

STAMFORD PLANNING BOARD
REGULAR MEETING
APPROVED MINUTES, TUESDAY, MARCH 31, 2015
4TH FLOOR CAFETERIA, GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair (came in at 6:50 p.m.), Claire Fishman, Roger Quick, and Jay Tepper. Alternates: Jennifer Godzeno, William Levin. Absent: Zbigniew Naumowicz and Michael Totilo. Present for staff was David W. Woods, Ph.D., AICP, Principal Planner.

Ms. Fishman, Secretary called the meeting to order at 6:45 p.m., and announced that Ms. Dell would be a little late but that the Board should discuss the first item; Ms. Fishman introduced the first item.

REQUEST FOR AUTHORIZATION:

671 Bedford Street, Stamford, CT, the approval of the purchase of 671 Bedford Street, Stamford, CT (Plotnick property). This is related to the new Police Department building project. David Woods presented this request from the Mayor's office to recommend authorization of this contract to purchase 671 Bedford Street, known as the Plotnick property. After a short discussion, Ms. Godzeno moved to recommended the authorization of signing the contract to purchase 671 Bedford Street, known as the Plotnick, and that these are 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. Tepper seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Fishman, Godzeno, Levin, Quick, and Tepper).

ZONING BOARD REFERRALS:

ZB Application #215-09 WILLIAM J. HENNESSEY, JR., Text Change, to amend Article III, Section 4-AA-11 the Village Commercial District by 1) modifying the maximum building height to four (4) stories and 45 feet and establishing the 12 foot building façade setback above the third story instead of at 32 feet as currently required, 2) by defining a specific standard for parking space dimensions as well as provisions for tandem parking spaces, and 3) modifying the requirement that buildings be constructed at zero setback from the front property line.

Staff Analysis:

When the Zoning Board approved the Village Commercial Zoning District for Glenbrook and Springdale, different height standards were created for the two neighborhoods. Glenbrook is currently limited to 3 stories, while Springdale is limited to 4 stories. This is the only deviation in standards between the two neighborhoods. The current application proposes a single 4 story standard for both neighborhoods. As a practical matter, there are only a handful of properties that are large enough to utilize the additional story in Glenbrook (504 Glenbrook Road – shown in the aerial the right – is one of these properties). However, in order for those sites to take advantage of the FAR permitted in the VC and provide sufficient parking onsite, the additional story is necessary. The inclusion of an additional story in Glenbrook was also suggested in connection with the Glenbrook/Springdale TOD Feasibility Study as a means for encouraging

redevelopment. The other proposed text changes are responsive to recent Connecticut case law as will be more particularly explained by the Applicant at the meeting.

Ms. Dell introduced this referral and after a brief introduction by Dr. Woods to the Board, Ms. Dell asked Mr. William Hennessey, attorney with Carmody Torrance Sandak & Hennessey LLP made a through presentation to the Board on all three elements of this application. After considerable discussion, the Board requested additional information relating to what the Glenbrook Neighborhood Association regarding their position, since they were so instrumental in working on the original VC Zone designation and standards, and bring this item back at the next meeting if possible with answers.

Ms. Godzeno needed to leave after this discussion at 8:00 p.m.

ZB Application #212-23 Revised – TEN RUGBY STREET, LLC, Text Change, to amend Article II, Section 3-A by adding a new definition #82.1 for a Recycling Reclamation Facility in the M-G General Industrial District. Richard Redniss presented to the Board the case for recommending approval of this text change and responded to the staff questions outlined below.

Staff Analysis and Questions for the Board to Consider:

Argument for Settling the Case: the court appeals will probably take more than two years to resolve, and rock crushing can continue in the interim. Containing all “contractor’s materials yard” activities and rock crushing activities within a building will result in a reduction in nuisance noise, dust and visual blight.

Argument against Settling the Case: It has not been demonstrated that it is feasible to reprocess and crush rock and construction demolition materials entirely within a closed building. The applicant has a history of violating zoning and is unlikely to comply with conditions imposed by the Zoning Board, and unlikely to voluntarily terminate the use after making significant investments in a new building and equipment. Legalizing the use will intensify the volume of material processed and sold, with attendant increases in truck traffic, queueing, idling and maneuvering.

This application is inconsistent with other zoning standards for recycling construction materials and rock crushing.

1. Rock crushing is currently only allowed at a bona fide excavation site, limited to six months, and requires posting of a bond, and restricts all crushed materials to use for on-site construction. No materials can be brought to the site for crushing. (Section 15-A.5)
2. Recycling Preparation Operations (e.g., B&S Carting and City Carting) allows construction materials to be crushed only to reduce volume as necessary for transfer to other sites for final reclamation. (Definition 82.1)

Mr. Redniss answered the questions from the applicant's perspective, summarized below:

Is the property is too small to provide adequate setbacks and buffers to protect adjacent residential properties and the Pitney Bowes office building.

Mr. Redniss argues that the parcel meets the existing zoning ordinance requirements.

The property is located in Category #4 Residential - Medium Density Multi Family. Encouraging new investment and intensification of this incompatible industrial use is contrary to the goal of the Master Plan to promote residential rezoning and redevelopment of this property.

Mr. Redniss argued that this proposed text amendment is compatible with the 2015 Master Plan since in that Policy 5E:3 Encourage relocation of industrial uses from residential area (117), provides that "In the interim, measures should be taken to reduce conflicts between residential and industrial uses, particularly uses that generate nuisances that disrupt neighborhood quality-of-life." This is one of the main findings that the Planning Board needs to weigh in its referral to the Zoning Board

What guarantee is there that the doors will be kept closed while machinery is operating?

Mr. Redniss argued that the City's enforcement policies are the guarantee that the operator will abide by the conditions of the approval.

What guarantee is there that areas outside the building won't be used to break up large slabs of concrete and to stock pile materials.

Same answer as above.

Can the applicant demonstrate that the proposed use will comply with the City's Noise Ordinance?

Since the applicant has never been cited for violating the City's Noise Ordinance, then based on the past record, Mr. Redniss argued that the applicant will comply.

Is the applicant willing to post a performance bond to insure compliance with ZB conditions?

Mr. Redniss stated that if the performance bond was for a reasonable amount, and focused on specific conditions then the applicant would not have a problem with posting a performance bond.

After considerable discussion, the Board requested time to review all the materials and their notes, and to decide at its April 21st meeting.

Old Business

REVISED ZB Application #215-08 RICHARD REDNISS, Text Change, to amend Article 9-G-3 by adding general office as a permitted use, as-of-right in R-MF districts pursuant to Section 1-F and to modify Section 10-F to allow legally non-conforming office buildings existing prior to January 1, 1985 in the R-MF district as general office uses. Richard Redniss reappeared before the Planning Board and discussed the proposed revisions that were in response to the Planning Board's comments from its March 24, 2015 meeting. After some discussion, the Mr. Levin moved to recommend that the Zoning Board approve **ZONING BOARD APPLICATIONS #215-08** as revised, by incorporating the following elements:

- Designed as office – IN
- Must be at least a 10,000 square foot building – IN
- Reference to "Offices, Business & Professional" – IN
- Operates under normal business hours – IN

Smaller buildings can request Zoning Enforcement Officer determination – OUT, and that the Planning Board found these requests to be consistent with the 2015 Master Plan; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Levin, Quick, and Tepper).

New Business

None

New Business

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 10:30 p.m.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

Note: These proceedings were recorded on tape and are available for review in the Land Use Bureau located on the 7th floor of Government Center, 888 Washington Boulevard, during regular business hours.