

STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, SEPTEMBER 25, 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, Roger Quick and William Levin. Absent: Jennifer Godzeno, Secretary. Present for staff: David W. Woods, PhD, AICP, Deputy Director of Planning.

Ms. Dell called the meeting to order at 6:30 p.m., introduced the members of the Board and staff present, announced that Ms. Fishman and Mr. Buccino would arrive late and introduced the first item on the agenda.

PLANNING BOARD DISCUSSION:

SOUTH END NEIGHBORHOOD STUDY: Presentation by the Study Consultant; Collective for Community, Culture, and Environment; followed by Planning Board discussion.

Ms. Ellen Neises and others made a brief presentation focusing on the year-long project and the many discussions which zeroed in on the following widely-shared priorities:

- a. Funds and strategies to support affordability including home ownership.
- b. Protection and reinvestment in the remaining historic buildings; adaptive reuse.
- c. Immediate revision of Zoning Codes through inclusive processes to define an acceptable level of growth. To better integrate the new development with the old and reduce uncertainty due to the Master Plan and Zoning codes not always in agreement so people will always know what to expect.
- d. Creation of a new public elementary and middle school on public land adjacent to the Lathan Wilder Community Center.
- e. Investment in strategic upgrades to transportation infrastructure and management to improve traffic congestion and parking.
- f. Upgrades to streetscape and landscaping to improve safety to bring people out; to enhance the retail district in the South End and create a lively atmosphere.
- g. Zoning and historic preservation measures to create a real “Main Street.”

Following Ms. Neises’ presentation, the Board had a lengthy discussion, highlighting the following points:

- a. Proposed Zoning for medium to high-density buildings. Need a policy stating that if a property needs remediation, there should be a height allowance to make up the difference for the remediation. Adding language to give the Boards a bit of leeway with building height.
- b. Protecting Downtown from potential impacts of increasing density and traffic.
- c. Parking requirements and Transportation Study: How to accommodate increased population and getting in and out of the South End.

Ms. Neises took closing comments from the Board to be included in the final plan projected for Thursday, October 10, 2018. After a brief discussion, the Planning Board unanimously agreed to accept the Final Draft of the South End Study with the condition of making revisions as per the discussion, including the points above, and that the plan is compatible with the neighborhood and consistent with Master Plan Category #4 (Residential - Medium Density Multifamily), #6 (Commercial - Neighborhood Business) & #8 (Mixed-Use Campus).

Ms. Dell called for a motion to bring forward ZBA Application #041-18. Mr. Tepper made a motion to take ZB Application #041-18 out of order; Mr. Totilo seconded the motion; and passed unanimously with eligible members present voting, 5-0 (Dell, Levin, Quick, Tepper and Totilo).

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #041-18 - 582 NEWFIELD, LLC c/o BILL WOLF PETROLEUM CORP. - 582 NEWFIELD AVENUE - Variances as listed below and Special Exception:** Applicant owns an existing legal nonconforming gasoline station with a small convenience store, three (3) repair bays and two (2) fuel pumps with canopy. Applicant is proposing to continue the use as a nonconforming gasoline station but reducing the size of the existing structure and converting the remaining space into additional convenience store area. In addition, applicant would like to remove and replace the existing fuel pumps and canopy with three (3) new fuel pumps and canopy. Applicant is requesting the following variances:
- **Section 10(A):** Alternation/Extension/Expansion of a nonconforming use to replace existing automotive repair bays with a convenience store.
 - **Section 11(C)(1):** Variance to allow a convenience store at a gasoline station in a residential district.
 - **Section 11(C)(1):** Special Exception permit for a convenience store at a gasoline station.
 - **Section 10(A):** Alternation/Extension/Expansion of a nonconforming use to replace and realign existing two (2) fuel pumps with three (3) fuel pumps.
 - **Table III, Appendix B:** Setback variance to permit canopy overhang (accessory structure) at 21.25 ft. in required front yard of 25 ft. from street lot line.
 - **Section 6-1(D):** Height variance to permit canopy height of 18 ft. in lieu of the 15 ft. maximum height allowed for accessory structures.
 - **Section 13(E)(1):** Variance for signage location on canopy in residential district.
 - **Section 13(E):** Variance for illuminated signage on canopy in residential district.
 - **Section 13(E):** Variances for maximum area, height and setbacks for canopy signage in a residential district as per proposed signage plan (SN-1).

