

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, AUGUST 29, 2023
REGULAR MEETING & PUBLIC HEARING
VIA THE INTERNET & CONFERENCE CALL
Regular Meeting - 6:30 p.m. / Public Hearing - 7:00 p.m.**

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Web & Phone Meeting Instructions

- If your computer/smartphone has mic and speaker then:
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- If not, then **Call-in** using the **Phone Number & Passcode** provided above.
- Sign-up for Planning Board meeting updates by emailing lcapp@stamfordct.gov.

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.

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jennifer Godzeno, Secretary; and Michael Totilo. Alternates: William Levin and Stephen Perry (Arrived via phone at 7:10 p.m.) Absent: Jay Tepper, Vice Chair and Michael Buccino, Regular Members. Present for staff: Frank Petise, Transportation Bureau Chief; Luke Bittenwieser, Transportation Planner and Lindsey Cohen, Associate Planner.

Ms. Dell called the meeting to order at 6:32 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:

August 15, 2023: After a brief discussion, Mr. Totilo moved to recommend **approval** of the Planning Board Regular Meeting of August 15, 2023; Mr. Levin seconded the motion, and passed unanimously with eligible members present voting, 3-0 (Dell, Levin and Totilo). (Ms. Godzeno was ineligible to vote as she was absent at the August 15, 2023 meeting.)

REQUEST FOR AUTHORIZATION

SUPPLEMENTAL CAPITAL PROJECT APPROPRIATION REQUESTS:

Ms. Dell called for a motion to bring Item No. 2 forward.

Ms. Godzeno made a motion to bring Item No. 2 forward; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 4-0 (Dell, Godzeno, Levin and Totilo).

1. **SOUTH END TRANSPORTATION IMPROVEMENT PLAN - PROJECT #CP1461 - TOTAL REQUEST \$563,212.00:** The project will transform Pacific Street into a complete street by adding a new raised crosswalk, a raised intersection and several bump outs to slow traffic, increase pedestrian safety and expand sidewalk space. The project also includes new street trees and bioswales for stormwater management and pedestrian level lighting to improve safety at night. Funds for this project are from a grant.

Luke Bittenwieser, Transportation Planner, made a presentation and answered questions from the Board.

After a brief discussion, Ms. Godzeno recommended approval of the South End Transportation Improvement Plan - Project #CP1461 with a Total Request of \$563,212.00 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 adopted 2015 Master Plan; Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Godzeno, Levin and Totilo).

2. **CITYWIDE SIGNALS - PROJECT #C56174 - TOTAL REQUEST \$162,480.00:** This appropriation is a private contribution from the development at 100 Tresser Boulevard (The Smyth). The amount of \$162,480.00 is the balance of the required Zoning contribution for the replacement of the traffic signal at Washington and Tresser Boulevards.

Frank Petise, Transportation Bureau Chief, made a presentation and answered questions from the Board.

After a brief discussion, Mr. Levin recommended approval of Citywide Signals - Project #C56174 with a Total Request of \$162,480.00 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 adopted 2015 Master Plan; Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Godzeno, Levin and Totilo).

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #028-23 - MICHAEL E. JOHNSON, SR. representing ARTUR & DONIKA DUKAJ - 21 COLD SPRING ROAD - Variance of Section 12.D.2, Table 12.7:** Applicant owns a single-family dwelling and is proposing to convert the existing single-family residence into a two-family dwelling with interior renovations. Applicant is requesting allowance of three (3) non-conforming parking spaces to remain and for the fourth required parking space to be eliminated.

The property is in Master Plan Category #3 (Residential - Low Density Multifamily). A two-family dwelling is permitted use. The two-family dwelling would contain one (1) three-bedroom unit and one (1) two-bedroom unit. The Applicant is requesting approval to maintain three (3) existing non-conforming parking spaces when four (4) spaces are required.

There is a lot to consider with this application as summarized in the table below. While the Land Use Bureau supports the creation of additional housing units, after reading the draft Parking Report and drawing comparisons to this project, the two (2) space per unit requirement seems appropriate for the occupation of a two-family home and safe operation of vehicles on a main arterial. Staff recommends denial of this application. It is not aligned with the Master Plan Category #3 principle to allow for the amenities of multifamily living in a single-family neighborhood setting nor Master Plan Policy 4C to improve circulation and mobility within Stamford.

