

STAMFORD PLANNING BOARD
APPROVED MINUTES (*CORRECTED*) - TUESDAY, APRIL 17, 2018
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; Michael Buccino and Michael Totilo. Alternates: Claire Fishman, William Levin and Roger Quick. Absent: Jennifer Godzeno, Voting Member. 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 and introduced the first item on the agenda.

ZONING BOARD REFERRALS:

1. **ZB APPLICATION #218-19 - FDAP 873 LENNAR MULTIFAMILY COMMUNITIES, LLC - 885 WASHINGTON BLVD. (Currently known as 873 Washington Blvd.) - Site & Architectural Plans and/or Requested Uses; Special Exception and Coastal Site Plan Review:** Applicants propose demolishing the existing building and redeveloping the property with a mixed-use building containing 414 apartments and 19,333 sq. ft. of ground floor retail space as well as site and infrastructure. Lisa Feinberg, Attorney with Carmody Torrence Sandak & Hennessey, along with the developer, Sam Fuller, and the consultant team, made a presentation on the proposed building known as "Tower A." The presentation to the Board by the applicant focused on the 6% BMR instead of 10% required elsewhere and the request to pay a fee-in-lieu as opposed to providing the BMRs onsite. The 6% BMR requirement only works in very limited zones such as the C-CN. The calculation to 6% was based on incorporating all available bonuses, especially the commercial-to-residential conversion, which was not counted against the BMR number. (NOTE: The purpose of the commercial-to-residential conversion bonuses goes back to the 1970s and 1980s when Downtown development was heavily skewed to commercial buildings with little or no residential development. These bonuses were designed to stimulate residential development in the Downtown. Separate and apart from this application will be the further discussion of whether these density bonuses continue to be needed in order to stimulate residential development in the C-CN zone.) Mr. Fuller, in presenting the advantages of supporting the fee-in-lieu payment to St. John Urban Development Company was to provide gap funding for restoration of the low income housing towers on the south side of Tresser Boulevard. In explaining his reasoning, Mr. Fuller used the metaphor "which is better, one Mercedes vs. three Kias." After considerable discussion, Mr. Tepper recommended **approval** of **ZB Application #218-19** and this is compatible with the neighborhood and consistent with Master Plan Category #11 (Downtown); Mr. Quick seconded the motion and passed with eligible members present voting, 4-0-1 (For: Dell, Quick, Tepper and Totilo / Abstained: Buccino).
2. **ZB APPLICATION #217-39 - FRONTIER GLENVILLE, LLC & CHICK-FIL-A, INC. - 66 HIGH RIDGE ROAD - Text Change:** Applicant would like to amend Section 85.3 (Restaurant, Fast food), Section 12 (D)(7) and Appendix A - Table II.
3. **ZB APPLICATION #217-40 - FRONTIER GLENVILLE, LLC & CHICK-FIL-A, INC. - 66 HIGH RIDGE ROAD - Special Exception and Site & Architectural Plans and/or Requested Uses:** Applicant is proposing to construct a fast food restaurant (Chick-Fil-A) with a drive-thru. Property is located within the C-N Zoning District. If the Text Change is approved the applicant is also requesting the Zoning Board approve the Special Exception and Site & Architectural Plans as per ZB Application #217-40. Joseph J. Capalbo II, Esq. and Mario Musilli, Esq., representing the applicants, have made a presentation to allow amending the requirements under "Fast-Food Restaurants" to permit a drive-thru. Also in attendance were Scott Goodwin and Clint Mattson, Chick-Fil-A; Josh Swerling, P.E. & Principal, Boller Engineering & Chick-Fil-A Account Manager; Michael Gallante, Fredrick Clark & Associates, Principal & Traffic Expert who made a confusing and

overly long presentation using the same traffic methodology as the City's Traffic Engineers, who presented more convincing information to the Board than was offered by Mr. Gallante. After considerable discussion, Mr. Tepper recommended **DENIAL** of *ZB Application #217-39 & #217-40* based on concerns raised by the Traffic Bureau with regard to congestion and traffic safety at one of the City's key intersections due to the addition of the drive-thru, traffic impacts already generated by the existing CVS and the precedent created for other fast-food restaurants in the Commercial - Neighborhood (C-N) zones. The Board also feels that further study is needed on the entrances and exits on High Ridge and Long Roads going both north and south. The entrances and exists on both roads are insufficient. When coming down High Ridge Road there is only an entrance in and can only make a right when exiting. On Long Ridge Road it is difficult to enter and you cannot enter from the north at all. Drivers may cut through from the Lord & Taylor side where the condominiums are located. The Board found this request to be incompatible with the neighborhood and inconsistent with Master Plan Category #7 (Commercial - Arterial); Ms. Fishman seconded the motion and passed with eligible members present voting, 4-0-1 (For: Dell, Buccino Fishman, and Tepper / Abstained: Totilo).

