

STAMFORD PLANNING BOARD  
REGULAR MEETING MINUTES  
TUESDAY, JUNE 18, 2013  
7<sup>th</sup> FLOOR LAND USE CONFERENCE AREA, GOVERNMENT  
CENTER  
888 WASHINGTON BLVD., STAMFORD, CT

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Stamford Planning Board Members present were: Theresa Dell, Chair; Roger Quick; Jay Tepper; Michael Totilo; and Dudley Williams. Present for staff was Erin McKenna, Associate Planner.

Mrs. Dell opened the Regular Meeting at 7:07 p.m.

***Supplemental Capital Appropriation:***

1. **Capital Project Closeout Recommendation** for a partial close-out of capital project CPB092, Roof Replacements, \$510,000, to segregate funds into a separate account designated for Scofield Magnet Middle School in order to comply with the terms of a State School Construction Grant.

The City of Stamford Grants Officer, Karen Cammarota, explained that the State Dept. of Education has requested that we no longer group our school construction projects, but rather appropriate grant funds into individual accounts. Mrs. Dell asked whether we would be reviewing other such requests given that there are a lot of grouped City accounts. Ms. Cammarota said that going forward, as we do new applications, she will try to make it a practice to establish the individual accounts. With current projects, she may have to make similar requests.

After further discussion, Mr. Williams moved to recommend approval of the partial close-out. Mr. Tepper seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Quick, Totilo, Tepper, and Williams). And Mr. Williams moved to recommend approval of appropriating the money into a separate account for Scofield Magnet Middle School repairs. Mr. Quick seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Quick, Totilo, Tepper, and Williams).

***Zoning Board Referrals:***

2. **Application 213-18 – CITY OF STAMFORD ZONING BOARD – EPB, Text Change**, to Amend Article III, Section 7.1 Flood Prone Area Regulations of the City of Stamford Zoning Regulations, to reflect modifications to the requirements of the “Flood Insurance Study” as prepared by the Federal Emergency Management Agency.

Mrs. Dell explained that the changes to the FEMA maps and to the FEMA flood study are mandatory. The draft amended regulations was prepared by Environmental Protection Board staff member Richard Talamelli, who took the opportunity to correct spelling and make other housekeeping changes, in addition to reference to the mandatory changes. He also included an additional definition of “Substantial Damage”. Previously, if storm damage amounted to 50% or more of the market value of the structure, then the owner was eligible for a particular flood insurance benefit. With the addition, a property with cumulative storm damage of 50% or more

of the market value incurred over the course of 2 storms can also receive this benefit. The draft has been reviewed by the CT DEEP, FEMA, and the EPA Office of Long Island Sound Programs.

After further discussion, Mr. Tepper moved to recommend approval of the amendments to the Flood Prone Area Regulations. Mr. Totilo seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Quick, Totilo, Tepper, and Williams).

***Zoning Board of Appeals Referrals:***

3. **ZBA Appl. 036-13 – 49 Leeds Street**, requesting a variance to construct a sun room over existing deck and extend existing deck on north side, requiring building coverage of 38.4% in lieu of 30% allowed (35.7% existing coverage), side yard of 5.6' in lieu of 6.0' required, and total side yard of 11.9' in lieu of 12.0' required in the R-5 Zone.

Mrs. Dell noted that the setbacks were within a few inches of being met. The hardship is that it is an undersized lot.

After further discussion, Mr. Quick 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, Quick, Totilo, Tepper, and Williams).

4. **ZBA Appl. 043-13 – 680 East Main St.**, requesting a variance to allow an architectural cornice to encroach into the setback, requiring 0.0' in lieu of the 8.5' allowed, and a variance of Article IV, Section 12-C to allow parking spaces on the property line in lieu of the 10.0' setback required in the C-G Zone.

While the encroachment into the setbacks by the architectural cornice presented no concerns, the establishment of 9 parking spaces and how vehicles would access them was very unclear from the survey and from the aerial. The members decided to hold the item until the next PB meeting, and asked Ms. McKenna to determine how many spaces they are planning to locate on their property and where in relation to the adjacent church parking lot, and how vehicles will access the lot. Mrs. Dell said that usually the new spaces are made distinct from the existing spaces, but they were not on the maps provided. What is the parking requirement? Mrs. Dell asked that for complicated applications like this, we should have a color photo. Ms. McKenna agreed to provide color aerial maps from now on for everything to avoid confusion. Mr. Williams requested an aerial with the proposed parking spaces imposed on top.