If the Planning Board recommends approval of this application, Staff recommends the Board include in their referral letter a condition that would require all parking spaces be used for parking vehicles and not storage as currently one of the existing spaces is used for boat storage.

Information in Support of this Application	Information to Detract from this Application
<ul style="list-style-type: none"> - Parking Report says that multifamily buildings in parking Category #3, which are held to lower parking ratios than this project, are over-parked. - The Applicant could provide four parking spaces via tandem spaces but that would require backing into a major arterial which is unsafe and would require a variance. - The project would add to Stamford's housing supply and provide diverse options. - Three spaces allow for better maneuverability within the bounds of the existing paved parking area than four would allow. 	<ul style="list-style-type: none"> -Multifamily buildings in the Parking Report are closer to the train station. This project is further away from a station and the Report confirms that distance influences car ownership. -One space is currently used as a boat storage, leaving two spaces available for cars. If approved, should require that three spaces must be provided for vehicles and not used for storage. -No nearby parking if overflow is needed. -Existing parking is nonconforming with respect to setback of surface parking spaces.

After a brief discussion Ms. Godzeno recommended **approval** of **ZBA Application #028-23** with the recommendation that discrepancies between the information in the application and the information presented by the Applicant be reconciled to clarify the variances requested and that the Applicant's request is compatible with the neighborhood and consistent with Master Plan Category #3 (Residential - Low Density Multifamily); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Godzeno, Levin and Totilo). The Planning Board's recommendation is based on the Applicant's presentation that there would be no interior renovations and no alterations to the existing parking layout.

PUBLIC HEARING BEGAN AT 7:10 P.M.

INSTRUCTIONS FOR THE PUBLIC TO SPEAK

- *Speakers from the public will have 5 minutes each to speak.*
- *Any public speaker wishing to submit written testimony prior to the meeting can send it to Lindsey Cohen, Associate Planner at lcohen@stamfordct.gov or to Theresa Dell, Planning Board Chair at tdell@stamfordct.gov or submit the request through a Chat message to the Planning Board Chair during the meeting.*
- *During the meeting, please do not send Chat messages to "Everyone" because it is distracting for all attendees.*
- *All public speakers wishing to speak at the Public Hearing shall send a Chat message to the Moderator/Planning Board Chair with their name and address to sign-up to speak.*
- *All public speakers shall announce their name and address clearly for the record prior to speaking.*

Ms. Dell opened the Public Hearing and again, introduced the Board members and staff present. Ms. Dell stated that Mr. Perry was trying to join the meeting and would announce when he was in attendance.

Ms. Dell provided instructions for the procedure of the Public Hearing.

Ms. Dell introduced the first item for consideration.

MASTER PLAN AMENDMENTS:

1. **MASTER PLAN AMENDMENT #MP-444 - JOSEPH J. CAPALBO II, ESQ. representing HORN & HOOF PROPERTIES, LLC - 961 LONG RIDGE ROAD & 16 WIRE MILL ROAD:** Applicant is proposing to amend the City of Stamford 2015 Master Plan changing the Master Plan designation of 961 Long Ridge Road (Tax Assessor No. 001-8187) and 16 Wire Mill Road (Tax Assessor No. 001-8189) from Master Plan Category #2 (Residential - Low Density Single-Family) to Master Plan Category #3 (Residential - Low Density Multifamily).

The following Zoning Board Application will be heard only if the Planning Board approves Master Plan Amendment #MP-444.

COMPANION ZONING BOARD REFERRAL:

ZB APPLICATION #223-29 - JOSEPH J. CAPALBO II, ESQ. representing HORN & HOOF PROPERTIES, LLC - 961 LONG RIDGE ROAD & 16 WIRE MILL ROAD - Map Change: Applicant is proposing to rezone 961 Long Ridge Road and 16 Wire Mill Road from the present R-10 (Single-Family, Low Density) to the proposed RM-1 (Multiple Family, Low Density Design District).

The above Master Plan Amendment and accompanying Zoning Board Application, which were continued to August 29, 2023 at the June 27, 2023 meeting, will now be continued to the September 26, 2023 meeting.

