

STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, MAY 10, 2016
REGULAR MEETING & PUBLIC HEARING
4TH FLOOR CAFETERIA - GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Claire Fishman, Secretary; Jay Tepper, Vice Chair and Michael Totilo. Absent: Jennifer Godzeno and William Levin. Present for staff was David W. Woods, Ph.D., AICP, Principal Planner.

Ms. Dell called the meeting to order at 6:30 p.m. and introduced the members of the Board and announced that Jennifer Godzeno and William Levin would be absent. Ms. Dell stated that the Board would hear Item Nos. 1, 2, and 3 and would review as many of these referrals as possible before the Public Hearing starts at 7:00 p.m. If time ran out, the Board would take up the remainder upon the completion of the Public Hearing.

ZONING BOARD REFERRALS:

Richard Redniss of Redniss & Mead, representing Star Partners, made a brief presentation on Item Nos. 1, 2, & 3 which are, in reality, one application with three parts.

1. **ZB APPLICATION #216-07 - STAR PARTNERS - FRANKLIN STREET & RICHARD W. REDNISS - Text Change:** Applicant would like to amend Section 9-AAA-4-a-ii (MX-D Infill) to allow a site area of at least 10,000 sq. ft. in the Downtown when contiguous to existing MX-D zoned land, provided that such sites shall be limited to a floor area ratio of one and one-quarter (1.25). After a brief discussion, Mr. Tepper moved to recommend approval of ZB Application #216-07 and that it is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Fishman, Tepper, Totilo).
2. **ZB APPLICATION #216-08 - STAR PARTNERS - FRANKLIN STREET & RICHARD W. REDNISS - Zone Change:** The property is located on the eastern side of Franklin Street within Master Plan Category 11 (Downtown) and is split zoned: CN (Neighborhood Business) in the front and RMF (Multiple Family Residence) in the rear. The proposed zoning district for the development is Mixed Use Development (MX-D). After a brief discussion, Mr. Tepper moved to recommend approval of ZB Application #216-08 and that it is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Fishman, Tepper, Totilo).
3. **ZB APPLICATION #216-09 - STAR PARTNERS - FRANKLIN STREET & RICHARD W. REDNISS - Special Exception and General and Final Site & Architectural Plans:** Pursuant to applications 216-07 and 216-08, applicant would like to build a 4-story, 13-unit multifamily apartment building on a 12,000± sq. ft. parcel with associated parking, amenities, landscaping and drainage facilities in the MXD Infill Zone. The 13 apartments will be made up of one 1-bedroom unit and twelve 2-bedroom units with 17 total parking spaces. The development will meet the 10% affordability standard of the MXD by providing one (1) onsite unit and a fee-in-lieu payment for the fractional (0.3) unit. After a brief discussion, Ms. Fishman moved to recommend approval of ZB Application #216-09 and that it is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Fishman, Tepper, Totilo).

Mr. Teppner made a motion to move ZBA Referral Item #1 to be heard before the Public Hearing; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Fishman, Teppner, Totilo).

ZONING BOARD OF APPEALS REFERRALS:

- 1. ZBA APPLICATION #037-16 - RAJIV BHATI & MONA SONI - 310 OAKLAWN AVENUE - Variance of Section 4(AA)(2.4):** Property is located in an R-10 Zone requiring a minimum lot size of 10,000 sq. ft. and frontage of 75 ft. The property currently has 10,035 sq. ft. and frontage of 59± ft. These will be reduced to a lot size of 9,782 sq. ft. and have a frontage of 55 ft. as a result of the State's acquisition (253 sq. ft.) in connection with the reconstruction of Oaklawn Avenue. This variance is being requested in connection with Connecticut General Statute Section 48-24. This is part of the Oaklawn Avenue group heard on April 29, 2016 which was inadvertently missed. This is for the acquisition of 253 sq. ft. for reconstruction of Oaklawn Avenue and the current lot is a legal conforming parcel of 10,035 sq. ft. and frontage of 59± ft. in the R-10 Zone. If approved, the lot will be reduced to 9,782 sq. ft. resulting in a legal non-conforming lot. After a brief discussion, Mr. Totilo moved to recommend approval of ZBA Application #037-16 and that it is consistent with the 2015 Master Plan; Mr. Teppner seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Fishman, Teppner, Totilo).

PUBLIC HEARING: 7:00 P.M.

