

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, JANUARY 26, 2016
REGULAR MEETING - 4TH FLOOR CAFETERIA
GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT**

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Claire Fishman (arrived at 6:40 p.m.), Jennifer Godzeno, William Levin, Jay Tepper and Michael Totilo. Present for staff was David W. Woods, Ph.D., AICP, Principal Planner.

Ms. Dell, Chair, called the meeting to order at 6:35p.m., and introduced the members of the Board. Ms. Dell introduced the first item.

ZONING BOARD OF APPEALS REFERRALS:

PLANNING BOARD REFERRAL DECISION CRITERIA (Zoning Regulation 19-2.3.d)

- (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 #005-16 - 88 SANFORD LANE - Variance of Table III, Appendix B:** Applicant is requesting: (1) a side yard setback of 12 ft. in lieu of 15 ft. required; (2) total side yard setback of 33.7 ft. in lieu of 35 ft. required; and (3) to allow an accessory structure [tree house] to remain in the front yard. [*Master Plan Category #2: Residential Low Density Single-Family*] Applicant is proposing to add on to an existing house which requires minor variances to side yard setback. After a brief discussion, Mr. Totilo recommend approval of ZBA Application #005-16, and is consistent with the 2015 Master Plan; Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

2. **ZBA APPLICATION #006-16 - 75 RICHMOND HILL AVENUE - Variance of Article IV, Section 10C:** Applicant is requesting a change in language from "...if reconstruction is started within 12 months of such calamity..." to read "...if reconstruction is started within 15 years of such calamity..." [*Master Plan Category #5: High Density Residential*] This property was a legal non-conforming use in a high density residential zone. Fifteen years ago this use had a fire that closed the bar. The applicant is trying to back date the regulation of when a legal non-confirming use is able to rebuild after a calamity from one (1) year to fifteen (15) years. From a planning perspective, this is a reach. Staff could support a five (5) year timeframe if there were economic reasons. This parcel is located in Master Plan Category #5. This category is intended to provide for and protect existing high-density multifamily development in areas convenient to shopping, mass transit and park and recreation facilities. New development can be accommodated in a variety of structures (by type and scale), which this existing building clearly is not consistent with Master Plan Category #5. After a brief discussion, Mr. Totilo recommend denial of ZBA Application #006-16 as the fifteen (15) year request is too long and could set a precedent , and that this request is not consistent with the 2015 Master Plan; Ms. Fishman seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).
3. **ZBA APPLICATION #007-16 - 5 VERPLANK AVENUE -**
- Variance of Section 6, Paragraph A:** Proposed pool and pool equipment to be in the front yard.
 - Variance of Table III - Appendix B (Street Line, Street Center and Combined Side Yard):** Applicant is requesting: (1) a 15 ft. minimum street line in lieu of 40 ft. minimum allowed; (2) a 55 ft. minimum street center in lieu of 65 ft. minimum allowed and (3) 25.4 ft. minimum combined side yard in lieu of 35 ft. minimum allowed. [*Master Plan Category #2: Residential Low Density Single-Family*]

As a corner lot by Zoning definitions, this property has two front yards making it difficult to do anything without a variance. After a brief discussion, Mr. Totilo recommend approval of ZBA Application #007-16, and is consistent with the 2015 Master Plan; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

4. **ZBA APPLICATION #008-16 - 17 BERKELEY STREET - Variance of Section 10A:** Applicant is requesting an allowance of an existing legal non-confirming house to be expanded and extended to add a bedroom to the legally confirming unit and to add a bedroom to the legally non-confirming unit. The addition will expand the handicap unit to include a laundry room. Property is 3,900 sq. ft. (4,000 sq. ft. required for two units; 6,000 sq. ft. required for 3 units). [*Master Plan Category #4: Residential Medium Density Multifamily*] Applicant would like to make the following changes: (1) First floor handicap accessible legal unit - extend to add a bedroom and laundry unit which will still be a legal unit; (2) Second floor legally non-confirming unit - would like to add a bedroom; and (3) Third floor will remain as is. No work to be done. After a brief discussion, Ms. Fishman recommend approval of ZBA Application #008-16, and is consistent with the 2015 Master Plan; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

5. **ZBA APPLICATION #009-16 - 310 ROCK RIMMON ROAD - Variance of Section 7 - Area & Supplemental Regulations:** Applicant is requesting allowance of a 16 ft. x 32 ft. in-ground pool in a RA-1 Zone within an access way lot to be constructed 9 ft. from the side lot in lieu of the 25 ft. required. [*Master Plan Category #2: Residential Low Density Single-Family*] Given that the hardship is a topographical issue and there is nowhere else to put a pool, this is consistent with the neighborhood. After a brief discussion, Mr. Totilo recommend approval of ZBA Application #009-16, and is consistent with the 2015 Master Plan; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).
6. **ZBA APPLICATION #010-16 - 2118 LONG RIDGE ROAD - Variance of Table III, Appendix B:** Applicant is requesting a street line of 35 ft. in lieu of the 40 ft. minimum allowed. [*Master Plan Category #1: Residential Very Low Density Single-Family*] After a brief discussion, Ms. Fishman recommend approval of ZBA Application #010-16 based on odd-shaped lot as described, and is consistent with the 2015 Master Plan; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).
7. **ZBA APPLICATION #011-16 - 126 RICHMOND HILL AVENUE - Variance of Table II, Appendix B:** Applicant would like to convert an existing daycare center to a two (2) bedroom apartment. Requesting 5,392 sq. ft. of property in lieu of 6,000 sq. ft. required in the RM-F Zone. [*Master Plan Category #4: Residential Medium Density Multifamily*] This is an existing day care center in a RM-F Zone and the applicant wants to convert the day care center into a two-bedroom residence which is more in line with the neighborhood and is compatible with Master Plan Category #4. After a brief discussion, Mr. Tepper recommend approval of ZBA Application #011-16, and is consistent with the 2015 Master Plan; Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).
8. **ZBA APPLICATION #012-16 - 28 TERRACE AVENUE - Variance of Table III, Appendix B:** Applicant is requesting: (1) a front street setback of 17 ft. in lieu of 30 ft. required; and (2) a centerline setback of 42 ft. in lieu of 55 ft. required. [*Master Plan Category #2: Residential Low Density Single-Family*] Given the size of the lot and the zoning of R-7½, what is being asked is to clarify the existing variance. After a brief discussion, Mr. Totilo recommend approval of ZBA Application #012-16, and is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

PLANNING BOARD MEETING MINUTES:

Meeting of 1/19/16: Mr. Tepper moved to table until February 2, 2016; Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

OLD BUSINESS:

NEW BUSINESS:

Next regularly scheduled Planning Board meeting is:

2/2/16 - CAPITAL BUDGET PUBLIC HEARING - 7:00 p.m.

2/9/16 - CAPITAL BUDGET PUBLIC HEARING (*SNOW DATE*)

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 7:15 p.m.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

NOTE: Due to a technical issue with the audio recording, these proceedings were recorded on video tape only 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.