Ms. Dell read both of the above applications into the record and explained they were continued to this meeting from the June 27, 2023 meeting. Ms. Dell stated that Mr. Capalbo had asked the Board to continue these applications to the September 26, 2023 meeting and the Board granted the request.

Ms. Dell stated that Ms. Cohen had comments to make regarding the Master Plan application and Ms. Dell also announced Mr. Perry's arrival to the meeting.

In order to clarify some public confusion regarding the inclusion of these items on the Planning Board agenda, Ms. Cohen explained that since the Public Hearing for Master Plan Application #MP-444 is still open it is required to be on the agenda with the note stating its continuance to the September 26, 2023 meeting.

Ms. Cohen also spoke about the Planning Board Certificate of Approval filed in error for Master Plan Amendment #MP-444. The Law Department has provided guidance on the procedure to void the Certificate and should have this matter resolved by the end of the week.

SUBDIVISIONS:

1. **SUBDIVISION #4048 - 503 WMR, LLC - 503 WIRE MILL ROAD (3 LOTS):** Applicant is proposing to subdivide Revised Lot #3 as depicted on the Property Survey showing a Consolidation of Parcels and Adjustment of Lot Lines - Map No. 15307 S.L.R. Revised Lot #3 is approximately 3.6 acres and is proposed to be subdivided into three (3) lots. The property is located east of Wire Mill Road at the northerly tip of Studio Road and is in the Single-Family District, Very Low Density (RA-1).

Ms. Dell read the application for Subdivision #4048 into the record and asked Ms. Godzeno to read the legal notice into the record as follows:

LEGAL NOTICE PLANNING BOARD - CITY OF STAMFORD

SUBDIVISION APPL. 4048 - Notice is hereby given that the Planning Board of the City of Stamford, CT will conduct a Public Hearing on ***Tuesday, August 29, 2023, at 7:00 p.m.***, via phone and internet video conference, to consider the application of 503 WMR, LLC requesting subdivision approval for property commonly known as 503 Wire Mill Road ("Revised Lot 3" on Filed Map #15307 Stamford Land Records) in the Single-Family District, Very Low Density (RA-1). The applicant is proposing to subdivide Revised Lot #3 as depicted on the Property Survey showing a Consolidation of Parcels and Adjustment of Lot Lines - Map #15307 S.L.R. Revised Lot #3 is approximately 3.6 acres and is proposed to be subdivided into three (3) lots. The property is located east of Wire Mill Road at the northerly tip of Studio Road.

***ATTEST: THERESA DELL
CHAIR, PLANNING BOARD
CITY OF STAMFORD, CT***

Dated this 18th day of August 2023 at the City of Stamford, CT

The property is in Master Plan Category #1 (Residential - Very Low Density Single-Family). The proposal would allow for the development of three (3) single-family homes each on lots greater than one (1) acre accessed via Studio Road and a shared driveway. Studio Road is a public street. The extension of Studio Road will be on public property that extends further than the current road and will be completed by the Applicant in accordance with City standards. There will be no access to Wire Mill Road from any of the three (3) lots. The subdivision will set aside ten percent (10%) of the land for a Conservation Easement. An arborist has examined trees on the property, identified those in good condition and recommended tree care to improve tree health. The Applicant has worked with relevant Departments to address comments. Approval of this application is recommended as it is aligned with the Master Plan and supportive of the following Master Plan policies:

- Policy 6A: Maintain residential neighborhood character.
- Policy NS1: Preserve and protect [North Stamford] neighborhood character and quality of life.
- Policy NS3: Preserve and enhance parks, open space and the natural environment.

Raymond Mazzeo, along with Teodoro Milone P.E., Redniss & Mead, made a presentation and answered questions from the Board.

Ms. Dell opened up the public portion of the Public Hearing and asked Ms. Cohen if there was anyone from the public wishing to speak.

Ms. Cohen asked that anyone wishing to speak to please use the “raise hand” feature and you will be promoted to panelist to be able to address the Board.

The following persons spoke:

- Paul Arvoy provided concerns about traffic on Wire Mill Road.
- Judy Norinsky, Historic Neighborhood Preservation, asked about the timing of construction as an event was planned for October 22, 2023 on Studio Court.
- Michael Kellick stated he was not against the project but made comments with concerns about traffic on Wire Mill Road.

