

STAMFORD PLANNING BOARD
REGULAR MEETING
MINUTES, TUESDAY, SEPTEMBER 17, 2013
4th FLOOR CAFETERIA, GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Theresa Dell, Chairperson, Claire Fishman, Roger Quick, Zbigniew Naumowicz, Jay Tepper, Michael Totilo, and Dudley Williams. Present for staff was Norman Cole, Land Use Bureau Chief; Erin McKenna, Associate Planner; and David Woods, Principal Planner.

Mrs. Dell called the regular meeting to order at 6:12 p.m.

Request for Authorization:

1. **Capital Project Reduction Recommendation & Request for Capital Appropriation**, for the reduction of C20052 (Wedgemere Road Sewers) in the amount of \$200,000, to be applied towards CP22045 (Carriage Drive Sewers).

Prakash Chakravarti, P.E., Supervising Engineer for the Stamford Water Pollution Control Authority, explained that the purpose of the requested funding is to install 10,000 linear feet of sewers at Carriage Dr., West Hill Rd., Stony Brook Dr., and Greenleaf Dr. to serve 71 homes.

After further discussion, Mr. Quick moved to approve the capital project reduction recommendation. Mrs. Fishman seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo, and Williams). Mr. Totilo moved to approve the request for the capital appropriation. Mr. Quick seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo, and Williams).

Subdivision:

2. **Subdivision #4009, The Greyrock Companies, LLC** for subdivision of the property into three parcels on Newfield Ave.

The Board members reviewed the concern of the neighbor discussed during the 8/27/13 public hearing: the screening between his property and the proposed common driveway.

After further discussion, Mr. Tepper moved to approve the subdivision subject to the conditions prepared by staff. Mrs. Fishman seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper, and Williams).

Zoning Board Referrals:

3. **ZB Appl. 213-19 – 467 West Main Street Associates, LLC & AutoZone, Inc.**, requesting approval of a special exception per Appendix A, Table II, Item 60 to operate a retail automotive parts and equipment store which specifically excludes automotive service in a C-L Zone.

Attorney Nick Vitti of Cacace, Tusch & Santagata presented the application, along with Nate Kirchner from Langan Engineering and Environmental Services. Mr. Vitti explained that the property would eventually be within the Village Commercial District (VCD), as the City is in the process of changing the

zoning. The design includes architectural features that complement the aesthetic intent of the VCD. They have complied with the conditions set forth by the Engineering Bureau, and Mr. Vitti reported that the Environmental Protection Board had no objections. Mr. Vitti said that the property owner would provide an easement to facilitate the City's widening of West Ave. Mrs. Dell asked whether the proposed changes to the sidewalk would remain after the road widening. Yes. What will the store look like from the street? Mr. Vitti explained that staff requested that the colors be changed to earth tones and that there be windows on the side facing West Main St. Why isn't there an entrance on West Main St.? This is the type of store that customers drive to rather than walking to from the neighborhood, so the entrance is in the back with the parking lot. Will there be a lot of deliveries? Once a week, during the early part of the day. The requirements for parking for employees? There are two to three employees on any given shift, so it is minimal. No repairs? No, it is just a retail store. Mr. Cole asked whether there would be screening between the parking lot and the residences. Mr. Vitti explained that there would be zero foot candles at the property's edge from the lighting of the store, as requested, and that there would be black, chain link fencing and small shrubs. Mrs. Dell suggested the addition of significantly sized trees in the screening as well, and requested that this be noted in the referral letter. Mrs. Dell asked whether the lights would be on 24-7. Mr. Vitti replied that there would be security lighting. Mrs. Dell also suggested that the wattage affecting the residential side be reviewed by the Zoning Board and that it be noted in the referral letter.

After further discussion, Mr. Williams moved to approve ZB Appl. 213-19. Mr. Quick seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo, and Williams).

4. **ZB Appl. 213-24 – Estate of Samuel J. Heyman – Special Exception, Site & Architectural Plans and Coastal Site Plan Review**, requesting special exception for Large Scale Development to construct two, one-story buildings; one for a 14,561 sf retail CVS drug store and one for a 3,290 sf retail building, and associated site improvements on approximately 2.01 acres in the M-G Zone in a coastal area, known as 537 Canal Street.

