

STAMFORD PLANNING BOARD
REGULAR MEETING MINUTES
TUESDAY, APRIL 30, 2013
7TH FLOOR LAND USE CONFERENCE AREA,
GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Theresa Dell, Chairperson; Claire Fishman; Roger Quick; Jay Tepper; Michael Totillo; and Dudley Williams. Present for staff were Norman Cole, Land Use Bureau Chief, and Erin McKenna, Associate Planner.

Mrs. Dell opened the Regular Meeting at 7:05 p.m.

Zoning Board Referrals:

1. **ZB App. 213-09 – Richard W. Redniss - Text change**, to Amend Article II, Section 3A to add a new definition 48.5 Hotel or Inn, Extended Stay and to Amend Appendix A, Table I by adding use #27.5 for Hotel or Inn, Extended Stay marked “B” in the CC-N district and to Amend Appendix B, Footnote #23.
2. **ZB App. 213-10 – Seaboard Hotels LTS Associates, LLC**, requesting approval of a special exception and site and architectural plans to construct a large scale development consisting of a 121,300 s.f., seven-story extended stay hotel containing, 131 guest rooms, publicly accessible lobby area, ground floor retail, 99 parking spaces, landscaping and amenities for properties having addresses of 23-25, 35 and 37 Atlantic Streets and located in the CC-N district.
3. **ZB App. 213-11 – Seaboard Hotel Associates, LTS, LLC** requesting approval to amend Zoning Board approval of application 201-13.

Last week, Mrs. Dell said that she would take all three applications together.

Attorney William Hennessey reviewed the presentation he made at the April 16th meeting and compared the previously approved hotel/residential project to the current project, which scaled down and only a hotel use. Mr. Richard Redniss presented the text amendment and noted that it would establish a definition for an “extended stay hotel” including a separate Floor Area Ratio (FAR) standard and parking standard. Mrs. Dell noted that Mr. Tepper was seated in place of Mr. Totillo for these applications.

Mr. Tepper asked what the benefit was of amending the regulations as opposed to using the existing hotel definition and FAR and parking standards. Mr. Hennessey said that they could have worked within the existing regulations to get the net FAR by exempting the garage and ground floor retail, but felt it was more efficient and straightforward to create a definition of “extended stay” hotel and to define the associated parking requirements. Mr. Tepper asked what if it eventually becomes a conventional hotel? Mr. Redniss replied that it would then be a hotel with even more parking than required, with kitchens in every room.

Mrs. Dell asked for an explanation of how the original approval for the adjacent Marriott Courtyard would be amended. Mr. Hennessey replied that the Marriott Courtyard was originally approved in 2001 when the parking requirement was 1.0 spaces per hotel room but the parking standard was subsequently reduced to 0.5 spaces/hotel room in 2003. The request is to apply the new parking standard to free up parking to meet the needs of the proposed extended stay hotel.

After further discussion, Mr. Quick moved to recommend approval of ZB App. 213-09. Mr. Williams seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Tepper). Ms. Fishman moved to recommend approval of ZB App. 213-10. Mr. Williams seconded the motion and it passed unanimously with the eligible members present voting, 5-0. Mr. Williams moved to recommend approval of ZB App. 213-11. Mr. Tepper seconded the motion and it passed unanimously with the eligible members present voting, 5-0.

4. **ZB App. 213-12 – Richard Redniss – Reckson Signage, Text Change** to Amend Article III, Section 13, Paragraph G-6 and H-6 to authorize one ground sign per street frontage in the C-L, C-I, C-G, C-S, CC-N and CC-S districts.

Mrs. Dell reseated Mr. Totillo.

Mr. Redniss announced that they had changed the application by limiting the scope to one (1) acre+ properties in the CG and CCN zones only. He argued that currently there is no proportionality of the lot size to the signage allowed, and larger sites with 2 frontages should be allowed to have 2 ground signs. In this particular instance, his client, Reckson/Stamford Towers, LLC, would like to add another monument sign on Division St. at their 750 Washington Blvd. property. When concern was expressed by Mr. Quick about the text change including mention of a pole sign height allowance of 21', Mr. Redniss replied that this height allowance exists in the current regulation.

Mr. Quick moved to recommend approval of the text change application. Mr. Totillo seconded the motion and it was approved unanimously with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Totillo).

Zoning Board of Appeals Referrals:

5. **ZBA Appl. 029-13 –52 Diaz St.** requesting variance to expand existing detached garage to allow an accessory structure setback of 2.86' in lieu of 5.0', building coverage of 41.1% in lieu of 25%, and height of 15.5' in lieu of 15.0' required. The construction is complete.

Discussion focused on the fact that the construction work has already been performed. It was the consensus of the Board to discourage people from building without going through the permit process and pursuing variances and other approvals post-construction. They therefore decided to deny the application and to strongly advise the ZBA in the transmittal letter to require the applicant to go through the permitting process and insure that the construction fully complies with all applicable codes. Then, if the ZBA feels it is justified, approve the variance.

Mr. Williams moved to recommend denial of the variance. Mr. Quick seconded the motion and it was denied unanimously with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Totillo).

6. **ZBA Appl. 031-13 – 179 Vine Rd.** requesting variance of the side yard setback – 1.6' in lieu of the 15.0' required.

