

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, JANUARY 29, 2019
REGULAR MEETING & PUBLIC HEARING
GOVERNMENT CENTER - 4TH FLOOR CAFETERIA
888 WASHINGTON BLVD., STAMFORD, CT**

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

Ms. Dell called the meeting to order at 6:30 p.m. and introduced the members of the Board and staff present. Ms. Dell explained that, since there is a Public Hearing scheduled at 7:00 p.m., the Board would go through as much of the agenda as time will allow and may finish the remainder after the close of the Public Hearing.

Ms. Dell also mentioned that the Board of Education was holding a meeting tonight at 7:00 p.m. to thank all the City departments and those from the public who assisted in the move of Westover Elementary School to One Elmcroft Road. Ms. Fishman will attend as the Planning Board representative.

Ms. Dell introduced the first item on the agenda.

REQUEST FOR AUTHORIZATION:

- 1. LEASE AGREEMENT BETWEEN THE CITY OF STAMFORD & THE ENVIRONMENTAL PROTECTION AGENCY (EPA) - AMENDMENT NO. 2:** The U.S. Government (EPA) leases approximately 1,380 sq. ft. on the 9th Floor of the Government Center. The original lease was executed in March 2009 with a term of 10 years. The City amended that Lease by way of a Supplemental Agreement (1st Amendment) dated May 13, 2010, which set the end-date at October 31, 2019. The U.S. Government is now asking the City to execute a 2nd Amendment, which adds a 5-year renewal option. This 2nd Amendment requires the approval of the Planning Board, the Board of Finance and the Board of Representatives (in that order), per Ordinance Section 9-7-2, because the renewal option was not in the original lease.

After a brief discussion, Mr. Totilo recommended approval of the Lease Agreement between the City of Stamford & the Environmental Protection Agency (EPA) - Amendment No. 2 and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and Section C6-30-13 of the City Charter and finds this request to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Ms. Fishman seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

PLANNING BOARD MEETING MINUTES:

January 2, 2019: After a brief discussion, Mr. Levin moved to recommend approval of the Planning Board Minutes of January 2, 2019; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper, and Totilo).

IF TIME ALLOWS BEFORE THE PUBLIC HEARING BEGINS, THE PLANNING BOARD WILL REVIEW ALL OF THE FOLLOWING ZONING BOARD OF APPEALS APPLICATIONS. IF NOT, THE APPLICATIONS NOT REVIEWED BY 7:00 PM MAY BE HEARD AT THE END OF THE MEETING OR WILL BE TABLED UNTIL THE NEXT PLANNING BOARD MEETING.

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #011-19 - RAMON MARTINS - 33 MOHEGAN AVENUE - Variance of Table III, Appendix B:** Applicant owns a one-story single-family residence where an existing shed and finished basement have been removed. Applicant would like to construct a second story over the existing footprint (23 ft. 8 in. x 33 ft. 8 in.); extend chimney above second story as required and extend a new front porch across the existing front porch. Applicant is requesting: (a) a rear yard setback of 17.9 ft. in lieu of the 30 ft. required [existing non-conforming]; (b) a side yard setback of 3.8 ft. in lieu of 6 ft. required to allow second story addition and first/second story front porch additions; and (c) side yard setback of 1.7 ft. in lieu of 6 ft. to extend chimney.

At the August 28, 2018 meeting the Planning Board recommended approval of this application. (See attached referral letter.) However, the applicant missed the deadline to get the abutter's mailing out which meant they had to resubmit their application. There are no changes to the application. After a brief discussion, Ms. Godzeno recommended *approval* of *ZBA Application #011-19*. If the Zoning Board of Appeals approves these variances, the positive decision could serve as a catalyst to improve neighboring houses along Mohegan Avenue upon completion of the rebuilt house, which is compatible the neighborhood and consistent Master Plan Category #3 (Residential - Low Density Multifamily); Mr. Quick seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Quick, Tepper and Totilo).

