been a resident for 15 years and the big problem is traffic. The commercial properties generate parking of employees, truck deliveries and parking on the street all day. The Ballet School across the street has shows now that generate more cars than they have parking spaces to accommodate.

Anthony Mascarelli, 31 Bradley Place doesn't support this. He expressed concern that there may have been variances granted and encroachments along Bradley Place since 1965. He has concern about commercial development on Bradley; the new landscaping blocks the siteline; sandwich signs are a problem. The Board needs to look at existing violations.

Dana/Dennis Origi, 22 Bradley Place, expressed concern of their property being devalued; construction, eliminating trees, excessive lighting and excessive business parking are all concerns to the neighborhood. Mr. Origi said he initially supported this development because Mr. Osta promised a tree lined buffer which was never installed. Now, he cannot support the proposed development.

Samantha Donoghue, 302 Sundance, expressed concern that the Applicant has consistently disregarded agreements with the Zoning Board and the neighbors and said the traffic light is essential.

Flavia Lasalandra, 104 Rolling Wood Drive, said this development was always a concern to the neighborhood with traffic problems and high density. She asks the Board to fulfill its moral responsibility to maintain the neighborhood character for this area. There is too much development along High Ridge Road between the Merritt Parkway and Ridgeway. She's concerned that the City doesn't listen to the residents.

Peter DeMarckey, 2 Wilder Road, agrees that with the other neighbors and he's concerned that Mr. Osta is breaking all the agreements there were made. Traffic is a major problem. If the buildings are already built, he believes they already contain 9 units, though they have not been approved by the Zoning Board.

Philip Beras, 217 Sun Dance Road, expressed concern that Mr. Osta agreed to Plan B and now, he is seeking modifications to that Plan.

Joe Grasso, 10 Snow Crystal Lane, is concerned they must have already roughed in the additional residential units.

Darrell Helsing, 44 Lancaster Place, new resident to the neighborhood. Mr. D'Andrea said the circular flow of traffic would be beneficial but Mr. Helsing does not believe this will help the existing neighbors.

Ajay Ahuja, 821 High Ridge Road, did not receive a notice and is within 100 feet. He wanted to clarify that Attorney Leydon and Mr. D'Andrea were not correct; he indicated that the traffic signal must be approved by the traffic engineer; they cannot fault DOT. Mr. Ahuja made attempts during the public hearing to forward a traffic study related to the traffic light but had difficulty with internet access. The Board agreed to allow him to send it by the end of the day once he had internet access again.

Mr. Mills took a brief break from 9:45pm to 10:00pm and resumed the public hearing at 10:00pm.

Mr. Osta spoke after the public testimony to address comments made by the public.

Attorney Leydon asked to submit for the record, his rebuttal to comments in an exhibit containing ZBA approval having to do with parking on neighboring property.

Mr. Stein asked if there are 19 units under construction there? Attorney Leydon said the building is complete to the insulation to enable those units but there is no rough plumbing or electrical in place. Mr. Stein asked if this was built without permission? The answer was no. Mr. Stein asked about the 3 parking spaces. Attorney Leydon said yes, they've been built. It can be cut out and landscaping installed before the second layer is laid. Mr. Stein asked about the third lane on Bradley Place, where is this land coming from? Mr. D'Andrea said it's contained in the right of way that is 50' wide.

Mr. Michelson asked what was the width of the paved road? Mr. D'Andrea said the current road is widened 2 feet to the South; all lanes will be approximately 11 feet wide for a total of 33' paved in the 50' right of way.

Mr. Stein said the neighbors commented there was an agreement with them, is that correct? Attorney Leydon said the Applicant submitted this request in response to the appeal that had been filed.

Ms. Gwozdzowski asked if these 3 lanes on Bradley will be too narrow for large vehicles? Mr. D'Andrea reported that the turning radius is the most important aspect.

Mr. Mills said there's a 200' "No Parking" restriction and asked if the Traffic Advisory Commission could limit parking? He asked Staff to check with the Traffic Engineer on commercial vehicle limitations.

Mr. Mills asked about the planting plan and if EPB staff approved it?

Attorney Leydon said a revised peak hour volume report has been submitted to Mr. Poola. The Board discussed traffic flow, traffic signal and parking restrictions in front of abutting residential properties. Mr. Mills asked for a review of the traffic requirements conditioned under the original approval.

Mr. Mills polled the Zoning Board members for additional comments and questions. Mr. Mills closed the Public Hearing on this application.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes of October 27, 2014

Mr. Michelson submitted two corrections to the minutes on page 1 and page 5. Ms. McManus moved to approve the minutes with the changes submitted by Mr. Michelson, seconded Mr. Stein and the motion was approved 5:0 (Michelson, Morris, McManus, Stein and Gwozdzowski approving; Mills not voting).

PENDING APPLICATIONS:

1. **CSPR-965 – CINGARI, 2236 Shippan Ave**, seeking approval to remove an existing wooden deck and replace with a concrete terrace and stairs of approximately 1,680 s.f. in an R-20 district within the CAM boundary.

