

STAMFORD PLANNING BOARD  
REGULAR MEETING MINUTES  
TUESDAY, JUNE 25, 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; Zbigniew Naumowicz; Roger Quick; and Jay Tepper. Present for staff was Erin McKenna, Associate Planner.

Mrs. Dell opened the Regular Meeting at 7:06 p.m.

***Zoning Board Referrals:***

1. **Application 213-15 – CCMCR HS 700 Canal Street, LLC; CCMCR HS 850 Canal Street, LLC; CCMCR HS 880 Canal Street, LLC; Canal Street Harbor Square, LLC; Zoning Map Amendment,** to rezone approximately 1.72 acres from M-G to CW-D Zone located at 850 Canal Street in Block No. 25.
2. **Application 213-16 – RICHARD REDNISS, Text Change,** to amend Article III, Section 4-AA-10 of the CW-D Coastal Water-Dependent District Zoning Regulations, subparagraph 10.2-b to add office, multi-family residences and senior housing to authorized uses and to amend subparagraph 10.5-b regarding the criteria for Special Exceptions and non-water dependent use ratios and subparagraph 10.8 redevelopment and adaptive reuse standards for gross floor area, residential density, and location and setback of parking. To Amend Article III, Section 7.3, subparagraph D to add C-WD Coastal Water-Dependent District to districts needing a Special Exception for Historic Building approval by the Zoning Boards.
3. **Application 213-20 – CCMCR HS 700 Canal Street, LLC; CCMCR HS 850 Canal Street, LLC; CCMCR HS 880 Canal Street, LLC; Canal Street Harbor Square, LLC; Special Exception, Site & Architectural Plans and/or Requested Uses and Coastal Site Plan Review,** proposes to construct a small addition to the existing lobby at 700 Canal Street and to remove a percentage of an existing two-story building at 860 Canal Street and to permit the adaptive reuse and restriping of parking areas located on properties known as 700, 850, 860 and 880 Canal Street in the C-WD Zone to create organization, conformity, and safety improvements to existing buildings covering approximately 7.9 acres with various uses. Applicant requests Special Exceptions to continue existing uses, add the proposed lobby addition and reduce or waive the parking standards associated with all properties.

Mrs. Dell said that the PB would consider all three applications together.

Ms. McKenna described that these properties are within the Master Plan MP Category #13 – Mixed-Use Shorefront area that protects existing water-dependent uses and encourages new uses which depend upon marine access; encourages the preservation and enhancement of public access to waterfront areas and waterfront vistas; and encourages a mix of compatible uses so designed and integrated as to achieve these objectives within the capacity of the infrastructure and complementary in scale to the general character of the area..... complementing these uses may be retail, office, restaurant, exposition, residential and other

compatible uses that enhance the opportunity for maintenance and development of existing and proposed water-dependent uses.

With regard to the Zoning Map Amendment request, Attorney William Hennessey explained that the M-G (General Industrial District) parcel was slated to be re-zoned CW-D (Coastal Water Dependent District), but the then owners objected at the time. The current owners are now requesting that change to harmonize the properties into a single zoning category.

The Text Change seeks to create additional uses in the CW-D Zone, mainly to include “adaptive re-use.” Norman Cole, Land Use Bureau Chief, has said that these properties could eventually be re-zoned DW-D (Designed Waterfront Development District) to include the additional uses, but the regulations require that it first be zoned CW-D. The approximately 8-acre area comprises a “campus” that includes a variety of uses currently. The aim, said Mr. Hennessey, is for the existing uses to remain and expand, and to promote economic development. Mr. Redniss added that the text change resolves the non-conforming uses on the properties as well.

The Special Exception, Site & Architectural Plans and/or Requested Uses and Coastal Site Plan Review application includes a proposal to add a small (175 sf) addition, which will be a “glass box atrium” on 700 Canal and to remove a 2-story building on 860 Canal to reorganize and increase parking. The parking is now in different zones and not optimally configured. The renovation of the parking lots will create more parking that is conforming, and will improve the traffic flow.

