

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, FEBRUARY 21, 2023
REGULAR MEETING
VIA THE INTERNET & CONFERENCE CALL
6:30 P.M.**

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Web Meeting Ground Rules:

- The meeting shall be recorded and the video shall be posted on the City of Stamford website **http://cityofstamford.granicus.com/ViewPublisher.php?view_id=8**
- The Planning Board shall moderate the audio for attendees.
- Attendees shall be on mute and will be unmuted when called to speak by the Planning Board members.
- Applicants will have 20 minutes to make their presentation.
- Any applicant wishing to submit written testimony can send it prior to the meeting to **lcapp@stamfordct.gov** or submit through a Chat message to the Planning Board Chair during the meeting.

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Michael Buccino and Michael Totilo. Alternates: Stephen Perry. Absent: Jennifer Godzeno, Secretary and Voting Member and William Levin, Alternate. Present for staff: Vineeta Mathur, Principal Planner and Lindsey Cohen, Associate Planner.

Ms. Dell called the meeting to order at 6:30 p.m.

Ms. Dell introduced the members of the Board and staff present and introduced the first item on the agenda.

PLANNING BOARD MEETING MINUTES:

February 7, 2023: After a brief discussion, Mr. Tepper moved to recommend ***approval*** of the Planning Board Regular Meeting Minutes of February 7, 2023; Mr. Buccino seconded the motion, and passed unanimously with eligible members present voting, 4-0 (Dell, Buccino, Perry and Tepper). (Mr. Totilo was absent at the February 7, 2023 meeting and ineligible to vote.)

REQUEST FOR AUTHORIZATION:

1. **AMENDED & RESTATED LEASE AGREEMENT BY AND BETWEEN THE CITY OF STAMFORD and THE HALLOWEEN YACHT CLUB, INC.:** The City of Stamford (“Lessor”) and The Halloween Yacht Club, Inc. (“Lessee”) were parties to a certain Lease Agreement dated April 13, 2010 and commencing on November 8, 2006 (the “Original Lease”). The Lessor and Lessee now wish to amend and restate the Original Lease to extend the Term, expand the Demised Premises and clarify the parties’ respective responsibilities.

Lease amendments include, most notably, extending the lease term from 10 years to 23 years, defining rent increases, removing ability to sublease, permit or license the property, and adding in regulations regarding signage and code of ethics. The area of expansion for the Demised Premises is contiguous to the current leased area and north of 68 Seaview Avenue. Finally, the lease was clarified to note that the sea wall is not the responsibility of the Halloween Yacht Club.

Approval of this Request for Authorization is recommended as it is compatible with the neighborhood and is consistent with Master Plan Category #14 (Open Space - Public Parks) and the following Master Plan policies:

- Policy C1: Preserve and enhance Cove neighborhood character and quality-of-life
- Policy C3: Preserve and enhance Cove neighborhood parks, open space and the natural environment
- Policy 6A: Maintain Residential Neighborhood Character
- Policy 7C: Enhance Open Space Management
- Policy 7E: Support an Active and Diverse Waterfront
- Policy 7F: Maximize Public Access to the Waterfront

Commodore Steve Bagwin, was in attendance and answered questions from the Board.

After a brief discussion, Mr. Totilo recommended *approval* of the Amended & Restated Lease Agreement by and between the City of Stamford and the Halloween Yacht Club, Inc., which will begin on July 1, 2023 for a period of twenty-three (23) years terminating on June 30, 2046 and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and the City Charter Section C6-30-13 and finds this request to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the Master Plan Category #14 (Open Space - Public Parks); Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

SUBDIVISIONS:

1. **SUBDIVISION #4047 - WILLIAM J. HENNESSEY, CARMODY TORRANCE SANDAK HENNESSEY, LLP representing CONTINENTAL FAMILY HOLDINGS, LLC & WINGS MANAGER, LLC - 50 BARRY PLACE (2 LOTS):** The applicant is proposing to subdivide this 11.77-acre property into two (2) lots. Proposed 'Parcel A' will be 9.17 acres and proposed 'Parcel B' will be 2.60 acres. The property is located on the northerly side of Fairfield Avenue and approximately 200 feet south of the intersection of Melrose Place and Barry Place in the General Industrial (M-G) Zone.

At the Planning Board's meeting on February 7, 2023, the Board recommended approval of ZB Application #223-01 for the development of the above-noted Proposed Parcel A with an ice skating rink. The Applicant returned to the Planning Board requesting approval for a two-lot subdivision of the 11.77-acre property to create Proposed Parcel A and Proposed Parcel B. There are currently no applications associated with the development of Proposed Parcel B.

The Applicant has worked with respective City departments to address referral comments. Approval of this application is recommended as it is compatible with the neighborhood, which has large and small industrial lots co-existing with residential buildings. The Application is also consistent with Master Plan Category #13 (Industrial - General) and Master Plan policy 7H "Encourage Infill Development."

