

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, MAY 24, 2022
REGULAR MEETING & PUBLIC HEARING
VIA THE INTERNET & CONFERENCE CALL
Regular Meeting - 6:30 p.m. / Public Hearing - 7:00 P.M.**

JOIN ZOOM MEETING
<https://us02web.zoom.us/j/89377940830>

**Meeting ID: 893 7794 0830
Passcode: 295483**

Web & Phone Meeting Instructions

- If your computer/smartphone has mic and speaker then:
Type in, paste or click the following link: <https://us02web.zoom.us/j/89377940830>; **OR**
- If not, then **Call-in** using the **phone number & password** provided above.
- Sign-up for Planning Board meeting updates by emailing lcapp@stamfordct.gov.

Web Meeting Ground Rules:

- The meeting shall be recorded and the video shall be posted on the City of Stamford website http://cityofstamford.granicus.com/ViewPublisher.php?view_id=8
- The Planning Board shall moderate the audio for attendees.
- Attendees shall be on mute and will be unmuted when called to speak by the Planning Board members.
- Applicants will have 20 minutes to make their presentation.
- Any applicant wishing to submit written testimony can send it prior to the meeting to lcapp@stamfordct.gov or submit through a Chat message to the Planning Board Chair during the meeting.

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Jennifer Godzeno, Secretary; Michael Buccino and Michael Totilo. Alternates: William Levin (Arrived at 8:00 p.m.) and Stephen Perry. Present for staff: Vineeta Mathur, Principal Planner.

Ms. Dell called the meeting to order at 6:34 p.m. and introduced the members of the Board and staff present.

Ms. Dell introduced the first item on the agenda.

PLANNING BOARD MEETING MINUTES:

May 10, 2022: A correction was requested by Ms. Godzeno via email which was forwarded to the Board for review. Ms. Godzeno requested language be amended to the discussion under “*New Business*” and her comments on the Charter Revisions. The requested language is repeated below and will be provided in the Approved version of the May 10, 2022 minutes. After a brief discussion, Ms. Godzeno moved to recommend approval of the Planning Board Regular Meeting Minutes of May 10, 2022 with the recommended changes; Mr. Buccino seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

Current language at end of Page 5:

Ms. Godzeno made mention of Mr. Freedman's Comments during the Public Hearing regarding an item in WESTCOG's Affordable Housing Plan about towns meeting their fare share. Ms. Godzeno wanted to provide clarification that what the current draft language states regarding meeting the proposed 10% threshold required by State Regulation 10-38G and felt this item could be problematic and is not in the spirit of what is trying to be accomplished in Stamford.

Replace with:

Ms. Godzeno made mention of Mr. Freedman's Comments during the Public Hearing regarding an item in WestCOG's Affordable Housing Plan about towns meeting their fair share. Ms. Godzeno wanted to provide clarification that what the current draft language states regarding meeting the proposed 10% threshold required by State Regulation 8-30G. WestCOG would allow wealthy neighboring towns to avoid meeting the 10% by paying cities like Stamford to claim credit for affordable housing units we have already built (i.e., not offering new money to build new housing). Ms. Godzeno felt this item could be problematic, and is not in the spirit of integration the Planning Board is trying to accomplish in Stamford through programs like the onsite BMR zoning program.

Current language in middle of Page 6:

Ms. Godzeno mentioned that the Charter Commission has been meeting and there is a meeting this week to review changes to the Charter. Some of the provisions being looked at will directly impact the powers, provisions and requirements for the Planning Board. There are two key items. One is a recommendation to potentially move to a two-year planning cycle and the other is regarding the many provisions around public participation with Public Hearings and meetings and is encouraging the petition process to obstruct and overturn items the Planning Board has considered along with the Zoning Board and requirements how the public can attend Planning Board meetings.

Replace with:

Ms. Godzeno mentioned that the Charter Commission has been meeting and there is a meeting this week to review changes to the Charter. Some of the provisions being looked at will directly impact the powers, provisions and requirements for the Planning Board. There are two key items. One is a recommendation to potentially move to a two-year Capital Budget cycle, and the other is regarding many provisions around public participation with public hearings and meetings. This includes encouraging more petition processes to obstruct and overturn items the Planning Board has considered along with the Zoning Board, and requirements for public comment and discussion during regular Planning Board meetings that are not public hearings.

ZONING BOARD OF APPEALS REFERRALS:

- 1. ZBA APPLICATION #015-22 - JASON MILLER & JOANNA LOVE - 221 TRINITY PASS - Special Permit - Section 3:** Applicant owns a single-family dwelling and is proposing to add a new garage which will be one-story with a height of 15.3 ft. and with side and rear lot line setbacks of 65.7 ft., 113.5 ft. and 176.7 ft. Applicant is seeking a Special Permit of Section 3, Definition 3.B - Accessory Structure.

