

STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, MARCH 31, 2020
REGULAR MEETING
VIA THE INTERNET & CONFERENCE CALL
7:00 p.m.

Join via the internet at <https://zoom.us/j/226113846> - Meeting Password: 023658
Meeting ID#: 226 113 846

CALL IN NUMBERS:
Dial by your location
(929) 205-6099 US [New York]
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Meeting ID#: 226 113 846

Find your local number: <https://zoom.us/u/asjncevLi>

Web & Phone Meeting Instructions

- If your computer/smartphone has mic and speaker then:
Type in, paste or click the following link: <https://zoom.us/j/226113846>; **OR**
Join instantly using <https://www.zoom.us/join> and type in **Meeting ID: 226 113 846** then **Meeting Password: 023658**; **OR**
Download the app <https://zoom.us/support/download> for advance set up.
- If not, then **Phone** in using the **call in numbers** and **Meeting ID & Password** provided above.
- Watch the tutorial for **Zoom** here:
<https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials?flashdigest=26e124e3ae1722dc482581eaa1fe37612dd0be17>
- 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 and Michael Totilo. Alternates: William Levin (joined at 8:00 p.m.). Absent: Michael Boccino, Voting Member and Claire Fishman, Alternate. Present for staff: David W. Woods, PhD, FAICP, Deputy Director of Planning.

Ms. Dell called the meeting to order at 7:35 p.m. due to technical difficulties and introduced the members of the Board and staff present.

Ms. Dell introduced the first item on the agenda.

PLANNING BOARD MEETING MINUTES:

March 3, 2020 (Regular Meeting): After a brief discussion, Ms. Godzeno moved to recommend approval of the Planning Board Regular Meeting Minutes of March 3, 2020; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 3-0 (Dell, Godzeno, and Tepper). (Mr. Totilo was ineligible to vote as he was absent at the March 3, 2020 Regular Meeting.)

March 12, 2020 (Special Meeting): After a brief discussion, Mr. Totilo moved to recommend approval of the Planning Board Special Meeting Minutes of March 12, 2020; Mr. Levin seconded the motion, and passed unanimously with eligible members present voting, 3-0 (Dell, Levin, and Tepper). (Ms. Godzeno was ineligible to vote as she was absent at the March 12, 2020 Special Meeting.)

ZONING BOARD REFERRALS:

1. **ZB APPLICATION #220-06 - MANNY KATSETOS - 1385 WASHINGTON BOULEVARD - Map Change:** Applicant is requesting to have 1385 Washington Boulevard moved from the C-N (Commercial Neighborhood) Zoning District to the C-G (Commercial General) Zoning District for possible future development.

The applicant is requesting to expand the existing parcel at 1385 Washington Boulevard, which is on the corner of Washington Boulevard & North Street; in addition, the applicant is requesting a change from C-N Zone to G-C Zone. This parcel is also on the northern most border of the Master Plan Category #11 (Downtown). Staff supports this application to allow for potential expansion of the existing commercial building to be more compatible with the neighborhood.

Dr. Woods made a brief presentation discussing the elements of this application.

After a brief discussion, Mr. Totilo recommended *approval* of **ZB Application #220-06** and this request is compatible with the neighborhood and consistent with Master Plan Category #11 (Downtown); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Godzeno, Tepper and Totilo).

The following two applications (ZB #220-08 & #220-09) were heard together but were acted on separately.

2. **ZB APPLICATION #220-08 - MICHAEL GOLDSTEIN - 780 SUMMER STREET - Map Change:** Applicant is proposing a Zoning Map change from C-L (Commercial Limited Business) & RM-F (Multiple Family Residence Design) Zoning Districts to MX-D (Mixed-Use Design) Zoning District to convert a commercial building into residential to create 73 units, parking and resident amenities.

Dr. Woods made a brief presentation discussing the elements of this application.

After a brief discussion, Mr. Tepper recommended *approval* of **ZB Application #220-08** and this request is compatible with the neighborhood and consistent with Master Plan Category #11 (Downtown); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Godzeno, Tepper and Totilo).