Attorney Jackie Kaufman of Sandak Hennessey & Greco presented the application. She explained that the proposed development is in Category 9 of the Master Plan and complies with the M-G Zoning in every other way. While this use is permitted in the M-G Zone, the applicant will be altering over 40,000 sf. This will be the only pharmacy south of I-95, and will be a standard sized CVS drugstore. Mrs. Dell asked why the proposed CVS would not be closer to the street, at the Market and Canal side of the property. Ms. Kaufman responded that the configuration accommodates ten additional parking spaces for snow storage and the future use of the "proposed retail" building. The pedestrian connection is enhanced by the layout and would be jeopardized by moving the building closer to the street. And the circulation of the traffic is best accommodated with this layout. Shannon Rutherford, an engineer from VHB, explained that the positioning of the buildings enhances the use of both. The proposal includes the installation of sidewalks on John, Canal, and Market Streets. Mr. Tepper pointed out that the one-way traffic moving south between the two buildings heads into the two-way traffic of the entrances and parking lot. Ms. Rutherford said that she would look into reconfiguring the plans to address this and consult with both the City's Traffic Engineer and the property owner about it. Mr. Cole asked what the "proposed" building site would be until it is developed. She answered that they would work with City staff on that. Mrs. Dell asked about the billboards on the plans. Ms. Kaufman replied that they are part of the property now and that they are leased. Mrs. Dell suggested that if the Board approved the application that it recommend review of the traffic pattern and egress associated with the one-way traffic between the two buildings meeting the two-way traffic entering and leaving the site and using the east parking lot in the referral letter, along with the review of the terms of the billboard leases (particularly the expiration date), and review of the impact of the lighting on the nearby properties.

After further discussion, Mr. Williams moved to approve ZB Appl. 213-24. Mrs. Fishman seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo, and Williams).

Zoning Board of Appeals Referrals:

5. **ZBA Appl. 056-13 – 2530 High Ridge Road**, a variance to allow a two-story addition with a street line setback of 25.0' in lieu of 40.0' required and a front street centerline setback of 55.0' in lieu of the 65.0' required in the R-A1 Zoning District.

The house was built in 1837, and much of it was built in advance of the street line setbacks.

After further discussion, Mrs. Fishman moved to approve the variance. Mr. Quick seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo, and Williams).

6. **ZBA Appl. 058-13 – 9 Ralph Street**, variances of Section 6, paragraph A to locate an air conditioning (AC) unit platform 6.3' from the side lot line in lieu of the 10.0' required and to allow an existing trellis in the rear yard to be 3.0' from the side lot property line in lieu of the 5.0' required; of Section 7, paragraph D to allow an existing deck to be 3.0' from the side lot line in lieu of the 7.0' required; of Table III, Appendix B to allow 15.7' for total side yard setback in lieu of the 17.0' required for existing deck, 22% coverage in lieu of 20% required, and to allow 19.0' for total side yard setback for the AC unit platform in lieu of the 20.0' required in the R-10 Zoning District. This project is also subject to a Coastal Site Plan Review.

The property was damaged during Super Storm Sandy. The rebuilt deck, the trellis, and the AC platform encroach on the setbacks. The applicant is raising the AC platform to protect it from future flooding.

After further discussion, Mrs. Fishman moved to approve the variance. Mr. Quick seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo, and Williams).

7. **ZBA Appl. 059-23 – 271 Guinea Road**, a variance to allow the addition of a mud room and laundry room with a street line setback of 22.5' in lieu of the 60.0' required and a street centerline setback of 43.0' in lieu of the 85.0' required in the R-A2 Zoning District.

The applicant withdrew the application on 9/13/13.

Chairman Dell call a brief recess at 7:23 pm and called the meeting back to order at 7:55 pm.

8. **License and Public Improvements agreement between the City of Stamford and Waterfront Magee LLC and the Strand/BRC Group LLC** for the licensing of City-owned land in connection with the development and operation of a boatyard at 205 Magee Ave. According to the agreement, in exchange for the granting of property rights by the City, Waterfront Magee and Strand/BRC Group would be responsible for certain proposed public improvements to City-owned parks and facilities.

Mrs. Dell introduced the agenda item and called on Board members to speak to the issue.

Mr. Quick commented that the matter involves the WPCA, Animal Shelter and City parks and said that he wished that the Board had received comments from other agencies and staff. The EPB has not commented and he questioned what additional permits will be needed. He said that he was unsure the status of the matter with respect to CAM. Engineering has not commented. Who will remediate the site

at the end of the 40 year period? Off-site park improvements are not defined, nor is the use of Czecsik Marina and potential impact to boaters that use the marina. He said that an appraisal should have been used to set the value. Will the WPCA need the property in the future? Two acres could provide the area needed for a holding tank for sewage overflows. The butler buildings are heavily used. No comment has been received from the Army Corps of Engineers and barge operators have demanded that the channel be dredged. The Harbor Commission has issued a negative comment on the project, but the Law Department says that they have no jurisdiction. The winter boat storage plan is a fire hazard.

