

**STAMFORD PLANNING BOARD**  
**APPROVED MINUTES - TUESDAY, JUNE 25, 2019**  
REGULAR MEETING  
GOVERNMENT CENTER - 4TH FLOOR CAFETERIA  
888 WASHINGTON BLVD., STAMFORD, CT

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Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Michael Totilo and Michael Buccino (Arrived at 7:00 p.m.). Alternates: Roger Quick (Arrived at 7:00 p.m.). Absent: Jennifer Godzeno, Secretary & Voting Member; Claire Fishman and William Levin, Alternates. Present for staff: David W. Woods, PhD, AICP, Deputy Director of Planning. Other Staff present: James Minor, former Assistant Corporate Counsel and Garrett S. Bolella, PE, PTOE, Traffic Engineer - Transportation, Traffic & Parking Bureau

Ms. Dell called the meeting to order at 6:30 p.m. and introduced the members of the Board and staff present.

Ms. Dell called for a motion to bring forward the “Walk-on” item under Old Business for the Extension of Time for Subdivision #4038.

Mr. Tepper made a motion to bring forward the “Walk-on” item under Old Business for the Extension of Time for Subdivision #4038; seconded by Mr. Totilo and passed unanimously, 3-0 (Dell, Tepper and Totilo)

**OLD BUSINESS (WALK-ON):**

**SUBDIVISION #4038 - ND ACQUISITIONS LLC & HRC 201 II LLC - 201 HIGH RIDGE ROAD - Extension of Time:** Applicants are requesting a ninety (90) day extension of time in which to record the final map on the Stamford Land Records.

This was brought before the Board at the April 9, 2019 meeting and a 90-day extension was approved expiring on August 13, 2019. As discussed during the last meeting, it is expected the closing will take place within the next couple months, but perhaps not before the August deadline. Therefore, the applicant is requesting a second 90-day extension which would expire on November 11, 2019.

Lisa Feinberg, Attorney with Carmody Sandak Torrance Hennessey, made a presentation and was available to answer questions.

After a brief discussion, Mr. Tepper recommended **approval** of the additional 90-day Extension of Time to file the final map for Subdivision #4038; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 3-0 (Dell, Tepper and Totilo).

**REQUEST FOR AUTHORIZATION:**

- 1. REQUEST FOR APPROVAL OF EXCHANGE OF PROPERTY BETWEEN O&G INDUSTRIES, INC. AND THE CITY OF STAMFORD RELATED TO FST CV-09-5012574S AND PULASKI/ DAVENPORT STREET ROADWAY IMPROVEMENTS:** O&G owns property known as 72 Davenport Street, Stamford, CT, which is located adjacent to land owned by the City designated for the Roadway Improvement Project. The Law Department has successfully negotiated a settlement agreement with O&G Industries, Inc. (“O&G”) relative to civil action FST CV 09-5012574S resulting in an agreement between the City and O&G to exchange certain properties owned by each to one another in furtherance of and to implement the Roadway Improvement Project, the terms of which shall be memorialized in an exchange agreement, which is in progress. The Board of Representatives has previously approved the discontinuance of Waterside Place and Unnamed Highway by Resolution No. 3603; and has acquired property known as 74/76 Pulaski Street by negotiation or eminent domain of rights-of-way for the Pulaski Street, Greenwich Avenue, and Waterside Place Intersection Improvement Project by Resolution 3621 (collectively, the “Resolutions”) in furtherance of and to implement the Roadway Improvement Project.

The last 15 years or so the City, the Land Use Bureau and the Traffic Department have been working on the Pulaski/Davenport Street Roundabout and Roadway Improvements. In order to implement the final requirements for infrastructure improvements the City has entered into a tentative agreement for a land swap between the City and O&G Industries.

James Minor, former Assistant Corporate Counsel and Garrett Bolella of Transportation, Traffic & Parking Bureau made a presentation on why this land swap is important for this project and answered questions. (Please Note: From the City’s perspective the City is getting more than giving.)

After a brief discussion, Mr. Totilo recommended approval of the Exchange of property between O&G Industries, Inc. and The City of Stamford related To FST CV-09-5012574S And Pulaski/Davenport Street Roadway Improvements 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 Master Plan Category #10 (Shoreline Mixed-Use); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 3-0 (Dell, Tepper and Totilo)

**SUPPLEMENTAL CAPITAL PROJECT APPROPRIATION REQUEST:**

- 1. CITYWIDE TECHNOLOGY REPLACEMENT & UPGRADE - PROJECT #C65201 - \$15,273.00:** State of Connecticut provides matching funds to replace fourteen (14) desktop computers in the Emergency Communications Center. These units will replace existing computer assisted dispatch consoles that are approaching end-of-life.