3. **ZB APPLICATION #220-09 - MICHAEL GOLDSTEIN - 780 SUMMER STREET - General Development Plan:** Applicant is requesting approval of a General Development Plan to convert an existing four (4) story commercial building into a residential building and add two (2) additional floors (5th and 6th floors) to create a total of 73 residential units under the MX-D Infill Regulations. The building will also include parking and residential amenities including a gym, lounge area and a roof deck.

Dr. Woods explained that the applicant would like to convert an existing 4-story office building to a 73-unit residential facility. The surrounding properties to the west, south and east of 780 Summer Street already zoned MX-D, and if the Zoning Board were to grant the applicant's request then this parcel would be consistent with the surrounding properties. In addition, this requested change would directly enhance the Master Plan for Downtown, especially the edges of the Downtown, specifically Implementation Strategy 3b.3 - Encourage redevelopment of vacant downtown office space for housing (MP 2015: p.70).

After a brief discussion, Mr. Tepper recommended *approval* of **ZB Application #220-09** and this request is compatible with the neighborhood and consistent with Master Plan Category #11 (Downtown); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Godzeno, Tepper and Totilo).

The following two applications (ZB #220-11 & #220-12) were heard together but were acted on separately.

Background: Some time ago when there was an application to repurpose the building on 201 High Ridge Road into a senior living facility there was a section of property that was not being used for this where the applicant requested permission to come back to the Planning Board for a proposed use. As such, the applicant made a request in January 2019 and the Zoning Board approved the application by HRC for senior housing and to allow the northern portion of the property to be developed for this use. HRC has leased space to the Greenwich Education Group, LLC in which they are requesting to operate a special needs school (autistic to extremely gifted who need smaller classrooms) which is similar to Links Academy which the Planning Board recommended approval for a number of years ago.

4. **ZB APPLICATION #220-11 - HRC 201 II, LLC - 201 HIGH RIDGE ROAD - Text Change:** Applicant is proposing to amend the first sentence of Article III, Section 9BBB-4 of the Stamford Zoning Regulations to allow “School, Non-Public” as a Special Exception use in the C-D Designed Commercial District.

Ms. Dell asked Dr. Woods if he would like to make any comments on this application. Dr. Woods stated it would be best to allow Mr. William Hennessey and Lisa Feinberg, Esq.; of Carmody Torrance Sandak Hennessey, representing the applicants, to make his presentation giving a brief history of the Greenwich Education Group and what they are proposing. Afterwards, Mr. Hennessey answered questions from the Board and Dr. Woods made additional comments.

After considerable discussion, Ms. Godzeno recommended *approval* of **ZB Application #220-11** and this request is compatible with the neighborhood and consistent with Master Plan Category #8 (Mixed-Use - Campus); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo)

5. **ZB APPLICATION #220-12 - HRC 201 II, LLC & GREENWICH EDUCATION GROUP, LLC - 201 HIGH RIDGE ROAD - Site & Architectural Plans and/or Requested Uses and Special Exception:** Applicant has leased 66,758 sq. ft. of the 79,850 sq. ft. of floor area along with 229 parking spaces to “Greenwich Education Group, LLC” to be used as a private school. The remaining 13,092 sq. ft. of floor area, the below-grade parking adjacent to that area, as well as the basement level in the structural garage would be reserved by HRC for use as general offices or storage.

As a reminder, 201 High Ridge Road was a suburban office park located in Master Plan #8 (Mixed Use Campus) which exclusively encourages adaptive reuse of existing office building for alternative uses outside of Downtown. Educational uses are explicitly defined as one of the uses in Master Plan Category #8. In addition, this use is compatible with basic uses in residential areas, which is one of the criteria used. Staff contends this School, Non-public educational use is a creative adaptive reuse of this unused office space. Staff recommends approval.

After considerable discussion, Mr. Levin recommended *approval* of **ZB Application #220-12** with the recommendation the Zoning Board require the applicant to keep a separation between the office space and the school, and the possible lease of the remaining space to a school-related entity; and this request is compatible with the neighborhood and consistent with Master Plan Category #8 (Mixed-Use - Campus); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

Ms. Dell announced the reason for rescheduling ZB Application #220-13 - Omnibus Text Change for Section 7.4 (Below Market Rate Program) to a future date is to allow more time for discussion and for the possibility of Ralph Blessing, Land Use Bureau Chief, making a presentation to the Board.