As there were no further public speakers, Ms. Dell turned it back over to Mr. Mazzeo to address the comments from the public speakers.

Ms. Dell asked Ms. Cohen if she saw anyone else from the public wishing to speak, she responded no.

Ms. Dell then closed the public portion of the Public Hearing and asked the Board if there were any further comments or questions.

Ms. Dell stated in conclusion that the Board’s consensus is that the applicant be aware of the traffic during construction of this Subdivision and the tree situation and to try to maintain as many trees as possible and to save the sizeable trees on the property.

Ms. Dell also confirmed there are 14 conditions for approval from EPB’s Summary Report dated July 7, 2023. Ms. Cohen stated there would be one further condition of addresses being provided from Traffic Engineering, which would be Condition No. 15.

After some discussion, Mr. Totilo recommended approval of Subdivision #4048 with the following conditions recommended by EPB in their memorandum dated July 7, 2023 to Lindsey Cohen, Associate Planner and the additional condition of addresses being provided from Traffic Engineering:

1. Work shall conform to the following plans and documents:
 - Plans entitled “Wire Mill Road, Stamford CT - 503 WMR LLC” prepared by Redniss & Mead, Inc. - Property & Topographic Survey (2/27/23) - Property Survey (5/3/23) - Preliminary Subdivision Map Depicting Revised Lot 3, Map 15307 S.L.R. (5/30/23) - certified by Jorge P. Pereira, CT LS #70179; and Site Development Plan - Site Grading Plan - Site Utility Plan - Sediment & Erosion Control Plan (2 sheets) - Soil Data (2 sheets) - Notes & Details (3 sheets) - certified by Teodoro Milone, CT PE #22563 - dated May 30, 2023.
 - Plan entitled “Landscape Layout Plan: Overall - Wire Mill Road Subdivision - 503 Wire Mill Road, Stamford CT” prepared by Wesley Stout Associates - dated May 30, 2023.
 - “Site Engineering Report” prepared by Redniss & Mead, Inc. - certified by Teodoro Milone, P.E. - dated May 30, 2023.
 - Tree Survey and Report prepared by arborist Rich Whitehead of Hutchinson Tree Care Specialists, Inc. - dated May 30, 2023.
2. Submission of a standard Conservation Agreement for EPB staff review and approval based on the conservation easement area shown on the Preliminary Subdivision Map dated May 30, 2023. The applicant shall execute and file the approved agreement concurrently with the filing of the final subdivision map.
3. The conservation easement area established under the terms of the Conservation Agreement shall be field staked with permanent markers prior to issuance of a building permit and the start of site activities. Iron pins and EPB approved conservation signage shall be installed along the easement boundaries at turning points and intervals of no less than 100 feet.

4. Final civil, landscaping, and other related plans shall be subject to the review and approval of EPB staff prior to issuance of a building permit and the start of any site activity.
5. Engineering Department approval of the Stormwater Management Plan shall be obtained prior to issuance of a building permit and the start of any site activity.
6. Submission of a performance bond or certified check or other acceptable form of surety to secure the timely and proper performance of erosion and sedimentation controls, drainage, and landscaping. A detailed estimate of these costs shall be supplied to EPB staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB Staff prior to issuance of a building permit and the start of any site activity.
7. Property boundaries shall be staked in the field by a Connecticut licensed surveyor prior to the start of any site activity.
8. All sediment and erosion controls, including a high visibility construction fence along the edge of the conservation easement area shall be installed and approved in writing by EPB staff prior to the start of any site activity.
9. All landscaping shall be implemented under the supervision of a qualified landscape professional with written certification submitted to EPB staff prior to endorsement of a Certificate of Occupancy and return of surety.
10. Upon the completion of construction activities on each lot and prior to the receipt of EPB authorization for a final Certificate of Occupancy, all associated disturbed earth surfaces shall be stabilized with topsoil, seed, and mulch, sod, or other suitable alternatives. The stabilization requirement applies not only to lawn and landscape space, but to all gutter outfalls, driplines, walkways, drives, land areas under exterior stairs and decks, etc.
11. All drainage, grading, final stabilization measures, and other engineering elements shall be completed under the supervision of a Connecticut registered professional engineer/surveyor with an improvement location survey (surveyor) and written certifications (engineer) submitted to EPB staff prior to endorsement of a Certificate of Occupancy and release of surety.
12. Submission of a standard City of Stamford Landscape Maintenance Agreement prior to endorsement of a Certificate of Occupancy and return of surety.
13. Submission of a standard City of Stamford Drainage Maintenance Agreement to ensure the full and proper function of all drainage structures prior to EPB endorsement of a Certificate of Occupancy and release of surety.
14. In-ground fuel oil storage is prohibited.
15. Addresses shall be provided from Traffic Engineering.
16. In accordance with CGS 8-26c, approval shall expire on August 28, 2028 unless all "work" as said term is defined in CGS 8-26c(b), has been completed by said date.
17. Subdivision reference number to be placed on Final Map.