The requested Special Permit pertains to a newly constructed garage which was built after securing building permit approvals. While the garage was proposed to be 14 ft. 9 in. in height (permitted height for Accessory Structures), the as-built height measured 15 ft. 3 in. The increase was likely due to the slope created for the floor for adequate drainage. The zoning regulations include a provision to allow accessory structures taller than 15 ft. where adequate setbacks are provided. The garage structure far

exceeds the required setbacks. The Special Permit request would bring the structure into conformity and allow for the Applicant to secure a Certificate of Occupancy.

After a brief discussion, Mr. Totilo recommended **approval** of **ZBA Application #015-22** and that this request is compatible with the neighborhood and consistent with Master Plan Category #1 (Residential - Very Low Density Single-Family); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

2. **ZBA APPLICATION #016-22 - MARIO P. MUSILLI, ESQ. representing 2010 POST, LLC - 2010 WEST MAIN STREET - Variance of Section 13.D.7:** Applicant is the owner of Riko's Restaurant which occupies a one-story block masonry building on a 20,965 sq. ft. parcel with parking spaces located in both the front and rear of the parcel. Applicant is seeking allowance for two (2) signs totaling 48 sq. ft. of roof signage in the M-L Zoning District.

The Applicant requests a Variance of the sign regulations to allow two roof signs. Roof signs are not permitted in the M-L zoning district. The existing building has limited opportunities for signage on the first story, which would be visible from Route 1 given that the building has a large setback from the street

Mr. Musilli made a brief presentation and answered questions from the Board.

After a brief discussion, Mr. Totilo recommended **approval** of **ZBA Application #016-22** and that this request is compatible with the neighborhood and consistent with Master Plan Category #7 (Commercial - Arterial); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

As there was time before the start of the Public Hearing, Ms. Dell called for a motion to bring forward "*Old Business*" to discuss the City Charter revisions.

Mr. Totilo made the motion to bring "Old Business" forward to discuss the City Charter revisions; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

OLD BUSINESS:

Ms. Dell stated the Charter Revision documents from Matthew Quiñones, Director of Operations, had been sent to everyone for review. Ms. Dell suggested the Board invite the Chair of the Charter Revision Committee to a meeting to explain the changes and allow the Board to ask questions so the Board can appropriately respond, which all agreed.

After some discussion, Ms. Dell stated she would reach out to Jeff Curtis, President, Board of Representatives, as to who should be invited to one of the meetings after the July hiatus.

NEW BUSINESS:

Next regularly scheduled Planning Board meetings are:

- June 14, 2022
- June 28, 2022
- **NO MEETINGS IN JULY - PLANNING BOARD ON HIATUS**

Ms. Dell suspended the Regular Meeting and announced a short break before starting the Public Hearing.

PUBLIC HEARING BEGINS AT 7:00 P.M.

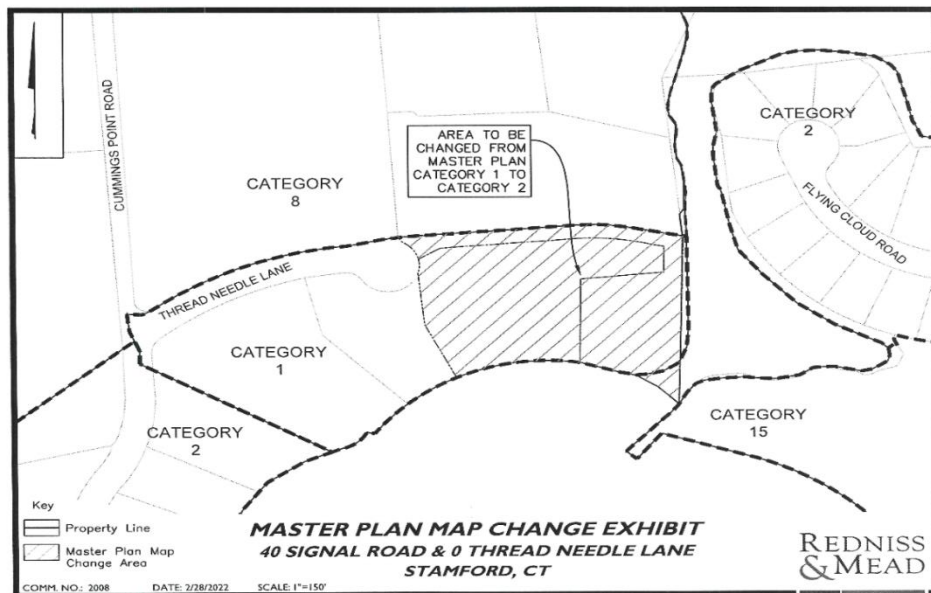
Ms. Dell opened the Public Hearing and read the application into the record.

