

**STAMFORD PLANNING BOARD**  
**APPROVED MINUTES - TUESDAY, APRIL 23, 2019**  
REGULAR MEETING  
GOVERNMENT CENTER - 4TH FLOOR CAFETERIA  
888 WASHINGTON BLVD., STAMFORD, CT

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Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jennifer Godzeno, Secretary (Arrived at 6:45 p.m.); Michael Totilo and Michael Buccino. Alternates: William Levin (Arrived at 6:35 p.m.) and Roger Quick. Absent: Jay Tepper, Vice Chair; and Claire Fishman, Alternate. Present for staff: David W. Woods, PhD, AICP, Deputy Director of Planning.

Ms. Dell called the meeting to order at 6:35 p.m. and introduced the members of the Board and staff present.

Ms. Dell introduced the first item on the agenda.

**ANNOUNCEMENT:**

Introduction of Cynthia Anger, Esq., City of Stamford Law Department.

Ms. Anger made a brief statement introducing herself and providing some background and a description of her responsibilities for the City of Stamford Law Department.

Ms. Dell began the discussion of the Zoning Board of Appeals applications explaining the first application listed was presented to the Planning Board at the April 9, 2019 meeting and even though it is an updated application, the Board would treat it as a new application since Mr. Totilo and Mr. Buccino were not at the April 9, 2019 meeting. Ms. Dell introduced ZBA Application #021-19.

**ZONING BOARD OF APPEALS REFERRALS:**

1. **ZBA APPLICATION #021-19 - JONATHAN & MARY RATHER - 241 FAIRVIEW AVENUE - Variance of Table III, Appendix B & Section 6A:** Applicant owns a two and one-half (2½) story single-family residence with an outdoor pool and patio area. The applicant is proposing to construct a two (2) story 620 sq. ft. addition on the northerly façade of the existing single family home. The addition will be located within the footprint of the existing wood deck currently located along the northerly façade of the home. The first (1st) floor is proposed to be utilized as a family room area. The second (2nd) floor will be utilized as a kid's playroom. The proposed addition will be architecturally consistent and in keeping with the existing single-family residence. The applicants also seek approval of a pergola located within the front yard of the property.

This application is being brought back to the Planning Board to provide clarification as to what exactly is being requested. Jason Klein, Attorney with Carmody Torrance Sandak Hennessey, made a brief statement explaining the changes. However, the Planning Board treated this as a new application. The Property is improved with a 2½ story single-family home originally constructed in 1910 and is located in Master Plan Category #2 (Residential - Low Density Single-Family). The Rathers seek variance relief from the Zoning Regulations to allow an existing wood deck to be located 19.3 ft. from the rear yard lot line and to allow an existing pergola to be located twenty (20) feet within the front yard. The wooden deck was constructed prior to the Rather's purchase of the property. The property is unique in that the northerly portion of the property is technically considered a rear yard, even though it operates as a side yard. The wood deck satisfies the applicable side yard setback requirement. The application of the rear yard requirement to the northerly portion of the property creates an unusual hardship in that the property is technically nonconforming with the setback standards even though the intent of same are satisfied. Similarly, the pergola is located within a portion of the property that operates as a rear/side yard, even though it is technically considered a front yard. As such, it does not cause or create disturbance to neighboring property owners. The relief sought is the minimum necessary and will not be injurious to the neighborhood as it will allow the Rathers to maintain existing improvements on their property that are in keeping with surrounding single-family uses. The proposal is consistent with Master Plan Category #2, which is intended to "provide for and protect single-family dwellings."

After a brief discussion, After a brief discussion, Mr. Quick recommended *approval* of **ZBA Application #021-19** and that this request is compatible with the neighborhood and consistent with Master Plan Category #3 (Residential - Low Density Multifamily); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Levin, Quick and Totilo).

2. **ZBA APPLICATION #031-19 - THE BRIDGEPORT ROMAN CATHOLIC DIOCESAN CORP. - 914-926 NEWFIELD AVENUE - Variance of Article III, Section 19(3.2)(e)(3):** Applicant owns the property which consists of Trinity Catholic High School at 926 Newfield Avenue, St. Gabriel Parish & Trinity Catholic Middle School at 928 Newfield Avenue, St. John Fisher at 894 Newfield Avenue and St. Gabriel Rectory at 914 Newfield Avenue. Applicant is proposing to construct an addition to the Seminary Residence Building located at 894 Newfield Avenue. The property encompasses 23.3333 acres and is located on the west side of Newfield Avenue and is approximately 1,550 ft. south of Vine Road. Applicant is also proposing to reconstruct the driveway, implement a planting plan and install utilities and a storm drain system to support the proposed improvements. The project will be the first phase of improvements to the Seminary. Expansion of the Seminary building is expected at a future date.