RBS AMERICAS PROPERTY CORP. - Master Plan Amendment: Applicant proposes to re-designate an assemblage of properties on both sides of Clinton Avenue, just north of Richmond Hill Avenue, from Master Plan Category 14 (Open Space - Public Parks) to Master Plan Category 5 (Residential - High Density Multifamily). The applicant also proposes an amendment to the language contained in Master Plan Category 14 (Open Space - Public Parks) and Master Plan Category 5 (Residential - High Density Multifamily). The Applicant proposed to re-designate the property described on the attached Master Plan Change Exhibit & Schedule A from Master Plan Category 14 (Open Space - Public Parks) to Master Plan Category 5 (Residential - High Density Multifamily). The applicant also proposes an amendment to the language contained in Master Plan Category 14 (Open Space - Public Parks) and Master Plan Category 5 (Residential - High Density Multifamily) as described on the attached Schedule B.

Ms. Dell opened the Public Hearing at 7:02 p.m. and called upon Ms. Fishman to read the Legal Notice into the record.

Ms. Dell then called upon Dr. Woods and he pointed out his Staff Report that was supplied and made brief remarks in which he framed the purpose of tonight's Public Hearing was to focus only on amending the 2015 Master Plan. The zoning application will be submitted shortly and resubmitted to the Planning Board for referral to the Zoning Board so comments should be directed solely to this Master Plan amendment.

Ms. Dell introduced Lisa Feinberg, attorney with Carmody Torrence Sandak Hennessey, to outline this Master Plan proposal and to introduce her team. Ms. Feinberg introduced Mr. Gil Ohls of Jones, Lang & LaSalle, the broker for RBS and Mr. Richard Redniss and Mr. Raymond Mazzeo of Redniss & Mead. Ms. Feinberg also introduced Mr. Thomas Cassone of Bello, Lapine & Cassone representing the City of Stamford, who, in reality, is the co-applicant. Ms. Feinberg stated that since she made a more detailed presentation at the April 12, 2016 Planning Board meeting requesting the Board's support for Division Street Discontinuance, she confined her comments only on the request to refine the Mill River Park boundary to the area needed to complete that part of the Mill River Project along the property line as well as to request in the Planning Board's findings, if they approve this Master Plan amendment, the language below.

After Ms. Feinberg's presentation and no questions were asked of her by the Board members, Ms. Dell asked if anyone wanted to speak in favor or against and no one responded. Mr. Michael Cacase, of Cacace, Tusch & Santagata, requested to speak. Mr. Cacase, representing the company of SL Green Realty, stated, in brief, that while his client was not, in general, opposed to this development proposal, he wanted, for the record, the Planning Board to understand that his client has some concerns in which his client is working with the other parties, including the City, to resolve issues prior to the zoning application.

After a brief discussion on Part 1 - Map Change, Ms. Dell called for a motion to approve the Map Change. Mr. Tepper moved to recommend approval and that it is consistent with the Master Plan; Mr. Totilo seconded the motion. After further discussion regarding Part 2 - Language Change, Ms. Dell called for a motion to include as part of the Planning Board's findings the following language:

"It is specifically contemplated that the Master Plan Categories located within the Mill River Corridor permit any use permitted in the Mill River Design District (MRD-D) zone. Thus, Section C6-40-3 of the Stamford Charter does not prohibit the MRD-D zone in Master Plan Categories 5 or 14 and any land so designated may be included in the total lot area for purposes of zoning compliance (e.g. density, floor area, coverage, setbacks, etc.)."

Ms. Dell then called for a motion to approve the Language Change. Mr. Totilo moved to recommend approval and that it is consistent with the Master Plan; Ms. Fishman seconded the motion. Both motions passed unanimously with eligible members present voting, 4-0 (Dell, Fishman, Tepper, Totilo).

ZONING BOARD REFERRALS [Continued]:

1. **ZB APPLICATION #216-13 - RICHARD REDNISS - STAMFORD YACHT CLUB - Text Change:** Proposal to amend Definition (27) Country Club or Golf Club: Beach Clubs or Yacht Clubs. Separating out a definition for each: a Beach Club (12.5) and a Yacht Club (113.5) as well as sending both clubs only to the Zoning Board instead of both the Zoning Board of Appeals (Special Exception) and the Zoning Board (CSRP). A Beach Club will continue to meet the standards of Section 19.3.2e, whereas a Yacht Club, when in single family zones, will have its own standards. Yacht Clubs shall continue to be allowed as presently written in the C-WD, SRD, C-L, C-G, C-I, C-S, M-L AND M-G Zones. Richard Redniss, representing Stamford Yacht Club, made a presentation outlining what his client is proposing and the need for this Text Change. After a brief discussion, Mr. Totilo moved to recommend approval of ZB Application #216-13 and that it is consistent with the 2015 Master Plan; Ms. Fishman seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Fishman, Tepper, Totilo).

