

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, JUNE 22, 2021
REGULAR MEETING
VIA THE INTERNET & CONFERENCE CALL
6:30 p.m.**

JOIN ZOOM MEETING
<https://us02web.zoom.us/j/83635272223>

Meeting ID: 836 3527 2223
Passcode: 410873

Web & Phone Meeting Instructions

- *If your computer/smartphone has mic and speaker then:
Type in, paste or click the following link: <https://us02web.zoom.us/j/82015582895>; **OR***
- *If not, then **Call-in** using the **phone number, Meeting ID & 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 or submit through a Chat message to the Planning Board Chair during the meeting.*

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Jennifer Godzeno, Secretary and Michael Totilo. Alternates: Stephen Perry. Absent: Michael Buccino, Voting Member and William Levin, Alternate. Present for staff: David W. Woods, PhD, FAICP, Deputy Director of Planning.

Ms. Dell called the meeting to order at 6:35 p.m., introduced the members of the Board and staff present and introduced the first item on the agenda.

PLANNING BOARD MEETING MINUTES:

May 25, 2021: After a brief discussion, Mr. Tepper moved to recommend approval of the Planning Board Regular Meeting Minutes of May 25, 2021; Mr. Perry seconded the motion, and passed unanimously with eligible members present voting, 4-0 (Dell, Godzeno, Perry and Tepper). (Mr. Totilo was ineligible to vote as he was absent at the May 25, 2021 meeting.)

NOTE: Due to a clerical error on the agenda noticed after the meeting, the only draft minutes needing approval at this meeting were from the May 25, 2021 meeting. The draft meeting minutes from May 11, 2021 were previously approved at the May 25, 2021 meeting.

ZONING BOARD REFERRALS:

1. **ZB APPLICATION #221-21 - GLADYS CONTRERAS - 70 ALVORD LANE, UNIT A - Special Permit:** Applicant is requesting a Special Permit to operate a Group Day Care Home for up to 12 children at 70 Alvord Lane, Unit A. Property is located within the R-5 Zoning District.

At the last Planning Board meeting on May 25, 2021, Dr. Woods inadvertently stated that Group Day Care Home (limited to no more than 12 children) applications require Zoning Board of Appeals approval. However, currently, both the Home Day Care and Group Day Care Homes require a Special Permit by the Zoning Board. The applicant is requesting a Special Permit to operate a Group Day Care Home with no more than 12 children in her home zoned R-5 in Master Plan Category #3 (Residential - Low Density Multifamily).

Adam Cowing is helping Gladys Contreras, a Stamford resident, with a Special Permit application to operate a Group Child Care Home at the space she rents. Mr. Cowing and Ms. Contreras were available to answer questions from the Board. The Board did not have any questions.

After a brief discussion, Mr. Perry recommended **approval** of ***ZB Application #221-21*** and that this request is compatible with the neighborhood and consistent with Master Plan Category #3 (Residential - Low Density Multifamily); Mr. Totilo seconded the motion and passed with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

2. **ZB APPLICATION #221-22 - FALASHA CAMPBELL - 110 PROSPECT STREET - Special Permit:** Applicant is requesting a Special Permit to operate a Group Day Care Home for 12 children at 110 Prospect Street. The property is in the R-MF Zoning District.

Similarly to the application above, the application is for a Special Permit to operate a Group Day Care Home located at 110 Prospect Street just north of Downtown in a building zoned Residential Multifamily (R-MF) in Master Plan Category #9 (Urban Mixed-Use).

After a brief discussion, Mr. Totilo recommended **approval** of ***ZB Application #221-22*** and that this request is compatible with the neighborhood and consistent with Master Plan Category #3 (Residential - Low Density Multifamily); Ms. Godzeno seconded the motion and passed with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

Ms. Dell called for a motion to “Walk-on” ZB Application #221-23 - Pacific House, Inc. - 36 Ann Street.