5. **ZBA Appl. 046-13 – 64 Ocean Drive East**, requesting a variance of Article III, Section 6-A to allow installation of an accessory structure (stand-by generator) in the front yard in the R-10 Zone.

Mrs. Dell noted that there had been a lot of applications for generators for properties in the Shippan neighborhood where the front yards and the side yards are the only places that these free-standing generators can go. The front yard is unique in that it is very removed from the street, and it already has a garage in it. Mr. Quick wondered where what the fuel source for the generator is, since there are not tanks located on the Improvement Location Survey.

After further discussion, Mr. Quick moved to recommend approval of the variance. Mr. Tepper seconded the motion and it passed unanimously with the eligible members present voting, 5-0

(Dell, Quick, Totilo, Tepper, and Williams). In the referral letter, Mrs. Dell requested that we point out that no fuel tanks are located on the survey, and recommend that the ZBA verify how the generator will be fueled.

6. **ZBA Appl. 047-13 – 29 South Lake Drive**, requesting a variance to construct an addition requiring 44.0' in lieu of 60.0' street line setback and 69.0' in lieu of the 85.0' street center line setback required in the RA-2 Zone.

Mrs. Dell pointed out that the neighbors are not in close proximity. The proposed addition is a garage with a second floor that includes a central play room with a kitchen (refrigerator, dishwasher and kitchen sink – and space for a stove). Mrs. Dell noted that this is in a 2-acre zone where they are not allowed to have any rentable space. It could be an au pair or in-law apartment – it is a complete suite. Mrs. Dell suggested that they hold this item until the next meeting, and that Ms. McKenna consult with Mr. Lunney about the legality of the 2<sup>nd</sup> kitchen and an assurance that this not be rented as an apartment.

#### ***Planning Board Meeting Minutes:***

7. Meeting of 6/4/13

The 6/4/13 minutes were not complete at the time of this meeting.

#### ***Old Business***

8. **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.

This item was tabled at the June 4<sup>th</sup> meeting, because the Planning Board members wanted to know whether or not the group day care home would be owner-occupied before voting on it.

Ms. McKenna had contacted the owners, who said that their daughter would both live in the house and run the Group Day Care Home. Mr. Quick asked what prevents the daughter from one day moving out and renting out the floor to another day care provider. Then the day care goes, replied Mrs. Dell, because the day care license is held by the owners of the property. She continued that the PB would include in the referral letter that the approval was given because the Board was told that the business would be owner occupied. Is that something that we can require, asked Mr. Quick? Yes, said Mrs. Dell, and any changes would have to come back to the Board for approval.

After further discussion, Mr. Williams moved to recommend approval of the Special Exception. Mr. Tepper seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Quick, Totilo, Tepper, and Williams). They requested that Ms. McKenna find out what the requirements are for an owner-occupied day care business in a private home. Mr. Tepper requested that she also verify that "owner-occupied" pertains to family members of the owners, as in this case.

Also:

- Ms. McKenna noted that the public hearing on the Edgehill application is still open, and that Mrs. Dell and the other PB members can attend to June 24<sup>th</sup> meeting to suggest the inclusion of a parking management plan.
- Mrs. Dell mentioned that there will be a ground breaking on Summer St. by the movie theater for the Park Square West development, to which all PB members are invited.
- Tomorrow (June 19<sup>th</sup>) at 6 p.m. at UCONN, the CT DEEP will be presenting their findings on the Bridgewater Development.
- Mrs. Dell reported that she and Mr. Quick have been meeting with the Master Plan consultants, BFJ, who have met with the West Side NRZ, the South End Neighborhood Association, and will meet soon with the North Stamford NA. July 1, the MP steering committee will meet to here BFJ's findings to date. Mrs. Dell again told the Board that she would like them to attend the neighborhood meetings.
- With regard to Edgehill, Mr. Tepper said that by State law, Greenwich, as a municipality within 500 feet of a property, should have been notified by the City of the application of the proposed land use change. Apparently, the applicant sent the notifications, which is not the protocol.
- Mr. Quick mentioned an old application from the owner of art gallery on Long Ridge Road (next to the piano store), which he recalled the PB denying. It looks like they are getting ready to start construction. Mrs. Dell said she would find out what is going on.

### ***New Business***

There being no further business to come before the Board, Mrs. Dell adjourned the meeting at 8:00 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 7<sup>th</sup> floor of Government Center, 888 Washington Boulevard, during regular business hours.