PUBLIC HEARING:

INSTRUCTIONS FOR THE PUBLIC TO SPEAK ON MASTER PLAN APPLICATION #MP-443:

- *Speakers from the public will have 5 minutes each to speak.*
- *Any public speaker wishing to submit written testimony prior to the meeting can send it to Vineeta Mathur, Principal Planner at vmathur@stamfordct.gov or to Theresa Dell, Planning Board Chair at tdell@stamfordct.gov or submit the request through a Chat message to the Planning Board Chair during the meeting.*
- *During the meeting, please do not send Chat messages to “Everyone” because it is distracting for all attendees.*
- *All public speakers wishing to speak at the Public Hearing shall send a Chat message to the Moderator/Planning Board Chair with their name and address to sign-up to speak.*
- *All public speakers shall announce their name and address clearly for the record prior to speaking.*

1. **MASTER PLAN AMENDMENT #MP-443 - SOUND BEACH LANDING, LLC - 40 SIGNAL ROAD:** Applicant is seeking to amend the City of Stamford Master Plan 2015-2025 by changing the Master Plan designation of 40 Signal Road (Tax Assessor No. 002-8017) and 0 Threadneedle Lane (Tax Assessor No. 003-1160) from Master Plan Category #1 (Residential - Very Low Density Single-Family) to Master Plan Category #2 (Residential - Low Density Single Family) as indicated on the map below.



The subject property is located in the Waterside neighborhood of Stamford, south of the corporate office complex housing several office buildings at the end of Signal Road. The site is surrounded by Master Plan Category #8 to the north, Master Plan Category #2 and #15 to the east and Master Plan Categories #1 and #2 to the west. The site fronts on Stamford Harbor and the Dolphin Cove Lagoon and includes a beach and a dock. The site is currently occupied by an office building used by multiple tenants, two parking areas and landscaping. The Dolphin Cove single-family residential homes are located across the water channel to the east of the site. Staff believes that the proposed Master Plan Change to Category #2 is appropriate given that this change would facilitate the redevelopment of the site to low density residential use which is lower in intensity compared to the current commercial office use. A redevelopment will facilitate the site to come

into conformance with FEMA regulations regarding flood protection. Staff finds the request compatible with the neighborhood and recommends approval of the Master Plan Map change from Master Plan Category # 1 (Residential - Very Low Density Single-Family) to proposed Master Plan Category # 2 (Residential - Low Density Single-Family).

Ms. Dell asked Ms. Godzeno to read the Legal Notice into the record.

APPL. MP-443. Notice is hereby given the Planning Board of the City of Stamford, CT will conduct a Public Hearing on **Tuesday, May 24, 2022 at 7:00 p.m.** via phone and internet video conference to consider the application of Sound Beach Landing, LLC to amend the City of Stamford Master Plan 2015-2025 changing the Master Plan designation of 40 Signal Road (Tax Assessor No. 002-8017) and 0 Thread Needle Lane (Tax Assessor No. 003-1160) from Master Plan Category #1 (Residential - Very Low Density Single-Family) to Master Plan Category #2 (Residential - Low Density Single-Family)

ATTEST: THERESA DELL, CHAIR
STAMFORD PLANNING BOARD

Dated at the City of Stamford this 13th day of May 2022.

Ms. Dell stated there were two accompanying Zoning Board applications to be heard after the Public Hearing. Ms. Dell explained Mr. Capalbo has Withdrawn ZB Application #222-16, which is the Text Change, and will refile at a later date. As the Text Change had been Withdrawn, the Planning Board decided to Defer ZB Application #222-17, which is the Map Change, to a future meeting.

Ms. Dell then provided explanation of the Public Hearing procedure and mentioned the letters and comments received for tonight's application under consideration.

Ms. Dell introduced Mr. Capalbo.

Mr. Capalbo, along with Rick Redniss and David Pinto, Redniss & Mead; Tim DeBartolomeo, Sound Engineering Associates, LLC; Chris Franco, Member, Sound Beach Landing, LLC and Jay Shaw, Member, Sound Beach Landing, LLC, made an extensive presentation and answered questions from the Board.

Ms. Dell opened the public portion of the Hearing.

