

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, MAY 3, 2016
REGULAR MEETING - BOATYARD DECISION
4TH FLOOR CAFETERIA - GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT**

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Claire Fishman, Secretary; Jennifer Godzeno; Jay Tepper, Vice Chair and Michael Totilo. Alternate: William Levin. Present for staff was Norman Cole, Land Use Bureau Chief and David W. Woods, Ph.D., AICP, Principal Planner.

Ms. Dell called the meeting to order at 6:35 p.m. and introduced the members of the Board as well as reiterating the procedure that the Planning Board was going to follow both before and once the Board went into the discussion/decision session. Ms. Dell emphasized that only the Applicant's attorney was going to be allowed to speak and no one from the audience would be given permission to address the Board. For the record, Ms. Dell stated that during the discussion stage, all members, including Mr. Levin, the Alternate, would be free to speak as much as they wanted. Upon the close of the question and answer period, only the five permanent Board members would be allowed to discuss and vote on these applications.

Ms. Dell introduced Item Nos. 1 - 8 dealing with the various elements of the Boatyard proposal and invited Mr. John Freeman, attorney for BLT, to speak who made a presentation to the Board answering previous questions from the Public Meeting that was held on April 19, 2016. Ms. Dell opened the question period to the Board in which Mr. Totilo began with his comments. Each Board member asked questions and provided comments with Mr. Tepper ending the session. Below are the applications and the recommendations made:

ZONING BOARD REFERRALS - BOATYARD APPLICATIONS
PLANNING BOARD DECISION:

1. **APPL. #216-03 - SOUTHFIELD PROPERTY, LLC - Text Change:** To amend the Designed Waterfront Development District Regulations regarding minimum front yard to not exceed 25 feet. This text amendment is new and was not previously reviewed by the Planning Board. The purpose of this text amendment is to facilitate increasing the size of the boatyard. Note that the front setback component of Application #215-04 is no longer necessary due to reduction in size of the housing component. After considerable discussion, Dr. Woods pointed out that even though the impetus of this text amendment was to "facilitate increasing the size of the Boatyard," this text amendment would encompass all properties in the DW-D zoning category - the west side of the harbor, which is positive. After further discussion, Mr. Totilo recommended approval of this text amendment and is consistent with the 2015 Master Plan and Ms. Godzeno seconded the motion and passed three in favor (Dell, Totilo, Godzeno) and two against (Fishman, Tepper).
2. **APPL. #215-02 - THE STRAND/BRC GROUP, LLC - Text Change:** To Amend SRD-S (Harbor Point) Regulations to increase permitted non-residential (FAR) from 0.20 to 0.23. The purpose of this text amendment is to compensate for the loss of 75,000 square feet of office floor area approved for 205 Magee Avenue when this property is dedicated exclusively for use as a boat storage and service yard. Development rights of 205 Magee total 153,462 sq. ft. After considerable discussion, specifically focusing on the meaning of the 75,000 sq. ft. transfer to the Harbor Point south end General Development Plan (GDP), Mr. Tepper moved that the Planning Board confirm its earlier recommendation to *deny without prejudice* for the reasons stated below:

“All permitted commercial development within Harbor Point (SRD-S zone) has been constructed. The proposed amendment of SRD-S regulations would authorize an additional 78,290 square feet of commercial floor area within the Harbor Point development, but the applicant has not identified where this additional commercial development would be located and has not submitted GDP showing the footprint, height and general design of new commercial buildings. In the absence of a comprehensive GDP for the 14-acre site, this text amendment application is premature and the Planning Board finds it inconsistent with the Stamford Master Plan and the orderly planning of the Harbor Point development.”

Ms. Fishman seconded the motion and passed by a vote of three in favor (Dell, Tepper, Fishman); one against (Totilo) and one abstention (Godzeno).