At its May 22, 2018 meeting the Planning Board reviewed this application to modify the existing Shell gas station at 582 Newfield Avenue. The Board, by a 3-2 vote, recommended approval of this application. Since then, the applicant has revised and resubmitted the application based on the Planning Board's recommendations and meetings with the Transportation Bureau. The Planning Board's recommendations were:

- Enhanced landscaping on the south and west sides of the property that will more effectively screen potential light glare to the existing residential dwellings surrounding the station.
- To satisfy the issues brought out by Traffic. Comment: After extensive meetings with the Transportation Bureau the revised plan calls for the development of dedicated egress and ingress curbs; sidewalks with landscaping and other improvements.
- The Planning Board recommended a lighting plan which the applicant argued is not necessary given the enhanced landscape and that the new lights will be glare resistant. Comment: Staff concurs.
- Recommend the Zoning Board of Appeals restrict hours of operations from 6:00 a.m. to 10:00 p.m.

Leo Napior, Esq., was available to answer questions.

After a brief discussion, Ms. Fishman recommended **approval** of **ZBA Application #041-18** with the recommendation the Zoning Board of Appeals restrict the hours of operation from 6:00 a.m. to 10:00 p.m. and require the applicant to enhance the landscaping on the north side to be consistent with the added landscaping on the south and west sides of the property and that this request is compatible with the neighborhood and consistent with Master Plan Category #3 (Residential - Low Density Multifamily); Mr. Quick seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).

MEDICAL MARIJUANA:

ZB APPLICATION #218-46 - PLANT BASED THERAPY, LLC - 58 LARGO DRIVE (a.k.a. 911 HOPE STREET) - Special Exception: Applicant, Plant Based Therapy, LLC, is seeking a Special Exception to operate a Medical Marijuana Dispensary at 58 Largo Drive (a.k.a. 911 Hope Street). This is the second application for this site. Property is located within the M-G Zone.

Mr. Thomas Cassone, Partner with Meister Seelig & Fein, LLP, had requested to address the Board but was not in attendance. After a brief discussion, Mr. Tepper recommended **approval** of **ZB Application #218-46** and that this request is compatible with the neighborhood and consistent with Master Plan Category #13 (Industrial - General); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Levin, Quick, Tepper, and Totilo).

ZONING BOARD REFERRALS:

1. **ZB APPLICATION #218-25 - CITY OF STAMFORD - ZONING BOARD - 888 WASHINGTON BLVD. - Text Change:** Applicant is proposing an amendment to the Village Commercial District (V-C) Article III, Section 4-11.

Dr. Woods made a brief presentation outlining the changes for Glenbrook/Springdale and all other V-C Districts. After considerable discussion, Mr. Tepper recommended **approval** of **ZB Application #218-25** and endorsed the Zoning Board's desire to enhance the design standards, clarify the setback requirements, and lower the permitted floors to three stories on streets not facing the main roadways. However, the Board raised concerns that increasing the minimum unit size from 500 sq. ft. to 650 sq. ft., in conjunction with raising the parking standards, would adversely affect the affordability of any additional units built by providing incentives to developers to only build larger units for higher rents. Given the parcels that are available to build on are small, especially in Glenbrook and Springdale, the Board recommends the Zoning Board not raise the minimum unit size from 500 sq. ft. or increase the parking requirements and that this request is compatible with the neighborhood and consistent with Master Plan Category #6 (Commercial - Neighborhood Business); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Levin, Quick, Tepper and Totilo).

2. **ZB APPLICATION #218-45 - RICHARD W. REDNISS (22 1ST CORP.) - 201 HIGH RIDGE ROAD - Text Change:** To amend Article III, Section 9-BBB (C-D Designed Commercial District) to allow Assisted Living, Senior Housing and Nursing Home facility complex and additional modifications to certain standards of the C-D District regulations. Text Change to further the stated Master Plan objectives of encouraging redevelopment of office parks in the C-D (Designed Commercial) District for mixed use, as well as creating diverse housing opportunities and services for seniors. Proposed changes include modifying the C-D regulations to allow Assisted Living and Senior Housing and Nursing Home Facility Complex as Special Exception uses in the zone, as well as modifications to certain standards of the C-D zone relating to subdivision of C-D zoned land, impervious coverage, height, and yard requirements.

Richard W. Redniss, of Redniss & Mead, representing the applicant is proposing to change Section 9-BBB (C-D Designed Commercial District) to allow an assisted living facility by Special Exception, specifically at 201 High Ridge Road. If approved by the Zoning Board, this would apply to all five (5) of the C-D districts. As the applicant's analysis discusses, this proposed Text Change will expand an adaptive reuse of existing properties in these outdated office parks. The 201 High Ridge Road site, like all C-D Districts, is designed as Master Plan Category #8 (Mixed-Use Campus) which "is intended to provide for and protect low-density office parks and commercial (non-retail) centers in locations outside of the Downtown, by allowing limited expansion and adaptive reuses of compatible office, research and development, residential, government, educational and medical uses."