John Leydon, Attorney representing the applicant, was available to answer questions. Applicant is proposing to construct an addition to the Seminary Residence Building located at 894 Newfield Avenue which is a minimal increase in Floor Area Ratio and ground coverage for a Roman Catholic institution. After a brief discussion, Mr. Buccino recommended *approval* of **ZBA Application #031-19** and that this request is compatible with the neighborhood and consistent with Master Plan Category #1 (Residential - Very Low Density Single-family); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Levin, Quick and Totilo).

3. **ZBA APPLICATION #027-19 - LUMINITA TRIFAN (SHINY LITTLE STARS) - 2510 BEDFORD STREET - Special Exception:** Applicant operates a daycare center in a one (1) story building with a full lower level totaling approximately 4,000 sq. ft. Applicant is requesting an increase in the number of children allowed to enroll from 36 children to 60 children.

Applicant is seeking to modify Special Exception approval of ZBA Application #060-14 as follows:

- a. Modify Condition #3 to increase capacity from 36 to 60 children. The daycare facility has been operating at capacity with a growing wait-list. All students can be accommodated within the existing building by reorganizing classroom space within the building as shown on the enclosed plans. The increased capacity will serve the continued need for child care services in the area.
- b. Modify Condition #4 to allow staff parking in the front portion of the three (3) existing tandem parking spaces. The spaces are not used by parents during drop-off and pick-up times. They could be better utilized to accommodate staff parking without affecting the drop-off and pick-up procedures. All other required staff parking will continue to be accommodated offsite. There is an agreement in place with the adjacent Crowne Plaza Hotel.

Raymond Mazzeo, Carmody Torrance Sandak Hennessey, made a brief presentation and answered questions from the Board.

After a brief discussion, Ms. Godzeno recommended *approval* of **ZBA Application #027-19** with the recommendation the ZBA require the applicant to make sure the Parking Agreement with the Crowne Plaza Hotel will remain in effect with the increase in student capacity and that this request is compatible with the neighborhood and consistent with Master Plan Category #7 (Commercial - Arterial); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Quick and Totilo).

4. **ZBA APPLICATION #025-19 - ZBIGNIEW KOWALCZUK - 15 LIBERTY STREET - Variance of Table III, Appendix B:** Applicant owns a new two (2) family residence and would like to install four (4) air conditioning condensers. Applicant is requesting the condensers be placed within the required set back with 5.5 ft. on one side and 15.5 ft. for both sides in lieu of 8 ft. on one side and 18 ft. for both sides.

Given what the applicant is requesting (addition of four (4) air conditioning condensers) the condensers are screened from the public and the neighbors. It does not appear to create any additional major impact to the neighborhood. Although being a brand new house, this should have been applied for previously to investigate alternatives such as an accessory use or possible placement on the roof.

After a brief discussion, Mr. Buccino recommended *approval* of **ZBA Application #025-19** with the recommendation the applicant explore other alternatives such as placing the condensers on the roof or increasing the landscape buffer for additional screening and noise control and that this request is compatible with the neighborhood and consistent with Master Plan Category #7 (Commercial - Arterial); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Levin and Totilo).

5. **ZBA APPLICATION #029-19 - CARLSON CAR CLEANING, LLC - 130 LENOX AVENUE, UNIT #16 - Motor Vehicle:** Applicant operates a general repair service and would like to convert the business to a used car dealership.

This is part of the industrial co-op and is surrounded by small lot residential developments. Over the last six (6) years, the Planning Board and Zoning Board of Appeals have dealt with a number of these proposals; with almost all of them the applicant has requested an increase use that would have a negative impact on the neighborhood. After a brief discussion, Mr. Quick recommended the Zoning Board of Appeals ***DENY ZBA Application #029-19*** as a used car dealership is not the correct use for an Industrial- General condominium, which is designed for industrial uses inside the unit, and lack of parking and that this request is incompatible with the neighborhood and inconsistent with Master Plan Category #13 (Industrial - General); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Quick and Totilo).

6. **ZBA APPLICATION #028-19 - MANUEL VETTI, JR. (PRO FINISH AUTO, LLC) - 53 HALLOWEEN BOULEVARD - Motor Vehicle:** Applicant operates this business within a two (2) story concrete building, which is 2,815 sq. ft. in area, housing offices and a warehouse on a parcel 4,149 sq. ft. in area in the M-G Zone. Applicant is seeking approval to operate an auto body repair shop in the existing building without making any changes to the footprint or size of the structure.