3. APPL. #215-03 - THE STRAND/BRC GROUP, LLC - Washington Blvd./Bateman Way - Amend General Development Plan (GDP): To amend the GDP for Harbor Point by replacing the

note on the plan to read “Block P7 Permitted Uses: Office and Retail, Public Access, Marina, Parking” and amending the wording of Condition #7. The Board spent considerable time discussing the three parts of this GDP to the 14-acre site. The first part is putting in the potential use that could go on the 14-acres - office space, retail, public access, public marina and parking. The second part is amending the wording of Condition #7 and the third part is reestablishment of boat slips and parking and request to remove the travel lift pits and fuel dock. Ms. Dell in her discussion stated that she was satisfied that the 42 revised boat slip plan, which includes a number of boat slips for larger boats, is functionally equivalent to the previous 251 boat slips. Therefore, the Planning Board removed the earlier reasoning calling for restoring the original 251 boat slips. After considerable discussion, Mr. Tepper moved to recommend *denial* of amending the GDP for the 14-acres as being inconsistent with the Master Plan and for the five reasons below:

- Removal of Condition #7 should only occur when a replacement boatyard/marina has been approved - current plans will result in a significant reduction in boatyard/marina services and capacities (comments on 215-06 and 215-07 incorporated by reference)
- Relabeling of the plan for “office, retail, marina & public access” should only occur when an replacement boatyard/marina has been approved and a comprehensive site plan to redevelop the 14 acre site has been approved
- Plans should include complete marina services and amenities to establish a destination for boaters
- Continuous public access should be provided around the entire perimeter of the 14-acre parcel with public parking, seating, landscaping and lighting improvements and connections to Kosciuszko Park and the Harbor Point waterfront public access system
- Any marina phasing schedule should address when site remediation will be complete and the site graded and stabilized. Completion dates should be specified for each phase

Ms. Fishman seconded the motion and passed by a vote of three in favor (Dell, Fishman, Tepper) and two against (Godzeno, Totilo).

4. APPL. #215-04 - SOUTHFIELD PROPERTY, LLC - Text Change: To Amend DW-D 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. Mr. Cole discussed the clarification of language changes that occurred since the October 21, 2015 meeting and read the proposed simplified language to the Planning Board. After some discussion, the Planning Board unanimously moved to *deny without prejudice* with the suggestion to the Zoning Board that upon their concurrence on the language that the Zoning Board should approve this Text Change by a vote of 5-0 (Dell, Fishman, Godzeno, Totilo, Tepper).

5. **APPL. #215-05 - WATERFRONT OFFICE BUILDING, LP - 62, 68 & 78 Southfield Avenue - Map Change:** To rezone 8.15 acres of property from CW-D to DW-D, for property known as Stamford Landing. After a brief discussion, Mr. Tepper moved to recommend approval and that it is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion and the Planning Board unanimously confirmed its previous recommendation to approve the rezoning of the 8.15 acre property from CW-D to DW-D by a vote of 5-0 (Dell, Fishman, Godzeno, Totilo, Tepper).

6. **APPL. #215-06 - SOUTHFIELD PROPERTY, LLC & WATERFRONT OFFICE BUILDING, LP - 28, 46, 62, 68, 78 Southfield Avenue & 2 Selleck Street - Special Permit, General Development Plan and Coastal Site Plan Review:** To construct 218 units of housing and a boatyard and marina with public access uses on 13.4 acres in a DW-D zone. Inconsistent with the Master Plan due to reduction in facilities. Presence of housing constricts the expansion of the facility. After an extensive discussion, Mr. Totilo moved to recommend approval of APPLICATION #215-06; Ms. Godzeno seconded the motion and failed by a vote of three against (Dell, Fishman, Tepper) and two in favor (Godzeno, Totilo), which meant the Planning Board adopted their previous findings from the October 21, 2015 meeting and recommends that the Zoning Board *deny* APPLICATION #215-06.

7. **APPL. #215-07 - SOUTHFIELD PROPERTY, LLC & WATERFRONT OFFICE BUILDING, LP - 28, 46, 62, 68, 78 Southfield Avenue & 2 Selleck Street - Final Site and Architectural Plans & Requested Uses, Special Exception and Coastal Site Plan Review:** To construct 218 units of housing and a boatyard and marina with public access on approximately 13.4 acres in a DW-D zone. After some discussion, Ms. Fishman moved to adopt the findings and recommends that the Zoning Board *deny* APPLICATION #215-07; Mr. Tepper seconded the motion, and passed by a vote of three in favor (Dell, Fishman, Tepper) and two against (Godzeno, Totilo).