Mr. Killeen presented an overview of this project and the EPB Staff report. After a brief discussion, Ms. McManus moved to approve the application subject to EPB conditions, seconded by Mr. Michelson and the motion was unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Stein). The conditions will read as follows:

1. *Work shall comply with the following plans and correspondence:*

- *“Existing Building Location Survey Depicting 2236 Shippan Avenue, Stamford, Connecticut,” Prepared for Salvatore A. Cingari, Jr., by Redniss and Mead, revised October 10, 2014.*
- *“Site Plan for Terrace Depicting 2236 Shippan Avenue, Stamford, Connecticut,” Prepared for Salvatore A. Cingari, Jr., by Redniss and Mead, revised October 21, 2014.*
- *“Proposed Deck Plan,” “Proposed Deck Elevations and Sections,” Cingari Residence, 2236 Shippan Avenue, Stamford, Connecticut 06902, Sheets A-1.0 and A-1.1, by Robert A. Cardello Architects, LLC, dated July 16, 2014.*
- *“Foundation Plan,” “Deck Framing Plan,” “Structural Sections,” “Structural Sections,” “Structural Sections and Details,” and “Structural Notes,” Cingari Residence, 2236 Shippan Avenue, Stamford, Connecticut, Sheets S-1.0, S-1.1, S-2.0, S-2.1, S-2.2, and S-3.0, by CLA Engineers, Inc., dated July 31, 2014*
- *Correspondence from Robert Cardello, Robert Cardello Architects, Undated, October 2, 2014, and October 14, 2014.*
- *Correspondence from Kyle Haubert, P.E., CLA Engineers, Inc., dated October 6, 2014.*
- *Correspondence from Jeremy R. Williamson, P.E., CLA Engineers, Inc., dated October 1, 2014.*
- *Correspondence from Robert C. Russo, Soil Scientist, CLA Engineers, inc., dated October 21, 2014.*
- *Correspondence from Alessandro Marini, ML Construction, dated September 12, 2014.*
- *Assessor’s Card, 2236 Shippan Avenue, Stamford, Connecticut, Undated.*

2. *Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion/construction controls, final stabilization measures and professional supervision/certifications. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit*
3. *Sediment and erosion and construction controls shall be installed in the manner and location shown on the permit plans prior to the start of any site activity and approved in writing by EPB Staff.*
4. *Details for the anticipated means to protect the nearby sanitary line shall be provided prior to the start of any site activity.*
5. *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other EPB approved alternative prior to the receipt of a signature authorizing the issuance of a certificate of occupancy/return of surety. This condition applies not only to disturbed earth surfaces slated for landscaping but also to areas under any exterior decks/porches, stairs, driveway surfaces, gutter outfalls, etc.*
6. *All flood proofing shall be conducted under the supervision of a professional engineer or architect registered in the State of Connecticut. Upon the completion of the construction and prior to the issuance of a certificate of occupancy/return of surety, a Connecticut registered engineer or architect shall certify (signed and sealed correspondence) that the terrace, stair and related facilities have been constructed in accordance with Section 7.1 of the Zoning Regulations ("Flood Prone Area Regulations of the City of Stamford) and are capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.*
7. *Upon the completion of the construction and prior to the receipt of a signature authorizing the issuance of a certificate of occupancy/return of surety, a Connecticut registered professional land surveyor shall submit: a) a final improvement location survey (ILS), and b) a standard "National Flood Insurance Program Elevation Certificate."*
8. *Upon the completion of the construction and prior to the receipt of a signature authorizing the issuance of a certificate of occupancy/return of surety, submission of written correspondence/affidavit from the contractor or architect certifying the final cost of the project.*
9. *Upon the completion of construction and prior to the receipt of a signature authorizing the issuance of a certificate of occupancy/return of surety, the applicant shall file a notice on the Stamford Land Records disclosing the following information.*

- *The subject property lies, in part, within a known flood hazard area described as Zone VE - 15 feet NAVD-88 as depicted on Flood Insurance Rate Map 09001C0519G, dated July 8, 2013.*
 - *A Coastal Site Plan Review (2236 Shippan Avenue, Salvatore A. Cingari for Salvatore A. Cingari Jr. Qualified Trust, CSPR-965, 11/14) has been issued by the Zoning Board of the City of Stamford to allow construction of a multi-level concrete/stone terrace, stairs, and other related facilities on a waterfront property that supports the coastal resources identified as “Shorelands,” “Coastal Flood Hazard Area,” and “Rocky Shorefront.*
2. Application 214-12 – RICHARD W. REDNISS, Text Change
 3. Application 214-13 – BELPOINTE CAPITAL, LLC, Map Change
 4. Application 214-14 – BELPOINTE CAPITAL, LLC, General Development Plan and Special Exception Requests, 112 Southfield Avenue
 5. Application 214-15 – BELPOINTE CAPITAL, LLC, Final Site & Architectural Plans and Coastal Site Plans, 112 Southfield Avenue,
 6. Application 214-07 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street
 7. Application 214-08 – WEST SIDE DEVELOPMENT PARTNERS, LLC, 1937 West Main Street LOT B-2

Mr. Mills tabled discussion on these applications to the next meeting scheduled for Monday, November 17, 2014 at 7:00pm in the 4th floor, Cafeteria.