Lindsay Tomaszewski, Environmental Analyst, Environmental Protection Board, in a memorandum dated February 1, 2023, stated that prior to EPB endorsement of Subdivision #4047, the work associated with EPB Permit #1621, which was approved in July 2016 to allow construction of stormwater drainage system improvements on the site and within the upland review area of the western wetland system, must be completed, and the permit closed out. The conditions required to close out the permit are as follows:

- Submission of Standard Drainage Maintenance Agreement.
- Submission of Landscape Maintenance Agreement.
- All Landscaping improvements to be completed under the supervision of a qualified professional with certification proper completion provided to EPB staff.
- Submission of a Final as-built plans in the form of an “Improvement Location Survey” and a Connecticut registered professional Engineer shall submit written correspondence certifying (signed and sealed) that the drainage, grading and final stabilization measures have been fully and properly completed per the approved plans and permit.

Consequently, William J. Hennessey, Carmody Torrance Sandak & Hennessey, LLP, in a letter dated February 17, 2023 stated the issues noted above and comments regarding the conservation easement area were discussed with EPB and were resolved.

Susan Kiskin, Coordinator of Site Plan Reviews and Inspections, Engineering Bureau, in a memorandum dated February 17, 2023 stated no objections to the proposed subdivision.

Frank Petise, Transportation Bureau Chief and Jianhong Wang, PE, Traffic Engineer, in a memorandum dated February 14, 2023 stated the subdivision did not impose any traffic impacts except for potential issues regarding possible traffic conflicts with Parcel A and the proposed full access driveway for Parcel B. Ms. Wang, in an email dated February 16, 2023, stated the two issues noted have both been satisfactorily addressed.

William Hennessey and Daniel Chapple, Carmody Torrance Sandak Hennessey, LLP, representing the applicant, along with Derek Daunais, D’Andrea Surveying & Engineering PC and Emily Foster, SLR, made a presentation and answered questions from the Board.

After some discussion, Mr. Totilo recommended approval of Subdivision #4047 with the following conditions:

1. Submission for EPB staff review and approval of a standard Conservation Agreement based on the conservation easement area shown on D’Andrea Surveying & Engineering plan “Preliminary Subdivision Map of Property at 23 & 50 Barry Place” dated February 21, 2023. The applicant shall execute and file the approved agreement concurrently with the filing of the final subdivision map.
2. Conservation areas established under the terms of the Conservation Agreement shall be field staked with permanent markers concurrently with the filing of the final subdivision map. Iron pins and EPB approved conservation signage shall be installed along all property boundaries, turning points and at intervals of no less than 100 feet along continuous stretches of the conservation boundary.
3. Submission of a plan to remove all asphalt within the proposed conservation easement area and planting plan as developed by a qualified professional for enhancement of the easement area. (Note to appear on the Record Plan.)
4. The burial of any stumps, logs, brush, and construction debris is expressly prohibited. All fill deposited on the property shall be clean by nature, free of construction debris, wood lengths and other debris.
5. Bond or other acceptable surety for the installation of erosion controls, landscaping, and certifications to be filed with the Planning Board prior to the commencement of site development. An estimate shall be prepared by the developer and submitted to City staff for review and approval prior to bond submission.

6. All landscaping shall be implemented under the supervision of a qualified landscape professional with written certification submitted to EPB staff prior to return of surety.
7. Submission of a standard City of Stamford Landscape Maintenance Agreement prior to return of surety.
8. Future maintenance of the utilities within the proposed conservation easement area will not require an EPB permit. However, EPB staff must be informed prior to the start of any utility work to assess the baseline conditions in the conservation easement. Once utility work is completed, disturbance in the easement area must be restored to its approved natural condition.
9. In accordance with CGS 8-26c, approval shall expire on February 20, 2028 unless all "work" as said term is defined in CGS 8-26c (b), has been completed by said date.
10. Subdivision reference number to be placed on Final Map.

The Planning Board **approved** Subdivision #4047 and found this request to be compatible with the neighborhood and consistent with Master Plan #13 (Industrial - General); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

ZONING BOARD REFERRALS:

During its regularly scheduled meeting held on February 22, 2022, the Planning Board reviewed the following four Text Changes as part of ZB #222-01 and unanimously voted to recommended approval of the application, finding the request compatible with the City and consistent with the Master Plan. The following four Zoning Board Applications (ZB #223-05 through #223-08) break apart ZB #222-01 into more manageable chunks in an effort to help clarify each change. Please see the meeting materials on the Planning Board's website for a narrative of each application and the proposed Text Change itself.

Vineeta Mathur, Principal Planner, City of Stamford, spoke about each application listed below and answered questions from the Board.

