

STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, AUGUST 27, 2019
REGULAR MEETING
GOVERNMENT CENTER - 4TH FLOOR CAFETERIA
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; and Michael Totilo. Alternates: William Levin. Absent: Michael Buccino, Voting Member; Jennifer Godzeno, Secretary & Voting Member and Claire Fishman, Alternate. Present for staff: David W. Woods, PhD, AICP, Deputy Director of Planning.

Ms. Dell called the meeting to order at 6:30 p.m. and introduced the members of the Board and staff present.

Ms. Dell introduced the first item on the agenda.

REQUEST FOR AUTHORIZATION:

LEASE OF TEMPORARY SPACE FOR TRAILBLAZERS, RISE AND LEAP - The Stamford Asset Management Group (“SAMG”): On July 15, 2019 the Board of Education was notified that Domus would not continue with the Trailblazers Middle School Program. At the Superintendent’s request, on July 26, 2019, SAMG visited the site at 83 Lockwood Avenue and determined the space not acceptable for continued use as a school. SAMG also determined the space utilized by the Rise Program located in the old Agricultural Science building at Westhill High School was also not acceptable for continued use as both locations require a significant amount of improvements and work. The short-term solution is a lease at 68 Southfield Avenue, which is a 15,000 sq. ft. space on the first floor. The modifications needed would be minimal and can be completed before the start of the new school year. All costs associated with the lease shall be borne by SAMG.

The purpose of this referral is to notify the three Boards of the need for the lease of temporary space for the Trailblazers, Rise and Leap programs. Michael Handler, Director of Administration for the City of Stamford, is commencing the 60-day lease review. The lease agreement will come back to the three Boards for their approval.

After a brief discussion, Mr. Tepper recommended approval of the Lease of Temporary Space For Trailblazers, Rise and Leap - The Stamford Asset Management Group (“SAMG”) and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and Section C6-30-13 of the City Charter and finds this request to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo)

SUBDIVISIONS:

Planning Board Decision Guidelines: The applicant must meet all four guidelines; not just whether the land meets the Zoning Code:

- Does it meet the Subdivision Regulations?
- Is the request consistent with the Stamford Master Plan 2015-2025?
- Does the prospective character of the development of the land adversely affect the neighboring properties and could this adverse effect potentially lower neighboring property land values?
- Shall meet all Zoning requirements.

1. **SUBDIVISION #4039 - JOSEPH J. CAPALBO, II representing VIADUCT LANDHOLDINGS, MANAGEMENT & DEVELOPMENT, LLC - 57 VIADUCT ROAD - 2 LOTS:** The property is approximately 1.854 acres and is located on the eastern side of Viaduct Road and west of the Town of Darien and the Noroton River. The site is currently fully developed with two (2) existing buildings, parking and associated infrastructure. The proposed subdivision will create two (2) building lots, each containing an existing building.

Joseph J. Capalbo, II, Esq., representing the applicant, made a brief presentation outlining the benefits and improvements that will result from this subdivision and answered questions from the Board. After some discussion, Mr. Totilo recommended **approval** of *Subdivision #4039 - 57 Viaduct Road* including the draft conditions from the Staff Report; and that this request is compatible with the neighborhood and consistent with the 2015 Master Plan; Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo).

ON THIS DATE, AUGUST 27, 2019, THE APPLICANT FOR SUBDIVISION APPLICATION #4041 HAS REQUESTED A POSTPONEMENT TO A FUTURE PLANNING BOARD MEETING AND THEREFORE, WILL NOT BE HEARD.

2. **SUBDIVISION #4041 - D'ANDREA SURVEYING & ENGINEERING, PC representing 16 JAMROGA, LLC - 16 JAMROGA LANE - 2 LOTS:** The property is an existing residential property with a lot area of approximately 0.43 acres located on the westerly side of Jamroga Lane approximately 200 feet north of the intersection of Oaklawn Avenue and Jamroga Lane in the R-7½ residential zoning district.

PUBLIC HEARING CANCELLED

SUBDIVISION APPLICATION #4037 - CARL & MARY ANN SHANAHAN - 280 OCEAN DRIVE EAST (3 LOTS) HAS BEEN WITHDRAWN AT THE REQUEST OF THE APPLICANT (Withdrawal Letter Attached).