Mr. Quick asked why they didn’t just combine the properties into one site. Mr. Hennessey replied that 860 Canal is a “Transfer Act Site,” which means that because particular chemicals have been used on it previously, it cannot be sold without notifying the CT DEEP along with other restrictions. If the properties are combined, then the entire site would become a Transfer Act Site.

Mr. Tepper asked what happens when the individual sites are sold once the reconfigured parking is installed with spaces that cross the property lines. Mr. Richard Redness explained that reciprocal easements resolve the issue. Mrs. Dell suggested that the applicants submit the reciprocal easements with the application and that they be subject to the City Corporation Counsel’s review.

Mr. Quick recommended that a condition of PB approval should be that the current water-dependent uses be maintained and that there be no diminution of existing water-dependent uses., and the other board members agreed.

After further discussion, Mr. Tepper moved to recommend approval of ZB App.213-15. Mr. Quick seconded the motion, and it passed unanimously with the eligible members present voting, 4-0 (Dell, Naumowicz, Quick, and Tepper). Mr. Tepper moved to recommend approval of ZB App. 213-16. Mr. Naumowicz seconded the motion, and it passed unanimously with the eligible members present voting, 4-0 (Dell, Naumowicz, Quick, and Tepper). Mr. Quick moved to recommend approval of ZB App. 213-20. Mr. Tepper seconded the motion, and it passed unanimously with the eligible members present voting, 4-0 (Dell, Naumowicz, Quick, and Tepper), with the recommendation that the applicants submit the reciprocal easements with the application and that they be subject to the City Corporation Counsel’s review, and that the current water-dependent uses be maintained and that there be no diminution of existing water-dependent uses.

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

4. **ZBA Appl. 045-13 – 179 Vine Road**, requesting variance of the side yard setback of 2.1 feet in lieu of the 15.0 feet required in the R-20 Zone. (Note: PB approved the variance request for this applicant for a side yard setback of 1.6 feet in lieu of the 15.0 feet required at their April 30, 2013 meeting).

Since the Planning Board reviewed the original application on April 30<sup>th</sup>, the applicant has reduced the size of the deck and moved the balcony farther from the side yard setback.

After further discussion, Mr. Quick moved to recommend approval of the application. Mr. Naumowicz seconded the motion, and it passed unanimously with the eligible members present voting, 4-0 (Dell, Naumowicz, Quick, and Tepper).

5. **ZBA Appl. 048-13 – 70 Auldwood Road**, requesting a variance of Article III, Section 6-A to allow installation of an accessory structure (stand-by generator) in the front yard 2.7 feet from the front property line on Lanell Drive, 2.7 feet from the front property line in lieu of the 30.0 feet required, and located 27.7 feet from the front street center line in lieu of the 55.0 feet required in the R-7½ Zone.

This is a through lot, which means it has 2 front yards. There is a “front yard” that is already serving as a backyard, where there is a garage, and this is the proposed location of the generator.

After further discussion, Mr. Naumowicz moved to recommend approval of the application. Mr. Tepper seconded the motion, and it passed unanimously with the eligible members present voting, 4-0 (Dell, Naumowicz, Quick, and Tepper).

6. **ZBA Appl. 049-13 – 33 Phaiban Lane**, requesting a variance to add bay windows with a side yard setback of 15.6 feet in lieu of the 20.0 feet required, and a total side yard setback of 31.5 feet in lieu of 35.0 feet required; to construct proposed addition with a side yard setback of 16.9 feet in lieu of 20.0 feet required, and a total side yard setback of 32.8 feet in lieu of 35.0 feet required in the R-20 Zone.

The two bay windows are considered separately with regard to the setbacks. The PB members determined that the property was such that the addition of the bay windows will not adversely affect the adjacent neighbors. Mr. Tepper asked if any comments had been submitted from the neighbors, and Ms. McKenna replied that none had been forwarded to her.

After further discussion, Mr. Quick moved to recommend approval of the application. Mr. Naumowicz seconded the motion, and it passed unanimously with the eligible members present voting, 4-0 (Dell, Naumowicz, Quick, and Tepper).