1. **ZB APPLICATION #223-05 - CITY OF STAMFORD ZONING BOARD - Text Change:** Applicant is proposing to amend the building height definitions in the Stamford Zoning Regulations. The proposed change would combine different building height regulations in one place in the Regulations and make some minor updates and clarifications.

Currently, regulations regarding building height are located in two places. It is proposed to delete Section 8, Height Regulations, and add relevant regulations to the definition in Section 3.B, thus making it easier for users to access information. In addition, there are several language changes and clarifications such as defining how to measure certain structures.

After a brief discussion, Mr. Tepper recommended **approval** of **ZB Application #223-05** and that this request is compatible with the neighborhood and consistent with the 2015 Master Plan; Mr. Perry seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

2. **ZB APPLICATION #223-06 - CITY OF STAMFORD ZONING BOARD - Text Change:** Applicant is proposing to amend Section 3.B - Defined Terms by adding and clarifying definitions.

The proposed changes include cross references to Section 3.B. Defined Terms, addition of new definitions such as 'Mural' and 'Mixed-use Building' and changes to existing definitions like 'Accessory Structure' and 'Light and Air.'

After a brief discussion, Mr. Totilo recommended **approval** of **ZB Application #223-06** and that this request is compatible with the neighborhood and consistent with the 2015 Master Plan; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

3. **ZB APPLICATION #223-07 - CITY OF STAMFORD ZONING BOARD - Text Change:** Applicant is proposing to amend Section 1 of the Zoning Regulations by moving all general provisions (i.e., provisions that apply to all districts or that define general powers of the Land Use Board and the Zoning Enforcement Officer) to Section 1 of the Regulations. Currently, they are distributed across various sections of the Regulations. This would simplify use of the Regulations and make the Regulations more accessible to the general public.

Examples of general provisions moving to Section 1 include the “List of Zoning Districts” currently contained in Section 4.A, the provisions for the interpretation of Zoning District boundary lines currently contained in Section 4.C.1, and the requirement that all development in design districts require site and architectural plan approval pursuant to Section 19.D would be moved from current Section 9.T.

After a brief discussion, Mr. Buccino recommended **approval** of **ZB Application #223-07** and that this request is compatible with the neighborhood and consistent with the 2015 Master Plan; Mr. Perry seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

4. **ZB APPLICATION #223-08 - CITY OF STAMFORD ZONING BOARD - Text Change:** Applicant is proposing to amend the Usable Open Space and Indoor Amenity Space.

Currently, Usable Open Space requirements are contained in various sections of the regulations and in some district regulations. All regulations would be moved to the Usable Open Space definition in Section 3.B and requirements in other sections deleted. In addition, the proposed changes would clarify the relationship between Usable Open Space and Publicly Accessible Amenity Space, establish uniform requirements for Usable Open Space for multifamily buildings, add additional design requirements, clarify when indoor, rooftop amenity and private balcony space may be counted as Usable Open Space, and add a definition for Indoor Amenity Space to Section 3.B. While slightly reducing the Usable Open Space required in R-5 district, the amendment increases Usable Open Space in RM-1, R-MF and R-H districts. The proposed Text Change provides a predictable and proportional standard for provision of Usable Open Space.

After a brief discussion, Mr. Perry recommended **approval** of **ZB Application #223-08** and that this request is compatible with the neighborhood and consistent with the 2015 Master Plan; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

These four (4) applications are aligned with Planning best practices to provide clear and organized regulatory documents, and the applications are supportive of the following Master Plan policies:

- Policy 7G: Create Compact and Complete Communities
- Policy 7P.3: Adapt building regulations to potential increases in flooding (ZB #223-05 - Defining building height measurement in flood prone areas)
- Neighborhood-Specific Policies to preserve and protect neighborhood character and quality-of-life, as well as preserve and enhance parks, open space, and the natural environment.

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #006-23 - JOSEPH J. CAPALBO II representing KEN PROCINO, MAJOR OAK BUILDERS & CONSULTANTS - 3 JUNIPER HILL ROAD - Variance of Section 3.B (Accessory Structures) and Section 7(o):** The applicant owns a parcel of land with an existing 2-story cottage ±470 sq. ft. in area which was previously subdivided. The cottage has existed since at least the 1950s according to Assessor's records. The applicant is requesting the cottage be permitted to remain prior to the construction of the new main dwelling and thereafter. The applicant is not proposing to increase the footprint, location or height of the existing cottage. Applicant only wishes to update the cottage and is seeking allowance for it to remain while the main structure is being constructed. Applicant is requesting: **(a)** allowance of the erection of an accessory structure, or in this instance, for the accessory structure to remain, prior to the construction of the main building; **(b)** allow the structure to remain two (2) stories in lieu of the required one (1) story; **(c)** permit a height of 19.07 ft. in lieu of the required 15 ft. (currently 22.16 ft.); and **(d)** a side yard setback of 22.2 ft. in lieu of the 30 ft. required.

