

MINUTES OF PLANNING BOARD  
REGULAR MEETING, #3314  
TUESDAY, JANUARY 8, 2002, 6:30 PM  
7<sup>TH</sup> FLOOR CONFERENCE ROOM, GOVERNMENT CENTER  
888 WASHINGTON BLVD., STAMFORD, CT

Present for the Board were: Duane Hill, Chairman; Marggie Laurie; John Garnjost; Rose Grosso; Randy Caravella; and Claire Fishman. Present for staff: Robin Stein, Land Use Bureau Chief, and Carol Davis, Senior Planner.

Mr. Hill opened the meeting at 6:50 PM

Capital Plan and Budget 2002/2003 - 2009

Mr. Stein said the public hearing on the budget will take place on February 5, 2002. He explained several additional reductions to the Planning Board recommendations. He reviewed the Budget Message, and Board members recommended two revisions. On a motion by Mr. Garnjost, seconded by Mrs. Grosso, the Board voted unanimously to approve the Capital Plan and Budget Message as revised. Mr. Caravella did not vote.

Supplemental Capital Project Appropriation Request for Fire Study Update, \$75,000.

Ben Barnes, Director of Public Health, Safety and Welfare, said an RFP has been issued and is due by the end of January. He explained that while some of the 1995 study is still valid there is a need to review the cost effectiveness of City-wide fire service. He described the areas intended for study and explained that the study can be completed in 60 days.

On a motion by Mr. Garnjost, seconded by Mrs. Laurie, the Board voted unanimously to recommend approval. Mrs. Fishman did not vote.

Zoning Board of Appeals referrals:

**ZBA Appl. 006-02 - Nicholas F. Cognetta, Sr., Naida E. Cognetta and the Cognetta Family Limited Partnership**, requesting Variance of Section 10A to expand a non-conforming use in an R-5 Multi-family Residence District. The applicants propose to remove a residential structure at 20 Warren Street in order to provide additional parking for the funeral home at 104 Myrtle Avenue.

Mr. Stein reviewed the application explaining that the issue before the Planning Board is expansion of a non-conforming use and its effect on the neighborhood.

Attorney Donald Zezima said there is a parking problem at the funeral home which will be alleviated by this proposal. He said thirty three spaces would be added to the lot and there will be no access from Warren Street. He said neighbors have submitted letters in support of the application. He explained that the existing house is in bad repair and uninhabitable.

On a motion by Mrs. Laurie, seconded by Mr. Garnjost, the Board voted unanimously to recommend approval. Mr. Caravella did not vote.

**ZBA Appl. 007-02 – 299 Long Ridge Associates, LLC**, requesting Variance of Section 10A to expand a legally non conforming restaurant by adding two additions (780 sq. ft. and 60 sq. ft.) at 295-299 Long Ridge Road in the R-7.5 Single-family Residence District.

Mr. Stein reviewed the application. He explained that it is somewhat similar to the previous application except that in this case expansion of a structure is involved.

Attorney Gerald Fox, Jr., representing the applicant, distributed an amended site plan and a proposed seating plan. He said there has been a restaurant at this location since the 1920s and it has been legally non-conforming since 1950. H said the addition will add 30 seats to the restaurant and would have no impact on the neighborhood. In response to a question he said there is adequate parking.

The vote on this application was deferred to later in the meeting.

Zoning Board referrals:

**APPL. 201-32 - Westover Park, Incorporated** requesting Text Change to add a new Subsection U to Article III, Section 7.

**APPL. 201-31 - Westover Park**, Incorporated requesting Map Change from C-D Designed Commercial District to R-10 Single Family Residence District for property at 77 Havemeyer Lane.

**APPL. 201-38 - Starwood Buckingham, LLC**, requesting Special Exception under Section 9-BBB, 4 to allow a residential use in a C-D Designed Commercial District at 77 Havemeyer Lane.

Mr. Garnjost noted that the map change application should be 201-31, not 201-33 as printed on the agenda.

Mr. Stein reviewed the history of this property. He said that Appl. 201-38 is a revision of a previous application which was withdrawn due to Zoning Board concerns. In regard to the Westover Park applications he proposed that a Master Plan amendment should precede the map change and explained that he sees problems with the procedure required under the text change.

Attorney Brendon Leydon, representing Westover Park, said the property is not properly zoned. He said it should not be zoned commercial and that traffic is a major problem on Havemeyer Lane. He submitted a petition with over 500 signatures requesting rezoning and explained that MP 359 makes it possible to rezone from C-D to R-10 without a Master Plan map change. He suggested that even if the site plan is approved this parcel should be rezoned residential.

There was discussion about adjacent zoning in Greenwich and the effect of this text change on subdivision procedures. Mr. Stein explained that even with approval of the Westover applications the office building would be legally non-conforming and could reopen.

Martin Cowan, representing the Bodutha family, distributed a written statement and stated that the commercial use on the property has been abandoned. He cited debris and litter on the site. He questioned the traffic report and said that R-10 density reflects the surrounding zoning with the exception of Connecticut Avenue.

Dean Deloe of 14 Emory Drive asked that the Board consider the quality and character of the surrounding neighborhood and retain the balance between single-family and multi-family homes.

Alison Bodutha spoke in opposition, citing more school children, problems with drain maintenance and lack of public transportation nearby.

Diane Fox, Planning & Zoning Director of Greenwich, requested 30 days for submission of written comments. She said R-10 zoning is compatible with the Greenwich properties and expressed concern about the environmental impact on Greenwich of the proposed development. She also cited traffic concerns, driveway locations and the need for a round-about at the Palmers Hill/Havemeyer intersection.

After a 10 minute recess, the meeting resumed at 9:30 PM. Richard Redniss spoke for Starwood Buckingham, LLC. He responded to earlier speakers saying R-10 zoning cannot be placed in Master Plan Category 9D. He stated that there is a greater tax burden from single family homes where the ratio of children is greater and explained that the office building has not been abandoned. He said the plan calls for 20 on-site affordable units. He said the Transportation Planner agrees with the traffic study and Engineering has already approved the project. He said the dual review proposed by the text change would increase the cost of development. In answer to questions he said the proposed density is comparable to Edgehill and Connecticut Avenue, that the buildings have been set back from the road in accordance with the Zoning Board request and that there is a reasonable and proportional distribution of affordable units.

Mr. Hill said the Board would act on these applications at a subsequent meeting.

### **ZBA Appl. 007-02 – 299 Long Ridge Associates, LLC**

Mr. Stein said that while this addition would have no impact on the neighborhood, it is contrary to the Master Plan and is a significant expansion of the non-conforming use. He said the other expansions cited by the applicant were parking expansions only. There was discussion about the effect of outdoor dining on available parking.

On a motion by Mr. Caravella, seconded by Mr. Garnjost, the Board voted unanimously to recommend denial. Mrs. Fishman did not vote.

### **Letter from Richard Redniss requesting extension for Subdivision #3794.**

On a motion by Mrs. Laurie, seconded by Mrs. Fishman, the Board voted unanimously to grant the extension.

Minutes for approval:

#3312 - December 11, 2001 - unanimously approved

#3313 - December 18, 2001 - unanimously approved

Master Plan 2000

Due to the lateness of the evening, this matter was deferred to January 15, 2002. It was agreed to meet at 6:30 PM and hold all other agenda items until 8 PM on that date.

The meeting was adjourned at 10:45 PM.

Respectfully submitted

Marggie Laurie, Secretary

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