Mr. Tepper commented that under the Agreement, BLT will not pay taxes. OPIN has pledged to raise \$2 million in private funds, but now these funds will not be received. The cost to reconstruct the butler buildings is not known. So the \$5 million amount is more like \$2 million to \$3 million. The City waterfront is parkland. The approved Harbor Point General Development Plan requires the 14 acre boatyard to be preserved. Although BLT took out demolition permits for the former boatyard, they know they were violating the approved GDP. The Zoning Board provided a bonus for preserving the former boatyard by including it in the SRD-S zone, giving it development rights which were then allowed to be used in other parts of the project. The Bridgewater development needs a zoning text amendment to triple the permitted commercial use. Under the Agreement, why not have BLT just pay the City the \$5 million? The reason is because BLT wants the support of OPIN to rebuild the Animal Shelter. Selling city parkland is not prudent planning. The City should not turn over construction of the new Animal Shelter to a private developer.

Mr. Williams said that he thinks the Bridgewater project is good for the City; it will provide needed jobs and taxes. However, he said that he didn't like some aspects of the License Agreement, noting that the \$5 million was too small an amount and that fireworks and rebuilding the Animal Shelter are inappropriate. The status of the WPCA and permits from the Army Corps are questions. There are conflicting opinions on the viability of the proposed boatyard.

Mrs. Fishman commented that BLT broke the original zoning agreement, that plans to relocate the Sea Cadets are poor, and that replacing the Animal Shelter doesn't belong in the Agreement.

Mr. Totilo said that he was in favor of the project, although the License Agreement is flawed. He commented that the new boatyard would be able to do everything that the old one did. He said that it wasn't the responsibility of the Planning Board to be concerned with the details of the Agreement. The demolition permits were properly issued. Given the expense of remediating the former boatyard property, BLT will never put back a boatyard on the property. The License Agreement is flawed, but can be fixed, and maybe the City will ask for more money. There are lots of other permits to be acquired and the details and conditions for the project will get worked out. He noted that BLT should be credited with rescuing Antaries' failed project and making it a success.

Mr. Naumowicz noted that there are problems with the Agreement and it needs to be modified. He said there are many other optimal sites where Bridgewater can go.

Mrs. Dell commented that the City secured a \$325,000 grant in 2001 to pay the acquisition cost for the new parkland. She said that the Master Plan calls for promoting water dependent uses and essential services and industries, including promoting recreation and boating. BLT has already used up all the commercial zoning rights from the 14 acre former boatyard site and will need amendments to allow another 1.0 million square feet of commercial. BLT bought into the project knowing that the 14 acre site needed to be remediated and that the boatyard was required to stay. She said that the noise of travel lift operations at the proposed boatyard will impact use of the rest of the City park. Regarding the Agreement, she said the Sea Cadets should not be moved, that reconstructing the Animal Shelter didn't belong in the Agreement and that the scope of improvements to Czecsik Marina were unclear. What will happen to the boatyard after 40 years? It could close within 10 years. The City shouldn't be in the business of running a boatyard and shouldn't have to give away parkland. She said that she welcomes

Bridgewater to Stamford, but not at the 14 acre site. She also said that she didn't believe that Bridgewater would encourage public access around the 14 acre site.

Discussion continued with Mr. Williams noting that legal questions have been raised, but that Corporation Counsel is conflicted out. Mrs. Dell agreed, pointing out that Corporation Counsel had assisted the Administration's presentation of the License Agreement and now can't assist the Board. Mr. Williams added that there were questions about the WPCA capacity and need for expansion. Mr. Tepper pointed out that the public hearing is closed and the Board can't ask the WPCA for more information.

Mrs. Dell polled Board members whether they were prepared to vote or would like to postpone the vote to next week. Based on a straw vote of 3 to 2, Mrs. Dell announced that the vote would be taken next week.

Planning Board Meeting Minutes:

9. Meetings of 8/20/13, 8/27/13 & 9/3/13

None of the minutes were sent to the Board members, and review of them was postponed until the September 24th meeting

There being no further business to come before the Board, Chairman Dell adjourned the meeting at 9:15 pm.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

Note: These proceedings were recorded and are available for review in the Land Use Bureau located on the 7th floor of Government Center, 888 Washington Boulevard, during regular business hours.