The proposed changes promote several other policies and objectives of the Master Plan, including:

- **Ch. 1 (Introduction and Vision), Section 1.3-B Growth Management:** Amend Zoning to allow for redevelopment of office parks outside Downtown for mixed-use.
- **3B.2:** Redevelopment of underutilized office space in suburban-style office parks for mixed-use development should be encouraged.
- **4E.4:** Consider opportunities for mixed-use transit supportive redevelopment of underutilized office parks on High Ridge and Long Ridge Roads.

- 6A.1: Balance new development with preservation of existing residential communities.
- 6B.6: Support senior and accessible housing.
- 6C.2: Promote development of a variety of housing types.
- Ch. 9 (Implementation), Section 9.1-A Zoning: Consider updating zoning to allow for redevelopment of office parks for mixed-use development.

One of the City's long term Zoning goals is to enhance and provide incentives for senior housing, which is a growing demographic in the City of Stamford. Senior housing, by definition, has less impacts on traffic, parking (e.g. commercial parking is 3 per 1,000) and the environment (less impervious surfaces and a decrease of active outdoor uses such as a pool). There would be improved stormwater management and mitigation measures and no effect to the City's schools. After a brief discussion, Mr. Totilo recommended **approval** of **ZB Application #218-45**; that by adding senior housing in the C-D zones represents a positive adaptive reuse. In addition, the Planning Board recommends the Zoning Board remove the language related to the minimum 200 ft. front street line setback since the requirement to be no closer than existing buildings provided sufficient safeguards, and that this request is compatible with the neighborhood and consistent with Master Plan Category #8 (Mixed-Use Campus); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Levin, Tepper and Totilo).

Ms. Dell announced a 5 minute break at 8:20 p.m. and resumed the meeting at 8:25 p.m. Ms. Dell introduced the next item on the agenda.

ZONING BOARD OF APPEALS REFERRALS (Con't):

2. **ZBA APPLICATION #039-18 - DISCOVERY PRACTICE MANAGEMENT, INC. - 929 NEWFIELD AVENUE - Special Exception:** Domus Kids, Inc. owns the premises currently occupied by Domus Foundation pursuant to a Special Exception (ZBA #045-10) as a home to treat abused, neglected or abandoned young men. The applicant, Discovery Practice Management, Inc., is seeking to modify the existing approved Special Exception to permit the operation of a home to treat male and female adolescents who suffer from a variety of mental health issues. The prior approval (Domus) permitted the operation of a home for abused, neglected or abandoned young men. Prior to Domus, these premises was also the approved location by Special Exception (ZBA #102-87) as a home for convalescing alcoholics or drug addicts and was commonly referred to as the Meriden House.

Joseph Capalbo, Esq.; representing the applicant, Discovery Practice Management, Inc.; was not available to attend the meeting and submitted a memorandum to the Planning Board explaining the history of this property and the future use proposed by Discovery Practice Management, Inc. (**Attachment #1**) Staff recommends the Board carefully evaluate the pros and cons of this application for this site. This property is in Master Plan Category #1 (Residential - Very Low Density Single Family) which the description states: "This category is intended to provide for and protect a suitable environment for single-family dwellings, as well as compatible uses (e.g. schools, houses of worship, clubs and institutions) as may be permitted by Special Exception being in general harmony with and supportive of very low-density single-family neighborhoods."

After a brief discussion, Mr. Totilo recommended **approval** of **ZBA Application #039-18** and that this request is compatible with the neighborhood and consistent with Master Plan Category #1 (Residential - Very Low Density Single-Family); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).

3. **ZBA APPLICATION #036-18 - DEAN G. RUSSELL, JR. - 264 CEDAR HEIGHTS ROAD - Variance of Table III, Appendix B:** Applicant owns a single family residence and is proposing to construct a 13 ft. 9 in. x 34 ft. ½ in. garage addition for the storage of a classic car. Applicant is requesting: (1) a street line setback of 31.5 ft. in lieu of the 40 ft. minimum allowed and (2) a street center line setback of 56.5 ft. in lieu of the 65 ft. minimum allowed.

