

MINUTES OF PLANNING BOARD REGULAR  
MEETING #3420 TUESDAY, APRIL 26, 2005  
7<sup>TH</sup> FLOOR CONFERENCE ROOM, GOVERNMENT  
CENTER, 888 WASHINGTON BLVD., STAMFORD,  
CT

Present for the Board were: Duane Hill, Chairman; John Garnjost; Theresa Dell; Rose Marie Grosso; and Jeffrey Curtis. Present for staff: Robert M. Stein, Jr., Land Use Bureau Chief.

The Chairman opened the meeting at 7:30 P.M.

**Supplemental Capital Requests:**

**Supplemental Capital Request, Operations**, Daugherty Murals, \$25,000. Mr. Curtin presented the supplemental capital request. After discussion, Mrs. Dell moved to recommend approval. Mr. Garnjost seconded the motion and it passed unanimously with those present voting.

**Supplemental Capital Request, Land Use**, Mianus River Park Trail, \$50,000. Mr. Stein presented the request. After discussion, Mr. Curtis moved to recommend approval. Mrs. Grosso seconded the motion and it passed unanimously with those present voting.

**Subdivisions:**

**Subdivision Appl. #3887 James R. Adelson** for subdivision of property into 2 parcels located at 348 High Ridge Road.

The Board reviewed the discussion from the meeting of April 5, 2005. Mr. Stein reviewed the history of the Board's actions regarding "rear" lot subdivisions in the R-7.5 and R-10 districts. He reviewed the rationale for the most recent subdivisions cited in a letter from Mr. Leydon, attorney for the applicant. He also reviewed the potential for additional subdivision should this be approved and set a precedent.

After discussion, Mrs. Dell moved to deny the subdivision for the following reasons:

The Board's action to deny is based on its opinion that approval of the subdivision would violate Section 4.1 of the Stamford Subdivision Regulations, which require that:

"4.1 General – No land shall be subdivided for residential use which is held by the Board to be unsuitable for such use by reason of flooding, or bad drainage,

adverse geologic formation, traffic safety or any other feature likely to be harmful to the health, safety or welfare of the adjacent residents or future residents of the proposed subdivision."

The proposed lot layout, with a rear lot (Lot 2) served by a narrow access in the R-10 Zone is contrary to Section 4.6 of the Subdivision Regulations "Accessway lots shall only be permitted in the RA-3, RA-2, RA-1 and R-20 zones."

The location of a dwelling on proposed Lot 2, which is a rear lot, would effectively reduce substantially the rear portion of lot 1. Lot 1 fronts on a heavily trafficked State Highway (High Ridge Road) and the loss of the rear yard would have an adverse impact on this property and the residents thereof.

In addition the proposed common driveway access would present a dangerous situation for cars of the residents or visitors to Lot 1 attempting to enter or exit the property. In addition the dwelling of proposed Lot 2 would negatively impact the rear yard of additional adjacent properties.

It should also be noted that a significant portion of Lot 2 is encumbered by water (pond) and wetlands.

Finally, it should be noted that, as presented by the applicant, there is an alternative layout, which would allow for a two-lot subdivision without violating the subdivision regulations or requiring a variance of the Zoning Regulations.

Mrs. Grosso seconded the motion and it passed by a vote of four to one with those present voting. Mr. Hill opposed the motion.

**Subdivision Appl. #3890 C & T Partners** for subdivision of property into 3 parcels located at 61 & 81 Blueberry Drive.

Mr. Stein reviewed the comments from the referral agencies and those received at the public hearing. After discussion, Mrs. Dell moved to approve subject to the following conditions:

- 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 8,168 square feet and is shown on a map dated revised February 28, 2005 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) Significantly sized trees and stone walls shall be preserved to the greatest extent allowable with specific measures to ensure their protection shown on a plan, subject to the review and approval of the Environmental Protection Board staff (note to appear on final map).
- 4) Submission of a "Landscape Maintenance Agreement" to ensure the success of approved plantings in Open Space Areas.
- 5) Removal and/or planting of features within the City Right of Way require the approval of the Stamford Tree Warden prior to implementation.
- 6) Submission of a "Drainage Facilities Maintenance Agreement."
- 7) Approval by the City Engineer as to drainage.
- 8) In-ground fuel tanks shall be prohibited (note to appear on final map).
- 9) Site development shall not begin until a soil erosion and sedimentation control plan is approved by the Environmental Protection Board and those elements scheduled for installation are in place and functional (note to appear on final map).
- 10) Filing of a performance bond or other form of surety acceptable to Corporation Counsel to cover drainage facilities and landscape plantings.
- 11) In accordance with CGS 8-26c, approval shall expire on April 29, 2010, 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).
- 12) Subdivision reference number to be placed on final map.

Mrs. Grosso seconded the motion and it passed unanimously with those present voting.

### **Zoning Board Referrals:**

**ZB - Appl. #204-47 Donsis LLC.** Requesting a map amendment to R-D Designed Residential Development for property at 191-193 Erskine Road. The Board reviewed the application and arguments made both in support and against the application. Mr. Garnjost moved to recommend approval stating that the proposal was consistent with the Master Plan, while requesting in the referral letter that the Zoning Board review the issues of density and community septic system. Mrs. Grosso seconded the motion and it passed by a vote of four to one with those present voting. Mrs. Dell voted in opposition and expressed concerns over the density of the development.

**Zoning Board of Appeals Referrals:**

**ZBA – Appl. #047-05 Romelia & Fernando Diaz** requesting variances of front yard setbacks & coverage to construct an addition to a dwelling at 56 Hobbie Street. After discussion, Mrs. Grosso moved to recommend denial due to the intensity proposed. Mrs. Dell seconded the motion and it passed with those present voting.

**ZBA – Appl. #048-05 Furgan Shelkh & Rubin Furgan** requesting variances of front, side and parking setbacks in order to construct a second story addition with 2 apartments over an existing retail building at 131 Cove Road. After discussion, Mr. Garnjost moved to recommend approval. Mrs. Dell seconded the motion and it passed with those present voting.

**ZBA – Appl. #052-05 David Eichler** requesting a variance of lot frontage in order to construct 2 detached dwellings at 157 Seaside Avenue. After discussion, Mrs. Grosso moved to recommend approval noting that the density of the proposed residential development is consistent with the Master Plan, an alternate layout with attached units could provide a more efficient utilization of space. Mrs. Dell seconded the motion and it passed unanimously with those present voting.

**ZBA - #056-05 Abam Harper** requesting variances of front yard setbacks & coverage in order to construct an addition to a dwelling at 432 Old Long Ridge Road. After discussion, Mrs. Dell moved to recommend approval. Mrs. Grosso seconded the motion and it passed unanimously with those present voting.

There being no further business the meeting was adjourned at 10:10 P.M.

Respectfully Submitted  
Rose Marie Grosso, Secretary

Note: These proceedings were recorded on tape and are available for review during regular business hours.