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

7. **Meetings of 6/4/13** – Mr. Naumowicz moved to recommend approval of the minutes. Mr. Tepper seconded the motion, and it passed unanimously with the eligible members present voting, 4-0 (Dell, Naumowicz, Quick, and Tepper).

**Meeting of 6/18/13** – Mr. Tepper moved to recommend approval of the minutes. Mr. Quick seconded the motion, and it passed unanimously with the eligible members present voting, 3-0 (Dell, Quick, and Tepper).

### ***Old Business***

8. **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**.

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 they would be established, and how vehicles will access the lot.

Ms. McKenna reviewed the application with Jim Lunney, the Land Use Administrative Officer and Zoning Enforcement Officer. She also took pictures of the site to review with the Planning Board members. The number of parking spaces was grandfathered in with the building, allowing the property owner to have 4 spaces in lieu of the 34 that would normally be required. Even though he was not required to do so, the owner removed part of the structure to create additional parking to improve the property. Part of the confusion during the initial PB review was that the aerial showed the building fully intact, so that the location of the new parking spaces in relation to the adjacent parking lot was unclear. There is a 15-foot right of way allowing access to the applicant's parking over The Faith Tabernacle Missionary Baptist Church parking lot access. The request is to put some of the spaces on the property line in lieu of the 10-foot setback required, which Mr. Lunney interprets to be an asset to the property.

After further discussion, Mr. Tepper moved to recommend approval of the application. Mr. Quick seconded the motion, and it passed unanimously with the eligible members present voting, 3-0 (Dell, Quick, and Tepper).

9. **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**.

The members decided to hold the item until the 6/18/13 PB meeting, because 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). The legality of the 2<sup>nd</sup> kitchen needs to be determined, and the members are looking for assurance that the addition not be rented as an apartment.

Ms. McKenna reviewed the application with Jim Lunney, the Land Use Administrative Officer and Zoning Enforcement Officer. It is legal for the owners to have the proposed kitchen layout, unless they were to add a stove. Mr. Lunney said that the PB could approve the application, and request in the referral letter that the owners sign an affidavit that says that the owner will not rent the addition over the garage, will not install a stove there, will not install locking devices of any kind that prevents the addition and the rest of the house from flowing as one unit, and that family members only shall live there.

After further discussion, Mr. Quick moved to recommend approval of the application. Mr. Tepper seconded the motion, and it passed unanimously with the eligible members present voting, 3-0 (Dell, Quick, and Tepper), with the recommendation that a restriction be added to the property deed including all of the items suggested by Mr. Lunney. They decided that an affidavit would only restrict the current property owners, while a deed restriction would discourage use of the addition as an illegal apartment in perpetuity.

10. **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.

Ms. McKenna reviewed the application with Jim Lunney, the Land Use Administrative Officer and Zoning Enforcement Officer. In particular, the PB members wanted to know if a Group Day Care Home must be owner-occupied. Mr. Lunney says that the Zoning Regulations do not require that a Group Day Care Home be owner-occupied – a Family Day Care Home does, however. The member discussed proposing that the Zoning Board change the Zoning Regulations to prevent residential homes from being used for commercial endeavors.

Mr. Quick noted that the Art Gallery on Long Ridge Road (just north of the Merritt Parkway, and next to the piano store) is under construction. He requested that Ms. McKenna find out what is being built there, given that the PB had denied an application associated with the property.

There is a South Western Regional Planning Agency (SWRPA) public meeting on June 27, 2013 on the East Main St. Transit Node Feasibility Study – 5<sup>th</sup> floor of the Government Center at 7 p.m.

Mrs. Dell reported on the June 19<sup>th</sup> presentation from CT DEEP on their findings on the Bridgewater Development. Most people who spoke were against the project. The meeting was about water issues and flooding primarily. She noted that the essential approvals from now on will come from the City of Stamford boards rather than from the State.

After the next Planning Board meeting on July 9, 2013, the board will not meet again until August 6<sup>th</sup>.

### ***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 7<sup>th</sup> floor of Government Center, 888 Washington Boulevard, during regular business hours.