The Planning Board ***approved*** Subdivision #4048 and found this request to be compatible with the neighborhood and consistent with Master Plan #1 (Residential - Very Low Density Single-Family); Ms. Godzeno seconded the motion and passed with eligible members present voting, 4-0-1 (In Favor - Dell, Godzeno, Perry and Totilo / Abstention - Levin). Mr. Levin abstained as he was not satisfied with the configuration of the driveway as it seemed too many trees would be removed.

2. **SUBDIVISION #4049 - HOUSING AUTHORITY CITY OF STAMFORD (CHARTER OAK COMMUNITIES) - 0 URSULA PLACE (4 LOTS):** Applicant is proposing to subdivide this 14.6 acre property into four (4) lots, which is commonly known as "Oak Park." The property is located on the southerly side of Orange Street and the northeast corner of Frank Street and is in the Multifamily Medium Density Design District (R-5).

Ms. Dell read the application for Subdivision #4049 into the record and asked Ms. Godzeno to read the legal notice into the record as follows:

**LEGAL NOTICE
PLANNING BOARD - CITY OF STAMFORD**

SUBDIVISION APPL. 4049 - Notice is hereby given that the Planning Board of the City of Stamford, CT will conduct a Public Hearing on **Tuesday, August 29, 2023, at 7:00 p.m.**, via phone and internet video conference, to consider the application of the Housing Authority City of Stamford (Charter Oak Communities) requesting subdivision approval for 0 Ursula Place (Parcel ID 002-5974) in the Multifamily Medium Density Design District (R-5). The applicant is proposing to subdivide the approximately 14.6 acre property into four (4) lots. The property is located on the southerly side of Orange Street and the northeast corner of Frank Street.

**ATTEST: THERESA DELL
CHAIR, PLANNING BOARD
CITY OF STAMFORD, CT**

Dated this 18th day of August 2023 at the City of Stamford, CT

Ms. Dell again provided instructions for the procedure of the Public Hearing for those who may have arrived late.

The property is in Master Plan Category #3 (Residential - Low Density Multifamily). The proposal is to subdivide three (3) existing lots into four (4) lots. The proposed lots are currently separated by city streets into three (3) distinct pieces of property but are recognized as one (1) tax lot. The subdivision will clarify each piece of property as a separate lot, while separating one of the areas into two (2). The subdivision will facilitate financing of the phased redevelopment described in ZB #222-21. This subdivision is exempt from providing open space because it contains affordable housing units greater than twenty percent (20%) of the total units provided. The redevelopment of this affordable housing complex will positively impact resident quality-of-life and will preserve affordable housing. The subdivision will not alter the way the development currently functions, or the approved redevelopment described in ZB #222-21. The Applicant has worked with all relevant departments to address comments on this application and the associated approved ZB #222-21. The project is aligned with the following Master Plan Policies:

- Policy 6A: Maintain residential neighborhood character.
- Policy 6B: Preserve existing and create new affordable housing.
- Policy 6C: Encourage development of mixed-income housing.
- Policy ES2: Preserve and enhance neighborhood character and quality of life.
- Policy 7U: Create green infrastructure to address all drainage issues and water quality.

Raymond Mazzeo, along with Teodoro Milone P.E., Redniss & Mead, made a presentation and answered questions from the Board.

Ms. Dell asked the Board for comments and/or questions.