The application seeks to increase the size of an existing single family dwelling with a non-conforming side yard setback by adding a second story to some portions and adding a deck in the back with a 2nd story deck over it. Mrs. Fishman asked how the 2nd story would affect the views of the neighbors, and all determined that it would not. The Planning Board members decided to approve, with the request that the expansion be contained on the 2nd floor addition and remain within the existing footprint.

Ms. Fishman moved to recommend approval of the variance. Mr. Totillo seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Totillo).

7. **ZBA Appl. 033-13 – 37 Cherry St.** requesting a variance to permit a canine daycare and boarding facility on the C-N portion of the property to replace an existing, legal non-conforming automotive sales and service facility.

Attorney Kaufman, who had requested making a presentation to the Planning Board, subsequently requested a postponement of her presentation until the May 7th meeting.

8. **ZBA Appl. 034-13 – 69 Chatfield St.** requesting a variance to construct an accessory structure in the side yard requiring a front street line setback of 17.1' in lieu of 30.0', and front street center line setback of 47.1' in lieu of the 55.0' required.

Mr. Cole explained that corner lots used to only require one front yard setback on the narrower frontage, but now require a front yard setback on both streets. He pointed out that the lot is too narrow to accommodate the front setback requirement of 30.0', no matter where the garage was located. Removing the existing garage and relocating in the side yard would improve the existing front setback of the garage from 9.7' to 17.1'. Mrs. Dell said that she would like to have time to drive out to the property to see how constructing the garage in the side yard would affect the property and the neighbors. Mr. Quick moved to recommend postponing a decision on the variance until the May 7th Planning Board meeting. Mr. Totillo seconded the motion and postponement was agreed unanimously with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Totillo).

9. **ZBA Appl. 035-13 – 180 Turn of River Rd.** requesting a variance to Section 7G to allow a 6.0' safety fence in a residential district to be constructed on top of an existing retaining wall, which exists at 10.0' at its maximum, resulting in a fence total height of 16.0' in lieu of the 6' maximum

Mr. Cole explained that he had recommended that the applicant withdraw this variance application and re-file for a special exception application with the Zoning Board.

Planning Board Meeting Minutes:

Board members did not all have copies of the 4/16/13 minutes to review, and by consensus discussion of the minutes was tabled to the next meeting.

Old Business

Mr. Tepper asked Mr. Cole, besides at 205 Magee Ave., where is the Master Plan "Open Space-Public Parks" category in conflict with "Park" on the Zoning Map? Mr. Cole explained that the Park zone was created in 1985. Prior to that, City parks were labeled "City-owned property." In 1985, Czescik Park included land that is now part of Harbor Dr. Establishment of Harbor Dr. left a remnant of park land on the north side of the road. During the 2002 Master Plan Update, the City was already discussing plans to acquire half of the 205 Magee Avenue site for park purposes, and the Planning Board placed the land to be acquired by the City into Category #16 "Open Space-Public Parks". Mr. Tepper asked whether the Zoning Board is obligated to change the Zoning Map to comply with the Master Plan Map. Mr. Cole answered no, that during comprehensive rezoning of 1984-85 there were many instances where the Planning Board changed the Master Plan and the Zoning Board disagreed and did not change the Zoning Map to comply. Today, there remain many areas where the two maps are not in accord. Mrs. Dell asked what the significance was of Mayor Malloy renovating the parcels as a park, and holding a public ceremony to officially declare it so. Mr. Cole said that the City is

eligible to receive a State open space grant to reimburse the City for the purchase of the property, and that the terms of the grant would require that a conservation restriction be placed on the property. To date, the City has delayed accepting this grant. If the grant is accepted and the conservation restriction applied, the City should then request the Zoning Board to rezone zone the property into the Park District. The State remains flexible about modifying the grant to exclude the small area of property proposed to be used by the boatyard. Mr. Tepper showed Mr. Cole a letter from Cynthia Reader outlining the legal justifications for the land to be zoned as Park. Mr. Cole requested time to review the letter, and the matter was held until the May 7th Planning Board meeting.

New Business

As a member of the South Western Regional Planning Agency, Mr. Tepper reported that the firm of Goody Clancy has been selected by the review committee to do the Glenbrook/Springdale Transit Oriented Development Feasibility Study.

As members to of the Master Plan 2013 Steering Committee, Mrs. Dell and Mr. Quick reported that there are two upcoming meetings that they asked all Planning Board members to attend:

- BFJ, the consultants working with the City on the Master Plan 2013, are hosting an opening meeting that is a community workshop on May 14, 2013, 7-9 p.m. at the Ferguson Library.
- The Planning Board will devote the first hour of their May 28th meeting, from 7-8 p.m., to a presentation and discussion lead by BFJ for all of the Land Use Boards: the ZB, ZBA, EPB and the Land Use Committee of the Board of Reps. Mrs. Dell urged the Planning Board members to attend this meeting in particular.

There being no further business to come before the Board, Mrs. Dell adjourned the meeting at 8:27 p.m.

Respectfully Submitted,

Clare Fishman, Secretary
Stamford Planning Board

Note: These proceedings were recorded on tape 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.