2. **ZBA APPLICATION #006-19 - OSROCK PARTNERSHIP - 401 SHIPPAN AVENUE - Variances:** Applicant owns the property improved with two (2) buildings - one contains retail/office/warehouse uses and is approximately 49,193 sq. ft. and the second is a four (4) story, self-storage building and is approximately 88,491 sq. ft. The property also contains a paved parking area, landscaping and a free standing ground sign which is 88 sq. ft. of sign area. The self-storage building is located at the rear of the property with no direct frontage on Shippan Avenue. The applicant is requesting variances of the existing signage allowances to permit greater signage opportunity along the building's northerly side (the functional front) and greater sign area within the existing ground sign located at the front of the property. Applicant is requesting the following:

Article IV [Special Regulations]

- *Section 13, Paragraph I(2) [Sign Regulations]:* To permit up to ±211 sq. ft. of wall signage along the total northerly building side in lieu of the 60 sq. ft. permitted;
- *Section 13, Paragraph I(6) [Sign Regulations] & Section 10-A (Non-Conforming Uses):* To permit the third tenant panel of an existing, legal non-conforming ground sign to be enlarged from 24 sq. ft. to 36 sq. ft. resulting in a total sign area of 100 sq. ft. in lieu of 50 sq. ft. permitted.

The height, width and location of the existing ground sign shall not be changed.

The Applicant, owner of 401 Shippan Avenue, is returning to the Planning Board and Zoning Board of Appeals (ZBA) for a review of a revised Cubesmart signage package for the newly constructed building, located to the rear and side of the building. The Applicant appeared before the Planning Board and ZBA last fall requesting variances of the signage regulations to allow for greater signage than permitted by the Regulations for its single tenant within the building, Cubesmart. At that time, the Planning Board unanimously granted recommendation of approval of the requested variances based on its compatibility with the Master Plan, consistency with signs in the surrounding area, and because the applicant demonstrated the hardship – recall the building is setback from Shippan Avenue and does not have a front yard by Zoning standards and was, therefore, not eligible for standard signage that would be typical for the true front of a building. The ZBA denied the variance – the board was sensitive to the Applicant's position, but felt the signage was too large and perhaps a variance allowing signage to the ground sign at the road might be more appropriate. The applicant returns to the Planning Board tonight with such request that results in a reduced amount of building signage:

- 211 sq. ft. of wall signage is proposed. This is a 120 sq. ft. reduction from the former application which proposed 331 sq. ft. of wall signage on the northerly façade.
 - Sign 1: (Main Cubesmart sign) - The “C” is 30% smaller. It was 239.5 sq. ft. and is now is 119.4 sq. ft.
 - Sign 2 & 3: same
- One (1) new ground sign interior panel proposed to be added to existing sign of approx. 12 sq. ft. – making the total sq. ft. of the sign panels approx. 100 sq. ft. in lieu of the 50 sq. ft. permitted. Note: this is a legal non-conforming ground sign.

The new package is smaller in scope and will improve safety and wayfinding within the shopping plaza for Cubesmart Customers.

After a brief discussion, Mr. Totilo recommended *approval* of **ZBA Application #006-19** and that this is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single Family); Mr. Quick seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

3. **ZBA APPLICATION #012-19 - EIGHT 77 LONG RIDGE ROAD, LLC - 877 LONG RIDGE ROAD - Special Exception:** Applicants owns and operates a Child Day Care Center on property located on the easterly side of Long Ridge Road which contains a 5,120 sq. ft. (gross) single-family structure. In October 2017 by the Zoning Board of Appeals (ZBA) granted the applicant a Special Exception approval to operate a Child Care Center thereon and a Variance from the front yard landscaping requirement applicable to the site. The applicants now seek approval to make minor modifications Permit.

The applicant has requested a Special Exception to operate a Child Daycare Center at 877 Long Ridge Road. Jason Klein to the facility in accordance with feedback received from City officials in the course of pursuing a Building, Attorney with Carmody Sandak Torrance Hennessey, has requested to speak and to answer questions from the Board. After a brief discussion, Mr. Levin recommended *approval* of **ZBA Application #012-19** and that this 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, Levin, Tepper and Totilo).

