

STAMFORD PLANNING BOARD
REGULAR MEETING MINUTES
TUESDAY, JUNE 4, 2013
7th FLOOR LAND USE CONFERENCE AREA,
GOVERNMENT CENTER
888 WASHINGTON BLVD.,
STAMFORD, CT

Stamford Planning Board Members present were: Theresa Dell, Chair; Claire Fishman; Zbigniew Naumowicz, Roger Quick; Jay Tepper; Michael Totilo; and Dudley Williams. Present for staff was Jim Lunney, Land Use Administrative Officer & Zoning Enforcement Officer, and Erin McKenna, Associate Planner.

Mrs. Dell opened the Regular Meeting at 6:35 p.m.

1. ***Request for Supplemental Appropriation to settle Kronenberger v. Old Town Hall Redevelopment Authority (OTHRA) (and related entities) and Kronenberger v. City of Stamford to be discussed in executive session due to still pending legislation.***

Mrs. Dell announced that Laure Aubuchon, the Economic Development Director – who generated the request for executive session – and Peter Privitera, Director of the Office of Policy and Management ultimately decided not to capitalize the expense, and therefore the Planning Board does not need to act on it.

2. ***Jim Lunney, Land Use Administrative Officer & Zoning Enforcement Officer (ZEO), will appear to answer Planning Board member questions about sign regulations and zoning enforcement.***

Mr. Lunney began by describing what he does. He and his staff enforce Planning Board (PB), Zoning Board (ZB), and Zoning Board of Appeals (ZBA) decisions & regulations, and he reviews ZBA applications. In addition to having his architecture license, he is also a licensed Assistant Building Official. Daily, he and his staff see 25-45 people before noon. Typically, people come in to ask questions about zoning regulations, to get permit sign-offs, or are there to discuss enforcement issues. He and his staff also issue Cease and Desists and participate in the Housing Task Force, which is a group that consists of a fire marshal, Health Dept. official, police officer, and a ZEO. They do surprise night visits to pursue housing enforcement issues. He has one full-time and one half-time staff member.

The prominent signage at the Trump Towers building has been concerning to the Planning Board members for some time. Mr. Lunney explained that signs installed flush with or on the interior of a window and designed for viewing from the outside of the premises, and which do not exceed 30% of the available window area, do not require a sign permit – although they must comply with all standards of the regulations with regard to style and content. With regard to the Trump building, which has a lot of glazing, signage is allowably quite extensive. Mrs. Dell asked if the advertising was allowable. Yes, as it pertains to leasing the units in their building.

Mrs. Dell asked about grandfathered subdivisions with full asphalted yards within the setback limits. How does he deal with them? Mr. Lunney replied that he has no say when something does not contradict the Zoning Regulations. There is a relatively new regulation that restricts asphaltting an entire front yard in the R-7½ and RMF Zones. Mr. Quick noted that there is more and more paving, especially on Hope St. How about adding paving to the building permit fees? Mr. Lunney agreed that this is a good idea. Are there any other zoning regulation modifications that he would recommend, asked Mrs. Dell? Would the Planning Board like to have a sleep over?, replied Mr. Lunney. Seriously, he will give consideration to the question. Any suggestions for the Master Plan update? He enforces the Zoning Regulations, so the MP is not really within his purview.

With regard to enforcement issues, Mr. Lunney explained that he tries very hard to work out issues with violators to elicit voluntary compliance. Negotiating for a few months is preferable to fighting in court for a few years. He likes the use of the Cease and Desist, which allows 30 days for compliance.

Mr. Tepper asked how he dealt with temporary signs, like the one hanging off the tall building in Harbor Point. There are no temporary signs allowed, explained Mr. Lunney. He issues permits for permanent signs only, but the regulations do not define what material the sign can be made out of – including vinyl, the material of the Harbor Point sign.

Mr. Tepper and Mrs. Dell asked how it is that the Five Guys restaurant is located where fast food is not allowed, without any City boards having approved it. Mr. Lunney explained that originally, the owners obtained a permit for a retail establishment, in which a regular restaurant with table service is allowed (along with other criteria). They know that they are supposed to serve customers at the tables, but they don't – even though Mr. Lunney has a signed affidavit from them saying that they do.

Mr. Quick asked for the distinction between a legal and an illegal accessory apartment. Mr. Lunney replied that Stamford does not really have legal accessory apartments (nor are in-law apartments allowed) - except for those that are grandfathered in because they existed before 1951, or were multi-family homes re-zoned in the 1980s and were grandfathered to remain so. What does he think of having apartments within owner-occupied homes? Would that stop the illegal things that go on? Yes, it would probably be better. Are you still basing the number of bedrooms on the number of bathrooms, asked Mrs. Dell? The Health Dept. regulates that, not Zoning. The Planning Board has reviewed subdivisions with plans for large, 2-story garages and have denied the garages knowing that they will likely become illegal apartments. Mr. Lunney agreed that 9 out of 10 times 2-story garages become illegal units.

Mr. Quick asked about those who purchase residential properties and install a day care business while maintaining a residence elsewhere. Mr. Lunney replied that this is allowed. Mrs. Dell remarked that the Planning Board has considered petitioning for update of the daycare regulations to prevent the establishment of commercial entities within residential neighborhoods – daycare facilities that can accommodate up to 120 students with 53–54 parking spots on a one-acre lot.

3. **Mill River Corridor Project Plan – Review of Proposed Plan Amendments**
the Urban Redevelopment Commission has drafted an amendment to the Mill River Corridor Project Plan.