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #041-19 - KATIE WAGNER, QUESITED CONSULTING, LLC representing CURT ANASTASIO - 224 DOLPHIN COVE QUAY - Variance of Table III, Appendix B:** Applicant owns a single-family residence with a garage and would like to install three (3) air conditioning condensers and a generator. Applicant is requesting a 3.5 ft. setback on one side and a 9.3 ft. setback on both sides for the three (3) air conditioning condensers and a 3.6 ft. setback on one side and 9.4 ft. setback on both sides for the generator in lieu of the 6 ft. on one side and 12 ft. for both sides.

The applicant is proposing to replace three (3) air conditioning condensers and a generator. The previous owner installed the equipment without a building permit or variance. Therefore, in order for the current owner to replace the three (3) air conditioning condensers and generator they must legalize the location with a variance through the ZBA. The applicant's hardship is that there is no other location on the lot to place this equipment due to the house being built to the edge of the FEMA flood zone which precludes placing electrical equipment anywhere in the rear yard and the applicant would also need a variance to put the equipment in the front yard, which aesthetically does not make sense. The current location of the existing equipment is screened from the neighbors and passers-by.

After a brief discussion, Mr. Tepper recommended **approval** of *ZBA Application #041-19* and that this request is compatible with the neighborhood and consistent with the Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo).

2. ZBA APPLICATION #040-19 - ROBERT STORM, ROBERT STORM ARCHITECTS representing MILVIA ROCHE - 68 CONGRESS STREET - Variance of Table III, Appendix B:

Applicant owns a two-family residence with an existing flat roof. Applicant would like to replace the flat roof with a ±19 ft. 10 in. x 54 ft. 4 in. (±1,080 sq. ft.) pitched roof. Applicant is seeking a 20.4 ft. rear yard setback in lieu of the 30 ft. required and to allow an expansion of a legal non-conforming second floor living unit for storage only.

The applicant, Milvia Roche, represented by Robert Storm, for the house on 68 Congress Street, a residence in an R-6 district in Master Plan Category #3 (Residential - Medium Density Single-Family) is an legal non-conforming two-family residence with the existing structure projecting over the rear yard setback line. The applicant is proposing to replace their existing flat roof, which is leaking, with a pitched roof that is consistent with all of the other surrounding residences and this type of improvement is structurally consistent with today's building codes. Also, the applicant is not proposing to expand their non-conforming setback encroachment.

After a brief discussion, Mr. Levin recommended *approval* of *ZBA Application #040-19* and that this request is compatible with the neighborhood and consistent with the Master Plan Category #3 (Residential - Medium Density Single-Family); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo).

3. ZBA APPLICATION #044-19 - JASON KLEIN, CARMODY TORRANCE SANDAK HENNESSEY representing STAMFORD REALTY PARTNERS, LLC - MYRTLE AVENUE, LOT A (a/k/a 909 EAST MAIN STREET; f/k/a 20 MYRTLE AVENUE) - Variance of Table IV, Appendix B; Article IV, Section 10-A, and Article IV, Section 13-F:

For the past 50 years, applicant has operated a Toyota car dealership on the property and is improved with an ±8,254 sq. ft. building containing a showroom, office and automobile repair uses. Applicant proposes to construct a one (1) story addition to the existing dealership building to be used as office and storage space. The applicant also proposes to replace repair bays within the building with additional showroom space within the first (1st) floor of the existing building. Associated signage is also proposed.

Applicant is seeking the following variances:

- a. Table IV, Appendix B: To permit a building height of 27 ft. 6 in. in lieu of the 25 ft. permitted.
- b. Table IV, Appendix B: To allow the proposed second (2nd) story addition to be located 0 ft. from the southerly side yard lot line in lieu of the 6 ft. required.
- c. Article IV, Section 10-A: To allow for the reasonable modernization of the auto dealership on the property.
- d. Article IV, Section 13-F: To allow the construction of a 154 sq. ft. ground sign in lieu of 50 sq. ft. allowed.

Jason Klein, attorney with Carmody Torrance Sandak & Hennessey, has requested to make a brief presentation on the elements of this application. Staff has reviewed the requested variances specifically for Table IV, Appendix B and Article IV, Section 10-A which if approved, would allow a building height of 27.6 ft. in lieu of 25 ft. permitted. It must be noted that this building abuts I-95 and the other two (2) variances requested are consistent with modernizing this Toyota dealership. Staff recommends approval of all the variances except the request for the one (1) excessively larger than allowed ground sign (154 sq. ft. in lieu of the 50 sq. ft. allowed). As the Planning Board previously noted, the Toyota dealership is located in a place that can be seen by not only on East Main Street but by drivers on I-95 and passengers on Metro North trains.