NOTE: Ms. Dell received comments via email prior to the meeting from Mr. Mark Lebow on ZB Application #217-39 & #217-40. (*Attachment #1*)

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #012-18 - CARLY REALTY, LLC - 170 SELLECK STREET - Variance of Table III, Appendix B & Section 10A:** Applicant owns an existing commercial masonry building and asphalt parking area presently being used for commercial storage and would like to construct a 103 ft. x 70 ft. commercial storage building. Applicant is requesting: (1) an allowance of 52.7% building coverage for the R-6 zoned portion of the property in lieu of the 25% allowed; (2) allowance of an existing residentially zoned property presently being used for commercial container storage and commercial parking to be extended and expanded to allow for a new commercial building to be constructed on the R-6 zoned portion of the property to be used for commercial storage inside the contractor yard.

The applicant, Carly Realty, LLC; is located on a split zoned lot that includes Light Industrial (M-L) (Master Plan Category #13) along Selleck Street & Durant Street in front of the lot and R-6 (Master Plan Category #3) in the back part of the lot. This use that is located totally within the R-6 zone is a legally non-conforming use. The applicant is proposing to construct a building to house all the uses on the existing open contractor's yard and to put these uses inside the building. In addition, the applicant proposes to screen this use with the neighbor's use. Finally, if the Zoning Board of Appeals allows this variance, it would eliminate one of the driveways. Upon review with James Lunney, Zoning Enforcement Officer, Staff concurs with Mr. Lunney that this would be a major enhancement to the property as it would assist in cleaning-up the yard and would be more in line with protecting the residential neighbors.

In discussing whether to have the applicant rezone this to M-L, the applicant showed that the amount of time to make this change would be considerable as well as also amending the Master Plan to Category #13, which could prove to be problematic, since this legal non-conforming use is not consistent with Master Plan Category #3.

After a brief discussion, Mr. Levin recommended **approval** of *ZBA Application #012-18* and this is compatible with the neighborhood and consistent with Master Plan Category #13 (Industrial - General); Mr. Tepper seconded the motion and passed with eligible members present voting, 4-0-1 (For: Dell, Quick, Tepper and Totilo / Abstained: Buccino).

2. **ZBA APPLICATION #013-18 - DEAN G. RUSSELL, JR. - 264 CEDAR HEIGHTS ROAD - Variance of Table III, Appendix B:** Applicant owns an existing single-family residence and is proposing to construct a 34 ft. x 24 ft. garage addition for the storage of a classic car and transportation trailer. Applicant is requesting: (1) a street line of 21 ft. in lieu of the 40 ft. minimum allowed; and (2) a street centerline of 46 ft. in lieu of the 65 ft. minimum allowed. The applicant is proposing to construct a 34 ft. x 24 ft. garage addition for the storage of a classic car and transportation trailer. After some discussion, Mr. Quick recommended **DENIAL** of **ZBA Application #012-18** due to the size and height of the garage, the closeness to the side yard, the slopes in the back and the need to keep only one driveway given the sight lines on Cedar Heights Road. The Board found this request to be incompatible with the neighborhood and inconsistent with Master Plan Category #13 (Industrial - General); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).
3. **ZBA APPLICATION #014-18 - ROBERT J. PENNACCHIO d/b/a PENNACCHIO'S AUTO CLINIC-130 LENOX AVENUE, UNIT #17 - Motor Vehicle (Table II, Appendix A):** Applicant owns a commercial condominium unit in which they are requesting approval for a motor vehicle use in an M-G Zone. In conformity with Section 11 of the Zoning Regulations, the applicant is proposing to operate a general automotive repair shop which requires them to obtain approval from the Zoning Board of Appeals. This applicant is proposing to operate in an existing building that is zoned General Industrial (M-G) and thus, is in the appropriate area. After a brief discussion, Mr. Tepper recommended **approval** of **ZBA Application #014-18** and this is compatible with the neighborhood and consistent with Master Plan Category #13 (Industrial - General); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Fishman, Tepper and Totilo).

