

STAMFORD PLANNING BOARD
PUBLIC HEARING & REGULAR MEETING MINUTES # 3511
TUESDAY, DECEMBER 18th, 2007
7TH FLOOR CONFERENCE AREA
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Theresa Dell, Claire Fishman, John Garnjost, Duane Hill, Michael Raduazzo, and Jay Tepper. Staff members present were: Robin Stein and Todd Dumais.

The Chairman, Mr. Duane Hill, opened the meeting at 7:30 PM.

Regular Meeting:

Executive Session held for the reason of pending litigation on the matter of Subdivision #3938, John Barcello. to which the Planning Board is a party. Mr. Hill noted that this item was not on the original Agenda and required a 2/3 vote to discuss. Mr. Garnjost moved to add the item to the Agenda for discussion. Mrs. Fishman seconded the motion and it passed unanimously with the members present voted. Upon adding the item to the Agenda, Mr. Tepper moved to go into Executive Session. Mrs. Fishman seconded the motion and it passed unanimously with the members present voting.

Mr. Hill called the Regular Meeting back to order at 7:45PM.

Subdivision Application #3967, John Barcello. 2 parcels for property located at eastside of Cedar Heights Road. (217 Cedar Heights Road.)

Not having attended the Public Hearing or having listened to the tapes, Mrs. Dell removed herself from the table so not to vote on this application.

Mr. Stein explained the history of the previous subdivision application for this property, but noted that this application is considered a new subdivision. He then outlined the zoning and environmental characteristics of the site. Mr. Stein stated that the applicant requested a Public Hearing, during which no members of the public spoke in opposition to the application. He added that the Board received two letters of support from neighboring properties. Mr. Stein then described how the applicant dedicated two areas of open space and addressed the driveway sightline issues. He read an excerpt from Section 4.2 of the Subdivision regulations, reviewing the Board's role in approving the final location for open space.

Mr. Hill asked Mr. Stein to review the differences between the open space location proposal by the applicant and that of the open space location request of the EPB staff.

Mr. Stein described the applicant's proposal for the rear portion of the open space and stated that EPB staff does not believe that this proposal protected mature vegetation located on a steep slope. The Board then followed with several additional questions about the open space locations.

Mr. Stein discussed the Board's options to deny the application or approve the application. He stated that staff prepared an alternate open space location map which eliminated the rear open space and moved it towards the front of the property. Mr. Stein further explained the rationale behind this location was: it was from EPB staff; it covered

an area of steep slopes which were covered primarily with mature vegetation; and it serves more value to preserve existing vegetation than create new vegetated areas.

Mr. Hill stated that he did not hear from the Board support for a denial of the subdivision, so he questioned, assuming approval, what ought to be done with the open space.

Mr. Stein passed out and read the following conditions for approval:

1. Delineation of "Open Space Preserve/Conservation Area" - to be maintained in a natural state except as may be authorized by the Environmental Protection Board; the area so designated is 7,200+/- square feet and is shown in color on a map dated revised August 29, 2006 on file in the Planning Board office.
2. Filing of a conservation easement to include the area designated as "Open Space Preserve/Conservation Area." At the time of filing of the final subdivision map, this Area shall be field staked with iron pipes at all property boundaries and turning points of the easement boundary.
3. Driveway easement serving lots C1 and C2 shall be delineated on the final map and vehicular ingress and egress to be restricted to said easement.
4. Significantly sized trees shall be preserved to the greatest extent feasible (note to appear on final map).
5. Submission of a "Standard Landscape Maintenance Agreement" to ensure the success of plantings in the Open Space Areas.
6. Submission of a "Drainage Facilities Maintenance Agreement."
7. Final approval by the City Engineer as to driveway construction, drainage, and storm water management plan (note to appear on final map)
8. Filing of a "Sight Line Maintenance and Slope Rights Easement and Agreement", acceptable to Corporation Counsel, on the Land Records. No building permit shall be issued for construction of a dwelling on Parcel C2 until a sight line of 200 feet is achieved on Cedar Heights Road at the entrance of the common driveway, and so certified by the City Engineer (note to appear on final map)
9. In-ground fuel tanks shall be prohibited (note to appear on final map).
10. Site development shall not begin until a soil erosion and sedimentation control plan is approved by the Environmental Protection Board and those control elements scheduled for installation are in place and functional (note to appear on final map).
11. Filing of a performance bond or other form of surety acceptable to Corporation Counsel for construction of common driveway, installation of erosion controls, construction limits (fencing), drainage improvements, and landscaping to be filed with Planning Board prior to filing of final map.
12. In accordance with CGS 8-26c, approval shall expire on December 21, 2012, unless all "work" as said term is defined in CGS 8-26c(b), has been completed by said date (note to appear on final map).
13. Subdivision reference number to be placed on final map.

Mr. Tepper stated that he accepts the EPB / staff open space map, but a note should be made to keep the open space at least thirty feet from the existing house. Mr. Tepper went on to say that he felt that the EPB /staff open space proposal location was a better use of conservation than the applicant's proposed piece of land in the rear.

Mr. Tepper moved approval of the subdivision with the conditions as modified. Mr. Garnjost seconded the motion and it passed unanimously with the members present voting.

Zoning Board Referral:

ZB 207-29 Patricia M. Brennan Text amendment to Article II, Section 3 (A) to create a new definition, "Antique Center." Mr. Stein described the application to the Board.

Mrs. Dell moved to recommend approval of the text amendment. Mrs. Fishman seconded the motion and it passed unanimously with the members present voting.

Zoning Board of Appeals Referrals:

ZBA 003-08 Thomir Matosevic & Pali Berisha Variance of area to permit conversion of a four family dwelling into a five unit dwelling at 3 Valley Rd. Mr. Raduazzo recused himself from hearing this referral. Mr. Dumais described the application to the Board.

Mr. Tepper moved to recommend approval of the variance request. Mr. Garnjost seconded the motion and it passed unanimously with the members present voting.

ZBA 004-08 Ronald M. Salvatore, Variances of setback, coverage & expansion of a non-conforming use to construct an addition to an existing building at 21 Annie Place. Mr. Raduazzo recused himself from hearing this referral. Mr. Dumais described the application to the Board.

Mrs. Dell moved to recommend denial of the variance request. Mrs. Fishman seconded the motion and it carried unanimously with the members present voting.

ZBA 005-08 Waterside Power, LLC, Modification of previously approved special exceptions to modify facilities and operations of the peaking electric generation facility at 17 Amelia Place. Mr. William Hennessey, attorney for the applicant described the application to the Board.

Mr. Garnjost moved to recommend approval of the variance request. Mr. Raduazzo seconded the motion and it passed unanimously with the members present voting.

Capital Budget FY 2008/09-2015

Mr. Stein informed the Board that the safe debt limit was a recommend 50 million dollars. He and the Board then discussed adjusting their working draft of the 2008/09.

Old Business:

Mr. Stein stated that the next meeting was scheduled for January 8th.

New Business

None

There being no further business or comments, the Chairman closed the meeting at 9:40 PM.

Respectfully Submitted,
Duane Hill, Chairman

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.