ZB APPLICATION #220-13 - CITY OF STAMFORD - ZONING BOARD - 888

WASHINGTON BOULEVARD - Omnibus Text Change: Applicant is proposing, as part of the Omnibus Text Change, the following changes to the Zoning Regulations of the City of Stamford:

- Amend Section 7.4 [Below Market Rate (BMR) Program] to modify definitions related to Affordable Housing - Section 3.
- Make changes to the BMR program to clarify requirements, premiums and update the fee-in-lieu formula, among other changes.
- Addition of a definition for Downtown Retail Streets.
- Updates to Sections 4.AA, 7.S, 9 and 10.
- Update footnotes to Appendix B.

6. ZB APPLICATION #220-14 - CITY OF STAMFORD - ZONING BOARD - 888 WASHINGTON BOULEVARD - Omnibus Text Change: Applicant is proposing, as part of the Omnibus Text Change, the following changes to the Zoning Regulation of the City of Stamford.:

- Amend Section 15.
- Move Section 7.T (Coastal Area Management Regulations) to 15.A.
- Move Section 7.1 (Flood Prone Area Regulations) to Section 15.B.
- Amend and renumber Section 15.B (Soil Erosion & Sediment Control) to Section 15c.
- Add a new Section 15.D (Storm water Management).
- Amend and renumber Section 15.A (Excavations) to 15.E.
- Add a new Section 15.F (Stamford Sustainability Scorecard).

The proposed Text Change would replace the current Section 15 (Excavations) with a new Section 15 (Sustainability and Resiliency), which would contain regulations regarding coastal areas, flood prone areas, erosion control, storm water management (MS-4) and the Stamford Sustainability Scorecard. As detailed above, some subsections of the proposed Text Change are updated and moved from other sections of the existing Zoning Regulations and others are new.

Dr. Woods made a brief presentation focusing on the purpose of the new Section 15 and highlighting the uniqueness of the Stamford Sustainability Scorecard, which is the first of its kind in the State of Connecticut.

After a brief discussion, Mr. Tepper recommended *approval* of ***ZB Application #220-14*** and this request is compatible with the neighborhood and consistent with the 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

7. ZB APPLICATION #220-15 - DAVETTE STEPHENS - 1425 BEDFORD STREET - Special Exception: Applicant is requesting a Special Exception to operate a child day care facility for 32 children at 1425 Bedford Street. The property is in the R-H Zoning District.

Dr. Woods briefly outlined The applicant, Davette Stephens, has been operating a child day care facility with 32 children in the Glenbrook Community Center for a number of years. Due to circumstances outside of the applicant's control, the City had decided to close the Glenbrook Community Center where the Glenbrook Learning Center has been operating since 2017. The applicant is requesting a Special Exception to relocate Glenbrook Learning Center to 1425 Bedford Street, Suite I & J. The complex is called Residence on Bedford, which is a mixed-use residential and commercial building. The school would operate on the ground floor and have ample parking. Staff recommends approval as they already have a State license to operate a day care center and is compatible with the neighborhood and consistent with Master Plan and is in the R-H Zone.

After a brief discussion, Mr. Tepper recommended approval of ZB Application #220-15 and this request is compatible with the neighborhood and consistent with Master Plan Category #5 (Residential - High Density Multifamily); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

Prior to addressing the Zoning Board of Appeals referrals Ms. Dell announced, for the record, due to the appearance of what could be considered a conflict of interest as she is known to the applicants, she would only vote on ZBA Application Nos. 013-20; 014-20 and 015-20. After voting on these three (3) applications, the meeting would be turned over to Mr. Tepper, Vice Chair for discussion and vote on Application Nos. 016-20 and 017-20.