Ms. McKenna began by citing where in the Master Plan there is explicit endorsement of extending the Mill River Corridor:

- **Citywide Policies Report – B5.1:** Use of rivers as the framework for a series of parks and open spaces.
- **Citywide Policies Report – B5.4:** In designated areas, promote continuous waterfront access, through redevelopment as well as public acquisition.
- **Neighborhood Plans – 2C4:** Explore ways to extend the Central Park/Mill River greenway south to the West Branch.

Attorney Rachel Goldberg, the Interim Director and General Counsel of the Stamford Urban Redevelopment Commission, explained that by State Statute the Planning Board must review the proposed redevelopment plan amendments to determine consistency with the Master Plan. She explained that the proposed plan amendments expand the Tax Increment Finance (TIF) District north and south to include properties owned or controlled by the City or entities of the City, which do not generate property taxes and therefore will not be affected by the TIF. Statutorily, the TIF funds cannot be spent outside the existing district, so expanding the district expands the area where funds can be spent. The City may want to acquire land via swap, purchase, etc. and TIF funds could be used to pursue these goals, but there will be no takings. Attorney Goldberg explained that the amendments include expansion of the language on how TIF funds can be used for future financing. The market has changed substantially since the plan was originally adopted in 2000, and the new language provides advantageous flexibility. Also, in 2007, the State changed the economic redevelopment Statutes and now plans must be formally renewed every 10 years. This is a 30-year plan, but to comply, a decennial review is necessary, which is also accomplished in this Planning Board review.

Mrs. Dell remarked that the new Mill River Corridor boundaries should be included in the revised 2013 Master Plan map.

After further discussion, Mrs. Fishman moved to recommend approval of the Proposed Plan Amendments. Mr. Quick seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo, and Williams).

Zoning Board of Appeals Referrals:

4. **ZBA Appl. 040-13 – 821 Stillwater Road**, requesting a Special Exception as required in Appendix A, Table 1, Permitted Use 24.1 of the Zoning Regulations to establish a Group Day Care Home for a maximum of 10 children 3-4 years old in an R-20 zone.

[Because there was a group in attendance for Item #5, we heard that one first.]

After a brief discussion, the Planning Board members decided to table this item until the next meeting. They would like to know whether the group day care home will be owner occupied or not before voting on it.

5. **ZBA Appl. 041-13 – 635 & 645 Glenbrook Road**, requesting a variance of Article III, Section 7.1.D.5 (Flood Prone Area Regulations, Special Provisions Applicable to Critical Uses and Facilities) of the Zoning Regulations to permit Our lady of Grace Pre-School & Kindergarten to build an addition to the existing school/church building, which is located in a Special Flood Hazard Area, to the level of the 100-year flood in lieu of the 500-year flood level required.

Attorney Kaufman announced that the application would also include a request for a Special Exception for the 4,700 sf. addition of a gymnasium in the R-7½ Zone. This is a child daycare center, a permitted use with approval of the Zoning Board of Appeals, requiring further permissions for any modifications.

This is a 2-story addition with an elevation drop, so both stories will have a ground level. Mrs. Dell asked whether the building would always be a gymnasium. Yes, that is the intention, replied Attorney Kaufman.

A small portion of the property designated for the addition is located within the limits of the FEMA established 100-year floodplain of the Noroton River. The Stamford flood regulations require building to the FEMA required elevation within the 100-year floodplain plus one additional foot. This facility however is classified as a Child Day Care Center, which is a “Critical Use” facility, and as such is required to build to the 500-year floodplain elevation that is several feet higher.

After further discussion, Mr. Williams moved to recommend approval of the variance. Mr. Totilo seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo, and Williams). Mr. Williams moved to recommend approval of the Special Exception. Mr. Quick seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo, and Williams).

Planning Board Meeting Minutes:

6. Meeting of 5/28/13

Mrs. Fishman moved to recommend approval of the Proposed Plan Amendments. Mr. Totilo seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo, and Williams).

Old Business

Mrs. Dell reported that the Edgehill Senior Housing expansion was discussed at the last Zoning Board meeting, and that it was held over until their next meeting. They did not even get to the topic of the parking lot. Mrs. Dell expressed the desire to speak at the next Zoning Board meeting to suggest that the applicant create a parking management plan (PMP). Mr. Quick wondered whether the Planning Board could have required a

PMP, and Mrs. Dell wondered whether she could have removed the parking lot from consideration and approved/denied the rest of the items separately.

Mr. Tepper reported that there were no notifications of the Edgehill applications sent to either the Town of Greenwich or to the South Western Regional Planning Agency (SWRPA). He asked Ms. McKenna to research the notification requirements.

Mr. Quick reported on the meeting with staff and Robin Stein held on May 29th to organize the neighborhood and focus area Master Plan 2013 workshops. A lot of neighborhood planning studies have been done since the last Master Plan, and these local plans will be reviewed by the consultants in the neighborhoods to which they are relevant. It may be necessary to hold more than one workshop in some of the neighborhoods. Robin said that the consultants should address what is going to happen to the rest of the South End. Is it just going to be gentrified, or what? Before these meetings, the main stakeholders should be identified and encouraged to participate. For instance, the area Representatives know an awful lot and should be consulted. The Advocate/Elizabeth Kim should also be encouraged to cover the meetings and the process. Maybe she could do a series. With regard to hot issues such as the West Main St. Bridge reverting to vehicular passage, Norman Cole had determined that the MP consultants should not spend their time sorting such things out - separate consultants should be designated to do so. It was clarified that the consultants are receiving \$250,000 for their services. Mrs. Dell exhorted the members to attend the neighborhood meetings – all of them should be covered by the Planning Board.

New Business

There being no further business to come before the Board, Mrs. Dell adjourned the meeting at 8:45 p.m.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

Note: These proceedings were recorded 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.