Applicant is proposing to construct a garage addition to store a classic car and transportation trailer. Applicant is requesting a minimal number of variances and the northwest side is the only location suitable to build due to wetlands and the flood issues from the Rippowam River. Also the design of the bump-out creates architectural variation. After a brief discussion, Mr. Levin recommended **approval** of **ZBA Application #036-18** with the suggestion the applicant reconfigure the garage door to no higher than 8 ft. (normal garage door height is 7 ft. in residential zones) as the garage door currently proposed is too large for the neighborhood, and more importantly, if the current owner sells their house, a 10 ft. 1 in. garage door would allow a commercial truck to park in a residential zone which is presently not allowed and that this request 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, Levin, Quick, Tepper and Totilo).

4. **ZBA APPLICATION #037-18 - MATTHEW GIANNATTASIO - 939 HIGH RIDGE ROAD (a.k.a. 28 TURN OF RIVER ROAD) - Motor Vehicle:** Applicant owns and operates a gas station and convenience store which previously had two (2) working automobile repair bays that the applicant abandoned several years ago. Applicant is seeking to reinstate the Motor Vehicle Repair use in order to resume automobile repairs at this location.

Applicant is requesting a reinstatement of Motor Vehicle Repair Use of the two (2) repair bays which was relinquished several years ago. Staff recommends approval with the recommendation that the Zoning Board of Appeals prohibits any outdoor parking on the northeast side of the property and that the applicant discard any and all miscellaneous debris. After a brief discussion, Mr. Levin recommended **approval** of **ZBA Application #037-18** with the recommendation the applicant add landscaping on Turn of River Road behind Parking Space Nos 8, 9 & 10 and Parking Space Nos. 8, 9, & 10 be reserved for employee parking and that this request is compatible with the neighborhood and consistent with Master Plan Category #7 (Commercial - Arterial); Ms. Fishman seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Levin, Tepper and Totilo).

5. **ZBA APPLICATION #038-18 - RYAN ANNE I REVOCABLE TRUST c/o MICHELLE HUBBARD - 0 SHIPPAN AVENUE - Variance of Table B, Appendix B:** Applicant owns this vacant lot and would like to construct a new single family dwelling to be 2½ stories tall with an attached one (1) car garage and wood deck. Applicant is requesting: (1) a street line setback of 18 ft. in lieu of the 30 ft. minimum allowed; and (2) a street center setback of 43 ft. (Lanark Road - North) in lieu of the 55 ft. minimum allowed.

Applicant is proposing to construct a new 2½ story single-family dwelling on this site. The parcel is a narrow corner lot with two (2) front yards and by approving the variances would allow the construction of a small house similar to 1326 Shippan Avenue. After a brief discussion, Mr. Tepper recommended **approval** of **ZBA Application #038-18** and that this request is compatible with the neighborhood and with the surrounding houses especially the house directly across the street (1326 Shippan Avenue) 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, Levin, Quick, Tepper and Totilo).

6. **ZBA APPLICATION #040-18 - ALLISON ALLEN - 10 FARMS ROAD - Variance of Table III, Appendix B:** Applicant owns a single family residence with two (2) sheds and a pump house and is proposing to add a 2nd floor over half of the existing dwelling. Applicant is requesting: (1) a front yard setback of 11.1 ft. in lieu of 60 ft. required; and (2) a front street centerline setback of 21 ft. in lieu of 85 ft. required.

Applicant owns this legal nonconforming historic house, which was built before Zoning regulations, and is proposing to add a 2nd story addition over half of the existing dwelling. The only way for the applicant to build is to go upwards due to the topography (steep slopes with a 50 ft. differential). The new construction will not increase any of the legal nonconforming setbacks.

After a brief discussion, Mr. Quick recommended **approval** of **ZBA Application #040-18** however the Board raised concerns that the applicant is changing the style of the house from an historic salt box to a Mediterranean style house. The Board feels the historic relevance and design of the house should be preserved consistent with the historic salt box style 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, Levin, Quick, Tepper and Totilo).

NOTE: This application was referred to HPAC but there was no action taken. Dr. Woods emailed Lynn Drobbin, Chair, to ask if HPAC had any questions and to point out if HPAC did have any comments on this application they should be sent directly to the Zoning Board of Appeals.

PLANNING BOARD MEETING MINUTES:

8/28/18: After a brief discussion, Mr. Quick moved to recommend approval of the Planning Board Minutes of August 28, 2018; Ms. Fishman seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).

OLD BUSINESS:

Dr. Woods stated that BLT has requested to come before the Planning Board to present a Master Plan and Site Plan change for B&S Carting. Ms. Dell suggested having BLT attend the November 13, 2018 meeting and everyone agreed.

NEW BUSINESS:

Next regularly scheduled Planning Board meeting is:
October 16, 2018 - Capital Budget Begins