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #013-20 - ANTHONY STRAZZA, of STRAZZA CONSULTING representing MARIO CARDILLO - 10 KLONDIKE AVENUE - Variance of Table III, Appendix B & Section 6 (Accessory Buildings):** Applicant owns a single-family dwelling with a shed and is proposing to construct a second (2nd) story addition over the existing garage footprint adding a full bathroom and walk-in closet. Applicant is requesting the following variances of *Table III, Appendix B*: (a) a street line setback of 27.2 ft. in lieu of the 40 ft. required and (b) a center of street setback of 52.2 ft. in lieu of the 65 ft. required. Applicant is requesting the following variance of *Section 6 (Accessory Buildings)*: (a) to relocate the existing non-conforming shed to a new location in the front yard; (b) to allow the shed to be 27.2 ft. from the street lot line in lieu of the 40 ft. required; and (c) to allow the shed to be 52.2 ft. from the street centerline in lieu of the 65 ft. required. As this is a corner lot, there is no other area to relocate the shed.

Dr. Woods explained that the applicant is proposing to build a 2nd story addition over the existing footprint of the garage and needs a variance. The applicant also has an existing legal nonconforming shed, which they are proposing to relocate to a site that is fenced in. Staff recommends approval with the recommendation the Zoning Board of Appeals require proper screening, especially for the neighbor at 159 St. Charles, be maintained. This request is compatible with neighborhood and consistent with Master Plan #2 (Residential - Low Density Single Family).

After some discussion, Mr. Tepper recommended *approval* of *ZBA Application #013-20*, however the Planning Board noted they were “not pleased” with the applicant not coming to the Zoning Board of Appeals for prior approval; and this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single Family); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

2. **ZBA APPLICATION #014-20 - RUSSELL DAVIS - 965 SHIPPAN AVENUE - Variance of Table III, Appendix B:** Applicant owns two (2) single-family residences and is proposing to install two (2) air conditioning condensers and one (1) Bilco door. Applicant is requesting: [a] two (2) air conditioning condensers to be located 3.4 ft. and 4.8 ft. from the side yard setback in lieu of the 6 ft. required; and [b] the Bilco door to remain at 1.8 ft. from the side yard in lieu of the 6 ft. required.

Dr. Woods explained that the applicant installed the Bilco door and is asking for forgiveness. The applicant already installed the two (2) air conditioning units and the Bilco door to the basement on new construction. All of which were located in the side yard setback area. The applicant does have alternatives if the Zoning Board of Appeals denies this application. However, given the screening and the quality of the building, staff does not see immediate harm to the neighbors.

After a brief discussion, Mr. Tepper recommended *approval* of *ZBA Application #014-20*, and this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single Family); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

After the Planning Board voted on ZBA #014-20, Dr. Woods requested the Chair “walk-on” an Old Business item as one of the Board members needed to sign off at 9:00 p.m. Ms. Dell requested a motion to “walk-on” the Old Business item of the Washington Boulevard-Pulaski Street Widening Project.

Ms. Godzeno made the motion to “walk-on” the Washington Boulevard-Pulaski Street Widening Project; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzen, Levin, Teper and Totilo).

Ms. Dell and Dr. Woods made a brief presentation regarding the need for a Special Meeting to discuss the acquisition of property through Eminent Domain, which includes opening the meeting; move to go into Executive Session and come out of Executive Session to reopen the meeting to vote. Potential meeting date is for Tuesday, April 7, 2020 at 11:00 a.m.

Ms. Godzeno signed off at 9:00 p.m.

Ms. Dell continued the meeting and introduced the next ZBA application.

3. **ZBA APPLICATION #015-20 - JOSEPH T. COPPELLA, ESQ. representing FRANK & CONCETTA DeSANTIS - 130 LENOX AVENUE, UNIT #14 - Motor Vehicle:** Applicant is the owner of the property located at 130 Lenox Avenue, Unit #14 and will be extending a long term lease to Brian R. Oxe, Principal of OXER Truck Service, LLC. Mr. Oxe is proposing to operate a motor vehicle repair shop with hours Monday through Saturday from 8:00 a.m. to 6:00 p.m. There are two (2) outside parking spaces. There will be no more than four (4) vehicles being serviced within the building. All vehicles being serviced will be parked within the unit overnight.

Dr. Woods made a brief presentation recommending the applicant keep regular business hours; prohibit the operation of a car wash and prohibit the operation of an auto body painting shop.