Ms. Dell noted Kristin Meyer, Managing Director, Soundview Farms; Brian Smith, Robinson + Cole and Bill Smith, General Counsel, Geneve Corp. were in attendance. Ms. Dell stated these three would speak first as they had submitted prior written requests to be allowed to address the Board. Ms. Dell introduced Ms. Meyer.

The following individuals provided additional comments to letters previously submitted on #MP-443:

- Kristin Meyer, Managing Director, Soundview Farms, LLC
- Brian Smith, Robinson + Cole representing Cummings Point Residents Association, Inc.
- Bill Smith, General Counsel, Geneve Corp. on behalf of Cummings Point Residents Association, Inc.
- Tony Stoupas, President, Dolphin Cove Club Corp. (Resident at 28 Flying Cloud Road)

Ms. Dell called for anyone else from the public to speak; there was no response.

Ms. Dell turned it back to Mr. Capalbo to address the public comments.

Ms. Dell stated for the record that Mr. Levin joined the meeting at 8:00 p.m. Ms. Dell stated that Mr. Levin would be able to ask any questions after Mr. Capalbo addressed the public comments.

Mr. Capalbo then answered the questions posed through the public comments.

Ms. Dell stated that the speakers would be allowed to ask one additional question to Mr. Capalbo.

Mr. (Brian) Smith asked a final question and Mr. Stoupas made final comments on Dolphin Cove being wholly informed and involved in the planning process, which Mr. Capalbo addressed.

Ms. Dell asked the Board if there were any final questions.

Mr. Buccino asked if there was any possibility of requesting a zoning change or Special Permit under Category #1 to allow building 3 or 4 homes on the parcel without changing to Master Plan Category #2.

Ms. Mathur provided an explanation as to why this would not be supported and not the correct approach.

Ms. Dell made further comments as to why this would not be the appropriate course of action.

Ms. Dell asked Mr. Levin if he had any questions and he responded, no.

Ms. Dell asked about the possibility of inclement weather and if there are any evacuation plans being thought about.

Mr. Capalbo stated those contingencies will be taken into consideration but would defer to Tim DeBartolomeo to fully answer that question.

Ms. Dell also asked about homes being close to the water and if they should need to meet FEMA regulations for height and if that would be taken into consideration for development.

Mr. DeBartolomeo stated that all FEMA regulations will be applied in the plans and construction along with evacuation plans.

Ms. Dell stated that the property adjacent, which is in Category #1, does not make this nonconforming and where they have the ability to do whatever is allowable, does not seem to pose any problems with the change to Category #2.

Ms. Dell stated the Board should visit the site before rendering a decision but would not have an issue if the Board would like to vote.

Ms. Dell called for any last questions from the Board before closing the public portion of the Hearing; there was no response.

Ms. Dell closed the public portion of the Hearing.

Ms. Dell asked the Board if they felt a vote could be rendered tonight and was followed by discussion by the Board.

Ms. Dell called for a vote on Master Plan Amendment #MP-443 - Sound Beach Landing, LLC - 40 Signal Road - changing the parcel in question from Master Plan Category #1 (Residential - Very Low Density Single-Family) to Master Plan Category #2 (Residential - Low Density Single-Family).

After considerable discussion, Mr. Totilo recommended **approval** of **Master Plan Amendment #MP-443** and that this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

Ms. Dell asked Mr. Capalbo about working with the Land Use staff on the Zoning Board applications; Mr. Capalbo responded, yes.

Ms. Dell closed the Public Hearing.

ZONING BOARD REFERRALS:

1. **ZB APPLICATION #222-16 - SOUND BEACH LANDING, LLC - 40 SIGNAL ROAD - Text Change (*WITHDRAWN as per a letter dated May 24, 2022 from Joseph J. Capalbo, Esq.*)**: Applicant is proposing to amend Section 10 of the Stamford Zoning Regulations to establish standards for converting non-conforming commercial properties to residential use in the R-20 Zone.
2. **ZB APPLICATION #222-17 - SOUND BEACH LANDING, LLC - 40 SIGNAL ROAD & 0 THREAD NEEDLE LANE - Map Change (*DEFERRED to a future Planning Board Meeting*)**: Applicant is proposing to rezone 40 Signal Road and 0 Thread Needle Lane from the present RA-1 Zoning District to the proposed R-20 Zoning District.

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 8:38 p.m.

Respectfully Submitted

May 26, 2022

Jennifer Godzeno, Secretary
Stamford Planning Board

NOTE: These proceedings were recorded on video and are available for review on the Planning Board website at http://cityofstamford.granicus.com/ViewPublisher.php?view_id=20