4. **ZBA APPLICATION #007-19 - KIMBERLY E. ROGERS & ROBERT F. ROGERS - 1630 LONG RIDGE ROAD - Variance of Section 6-A and Table III, Appendix B:** Applicant owns a single-family residence with a single car garage and 10 ft. x 12 ft. shed. Applicant would like to replace the 10 ft. x 12 ft. shed with a new 12 ft. x 24 ft. (288 sq. ft.) single-car garage also serving as storage of yard equipment and tools. Applicant is requesting: (a) an allowance of a detached garage to be in the front yard; (b) a front yard setback of 1.3 ft. in lieu of the 40 ft. required; (c) a side yard setback of 10 ft. in lieu of the 15 ft. required to the garage and (d) a total side yard setback of 17.3 ft. in lieu of the 35 ft. required.

The applicant is asking for a variance to replace an existing 10 ft. x 12 ft. shed with a 12 ft. x 24 ft. single car garage that would be large enough for a second car and yard equipment. This could be seen as an improvement to the property. After a brief discussion, Mr. Quick recommended *approval* of **ZBA Application #007-19** with the recommendation the applicant rotate the position of the shed so it can be placed as far back on the property as possible and to keep the removal of large trees to a minimum and that this is compatible with the neighborhood and consistent with Master Plan Category #1 (Residential - Very Low Density Single-Family); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Quick, Tepper and Totilo).

Ms. Dell suspended the Regular Meeting to take a 2 minute break in order to setup for the Public Hearing.

Ms. Dell called the meeting back to order and opened the Public Hearing. Ms. Dell introduced the first item for discussion.

PUBLIC HEARING BEGINS AT 7:00 P.M.

SUBDIVISION:

SUBDIVISION #4035 - 0 JUNE ROAD & HOWARD ROAD - HOME SWEET HOME, LLC:

Subdivision of property into three (3) parcels. The properties encompass a total area of approximately 31.75 acres and are located on the on the north side of June Road and the east side of Howard Road.

Ms. Dell explained the applicant will speak first and explain what they are seeking from the Planning Board. Staff will then speak to address the findings from the Environmental Protection Board's report. Mr. Richard Talamelli, Executive Director/Environmental Analyst, was invited to the meeting to discuss the report and answer questions but was unavailable. Dr. Woods will present in Mr. Talamelli's place to discuss the EPB report and also the Planning Board staff report. Finally, the public will be allowed to address the Planning Board.

Ms. Dell asked Ms. Godzeno to read the Legal Notice into the record as follows:

***LEGAL NOTICE
PLANNING BOARD
THE CITY OF STAMFORD***

Notice is hereby given that the STAMFORD PLANNING BOARD has received the following application for the subdivision of property into three (3) parcels for review at its January 29, 2019 Public Hearing at 7:00 p.m., Government Center, 4th Floor Cafeteria, 888 Washington Boulevard, Stamford, CT.

Subdivision Application #4035 - Home Sweet Home, LLC for the subdivision of property with Tax ID# 000-0297 into three (3) parcels. The properties encompass a total area of approximately 31.75 acres and are located on the on the north side of June Road and the east side of Howard Road.

Louis DiMarzo, of DiMarzo & Berezsky Land Surveyors & Civil Engineers, along with Martin Sands & Kim Sands, of Home Sweet Home, LLC; and Jay Fain, of Jay Fain & Associates, made a presentation and answered questions from the Board.

Mr. DiMarzo also submitted the certificate of mailing to the Planning Board.

Dr. Woods discussed EPB's report regarding the amount of land to be considered for the conservation easement and the Planning Board staff report and answered questions from the Board.