PLANNING BOARD MEETING MINUTES:

4/10/18: Tabled until May 8, 2018.

OLD BUSINESS:

Ms. Dell spoke about the May 22, 2018 meeting which is the continuation of the Public Hearing for MP #429. Since Mr. Totilo will not be available for this meeting, Ms. Dell recommended moving the Public Hearing for MP #429 to the June 5, 2018 meeting and to possibly have a notice in the Stamford Advocate announcing the change. Dr. Woods was not sure this could be done but said he would investigate as to how to announce the date change so the public will be aware.

Ms. Dell then turned it over to Dr. Woods.

Dr. Woods spoke about ZB Application #217-01 - 0 Turn of River Road (High Ridge Real Estate Owner, LLC) addressing the referral letter to the Zoning Board from the February 20, 2018 meeting recommending denial of this application. The Zoning Board had asked for clarification on the four points of denial. Ms. Dell went through the items in the letter starting with Item #1, which reads:

1. In the definition of "Gymnasium & Physical Cultural Establishment," the Planning Board recommends removing the "and/or outdoor uses" in C-D zones.

We should have been more specific and said since many of the C-D zones abut residential neighborhoods it is the feeling of the Planning Board that outside activities are null and void in these areas.

2. The Planning Board recommends that when developing in residential areas the building setback be at least 100 ft. regardless of the use or the abutting parcel;

In many of the parcels they are allowed 50 ft. The Planning Board said no 50 ft. It must be 100 ft. in any C zone. Dr. Woods added that moving forward Text Change applications will be based on that recommendation.

3. The Planning Board has concerns about the location of the parking structures, vis-à-vis residential areas and recommends siting standards for parking structures to address this issue;

The reason we said no to this was because they wanted to put the parking structure directly on the backside where homeowners would be seeing it. If it had been in another location it might have been fine but we're saying when you face a residential area parking structures need to be looked at to determine if they are neighborhood friendly to the surrounding residential area. Dr. Woods stated the applicant could build a parking structure as-of-right, 3½ stories and 50 ft. from the neighborhood but we recommended not doing that. What we're trying to do was to regulate parking structures. It's the only way to move the needle on impervious surfaces. Ms. Dell stated that the Zoning Board felt we didn't understand that parking structures were as-of-right. We did understand that parking structures are as-of-right. We determined that parking structures as-of-right should not interfere with the residential neighbors behind them. Mr. Tepper suggested we send letters to individual members of the Zoning Board and the Zoning Board to be read at the meeting before they vote going over what we just said and pointing out that the fact that the Chair does in fact review documents.

4. The Planning Board recommends under "Design" the requirement that "these design guidelines need to apply to all other new structures including structured parking."

So the clarification is that we feel, and we'll go back to the first item, which was the definition of a gymnasium, that any outdoor use in a C-D zone is unacceptable to the Planning Board. If they wish to put in a gymnasium and physical cultural establishment that is perfectly fine in any C-D zone; they just cannot have the outdoor components.

Setback of 100 ft.: In any C-D zone abutting residential parcels it must be 100 ft.; cannot be 50 ft. at all.

Concerns about the parking structures: We understand that as-of-right parking structures can be put in C-N zones but when they abut a residential neighborhood the Zoning Board needs to be more specific as to the placement of the garage plus the size of the garage. It must be neighborhood friendly.

Design: The requirement that these design guidelines need to be applied to all other new structures including structured parking. That's exactly what it says.

Mr. Tepper suggested that we mention the opposing attorney's misrepresentation and that the Planning Board does understand "as-of-right" in our letter.

Ms. Dell stated she would let everyone know the outcome after the next Zoning Board meeting.

NEW BUSINESS:

Dr. Woods spoke about the agenda for the May 8, 2018 meeting and stated that it will probably be a long meeting. The consultants for the South End Study will be making a presentation. This is where there will be a discussion about the reaction to the proposal the consultants came up with based on input from Land Use staff, Traffic staff, the residents, businesses and large land owners; not only BLT but the owner of Yale & Towne and others. They came up with extensive input and prepared a recommended draft proposal to present to the Planning Board on their plans for moving forward.

The NX-D application and the Village Commercial applications will also be scheduled for May 8th. There will be a presentation on both of these to make things much clearer and easier.

On the BMR discussion, Norman Cole has been hired to conduct state-wide research as to how they do their BMR housing programs. Dr. Woods explained that Stamford is actually the best but there are others who do some interesting things. The meeting has tentatively been scheduled for Monday, May 14, 2018 as a joint meeting with the Zoning Board on the proposed changes.