After some discussion, Mr. Levin recommended *approval* of *ZBA Application #015-20* with the following recommendations: (1) the applicant keep regular business hours; (2) prohibit the operation of a car wash; (3) prohibit the operation of an auto body painting shop and (4) restrict the operating hours on Saturdays from 9:00 a.m. to 3:00 p.m. and this is compatible with the neighborhood and consistent with Master Plan Category #13 (Industrial - General); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo).

At this point, Ms. Dell turned the meeting over to Mr. Tepper.

4. **ZBA APPLICATION #016-20 - ANTHONY STRAZZA, of STRAZZA CONSULTING representing ROBERT & LAUREN BOUCHER - 115 FAIRWAY DRIVE - Variance of Section 7-O (Area & Supplemental Regulations) and Paragraph O (Access way):** Applicant owns a single-family dwelling with attached wood deck and is proposing to construct a two (2) story addition consisting of a two (2) car garage and second (2nd) story storage area. Applicant is requesting an allowance for the new attached two- (2) story structure to be located 15.3 ft. from the side lot line in lieu of the 25 ft. required.

Mr. Tepper introduced the application and asked Dr. Woods to make a brief presentation. Dr. Woods presented the application including what was called a very soft recommendation for denial thinking the applicant could build a smaller garage without a variance. However, upon discussion with the Board members it became clear that given the location of the garage, the size and topography of the lot as well as the distance between this property and neighboring houses along with screening the Planning Board should recommend approval of these variances.

After a brief discussion, Mr. Totilo recommended *approval* of *ZBA Application #016-20*, and this request is compatible with the neighborhood and consistent with Master Plan Category #12 (Residential - Very Low Density Single Family); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 3-0-1 (Levin, Tepper and Totilo - In Favor / Dell - Abstained).

5. **ZBA APPLICATION #017-20 - JOHN ANTHONY FULTON - 316 HAVILAND ROAD - Variance of Section 7-O (Area & Supplemental Regulations):** Applicant owns a single-family dwelling and is proposing to install a 14 ft. x 20 ft. in ground pool in the side yard access way lot. Applicant is requesting an allowance for an accessory structure, located in an RA-1 Zone, to be in an access way lot 4.8 ft. from the side lot line in lieu of the 25 ft. required.

Dr. Woods explained similar to the application above, the applicant's hardship is deep slopes and a large pond; where the only place to put a pool or any structure is in the area they are proposing. In addition there is considerable distance between the applicant's property and surrounding neighbors.

After a brief discussion, Mr. Levin recommended *approval* of *ZBA Application #017-20*, and this request is compatible with the neighborhood and consistent with Master Plan Category #1 (Residential - Very Low Density Single Family); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 3-0-1 (Levin, Tepper and Totilo - In Favor / Dell - Abstained).

Mr. Tepper turned the meeting back over to Ms. Dell.

OLD BUSINESS:

Washington Boulevard-Pulaski Street Expansion was "walked-on" and discussed above.

NEW BUSINESS:

Ms. Dell spoke about the meetings below and Dr. Woods requested a consensus of the Board about writing a letter of support to the Board of Finance and Board of Representatives for the Affordable Housing Study which is on the Board of Finance's April 9, 2020 agenda for approval of the contract. Dr. Woods further explained the Affordable Housing Study was important for the following reasons: (a) to provide the Planning Board with up-to-date information in order to meet its duties outlined in the Charter; (b) to give the Land Use Bureau, as well as the Board of Finance and Board of Representatives, more recent information of existing housing conditions especially given the potential fall-out from our current situation; and finally (c) to be in compliance with the State mandate to have an Affordable Housing Plan updated and adopted every 5 years.

NOTE: Last Affordable Housing Plan was adopted in 2001.

Next regularly scheduled Planning Board meetings are:

April 7, 2020 - **CANCELLED**

April 14, 2020 - Via Internet and/or Conference Call

April 28, 2020 - IF NEEDED

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 9:15 p.m.

Respectfully Submitted,

Theresa Dell, Chair
Stamford Planning Board

NOTE: *These proceedings were recorded on video and are available for review on the City of Stamford website at http://cityofstamford.granicus.com/ViewPublisher.php?view_id=20 and in the Land Use Bureau located on the 7th Floor of the Government Center, 888 Washington Boulevard, during regular business hours.*