Ms. Dell then called for anyone from the public who would like to speak "In Favor" of the application. The following residents came forward:

Mr. Martin Sands - Advisor for Kim Sands, owner of Home Sweet Home, LLC: Mr. Sands spoke in more detail about the conservation easement including the following points:

- A large amount of taxes have been paid on this property;
- Wanting to have only 18% of the wetlands dedicated to an Open Space/Conservation Easement (Note: without stating any clear reasons why), and
- How it would look better for future buyers if the buffers were not included on the final subdivision map, even though the required wetlands are all identified.

Ms. Dell made a final call for anyone to speak “In Favor” of the application and there was no response.

Ms. Dell then called for anyone who wished to speak “Against” the application and there was no response.

Ms. Dell then called for anyone who wished to ask questions or make general comments. The following resident came forward:

Ms. Lela Kiernan: Ms. Kiernan spoke about conserving as much of the property as possible.

Ms. Dell made a last call for anyone to speak on the application and there was no response.

Ms. Dell asked the applicant if they had anything further to add. Mr. Fain and Ms. Sands made final statements supporting approval of this application.

Ms. Dell closed the public portion of the Public Hearing and Tabled the decision until the February 5, 2019 meeting.

Ms. Dell called for a 5 minute break to setup for the Capital Budget portion of the Public Hearing.

Ms. Dell continued the Public Hearing on the Capital Budget and read the item into the record as follows:

CAPITAL BUDGET:

In accordance with Section C-611.3 of the Stamford Charter, the Stamford Planning Board will hold a Public Hearing to hear public comments on the recommended Capital Budget for 2019-2020 and Capital Plan for 2020-2026.

Ms. Dell then asked Ms. Godzeno to read the Legal Notice into the record as follows:

***LEGAL NOTICE
PLANNING BOARD
THE CITY OF STAMFORD***

In accordance with Section C-611.3 of the Stamford Charter, the STAMFORD PLANNING BOARD will hold a Public Hearing on Tuesday, January 29, 2019 at 7:00 P.M. in the Government Center Building, 888 Washington Boulevard, 4th Floor Cafeteria, Stamford, CT to hear public comments on the recommended CAPITAL BUDGET FOR 2019-2020 and CAPITAL PLAN FOR 2020-2026. Copies of the budget document are available in the Land Use Bureau, 7th Floor, Government Center Building, during regular business hours, and at the Public Hearing.

Ms. Dell stated that the Public Hearing for the Capital Budget will work a bit different than most Public Hearings. Ms. Dell explained she would read down a list of line items to be discussed. If anyone would like to speak on any particular line item, they may come up to the podium and state their name, organization (if applicable) and address and discuss any concerns or ask questions.

As a note so everyone understands what is happening this year, the Safe Debt Limit was originally set at \$25M for the Capital Budget year. Due to the mold situation with outside agencies, the Government Center and the Board of Education, the amount was adjusted so now the Capital Budget is at \$50M. But what is happening is we are still keeping the original Capital budget within the \$25M or below range. What has been thought to do as a Planning Board is anything that has been considered mold-related will be put into a Tier 5. Tier 5 is not considered the lowest tier; it is just a tier we are putting through for the additional \$25M that was allocated under the new Safe Debt Limit. The remainder of the items being asked for in the budgets will then be allowed under the \$25M. There will be a \$50M budget but we are segregating it as to basic Capital needs and Capital needs required because of a possible mold situation. We will deliberate on the final budget next week at the February 5, 2019 meeting and everyone will know what requests have been placed in Tier 5 and they will let us know if any item(s) need to be adjusted.

Ms. Dell explained each Tier as follows:

Tier 1: Considered to be a major item that should be taken immediately under the \$25M.

Tier 2: If there are additional funds, these items should be considered.

Tier 3: These items will be pushed into an Out Year. It would be the Planning Board's decision that these items cannot be considered in the current Capital Budget year.

Ms. Dell introduced the first Capital Budget item.

The Board went through each Capital Budget item and discussed any changes, additions or deductions to prepare the budget for submission to the Mayor.

Ms. Dell closed the Public Hearing on the Capital Budget and reopened the Regular meeting.