Mr. Tepper made a motion to “Walk-on” ZB Application #221-23; Mr. Perry seconded the motion and passed with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

3. **ZB APPLICATION #221-23 - PACIFIC HOUSE, INC. - 36 ANN STREET - Site & Architectural Plans and/or Requested Uses, Special Permit & Application for Approval for addition to the Stamford. Cultural Resources Inventory (CRI):** Applicant is seeking approval under Section 7.3 - Historic Preservation, to construct a new structure that will replicate a historic Queen Ann-style consisting of 3 units and 11 bedrooms for use as supportive housing. Applicant is also requesting approval of shared parking with 38 Ann Street pursuant to Section 12.1.

Elena Kalman, Architect, representing the applicant, made a brief presentation and answered questions from the Board.

After a brief discussion, Ms. Godzeno recommended **approval** of **ZB Application #221-23** and that this request is compatible with the neighborhood and consistent with Master Plan Category #4 (Residential - Medium Density Multifamily); Mr. Teppner seconded the motion and passed with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Teppner and Totilo).

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #024-21 - JOHN F.X. LEYDON, JR., ESQ. representing THE BRIDGEPORT ROMAN CATHOLIC DIOCESAN CORP. - 914-926 NEWFIELD AVENUE a/k/a 894 NEWFIELD AVENUE - Special Permit:** The Bridgeport Roman Catholic Diocesan Corp. along with the Mater Salvatoris College Preparation School, which operates out of the former Trinity Catholic school building, is seeking allowance to construct a modest playground to serve the children of the school. The playground will be located west of the southerly wing of the school and will consist of several typical playground structures set over a soft porous bed of either wood or rubber strips, placed over 4 inches of crushed stone, contained by border edging.

The applicant, Bridgeport Roman Catholic Diocesan Corp., is proposing to construct a playground as described above. The area for the playground was selected because of its gentle slope that requires a minimal amount of site grading to provide a level playground surface. John Leydon, Esq., representing the applicant, was available to answer questions from the Board.

After a brief discussion, Mr. Totilo recommended **approval** of **ZBA Application #024-21**, and that this request is compatible with the neighborhood and consistent with Master Plan Category #1 (Residential - Very Low Density Single-Family); Mr. Perry seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Teppner and Totilo).

2. **ZBA APPLICATION #026-21 - JOSEPH J. CAPALBO, II representing RICHARD G. RICCARDI - 11 HALF MOON WAY - Variance of Table III, Appendix B:** Applicant owns a single-family dwelling on a 10,723 sq. ft. lot and is proposing to move the dwelling forward from its existing location closer to the street in an effort to take it out of the flood zone which will result in compliance with the FEMA regulations and allow improvement and updates to the existing structure.

Applicant is requesting the following variances:

- Front yard setback from the garage of 14.4 ft. in lieu of the 40 ft. required.
- Street center setback of 39.4 ft. in lieu of the 65 ft. required.
- Front yard setback from the proposed covered porch of 21.6 ft. in lieu of the 34 ft. required.
- Front yard to street center from the proposed covered porch of 46.6 ft. in lieu of the 59 ft. required.
- East side yard setback of 9.6 ft. in lieu of the 10 ft. required
- West side yard setback of 6.3 ft. in lieu of the 10 ft. required.
- Chimney 7.3 ft. in lieu of the 8 ft. required.

Joseph J. Capalbo, II made a brief presentation and answered questions from the Board. From a planning perspective, this application is to lift the dwelling outside the FEMA zone and ZBA approving the variances that are required to bring a nonconforming dwelling into FEMA compliance.

After a brief discussion, Mr. Totilo recommended **approval** of **ZBA Application #026-21**, and that this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Teppner and Totilo).

3. **ZBA APPLICATION #022-21 - KATIE WAGNER, QUESITED CONSULTING, LLC representing RAYMOND PIEDMONT - 46 VINCENT AVENUE - Variance of Table III, Appendix B:** Applicant owns a single-family dwelling and is proposing to add a sunroom with access to a new deck. Applicant is requesting a rear yard setback of 19 ft. for the deck in lieu of the 30 ft. required and a rear yard setback of 25.7 ft. for the sunroom in lieu of the 30 ft. required.

The applicant needs a variance as they have a uniquely shaped lot that backs into a conservation easement along with a 6 ft. hedge screening the sunroom from the neighboring house to the west. What the applicant is requesting is not out of proportion to what is existing in the neighborhood and other parcels in this R-10 zoned property.