Ms. Dell opened up the public portion of the Public Hearing and asked Ms. Cohen if there was anyone from the public wishing to speak.

Ms. Cohen stated there was one speaker as follows:

- Laverne Lore asked if the units would be rentals or be for sale?

Mr. Mazzeo responded that all units would be affordable rentals.

Ms. Cohen stated there were no other speakers from the public.

Ms. Dell closed the public portion of the Public Hearing.

After some discussion, Ms. Godzeno recommended approval of Subdivision #4049 with the following conditions recommended by EPB in their memorandum to Vineeta Mathur, Principal Planner, dated July 12, 2022 reviewing ZB Application #222-21:

1. Work shall conform to the following plans and documents:
 - Plans entitled “Oak Park - Ursula Place, Stamford CT - Prepared for Charter Oak Communities” prepared by Redniss & Mead, Inc. - Site Plan North - Site Plan South - Site Grading Plan North - Site Grading Plan South - Site Utility Plan North - Site Utility Plan South - Site Sediment & Erosion Control Plan North - Site Sediment & Erosion Control Plan South - Notes - Soil Data - Erosion Controls and Pavement Details - Sanitary & Storm Details - Storm & Utility Details - certified by Andrew M. Kuzmich, CT PE #31389 - dated June 1, 2022.
 - Plans entitled “Oak Park Redevelopment - Stamford, Connecticut” prepared by TPA Design Group - Overall Landscape Plan - Site Landscape and Lighting Plan (2 sheets) - 6-Unit Building Foundation Plans - Apartment and 4-Unit Building Foundation Plans - Site Lighting Photometric Plan - Landscape Notes and Details - Playground Notes and Details - dated June 1, 2022.
 - ”Site Engineering Report” prepared by Redniss & Mead, Inc. - certified by Andrew M. Kuzmich, PE - dated June 1, 2022.
 - Tree Survey and Arborist Report prepared by Almstead Tree, Shrub, and Lawn Care - certified by Jeff Thrasher, CT, Arborist #2239 - dated March 18, 2022.
2. Final civil, architectural, and other related plans shall be subject to the review and approval of EPB Staff prior to issuance of a building permit and the start of any site activity.
3. Engineering Department approval of the Stormwater Management Plan shall be obtained prior to issuance of a building permit and the start of any site activity.
4. Submission of a performance bond or certified check or other acceptable form of surety to secure the timely and proper performance of drainage and landscaping. A detailed estimate of these costs shall be supplied to EPB staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit.
5. Property boundaries shall be staked in the field by a Connecticut licensed surveyor prior to the start of any site activity.
6. All sediment and erosion controls shall be installed and approved in writing by EPB staff prior to the start of any site activity.
7. The applicant shall provide written approval from the Tree Warden before the three (3) trees proposed to be removed from the right-of-way are cut down.
8. All Tree-of-Heaven (*Ailanthus altissima*) on the site shall be cut down and treated so they do not resprout and the invasive vines growing into the canopy of the woods along the western edge of the property shall be controlled as part of the landscaping improvements.
9. All landscaping shall be implemented under the supervision of a qualified landscape professional with written certification submitted to EPB staff prior to endorsement of a Certificate of Occupancy and return of surety.
10. Upon the completion of all construction activities and prior to the receipt of EPB authorization for a final Certificate of Occupancy/completion, all disturbed earth surfaces shall be stabilized with topsoil, seed, and mulch, sod, or other suitable alternatives. The stabilization requirement applies not only to lawn and landscape space, but to all gutter outfalls, driplines, walkways, drives, land areas under exterior stairs and decks, etc.
11. All drainage, grading, final stabilization measures, and other engineering elements shall be completed under the supervision of a Connecticut registered professional engineer/surveyor with an Improvement Location Survey (surveyor) and written certifications (engineer) submitted to EPB staff prior to endorsement of a Certificate of Occupancy and release of surety.

12. Submission of a standard City of Stamford Landscape Maintenance Agreement prior to endorsement of a Certificate of Occupancy and return of surety.
13. Submission of a standard City of Stamford Drainage Maintenance Agreement to ensure the full and proper function of all drainage structures prior to EPB endorsement of a Certificate of Occupancy and release of surety.
14. In-ground fuel oil storage is prohibited.
15. Addresses shall be provided by Traffic Engineering.
16. In accordance with CGS 8-26c, approval shall expire on August 28, 2028 unless all "work" as said term is defined in CGS 8-26c(b), has been completed by said date.
17. Subdivision reference number to be placed on Final Map.

The Planning Board **approved** Subdivision #4049 and found this request to be compatible with the neighborhood and consistent with Master Plan #3 (Residential - Low Density Multifamily); Mr. Perry seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Perry and Totilo).

Ms. Dell closed the Public Hearing and reopened the Regular Meeting.

REGULAR MEETING CONTINUED AFTER THE PUBLIC HEARING

ZONING BOARD OF APPEALS REFERRALS (Con't):

2. **ZBA APPLICATION #029-23 - ROSELYN VASSILATOS - 36 RUTZ STREET - Variance of Table III, Appendix B:** Applicant owns a single-family dwelling with an existing 9 ft. x 8 ft. open porch. Applicant is proposing to expand the open porch to 12 ft. x 22 ft. and is requesting a rear yard setback of 7.8 ft. in lieu of the 30 ft. required in the R-7½ Zone.

The property is in Master Plan Category #2 (Residential - Low Density Single-Family). The existing home and attached deck are nonconforming as they are within the 30-foot required rear yard for primary structures. The home is 21 feet setback from the rear lot line, the current deck is 13 feet setback from the rear lot line and the proposed new deck would be 9 feet setback from the rear lot line. The hardships noted include that the house and deck are already within the required setback, that this is a narrow lot and current deck does not allow for enjoyment of property. However, the Owner is installing several patios and a swimming pool in the side yards such that there will be other locations for the family to enjoy the property while complying with the Zoning Regulations. While a request to increase the width of the deck would be reasonable because it would not further encroach into the rear yard setback, the request to increase the depth of the deck and the encroachment into the rear yard does not seem reasonable or necessary for the enjoyment of property. As such, Staff recommends denial of this Application as currently written as it is not aligned with Master Plan Category #2 to provide for a low-density single-family environment. If the Application were revised to a deck of the same depth as the current deck (8 feet deep), Staff would recommend approval.

Ms. Cohen provided comments on the application and answered questions from the Board.

After some discussion Mr. Totilo recommended **ZBA Application #029-23** be **TABLED** to the September 12, 2023 meeting in order for the applicant to attend and to ask about the necessity of having three (3) additional feet being added to the deck and encroaching so close to the rear lot line; Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Perry and Totilo).

OLD BUSINESS:

Ms. Dell mentioned the marijuana dispensary issue and the Law Department wishing to speak to the Board about the Zoning Regulations in closed session. Ms. Dell explained that Ms. Cohen was working on having this be the first item on the September 12th agenda so the meeting could be opened and the Board could then go into Executive Session.

Ms. Dell asked the Board about meeting on a different date before the September 12th meeting or possibly starting the meeting at 6:00 p.m. The Board was open to either option and Ms. Cohen would work with the Law Department to determine the exact timing.

Ms. Dell mentioned the Capital Budget recommendation letter has been written and will be sent out to all departments and outside agencies this week. The first meetings will be in October and there will be meetings with everyone to go over their budgets before being presented to the Board. Ms. Dell stated it seems like there will be a \$70-\$75 Million budget where \$35 Million will come off the top for the Board of Education. At this time, it is not certain if the Board of Education will have any additional requests. If they do, the Board will have to decide whether to approve any other projects above the \$35 Million. Ms. Dell reminded the Board that the \$35 Million is a four-to-five-year commitment to assist with the construction of new schools and the balance will need to be dispersed between all the departments and outside agencies.

Ms. Dell stated that the Capital Budget from last year was approved and funds to hire a consultant for the Master Plan was also approved. Ms. Cohen and the Land Use Bureau staff will work on how to put out the applications to find a consultant to assist with the new Master Plan and hopefully, will know by the end of the year who has been selected.

NEW BUSINESS:

Next regularly scheduled Planning Board meetings are:

- September 12, 2023 (Regular Meeting)
- September 26, 2023 (Regular Meeting & Public Hearing)

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 8:10 p.m.

Respectfully Submitted
August 31, 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