Next regularly scheduled Planning Board meetings are (current major items):

May 8, 2018:

- South End Neighborhood Study Presentation - Consultant
- NX-D Application (ZB Application #218-11 & #218-12)
- Village Commercial (V-C) Amendment
- BMR Discussion

May 22, 2018:

- ZB Application #218-04 - The Strand/BRC Group, LLC & Walter Wheeler Drive SPE, LLC c/o BLT - Harbor Point (Blocks P1/P2) - Pacific Street Extension - Special Exception [TENTATIVE]

June 5, 2018:

- Public Hearing - Master Plan Amendment #429 (Continued from April 10, 2018)

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 10:05 p.m.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

NOTE: These proceedings were recorded on video and audio tape 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.

Mark S. Lebow
52 Terrace Avenue
Stamford, CT 06905
203-323-8185

April 15, 2018

Ms. Theresa Dell, Chair
City of Stamford Planning Board
888 Washington Blvd. 7th Floor
Stamford, CT 06901

RE: ZB #217-39 & ZB #217-40 66 High Ridge Road

Dear Ms. Dell,

Though I've not had the opportunity to review the applications material in their entirety, I would like to offer a few comments for your consideration.

While I'm not necessarily opposed to a Chick-Fil-A at this location, I would be opposed to any form of drive-in/drive-thru element. A dine-in/take-out establishment would be more consistent with all the other dining options in the Bull's Head area, with exception of the Dunkin' Donuts next to the animal hospital.

If memory serves me, when Burger King first proposed to build on High Ridge Road, a considerable amount of opposition was voiced with respect to the drive-in/drive-thru element. And, at that time, traffic volume on High Ridge was far less than it is today. In the end, it was built as a dine-in/take-out establishment and has, apparently, succeeded.

I'm sure I don't have to tell you how congested the Bull's Head area is at morning and evening rush hours and that those times would directly coincide with the busiest hours at Chick-Fil-A thereby only exacerbating that congestion should a drive-in/drive thru establishment be permitted.

The somewhat unusual traffic pattern associated with the ingress/egress at CVS only makes matters worse when someone tries to enter CVS when traveling north-bound on High Ridge or when traveling south-bound on Long Ridge. And the same is true "in reverse" when exiting.

I'm sure any traffic reports submitted by the applicant indicate little to no increase in traffic volume as a result of this proposal. And I don't entirely disagree. I don't believe hundreds or thousands of people are going to change their route to/from work to grab a breakfast sandwich or dinner. I do believe that based on the traffic pattern mentioned above, driver confusion and the resulting stopping, turning, etc. will be the contributing factor in increased congestion.

Based on the information I have seen, the subject property shares ingress/egress and parking rights with CVS. I'm curious as to what CVS thinks about this current proposal and what conditions were imposed on CVS regarding these matters when its application was approved. Would any private agreements between the two properties need to be revised/amended? Would any conditions of the original CVS approval require same?

Hours of operation would also be of some concern. I do understand that Chick-Fil-A is closed on Sundays as a matter of corporate policy, at least as long as the company remains family owned. However, they do host grand opening events where people camp out in the parking lot...an event "that rewards the first 100 customers with a prize worth waiting for – free Chick-Fil-A for a year."

Also of some concern is whether outdoor dining is being proposed. Due to the nature of fast food service and packaging, I would suspect that outdoor dining would result in an increase of trash/litter. We all know what happens when dining outdoors at a fast-food establishment. Napkins and wrappers, paper cups and trays get blown off the tables and find their way into the surrounding streets. How would that be policed or controlled if outdoor dining is approved?

All this said, another dining option within walking distance of my home does have some appeal to me and, truth be told, I do like the food served at Chick-Fil-A.

Though like many, if not all, of the other recent text change applications (BLT - Long Ridge & Life Time Fitness - Turn of River come to mind) that have recently been presented, you must consider whether the proposed text change would result in "unintended consequences" to other C-N zoned properties and their surrounding neighborhoods throughout the city. And there are far more C-N zoned properties than C-D. As an aside, I'm curious to know whether anyone has taken note of the rather extensive removal of trees at the BLT - Long Ridge Road properties.

I trust the Planning Board will, as always, diligently scrutinize and review the application materials submitted before approving or denying their referral to the Zoning Board.

Thank you for your consideration in this matter.

Sincerely,

Mark S. Lebow