ZONING BOARD OF APPEALS REFERRALS [CONTINUED]:

2. **ZBA APPLICATION #031-16 - SUSAN L. GARDNER - 421 OCEAN DRIVE WEST - Variance Section 10-A and Table III, Appendix B:** Applicant is requesting: (1) Side yard setback of 2 ft. in lieu of 20 ft. for 2nd and 3rd floor balconies above previously granted Variance #107-93 for previous owner; (2) combined side yard setbacks of 17 ft. in lieu of 35 ft. required; and (3) relief of roofline restriction cited in Variance #107-93 in light of the fact that proposed building height will conform to current Definition 16. The lot configuration dates back to the late 1880's and the building was constructed in 1910, long before zoning requirements were established. The initial zoning designation was R-10, which was changed to R-20 in May of 1978. In 1993 variances were granted for the existing non-conforming setbacks to remain and for the extension of same to allow for modest building expansion. Recent changes in the Flood Hazard Mapping have established a flood elevation above portions of the current finished floor. The applicant has purchased the property and, in order to make the house safe from flood impact must bring it into compliance with flood zone regulations. To do so requires the filling of the basement to the exterior grade and eliminates any storage therein. In order to raise the house and gain appropriate storage and useable space in the residence, 2nd and 3rd floor expansion over previously approved ground level improvement is necessary.

Proposed improvements are in harmony with similar improvements made in the neighborhood, including the abutting property. The westerly abutting property is unimproved and fronts on Stamford Avenue. Therefore its rear yard abuts the side yard of the subject lot. The architectural improvements will enhance the appearance of the structure, and therefore the neighborhood.

After a brief discussion, Mr. Totilo moved to recommend approval of ZBA Application #031-16 and that it is consistent with the 2015 Master Plan; Ms. Fishman seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Fishman, Tepper, Totilo).

2. **ZBA APPLICATION #033-16 - MARTA PIKSINSKA - 98 DUNN AVENUE - Variance of Table III, Appendix B:** Applicant would like to add a 400 sq. ft. addition consisting of a one (1) car garage and additional kitchen and is requesting: (1) front side yard setback of 1.57 ft. in lieu of 40 ft. required; (2) street centerline setback of 26.57 ft. in lieu of 65 ft. required; and (3) front porch of 7.6 ft. in lieu of 34 ft. required and 32.6 ft. in lieu of 59 ft. required. Similar to above, this site at 98 Dunn Avenue was built on a corner lot which means it has two front yard setbacks and was constructed prior to zoning regulations. The variance requested is to allow a garage to be built in one of the two front yard setbacks. After a brief discussion, Mr. Tepper moved to recommend approval of ZBA Application #033-16 and that it is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Fishman, Tepper, Totilo).
3. **ZBA APPLICATION #035-16 - JELENA LEKTOROVA - 267 SILVER HILL LANE - Variance of Table III, Appendix B:** Applicant would like to build a 2-story addition with a garage (22 ft. x 28 ft.) and family room with deck (22 ft. x 12 ft.). Applicant is requesting: (1) to build garage addition within 5.5 ft. from the side yard setback instead of 10 ft. required; and (2) total side yard setback of 18.2 ft. in lieu of 20 ft. required. These minimal variance requests would allow the applicant to relocate and expand their garage which given its current configuration makes it unsafe to maneuver more than one vehicle. After a brief discussion, Ms. Fishman moved to recommend approval of ZBA Application #035-16 and that it is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Fishman, Tepper, Totilo).

PLANNING BOARD MEETING MINUTES:

Meeting of 5/3/16. Tabled until 5/17/16.

OLD BUSINESS:

NEW BUSINESS:

Next regularly scheduled Planning Board meeting is:
5/17/16

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 7:55 p.m.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

NOTE: These proceedings were recorded on audio and video 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. There is no audio tape as there was technical difficulty with the recording equipment.