Ms. Dell introduced the next item on the agenda.

ZONING BOARD OF APPEALS REFERRALS (Con't):

5. **ZBA APPLICATION #008-19 - OSCAR MUNOZ - 1114 SHIPPAN AVENUE - Variance of Table III, Appendix B:** Applicant owns a single-family residence with a detached one-car garage and would like to construct a second-story over the existing foot print. Applicant is requesting a 2.9 ft. side yard setback in lieu of the 6 ft. required. Applicant would like to build a second story addition an existing dwelling over the existing footprint. The hardship is that the structure is an existing non-conforming use. After a brief discussion, Mr. Tepper recommended *approval* of ***ZBA Application #008-19*** and that this is compatible with the neighborhood and consistent with Master Plan Category #3 (Residential - Low Density Multifamily); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).
6. **ZBA APPLICATION #009-19 - ADA AVXHI - 11 SELBY PLACE - Variance of Table III, Appendix B:** Applicant owns an existing single-family residence and would like to add a second story over the existing footprint. Applicant is requesting a 5.2 ft. side yard setback in lieu of the 6 ft. required. The applicant is requesting a side yard setback of 8 inches in order to add a second story to an existing dwelling. After a brief discussion, Mr. Levin recommended *approval* of ***ZBA Application #009-19*** and that this 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, Fishman, Godzeno, Tepper and Totilo).
7. **ZBA APPLICATION #010-19 - DIEGO QUINTERO - 429 WEST MAIN STREET - Variances and Special Exception:** Applicant owns and operates an automobile repair shop in a one-story commercial building with three (3) service bays. Applicant would like to construct an approximately 30 ft. x 15 ft. 8 in. addition (± 472 sq. ft.) to be used as a fourth (4th) service bay. Applicant is requesting the following variances:
 - Section 7-M: Rear yard setback in a commercial zone.
 - Table VI, Appendix B: Rear yard setback of 0.0 ft. in lieu of the 20 ft. required.
 - Section 10-A (Non-conforming Uses): Allow an existing three (3) bay service center to expand to four (4) bays; and to allow three (3) onsite parking spaces in lieu of the five (5) onsite parking spaces required.

Applicant would like to expand an existing building to four (4) bays. The Planning Board needs to decide if expanding the existing building to 4 bays would over burden this corner since this corner is already overburdened as the applicant states this is a narrow corner lot or being in a Master Plan commercial zone, would the impacts be minimal from a planning perspective.

After some discussion, Mr. Quick recommended **DENIAL** of **ZBA Application #010-19** due to overbuilding on the property and excessive repair bays. The Board also felt the reduction in parking is unacceptable since the expansion has been recommended for denial. The Board finds this request incompatible with the neighborhood and inconsistent with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Quick, Tepper and Totilo).

OLD BUSINESS:

Ms. Dell noted that with regard to the two Master Plan Amendment Applications MP #432 & MP #433 the neighbors filed an application against the two amendments.

Dr. Woods explained how the appeal process works with regard to petition signatures and proximity to the parcels affected in the Master Plan Amendments. Dr. Woods also stated that the appeal is on the agenda for the Board of Representative meeting tomorrow night for discussion and they will decide whether to go forward or not.

NEW BUSINESS:

Ms. Fishman spoke about the Board of Education meeting where Westover Elementary School held a “Thank you” ceremony to show appreciation to each City department and agency that helped with the mold and the move into the Elmcroft Road building. Ms. Fishman brought back pictures and notes prepared by the students.

Next regularly scheduled Planning Board meetings are:

February 5, 2019 - Regular Meeting

February 19, 2019 - Regular Meeting

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 9:00 p.m.

Respectfully Submitted,

Jennifer Godzeno, Secretary
Stamford Planning Board

NOTE: These proceedings were recorded on video and audio and are available for review in the Land Use Bureau located on the 7th Floor of the Government Center, 888 Washington Boulevard, during regular business hours.