After a brief discussion, Mr. Perry recommended **approval** of *ZBA Application #022-21*, and that this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

4. **ZBA APPLICATION #021-21 - RAYMOND MAZZEO, REDNISS & MEAD, representing CHRISTOPHER & COLEEN BANKS - 28 KENILWORTH DRIVE WEST - Variances:** Applicant owns a single-family dwelling and is proposing to construct a 6 ft. x 26 ft. (156 sq. ft.) patio with a pergola. Applicant is requesting the following variances:

- **Section 4.B.2.d.(2). (e) and Table III, Appendix B:** Front yard setback of 21 ft. in lieu of the 40 ft. required.
- **Table III, Appendix B:** Front street center setback of 46 ft. in lieu of the 65 ft. required.
- **Article II - Definition Accessory Structure:** Allowance for the proposed patio with pergola within the front yard.

Raymond Mazzeo, Redniss & Mead, was available to answer questions from the Board

This parcel is a corner lot, which by Zoning, has two front yards as well as the position of the house on the lot means that in order to build this new patio and pergola the applicant needs the variance to build in one of the front yards. The proposed location is a good distance away from the closest neighbor to the west and the applicant is not proposing an oversized patio and pergola,

After a brief discussion, Mr. Totilo recommended **approval** of *ZBA Application #021-21*, and that this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

5. **ZBA APPLICATION #019-21 - JASON LoRUSSO - 58 OGDEN ROAD - Variance of Table III, Appendix B:** Applicant owns a one-story, single-family dwelling and is proposing to add a second story over the existing footprint with no change in size, shape or location. Applicant is requesting: **(a)** a front street line of 26 ft. in lieu of the 30 ft. required; and **(b)** a front street centerline of 51 ft. in lieu of the 55 ft. required.

The existing structure predates Zoning and was built with setbacks that do not meet current setback requirements making it a legal nonconforming house. The applicant wants to build a second story on the house over the existing footprint, which requires the setback variances requested.

After a brief discussion, Ms. Godzeno recommended **approval** of **ZBA Application #019-21**, and that this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Perry seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

6. **ZBA APPLICATION #020-21 - LEIGH FRECKER - 24 PONUS AVENUE - Variance of Table III, Appendix B:** Applicant owns a one-story, single-family dwelling and is proposing to add a second story. Applicant is requesting the following variances:

- Front yard street line of 13.5 ft. in lieu of the 25 ft. minimum required.
- Street center of 38.5 ft. in lieu of the 50 ft. minimum required.
- Side yard setback of 3.5 ft. in lieu of the 6 ft. minimum required.
- Rear yard setback of 4.8 ft. in lieu of the 30 ft. minimum required.
- Maximum building coverage of 32.5% in lieu of the 25% maximum allowed.

The existing house, on an odd-shaped lot, zoned R-6 is a legal nonconforming residential dwelling. The applicant is not increasing any of the nonconforming setbacks but requires variances on all of them in order to do anything to this house.

After a brief discussion, Mr. Perry recommended **approval** of **ZBA Application #020-21**, and that this request is compatible with the neighborhood and consistent with Master Plan Category #3 (Residential - Low Density Multifamily); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

7. **ZBA APPLICATION #023-21 - EMILIA FERRI ARCHITECTURE + DESIGN representing EDGAR FELICIANO & LISSETTE FIGUEROA - 110 MIDLAND AVENUE - Variance of Table III, Appendix B:** Applicant owns a single-family dwelling with a detached shed and is proposing a new addition to the rear aligning with the existing rear wall along with an open porch. Applicant is requesting a rear yard setback of 23.4 ft. in lieu of the 30 ft. required for the single-story addition and a front yard setback of 50 ft. in lieu of the 55 ft. required for the new porch.

Emilia Ferri Architecture + Design was available to answer questions.

The existing house is in an R-7½ zone and was built before zoning which makes it a legal nonconforming residence. The applicant is proposing to build a single-story addition above the existing structure as well as a front yard sitting porch.