After a brief discussion, Mr. Totilo recommended approval of the Citywide Technology Replacement & Upgrade - Project #C65201 in the amount of \$15,273.00 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; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 3-0 (Dell, Tepper and Totilo)

- 2. MOLD TASK FORCE (MTF) [Total Request - \$2,000,000.00]:** On October 29, 2018 the Mold Task Force was formed with the purpose of overseeing and actively managing the indoor air quality crisis within our Stamford Public School buildings. The MTF made the following commitments: (a) address the immediate mold conditions and the underlying water-intrusion issues; (b) design and implement medium to longer-term capital projects to remedy the building envelope and HVAC issues; and (c) design a proper ongoing maintenance structure to ensure that our buildings do not fall back into a state of disrepair. While we have not completed the first phase of surface mold cleaning in all of our buildings, we are at a point where "maintenance" is appropriately transitioning into "capital" upgrades. Some of these capital upgrades will be traditional projects that we design and bid out, while others will continue to have work done by construction management firms currently hired by the MTF and actively working in the buildings. The following schools will fall under this current request:

School	FY 18/19 Amount Fund Source: Bond (City)	Capital Forecast						Total
		FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24/25	
K.T. Murphy (#CPBM05)	\$1,000,000.00	0	0	0	0	0	0	\$1,000,000.00
Newfield (#CPBM06)	\$1,000,000.00	0	0	0	0	0	0	\$1,000,000.00
<b>Grand Total</b>	<b>\$2,000,000.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,000,000.00</b>

After a brief discussion, Mr. Tepper recommended approval of the Mold Task Force in the amount of \$2,000,000.00; however, for all future Supplemental Requests for the Mold Task Force the Planning Board will require more detailed information as to where the funds will be spent which has been the long-term policy for Capital Budget approval; 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; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 3-0 (Dell, Tepper and Totilo)

## **ZONING BOARD REFERRALS:**

1. **ZB APPLICATION #219-14 - SH ATLANTIC, LLC - ONE ATLANTIC STREET - Site & Architectural Plans and/or Requested Uses and Special Exception:** The applicant is requesting to convert up to 65,000± square feet of commercial office space into up to 77 residential units and mezzanine infill of 3,500± square feet pursuant to Section 10-H of the Stamford Zoning Regulations. The project will also include ground floor retail, limited onsite parking and associated site improvements.  
  
Lisa Feinberg and Jason Klein, Attorneys with Carmody Sandak Torrence Hennessey representing the applicant, made a presentation to the Board and answered questions. After some discussion, Mr. Totilo recommended **approval** of **ZB Application #219-14** and that this request is compatible with the neighborhood and consistent with the 2015 Master Plan; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 3-0 (Dell, Tepper and Totilo).
2. **ZB APPLICATION #219-10 - PACIFIC STREET FIREHOUSE, LLC - 670 & 686 PACIFIC STREET AND 171 HENRY STREET - Text Change:** The applicant is proposing to amend Article IV, Section 14 and Article III, Section 4 of the City of Stamford Zoning Regulations.
3. **ZB APPLICATION #219-11 - PACIFIC STREET FIREHOUSE, LLC - 670 & 686 PACIFIC STREET AND 171 HENRY STREET - Map Change:** The applicant is proposing to amend the zoning designation for properties currently in the R-MF zone to the NX-D zone.
4. **ZB APPLICATION #219-12 - PACIFIC STREET FIREHOUSE, LLC - 670 & 686 PACIFIC STREET AND 171 HENRY STREET - Site & Architectural Plans and/or Requested Uses, Special Exception and Coastal Site Plan Review:** The applicant is proposing to reuse the Firehouse and create more off-street parking. Applicant is also requesting a Special Exception for uses permitted under Section 7.3 for all additional uses under Subsection (D) and a Special Exception for a drive-through bank or pharmacy under definitions Section 28.8 for NX-D District subject to the Map Change application submitted herewith.

Item Nos. 2, 3, & 4 are together but were voted on separately. The applicant, BLT, purchased the historic South End firehouse at the corner of Pacific Street and Henry Street in 2017. When BLT acquired the building it was in dangerous disrepair. