

STAMFORD PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
(Public Hearing Continued from November 28, 2017)
APPROVED MINUTES - TUESDAY, JANUARY 9, 2018
4TH FLOOR CAFETERIA, GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT
REGULAR MEETING - 6:30 P.M. / PUBLIC HEARING - 7:00 P.M

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Claire Fishman, Secretary; Jay Tepper, Vice Chair and Jennifer Godzeno (Arrived at 6:40 p.m.); and. Alternates: Michael Buccino and Roger Quick. Absent: Michael Totilo, Voting Member and William Levin, Alternate. Present for staff: David W. Woods, PhD, AICP, Deputy Director.

Ms. Dell called the meeting to order at 6:30 p.m. and introduced the members of the Board and staff present. Ms. Dell opened the meeting with the first item on the agenda.

REQUEST FOR AUTHORIZATION

SUPPLEMENTAL CAPITAL PROJECT APPROPRIATION REQUEST:

- 1. CAPITAL PROJECT CLOSEOUT RECOMMENDATION:** Pursuant to Stamford City Code Section 8-2, partial closeout is recommended on the following capital projects:

Project No.	Project Name	Closeout Amount	Funding Source
CP0086	South End Collector Road	\$2,000,000.00	Other
CP3347	Harbor Point Shuttle Bus	\$42,373.00	Grant
CP3347	Harbor Point Shuttle Bus	\$8,322.00	Other

In 2011, the State of Connecticut authorized \$4,900,000.00 in bond funds for improvements to Pacific and Canal Streets. Harbor Point Infrastructure District had agreed to contribute \$2,000,000.00 toward the cost of this project. The City of Stamford acted as fiduciary agent for the grant agreement and the Engineering Bureau oversaw the construction process. The project is completed and was finished on time and within the \$4,900,000.00 budget. Therefore, the second contingency grant is no longer relevant and this action is a cleanup.

Some years ago, the City received a State grant for the Harbor Point Shuttle Bus service; however, the State only funded a portion of this grant and will not provide the remaining \$50,695.00 which means we should close out the remaining approved funds. After a brief discussion, Mr. Tepper recommended approval of the Capital Project Closeout Recommendations 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 to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Buccino, Dell, Fishman, Quick and Tepper).

- 2. ILLEGAL HOUSING UNITS STATUS DATABASE:** Currently, determining how many units of housing prebuilding is a lengthy process that slows down the enforcement of the City's zoning regulations, has potential life safety implications and limits the ability of the City to appropriately tax its residents. The proposed project would digitize all the historic building and tax information, verify the legal status of dwellings and make the information available to the Health and Fire Departments, Zoning Enforcement, and the Tax Assessor as well as every resident for swift enforcement action and equitable taxation.

After a brief discussion, Ms. Fishman recommended approval of the Illegal Housing Units Status Database 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 to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Mr. Quick seconded the motion and passed unanimously with eligible members present voting, 5-0 (Buccino, Dell, Fishman, Quick, and Tepper).

- 3. PARKING GARAGE IMPROVEMENTS:** For emergency repairs in the three (3) City-owned garages (Bell Street, Bedford Street and Summer Street Garages). These repairs include an electrical upgrade for a failing system at the Bell Street Garage and necessary surveillance equipment needed in all three (3) garages.

Jim Travers, Bureau Chief, Transportation, Traffic Engineering and Parking provided the list of items that will be procured from the \$979,423.00 which we are seeking be moved to the Parking Fund.

The electrical system in the Bell Street garage is failing. A competitive bid process recently took place to find a qualified contractor. The low bid is approximately \$750,000.00. This is a priority as the existing electrical system is in extremely poor condition with rusted and decayed conduits, exposed wires, rusted electrical panels, and a faulty generator.

Additionally, the monies would be used to supplement the procurement of new parking meters and pay stations. Our on-street parking meters require frequent repairs. The instances of downtime result in user frustration and loss of revenue for the City. Furthermore, the pay stations that are in our garages are beyond their end of life. We can no longer procure parts for these meters and for the past year have been forced to cannibalize parts from meters that are on less utilized floors of the garages in an attempt to keep more highly used pay stations operating.

Lastly, it is my intent to finish the installation of video cameras in our garages. Earlier this Fall a female UCONN student was in the Bell Street Garage and approached by two men who attempted to steal her cell phone. Luckily, this incident occurred in the only stairwell that had cameras. Since this was caught on video the Stamford Police Department was able to identify the assailants and make an arrest. These funds will be used to install video cameras in all three garages.

Should any funds remain, in 2017 we contracted with Desman Parking Consultants to perform a Conditions Assessment in the Bell Street and Bedford Street garages. These assessments revealed \$8M+ and \$6M+ dollars' worth of deferred maintenance repairs needed in each of these facilities, respectively. Any remaining funds would be applied to the priority projects that they outlined in the report. After a brief discussion, Ms. Godzeno recommended approval of the Parking Garage Improvements 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 to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Buccino, Dell, Fishman, Godzeno and Tepper).

ZONING BOARD REFERRALS:

- 1. ZB APPLICATION #217-17 - Text Change Article V & Section 19-3.2.e:** Special Standards for Single Family Districts: In addition to the other standards and requirements of these Regulations, all applications for special exception uses within the RA-3, RA-2, RA-1, R-20, R-10 and R-7½ single family districts shall conform to the review standards of Section 7.2-C Site Plan Review Standards for Review, and to the following additional special standards. The special

standards of this section shall not however apply to Yacht Clubs (#113.5), group Day Care Home (#22), Hospital Complex (#47) or Senior Housing & Nursing Home Facility Complex (#92.1). Existing non-residential uses and nonresidential structures, established or erected prior to September 13, 1993 which do not conform to the standards of this Section 19-3.2 (e), may be continued, rehabilitated, altered, extended, expanded or changed to a new special exception use provided that required approvals are obtained and provided that existing non-conformities with the standards of this Section shall not be increased and no new non-conformities shall be created. **Notwithstanding the above, existing non-residential uses may be redeveloped as an Assisted Living Facility on sites of two (2) acres or more, where sanitary sewers are available, subject to the standards below except that the floor area ratio shall not exceed the standards of item (2) "Floor Area Ratio" by more than 0.1; and where such properties abut other non-residential uses, side yard setbacks shall satisfy the standards of item (4) "Building Setbacks" or twenty-five (25) feet, whichever is less. The R-7½ and R-10 zones shall be ineligible for these redevelopment standards.**

The proposed Text Change pertains to properties with existing non-residential uses in single family zones (R-20 through RA-3). It provides a floor area bump for Assisted Living Facilities. This encourages and incentivizes redevelopment for Assisted Living, which is quasi-residential in nature and a low intensity use compared to other potential nonresidential uses (schools, daycares, clinics, religious institutions etc.). The Text Change also reduces potentially larger side yard setbacks to 25 ft. when abutting other non-residential uses. Mr. Richard Redniss, of Redniss & Mead, made a presentation and was available to answer questions. Ms. Gail Okun, representing the North Stamford Association, made comments to the Board in opposition to this Text Change (*ATTACHMENT #1*). After some discussion, the Board unanimously decided to TABLE this item until the February 6, 2018 meeting so a representative from the Water Pollution Control Authority and Mr. Lou Casolo, Engineering Bureau Chief/City Engineer can attend the meeting to provide additional information and answer questions from the Board on the possible impacts of this Text Change.

ZONING BOARD OF APPEALS REFERRALS:

For reference from Zoning Regulations Section 19-2.3d (Referral to Planning Board):

- (1) All applications for variances to authorize the operation of a use other than those specifically listed as "Permitted Uses" in the LAND USE SCHEDULE for the district in which the subject property is located, and all applications for variances from the SCHEDULE OF REQUIREMENTS FOR AREA HEIGHT AND BULK OF BUILDINGS, approval of which would (1) reduce the required minimum number of square feet of lot area per family, (2) reduce off-street parking and loading requirements, (3) increase maximum permitted building heights or bulk beyond permitted limits in the SCHEDULE, or (4) result in greater building bulk in ratio to lot area than permitted in the Regulations, shall be referred to the Planning Board for an advisory report of its recommendations, which recommendations shall outline all factors considered, and which shall not be binding upon the Zoning Board of Appeals. Each such application shall be referred to the Planning Board at least thirty (30) days prior to the date assigned for a public hearing thereon. Failure of the Planning Board to report within 30 days shall be construed as no response. A statement of the vote of the Planning Board recommending approval or denial, or proposing a modification of such application shall be publicly read at any public hearing thereon. The full report of the Planning Board regarding such application shall include the reasons for the Board's vote therein and shall be incorporated into the records of the public hearing held thereon by the Zoning Board of Appeals.*
- (2) The Planning Board, in reviewing such matters, shall set forth its opinion as to whether or not the proposed use or feature is in reasonable harmony with the various elements and objectives of the Master Plan and the comprehensive zoning plan, and in case of a recommendation for approval, may suggest conditions deemed to be necessary in the granting of any such application.*

1. **ZBA APPLICATION #053-17 - ELM STREET DINER, LLC - 463 ELM STREET - Variance of Table IV, Appendix B:** Applicant owns an existing restaurant and would like to construct a 14 ft. x 23 ft. addition to the rear of the building for a new entry foyer from the parking lot. Applicant is requesting: (1) sideyard setbacks on each side of the building of 6.3 ft. in lieu of 12 ft. required; (2) building area of 55.3% in lieu of 30% maximum [existing building area is 52.56%]; and (3) rear yard setback of 0.0 ft. in lieu of the 20 ft. required. Given the existing conditions of this lot and the City's prior action of taking the neighboring lot for public use, the variance requested is appropriate and will lessen the existing impacts once developed. After a brief discussion, Mr. Buccino recommended approval of **ZBA Application #053-17** and this is compatible with the neighborhood and consistent with Master Plan Category #7 (Commercial - Arterial); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Buccino, Dell, Fishman, Godzeno and Tepper).
2. **ZBA APPLICATION #054-17 - KAREN JEAN DOLAN - 5 PALMER STREET - Variance of Table III, Appendix B:** Applicant owns a single family residence with an existing 10½ ft. x 20 ft. deck and would like to construct a roof over said deck. Applicant is requesting: (1) a front yard setback of 21.7 ft. in lieu of the 30 ft. required and (2) a street centerline setback of 46.7 ft. in lieu of the 55 ft. required. The applicant wishes to build a roof on an existing legal non-confirming deck. The applicant would like to mitigate the impacts by removing the stairs located in the front yard and relocating those stairs to the side yard. After a brief discussion, Ms. Fishman recommended approval of **ZBA Application #054-17** and this is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single Family); Mr. Quick seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Quick and Tepper).

PUBLIC HEARING STARTS AT 7:00 P.M.

MASTER PLAN AMENDMENT:

1. **MASTER PLAN AMENDMENT #427 - ACCURATE REAL ESTATE HOLDINGS TWO, LLC; JOS, LLC; JOYCE DiCAMILO HOFFMEISTER & GLORIA DiCAMILLO SINAGUGLIA (THE "APPLICANTS") - 12 & 18 ANNIE PLACE - Map Change (Continued from the Public Hearing held on November 28, 2017):** The Applicants are requesting an amendment to the City of Stamford Master Plan to re-designate 0 Annie Place, 12 Annie Place, 18 Annie Place, 172 West Avenue, 19 Diaz Street and 17 Diaz Street (the "Properties") from Master Plan Category #6 (Commercial-Neighborhood) to Master Plan Category #13 (Industrial - General). The Planning Board will further discuss this application and render their final decision. On November 28, 2017 the Planning Board heard the applicant's request for a change to the Master Plan map from Master Plan Category #6 (Commercial-Neighborhood) to Master Plan Category #13 (Industrial-General). After considerable discussion, Mr. Tepper moved to **approve** Master Plan Amendment No. 427; Ms. Godzeno seconded the motion and passed unanimously with eligible members voting, 5-0 (Buccino, Dell, Godzeno, Fishman and Tepper).

SUBDIVISION:

1. **SUBDIVISION APPLICATION #4033 - BRUNDAGE ASSOCIATES, LLC & STERLING PLACE, LLC - 88 & 94 MULBERRY STREET (Continued from the Public Hearing held on November 28, 2017):** The Applicants own contiguous parcels encompassing a total area of approximately 23,101 sq. ft. which provide the property street frontage, lot depth and total land area sufficient for the creation of one additional building lot by modifying the existing lot lines between the parcels. There are existing dwellings on the property which are to remain. The subject properties lie north of and are contiguous to Lot No. 2 that was created under Subdivision

No. 4017, which was approved on January 20, 2015. Subdivision No. 4017 (also Brundage Associates, LLC) was approved with an Open Space Preserve/Conservation Easement running parallel to the westerly property line and terminating with the southerly property line of Lot No. 46A. The proposed application would create a new Open Space Preserve/Conservation Easement of 620 sq. ft. in the southwesterly corner of proposed Lot No. 2 that would essentially widen and extend the open space buffer north to the rear line of the proposed Lot 46A-R. The Planning Board will further discuss this application and render their final decision.

On Tuesday, November 28, 2017 the Planning Board held the required Public Hearing on this three (3) lot subdivision in the Springdale neighborhood. At that time, the Planning Board heard from the applicant and considerable opposition from residents, including the negative impact from cutting the mature trees on neighboring properties (much of that may be mitigated by a new house if approved by the Planning Board). The public input portion of the Public Hearing was closed at the conclusion of the Public Hearing, but the Public Hearing is still open as to the decision by the Planning Board, and the Planning Board has always allowed the applicant to respond to the neighbors' concerns, as well as for staff to revise its report to give the Planning Board the various options, which was sent to the applicant and the Planning Board on December 20, 2017. One of the statements asserted was that if an applicant meets the letter of the Subdivision Regulations and Zoning Code then the Planning Board must approve the subdivision; this is not true – the applicant must meet both the letter of the Subdivision Regulations and Zoning Code to even bring the application before the Planning Board in the first place. As was addressed by me in the revised Staff Report the City Charter provides four guidelines for the Planning Board to follow in its decision process – if the Planning Board finds that the applicant met two but not all four of the conditions, the Planning Board has the option to deny the subdivision application. Thus, from my perspective it is up to the Planning Board to decide and I have provided two choices for your use.

Choice No. 1: Deny the Subdivision

If the Planning Board finds that the applicant failed to meet all four of the guidelines addressed above, then the proper action would be to deny this subdivision for the following reasons:

1. The Planning Board finds that another dwelling squeezed onto this lot by what appears to be a “tortured lot” would adversely affect the quality of life of the neighborhood, and adding another dwelling could be construed as negatively impacting the neighborhood; then this application is not consistent with the Master Plan
2. Another dwelling squeezed into this odd shaped lot could be construed as not being in conformity with the neighborhood, creating undue density and potential impacts on traffic and lighting, and the applicant seems to have created an adverse impact that could lower neighboring property land values.

Choice No. 2: Approval with Conditions

However, if the Planning Board does decide to approve adding another lot to the back of two existing lots, then Staff recommends the following conditions:

1. Dedication of an "Open Space Preserve/Conservation Agreement" to include 629 square feet of land depicted on the plan titled “Preliminary Subdivision Map of Property at 88 and 94 Mulberry Street in Stamford, Connecticut,” Prepared for Brundage Associates, LLC and Sterling Place, LLC by D’Andrea Surveying and Engineering, P.C., dated August 9, 2017. The Open Space/Conservation Easement contributes to the open space requirements of the City, is linked to other open space in the area, and provides for the placement of plantings and other enhancements.

2. Open Space/Conservation Areas shall be field delineated with standard conservation signage, posts, pins and other suitable measures at all property boundaries, turning points, and at intervals of no less than 100 feet along continuous stretches of the conservation boundary. (Note on the Record Plan).
3. Prohibition of in-ground fuel oil storage tanks. (Note on the Record Plan)
4. Site development shall not begin until the final soil erosion and sedimentation control plan is reviewed by Environmental Protection Board Staff and those approved elements are properly installed and are functional. (Note on the Record Plan)
5. Final development plans for Lot 2R shall be subject to the review and approval of EPB Staff. (Note on the Record Plan)
6. Submission of a standard, City of Stamford, Drainage Facilities Maintenance Agreement to ensure the full and proper function of drainage facilities installed on the parcel. (Note on the Record Plan)
7. Submission of a standard, City of Stamford, Landscape Maintenance Agreement to ensure the success of the proposed planted features. (Note on the Record Plan)
8. Submission of a performance surety bond prior to the start of site activity and issuance of a building permit, to secure the full and proper completion of all temporary and permanent erosion/construction controls, drainage, landscaping, and professional supervision/ certifications. (Note on the Record Plan)
9. Subdivision reference number to be placed on Final Map.

After considerable discussion, Mr. Quick recommended **DENIAL** of Subdivision #4033 for the following reasons:

1. It is the opinion of the Board that the proposed Subdivision violates Section 4.1 of the Subdivision Regulations, which states:

“No land shall be subdivided for residential use which is held by the board to be unsuitable for such use by reason of flooding or bad drainage, adverse geologic formation, traffic safety or any other feature likely to be harmful to the health, safety, and welfare of the adjacent resident or future residents of the proposed subdivision.

To the extent feasible, existing natural features which are of ecological value to the City, such as wetlands, water courses, water bodies, rock formations, stands of trees, views and vistas, and similar irreplaceable assets, shall be preserved.”

2. The Planning Board found the applicant’s placement of the proposed residence violates the rear yard setback requirement of 30 ft. specifically where the lot becomes tortured on the north side and tortured by funneling down so narrowly.

3. The Planning Board finds that another dwelling squeezed onto this lot by what appears to be a “tortured lot” would adversely affect the quality of life of the neighborhood, and adding another dwelling could be construed as negatively impacting the neighborhood; then this application is not consistent with the Master Plan. Another dwelling squeezed onto this odd shaped lot could be construed as not being in conformity with the neighborhood, creating undue density and potential impacts on traffic and lighting, and that the applicant seems to have created an adverse impact that could lower neighboring property land values.

Mr. Tepper seconded the motion and passed unanimously with eligible members voting, 5-0 (Dell, Fishman, Godzeno, Quick and Tepper).

PLANNING BOARD MEETING MINUTES:

12/12/17: After a brief discussion, Ms. Godzeno moved to recommend approval of the Planning Board Minutes of December 12, 2017; Mr. Buccino seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Buccino, Dell, Fishman, Godzeno and Tepper).

OLD BUSINESS:

NEW BUSINESS:

Next regularly scheduled Planning Board meetings are:

January 23, 2018 - Public Hearing-Capital Budget

January 30, 2018 - Public Hearing-Capital Budget (SNOW DATE)



North Stamford Association – Presentation of Record
City Of Stamford – Planning Board Meeting – January 9, 2018

Good evening everyone. I am addressing this Planning Board as Vice President of the North Stamford Association and authorized by my Board to do so.

I am here tonight representing nearly 1000 North Stamford single-family homeowners that the North Stamford Association communicates with on a regular basis.

In reference to the proposed text changes to Article V, Section 19, 3.23e, the agent for the developer of the site on Schofieldtown Road, currently home of Bethany Church, met with the North Stamford Association Board of Directors on December 11, 2017 to present the significant land use changes proposed in the Article V text change. At the Board meeting of January 8, 2018 the North Stamford Association summarized serious concerns regarding this proposed change as follows:

- 1) The proposed building requires changes to existing setback regulations. We strongly believe that changes in setback rules should NOT be permitted as doing so results in structures ultimately being closer together eroding the character of neighborhoods and enhancing the sense of urban sprawl. The proposed building is therefore too large for the proposed location.**
- 2) Of most serious concern to the Association and all homeowners in North Stamford is the potential impact of connecting the proposed facility to a dedicated lateral sewer line that services Northeast School. The lateral was deliberately designed to accommodate only the school. The proposed sanitary sewer line that is to serve smaller lots adjacent to High Ridge road will end south of the area under discussion. Legislative approval is necessary to extend any sewer line into the RA01 area.**

In summary, the recently adopted Master Plan recognizes that RA 1-2-3 are low density residential areas. This text change and therefore the project(s) it is intended to support, depends upon extending sewer lines, and is therefore NOT in accord with the Master Plan. The North Stamford Association, therefore requests that this Planning Board deny the proposed text change as it will result in overdevelopment at this and other proposed locations and establish a dangerous foundation for overdevelopment and the destruction of the unique character of North Stamford.

Thank you for your time.