After a brief discussion, Mr. Perry recommended **approval** of **ZBA Application #023-21**, and that this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

8. **ZBA APPLICATION #025-21 - EVA CHIAMULERA, AUSTIN GANIM LANDSCAPE DESIGN, LLC representing KALE JARRED & MELISSA EVANS - 39 LISA LANE - Variances:** Applicant owns a single-family dwelling with attached garage, porches, deck and a wooden planter box located at the rear edge of the existing lawn areas. The applicant is proposing to install a 15 ft. x 38 ft. in-ground swimming pool (570 sq. ft. water surface area) with coping (67 sq. ft.) and a patio (637 sq. ft.) surrounding the pool. The outside perimeter of the pool patio is a 25 ft. x 55 ft. rectangle. There will also be two (2) walkways, including steps that lead from the pool patio to the house and front yard (120 sq. ft.). A 5 ft. x 10 ft. (50 sq. ft.) area has been identified for the proposed pool equipment. The proposed pool enclosure fence, including gates is 240 LF and a 26.5 LF curb for a window well adjacent to the garage side of the house. The applicant is requesting the following variances:

- **SECTION 3 - DEFINITIONS \ 3.B. Defined Terms \ Accessory Structure (Pg. 3-1):** Request a variance to locate pool, patio, walk, steps, pool equipment, pool equipment pad, fence, and gates within the front yard setback of the property.
- **SECTION 4 - DISTRICTS & DISTRICT REGULATIONS - Section 4.8. District Regulations \ e. Building Regulations \ (2) RA-2 Districts \ (e) Minimum Yards (Pg. 4-4):** Request a variance to the minimum yard requirement for the front yard setback parallel to South Lake Drive for the proposed pool, patio, walk, steps, pool equipment and pool equipment pad.
- **SECTION 7 - AREA & SUPPLEMENTAL REGULATIONS\7C. [PERMITTED FRONT YARD ENCROACHMENTS] (Pg.7-1):** Request a variance to have the following features or the proposed pool, patio, walk, steps, pool equipment and pool equipment pad to encroach into the front yard setback in the area parallel to South Lake Drive.
- **SECTION 7 - AREA & SUPPLEMENTAL REGULATIONS\7.M. [CORNER LOT YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS] (Pg. 7-4):** Request a variance to the required corner lot front setback to allow for the location of pool, patio, walk, steps, pool equipment, and pool equipment pad within a portion of the front yard setback parallel to South Lake Drive.
- **APPENDIX B: SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT & BULK OF BUILDINGS (Pg. B-1). Request a variance for the following modifications:**
 - Proposed pool 40.3 ft. to the street line in lieu of the 60 ft. minimum allowed.
 - Proposed pool 65.3 ft. to the street center in lieu of the 85 ft. minimum allowed.
 - Proposed pool patio at grade 35.3 ft. to the street line in lieu of the 60 ft. minimum allowed.
 - Proposed pool patio at grade 60.3 ft. to the street center in lieu of the 85 ft. minimum allowed.
 - Proposed pool equipment & pad at grade 46.7 ft. to the street line in lieu of 60 ft. minimum allowed.
 - Proposed pool equipment & pad at grade 61.7 ft. to the street center in lieu of the 85 ft. minimum allowed.

One of the applicant's hardship is that putting what they are requesting anywhere else would impact the septic system on the lot. Other hardships include steep slopes, wetlands on the property and large trees. Taken together the only location for this modest sized pool is on the side yard. As such, from a planning perspective this is the only location for the proposed pool, etc.

Eva Chiamulera, of Austin Ganim Landscape Design, LLC, was available to answer questions from the Board.

After a brief discussion, Mr. Tepper recommended **approval** of **ZBA Application #025-21**, and that this request is compatible with the neighborhood and consistent with Master Plan Category #1 (Residential - Very Low Density Single-Family); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

OLD BUSINESS:

Ms. Dell explained that Dr. Woods has a letter for Subdivision #3220 which is a response to the public's right to access for residents by enforcing the Coastal Area Management Act (CAM) of the State of Connecticut. Ms. Dell explained that this subdivision, when they were allowed to build, were told that the public had to have access to the beach area in order for the homes to be built. The Legal Department has requested the Planning Board to discuss this and make a decision on allowance for public access.

Ms. Dell called for a motion to discuss Subdivision #3220.