After considerable discussion of *ZBA Application #044-19*, Mr. Totilo recommended the Zoning Board of Appeals *APPROVE* the two (2) requested variances for Table IV, Appendix B and the one (1) variance for Article IV, Section 10-A, listed above as a., b. and c. and that these requests are compatible with the neighborhood and are consistent with Master Plan Category #5 (Residential - High Density Multifamily).

It was further recommended the Zoning Board of Appeals *DENY* the variance for Article IV, Section 13-F (listed above as d. allowance for the construction of a 154 sq. ft. ground sign in lieu of the 50 sq. ft. allowed) as the Board feels this is an excessive request and it would create a precedence for future requests for grossly oversized signs. The Board did agree that the applicant could place two (2) small signs (50 sq. ft.) on each front corner of the building facing East Main Street instead of the requested 154 sq. ft. sign. Although, it should be noted the use of additional smaller signs is not a trade-off for the use of an oversized sign and is not intended to give the applicant permission to increase the number of smaller signs on the property or the building. The Board found that this request is not compatible with the neighborhood and is inconsistent with Master Plan Category #5 (Residential - High Density Multifamily).

Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo).

4. ZBA APPLICATION #042-19 - DALE ASHCRAFT - 54 KENILWORTH DRIVE WEST - Variance of Table III, Appendix B (Street line, Street Center and Rear Yard Setbacks):

Applicant owns an existing one (1) story, single-family residence with a deck, above ground pool and a shed. Applicant is proposing to construct a 204 sq. ft. addition and a second (2nd) story addition over the existing and proposed building footprint. The deck, above ground pool and shed will be removed. Applicant is requesting the following variances: [*a*] a 24.9 ft. street line setback in lieu of the 40 ft. minimum for the proposed second (2nd) story addition and a 22.3 ft. street line setback in lieu of the 40 ft. minimum for the proposed porch; [*b*] a 49.9 ft. street center setback for the proposed second (2nd) story addition and a 47.3 ft. street center setback for the proposed porch in lieu of the 65 ft. minimum allowed; and [*c*] a 25.5 ft. rear yard setback for the proposed second (2nd) story addition in lieu of the 30 ft. minimum allowed.

The existing non-conforming one-story dwelling is located on an odd-shaped lot in which the existing setbacks do not meet the current requirements of the Zoning Code. The applicant is proposing: (a) to add a second story addition over the existing/proposed building footprint; (b) to remove the wooden deck and concrete base in the rear over the above-ground pool and the wood deck around the pool and the shed; and (c) to reconfigure the rear 200 sq. ft. patio. In all, if the ZBA approves what the applicant is proposing, it will result in a reduction of impervious surface by 250 sq. ft.

After a brief discussion, Mr. Levin recommended *approval* of *ZBA Application #042-19* and that this request is compatible with the neighborhood and consistent with the Master Plan Category #2 (Residential - Low Density Single-Family).; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo).

5. ZBA APPLICATION #045-19 - JOSH RICH - 219 SHELTER ROCK ROAD - Variance of Section 6-A: Applicant owns an existing single-family resident and is proposing to install a 10 ft. x 14 ft. shed for storage. Applicant is seeking an allowance of an accessory structure in the front yard.

The applicant is requesting to install a 10 ft. x 14 ft. accessory structure (shed) in the front yard. The hardship for the applicant's variance request includes: (a) the house is located on a corner lot (no official backyard) with significant slopes and different elevations; and (b) the current septic tank is located in the rear of the house which precludes placement of an accessory structure in that area. Therefore, if the ZBA approves the variance needed, this seems to be the only location available.

After a brief discussion, Mr. Totilo recommended *approval* of *ZBA Application #045-19* and that this request is compatible with the neighborhood and consistent with the Master Plan Category #1 (Residential - Very Low Density Single-Family); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo).

PLANNING BOARD MEETING MINUTES:

August 6, 2019: After a brief discussion, Mr. Tepper moved to recommend approval of the Planning Board Minutes of August 6, 2019; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 3-0 (Levin, Tepper and Totilo). (Ms. Dell was ineligible to vote as she was absent at the August 6, 2019 meeting.)

OLD BUSINESS:

NEW BUSINESS:

Next regularly scheduled Planning Board meetings are:

September 10, 2019

September 17, 2019

September 24, 2019

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 7:20 p.m.

Respectfully Submitted,

Jennifer Godzeno, Secretary
Stamford Planning Board

NOTE: *These proceedings were recorded on video 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.*