The Applicant is constructing a home on the property and is submitting this application to allow for the continued use of an existing legally non-conforming accessory structure. The legally non-conforming accessory structure will not have an enlarged footprint, new location or height, but will have a new dormer. This application is aligned the Master Plan Policy NTW1 to preserve, protect and enhance the Westover neighborhood character and quality-of-life.

After a brief discussion, Mr. Buccino recommended **approval** of **ZBA Application #006-23** and that this request is compatible with the neighborhood and consistent with Master Plan Category #1 (Residential - Very Low Density Single Family); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

2. **ZBA APPLICATION #008-23 - GARY M. & JAMIE C. SHANNON - 51 LANARK ROAD - Variance of Table III, Appendix B:** Applicant owns a single family dwelling with a two-car detached garage and is proposing to expand the second floor on the east side of the house over the existing first floor. The area to be enclosed is approximately 9 ft. x 18 ft. (162 sq. ft.) and encroaches on the side yard setback by approximately 9 in. Applicant is requesting a side yard setback of 11 ft. 3 in. in lieu of the 12 ft. required in an R-7½ Zone.

The existing structure built in 1925 has a legally non-conforming side yard setback to the east and west totaling approximately 11 ft. where 12 ft. is required. In order for a second story addition to be constructed that is aligned with the existing eastern building footprint, a variance is being requested. Staff believes the request is compatible with the Shippan neighborhood that has a mix of one- and two-story homes, and is consistent with Master Plan Category #2 (Residential - Low Density Single-Family) and the following specific Master Plan policies:

- Policy S1: Preserve and enhance Shippan neighborhood character and quality-of-life
- Policy 6A: Maintain Residential Neighborhood Character

After a brief discussion, Mr. Totilo recommended **approval** of **ZBA Application #008-23** and that this request is compatible with the neighborhood and consistent with Master Plan Category #1 (Residential - Very Low Density Single Family); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

At the request of the applicant, the following application was Withdrawn late Tuesday, February 21, 2023.

3. **ZBA APPLICATION #002-23 - CHRIS RUSSO, ESQ., RUSSO & RIZIO, LLC representing McDONALDS REAL ESTATE COMPANY - 1103 EAST MAIN STREET - Variance of Section 13-F & Section 12.D.10.b (Tabled from the December 13, 2022 Meeting):** The site contains an existing two-story masonry building for a McDonald's fast food restaurant with a drive-through facility. Applicant is proposing the addition of a second drive-through lane with associated signage and site improvements. Applicant is requesting: **[a]** allowance of a springboard canopy, a digital pre-browse menu board of approximately 10 sq. ft. and an outdoor digital menu board of approximately 21 sq. ft. along the second drive-through lane; **[b]** allowance to reduce the off-street parking requirement for a drive-through fast food restaurant from the existing 61 spaces to 37 spaces in lieu of the 65 spaces required; and **[c]** a modification of a previous Zoning approval, which was conditioned as being approved per plans, to modify the Site Plan to install a second drive-through lane, a springboard canopy, a digital pre-browse menu board and an outdoor digital menu board.

OLD BUSINESS:

None.

NEW BUSINESS:

Ms. Dell mentioned the Special Meeting to be held on Friday, February 24, 2023 to hear additional items Mayor Simmons would like to include in the Capital Budget.

Ms. Dell asked Ms. Cohen if there were any other items to discuss.

Ms. Cohen stated she would like to speak about a condition to be included for Subdivision #4047 with regard to the conservation easement area. Ms. Cohen explained there is a pre-existing concrete area located in the conservation easement which is planned to be removed and returned to its natural state with plantings and would like it to be noted that the work will be completed as part of the approval. Ms. Cohen asked how it would be tied in to the approval.

Ms. Dell stated it could be connected to Parcel A as part of the work to be done as that is where the wetlands are in that section. Ms. Dell noted to advise Mr. Hennessey of the additional condition.

Ms. Dell then called for a motion to add the condition of removing the pre-existing concrete area in the conservation easement for Parcel A under Subdivision #4047 - 50 Barry Place.

Mr. Tepper made a motion to add the condition of removing the pre-existing concrete area in the conservation easement for Parcel A under Subdivision #4047 - 50 Barry Place; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

Next regularly scheduled Planning Board meetings are:

- March 7, 2023 (Public Hearing - Subdivision #4046 - Intervale & Turn of River Roads)
- March 28, 2023 (Public Hearing - Master Plan Amendment #MP-442 - 91 Hope Street)

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 7:40 p.m.

Respectfully Submitted
February 24, 2023

Theresa Dell, Chair
Stamford Planning Board

NOTE: These proceedings were recorded on video and are available for review on the Planning Board website at http://cityofstamford.granicus.com/ViewPublisher.php?view_id=20