8. Application 214-16 – THIRD STREET DEVELOPMENT, LLC., Final Site & Architectural Plans and Special Exception

After a brief discussion, Ms. McManus moved to approve the application subject to modified conditions submitted by Staff, seconded by Ms. Gwozdzowski and the motion was unanimously approved 5 to 0 (Michelson, McManus, Morris, Stein and Gwozdzowski approving; Mills not voting). The conditions will read as follows:

1. *Prior to the issuance of a building permit, the Applicant shall submit final specifications of exterior architectural designs, materials samples, and colors, including signage, lighting, and fencing (including the fencing around the designated pre-school play areas), subject to final approval by Zoning Board staff, consistent with the building and site plans, architectural elevations and illustrative renderings constituting the record of the application. As agreed by the applicant, the buildings will be clad in Fiber cement board instead of the vinyl siding that was shown on the submitted plans.*
2. *The Zoning Board approves the Special Exception request for a BMR Bonus Density on this property, which increases the proposed development from twenty-one (21) units to a total of twenty-three (23) units.*

3. *As approved by the Zoning Board as a Special Exception, prior to the issuance of a building permit, the Applicant shall make a “fee-in-lieu” payment for 0.6 BMR units based on the current area median income, calculated currently at \$108,837. Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit an Affordability Plan permanently establishing on-site two (2) below market rate BMR units as presented during the public hearing.*
4. *Landscaping and perimeter fencing plans are approved, subject to approval of construction documents by the Zoning Board staff.*
5. *Lighting plans are approved, subject to review of construction documents by the Zoning Board staff prior to issuance of a Building Permit.*
6. *Signage plans shall be submitted to and subject to approval by the Zoning Board staff, not to exceed two signs, each six square feet in area, mounted on the landscaping walls at the entry drive.*
7. *No significant mechanical equipment, in addition to that depicted on the building and site plans, shall be installed within view of any public street without prior approval of the Zoning Board staff.*
8. *Snow shall be removed from the site when there is an accumulation of eight inches or more. Snow shall not be pushed onto adjoining public streets.*
9. *Trash generated by units in this development shall be deposited by residents of the development into the dumpsters provided on site. Trash will be hauled from the site weekdays between the hours of 9:00 am and 2:00 pm.*

STANDARD CONDITIONS:

10. *Applicant shall make best efforts to keep the property in good condition up until and during the construction process. Existing lawn areas shall be mowed and maintained, and construction debris shall be kept to a reasonable minimum.*
11. *Submission of a Performance Bond, or other acceptable surety, to ensure completion of all required landscaping, streetscape improvements, and sedimentation and erosion controls, in an amount equal to the estimated cost of said improvements, subject to the approval of Director of Legal Affairs as to form and subject to approval of amount by the Zoning Board staff, to be provided prior to the start of any construction activities.*
12. *Submission of a comprehensive site plan showing proposed grading, underground utility connections, sanitary sewer connections and proposed storm water management systems, subject to approval by the Engineering Bureau prior to the issuance of a building permit. Applicant shall address conditions outlined in the September 15, 2014 review memorandum of Susan Kiskin, P.E.*

13. *A Street Opening Permit shall be required for any work within the City of Stamford street right-of-way.*
14. *Submission of a Drainage Facilities Maintenance Agreement and a Landscape Maintenance Agreement, subject to the review and acceptance of the Engineering Department and the Environmental Protection Board staff prior to issuance of a Certificate of Occupancy.*
15. *Applicant shall provide additional information requested by the Water Pollution Control Authority, in their memorandum dated August 19, 2014 and will obtain a discharge permit from WPCA for all buildings.*
16. *The Applicant shall have one year from the effective date of this approval within which to secure a Building Permit, subject to Zoning Board approval of three extensions, each not more than one year, upon timely application and good cause shown.*

12. Application 211-24A Modification – PROCUREMENT, LLC, Special Exception modification

Mr. Mills opened discussion to the Board. Mr. Michelson feels the Board should deny all requests. Mr. Morris said he was not concerned about the two extra units. Ms. McManus wanted to check parking requirements for the expanded daycare facility. She was not concerned about the 2 units nor the 3 parking spaces. All members discussed and did not want to give the pass through to Bradley Place.

Mr. Mills reviewed the bedroom mix proposed. Mr. Stein said he thought they were entitled to two additional units by virtue of the special exception approval by the court's decision. The Board requested additional documentation be submitted from the Applicant. Therefore, Mr. Mills said they could not vote at this meeting and the discussion of the application would be continued to the next meeting scheduled for Monday, November 17, 2014 at 7:00pm in the 4th floor cafeteria.

There being no further business, the meeting adjourned at 11:24 p.m.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board