8. **CSPR-978 - WATERFRONT MAGEE, LLC - 205 Magee Avenue:** To establish a boat storage and repair yard on 3.5 acres in an M-G zone. Dr. Woods stated that we included this CAM application as part of the whole package of applications before the Zoning Board. However, the Planning Board does not make a referral on CAM applications.

9. **PLANNING BOARD DIRECTION REGARDING THE WORKING NOTES OF 2/5/16 AND 3/28/16**

Dr. Woods requested that the Planning Board review both the Working Notes dated February 5, 2016 and Memorandum by Norman Cole dated March 28, 2016 and offer their observations. The Planning Board offered the following two observations:

- The Planning Board reviewed the twenty-six items on the lists and concurred that if the Zoning Board does approve the three Boatyard applications, that the applicant must meet the 26 conditions.

- By resolution vote of three in favor (Dell, Fishman and Tepper) to two against (Godzeno and Totilo), the Planning Board concluded that procedurally this application should have withdrawn and refiled.

ZONING BOARD OF APPEALS REFERRALS:

ZBA APPLICATION #034-16 - JEWISH COMMUNITY CENTER, INC. - 1035 NEWFIELD AVENUE - Special Exception: Applicant is requesting (1) removal of previous restriction that no “day camp” be allowed; (2) previously approved hours of operation of Zip Lines be expanded FROM Monday - Friday 10:00 a.m. to 6:00 p.m.; TO Monday - Friday 10:00 a.m. to 7:00 p.m. and Sunday 10:00 a.m. to 6:00 p.m. There are no proposed changes to the overall operation, facility, improvements, or number of children. Richard Redniss of Redniss & Mead was available to answer questions. The Jewish Community Center requested two Special Exceptions of the ZBA: (1) to remove the previous restriction of no “day camp” allowed and (2) to expand the hours of operation of the Zip Lines FROM Monday - Friday 10:00 a.m. to 6:00 p.m.; TO Monday - Friday 10:00 a.m. to 7:00 p.m. and Sunday 10:00 a.m. to 6:00 p.m. There are no proposed changes to the overall operation, facility, improvements, or number of children. Staff recommends approval of this Special Exception by the ZBA and that it is consistent with the Master Plan Category 2 (Low Density Single-Family). After a brief discussion, Mr. Totilo recommend approval of ZBA Application #034-16 and this Special Exception is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Levin, Tepper, Totilo).

ZONING BOARD REFERRALS:

ZB APPLICATION #216-12 - RICHARD REDNISS - 22 FIRST STREET (THOMAS GALLAGHER) - Text Change: Proposal to add “Funeral Parlor” (#107) to the permitted as-of-right uses in the M-G (General Industrial) Zoning District in Appendix A-Table II. The addition of a Funeral Parlor as a permitted use is consistent with the existing Crematory (#89) use already allowed as-of-right. Richard Redniss is proposing to add “Funeral Parlor” #107 to the permitted uses in the M-G General Industry zone, Appendix A, Table II. Staff concurs with the assertion that a funeral parlor is similar to a crematory use which is already allowed in the M-G Zone. Therefore, staff recommends approval to the Zoning Board, which is consistent with the Master Plan Category 13 (Industrial). After a brief discussion, Ms. Godzeno recommend approval of ZB Application #216-12 and this text amendment is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper, Totilo).

PLANNING BOARD MEETING MINUTES:

Meeting of 4/19/16: After a brief discussion, Mr. Tepper moved to recommend approval of the Planning Board Minutes of April 19, 2016; Ms. Godzeno seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper, Totilo).

OLD BUSINESS:

NEW BUSINESS:

Next regularly scheduled Planning Board meetings are:

5/10/16 - Regular Meeting & Public Hearing

5/17/16

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 10:45 p.m.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

NOTE: These proceedings were recorded on audio and video tape 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.