Mr. Perry made a motion to discuss Subdivision #3220; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

Dr. Woods explained that back in 1983, the Planning Board fought hard for public easement and access to the waterfront (including parking) in support of the CAM. This included going to court to uphold the Planning Board's conditions (begins on Pg. 15 of the attached document). Up until recently (according to Robin Stein, Special Assistant to the Mayor, who was then the Director of Planning) the City would put up signs designating public easement and access open to the public. As you can clearly see from the pictures, the residents of the subdivision see this beach as their private domain. The question City Attorney Kathryn Emmett requested the Planning Board discuss is:

Does the Planning Board still affirm that the conditions of Subdivision #3220 in response to the right to public access for all residents, and in enforcing the Coastal Area Management Act of the State of Connecticut still appropriate in 2021?

Staff Discussion: Dr. Woods stated he believed it is important to enforce all conditions for subdivisions that the Planning Board approves after a public hearing, careful discussion, and working with the Law Department when appropriate (as in this case it went to court), is a basic requirement. As we discussed in 2019 when the Planning Board revised the Subdivision Regulations, the remedy for homeowners of the subdivision is to file a request for reconsideration to the Planning Board. It is conceivable that a condition in 1960s, 1970s, or 1980s would be not appropriate or circumstances have changed. The Planning Board would hold a public hearing to allow all interested parties to give input before deciding on whether to eliminate, modify or confirm the conditions.

Ms. Dell stated the referral letter to the Legal Department should also include the additional comment that all subdivision conditions of approval stipulated by the Planning Board must be enforced unless the applicant comes back to the Board requesting a change to those conditions of approval.

After considerable discussion, Mr. Tepper made a motion for a referral letter be sent to the Legal Department upholding the conditions of approval for Subdivision #3220 and allowing public access to the beach and removal of the private signage; Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Perry, Tepper and Totilo).

Ms. Dell asked about the Education Committee discussing schools and asked Mr. Tepper to provide details.

Mr. Tepper explained the Mayor has allocated \$500M to be used for reconstruction and/or renovation of all the City's schools. Mr. Tepper stated his concern is that most of the members of this Committee are education-oriented and do not seem to consider cost unless that point is brought up in discussions.

Dr. Woods added that these discussions are for assessment of the buildings which is one of the concepts of a three-part plan and discussions are about visions of work to be completed.

Ms. Dell asked Dr. Woods to talk about the Affordable Housing Committee.

Dr. Woods provided an update on the plans being discussed for affordable housing in the City.

NEW BUSINESS:

Ms. Dell stated she received a notice from Cindy Grafstein, Special Assistant to the Mayor, about a Steering Committee being setup and requesting participation of one member and an alternate from the Planning Board. Ms. Dell asked Dr. Woods to provide details.

Dr. Woods explained this committee is being setup to go over the planning for the Stillwater School. The Committee will be working on the long-range facilities plan and Master Plan study and will coordinate with the consultant team and meet early evening once every three weeks. Mr. Perry volunteered as the alternate and Ms. Dell asked Ms. Godzeno to think about participating as the representative for the Planning Board.

Ms. Dell reminded everyone about the Special Joint Meeting with the Board of Finance taking place with the Board of Representative Fiscal Committee meeting scheduled for Monday, June 28, 2021 at 7:30 p.m. Ms. Dell asked Dr. Woods to provide details about the meeting.

Dr. Woods provided an explanation on the focus of the meeting which is the allocation of \$25M the State of Connecticut received from the Federal government. The Mayor will make a presentation on how to repurpose some Capital Budget items, closeouts, etc. There are 27 separate items on the agenda for discussion.

Ms. Dell and Dr. Woods gave a brief explanation of the procedure for the meeting and requested everyone please attend.

Next regularly scheduled Planning Board meetings are:

- NO MEETINGS IN JULY
- August 10, 2021 - Regular Meeting & Public Hearing (Master Plan Amendment #MP-441 - Signal Road)

Dr. Wood stated that a proposal from the City to have Scofield Manor take over management of Smith House replacing Charter Oak will also be on the August 10th agenda.

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 8:05 p.m.

Respectfully Submitted

June 24, 2021

Jennifer Godzeno, Secretary
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