Applicant is requesting to operate an automobile body repair in the existing building in an M-G Zone and Master Plan Category #13 (Industrial - General). After a brief discussion, Mr. Levin recommended *approval* of **ZBA Application #028-19** with the recommendation the ZBA prohibit car wash operations on-site and that this request is compatible with the neighborhood and consistent with Master Plan Category #7 (Commercial - Arterial); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Levin and Totilo).

7. **ZBA APPLICATION #026-19 - RAMON MARTINS - 33 MOHEGAN AVENUE - Variance of Table III, Appendix B:** Applicant owns a single-family residence and would like to add a 20 ft. x 33 ft. second story addition with a 5 ft. 1 in. x 19 ft. 2 in. porch. The applicant is requesting: (a) rear yard setback of 17.9 ft. in lieu of the 30 ft. required [existing non-conforming]; (b) side yard setback of 3.8 ft. in lieu of the 6 ft. required to allow a second story addition; (c) a 1.7 ft. side yard setback in lieu of the 6 ft. required to extend the chimney and (d) variance of Section 7d to allow the chimney.

Applicant is asking for three (3) variances in which to increase an existing nonconforming use. The applicant does not provide a compelling case that they have a hardship only “room for a growing family or home office.”

After a brief discussion, Mr. Quick recommended the Zoning Board of Appeals ***DENY ZBA Application #026-19*** due to excessive use, the setback at the chimney is too extreme and the reason of needing room for a growing family or home office is not a hardship and that this request is incompatible with the neighborhood and inconsistent with Master Plan Category #3 (Residential - Low Density Multifamily); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Quick and Totilo).

8. **ZBA APPLICATION #030-19 - JIM WOJECK - 9 PULASKI STREET - Variance of Table III, Appendix B & Section 12:** Applicant owns the existing structure consisting of 2,876 sq. ft. of retail and office space on the ground floor. This portion of the building was renovated within the last seven (7) years. The second and third floors of the building resemble that of a second empire architecture style and each floor contains one (1) apartment. Applicant would like to renovate a section of the building which would involve demolition of a portion of the rear building. The new construction boundary will sit in nearly in the same location with a slightly different footprint dimension of 24 ft. 6 in. x 49 ft. 6 in. overall. The use of the two (2) story structure consists of a common hall and three (3) residential units - one (1) ADA accessible unit on the bottom floor and two (2) units on the second floor. Applicant is requesting a variance of Table III, Appendix B (Density) to increase the number of units from 6.74 dwelling units to 7 dwelling units permitted on the property which is in the RM-F zone and currently 13,496 sq. ft. total land area. The allowance would result in a residential density of 1,928 sq. ft. per unit in lieu of the 2,000 sq. ft. per unit required. Applicant is also requesting a variance of Section 12 (Automobile Parking & Loading Space) to allow eighteen (18) parking spaces in lieu of the 20 spaces required and to allow four (4) of those spaces to be reduced in size to compact car spaces in lieu of zero (0) compact car spaces.

Applicant is requesting a variance of the residential density requirement in Table III, Appendix B (Density) in an RM-F Zone from 2,000 sq. ft. required to 1,928 sq. ft. which would allow the building to be repurposed to seven (7) residential units in lieu of 6.74 units. Applicant is also requesting relief from the twenty (20) parking spaces needed by proposing eighteen (18) parking spaces as well as allowing four (4) of the eighteen (18) parking spaces to be identified as “compact car” where zero (0) compact car parking spaces are allowed. Also note this is an odd-shaped lot which creates potential conflicts especially for parking.

After a some discussion, Mr. Buccino recommended approval of ***ZBA Application #030-19*** with the recommendation the ZBA require the applicant submit a Parking Management Plan to be approved by Land Use Bureau staff. The Planning Board also felt this is a good adaptive reuse of the properties in the South End. The Board found this request is compatible with the neighborhood and consistent with Master Plan Category #3 (Residential - Low Density Multifamily).; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Quick and Totilo).

#### **PLANNING BOARD MEETING MINUTES:**

March 19, 2019 (Tabled from April, 2019)

April 9, 2019

Both sets of minutes were TABLED until the May 7, 2019 meeting as there were not enough members present who were in attendance at each meeting to vote.

#### **OLD BUSINESS:**

Mr. Quick posed the topics of sports field activities and land values and home sales in North Stamford for discussion.

#### **NEW BUSINESS:**

Next regularly scheduled Planning Board meetings are:

May 7, 2019 - Regular Meeting & Public Hearing

May 14, 2019 (IF NEEDED)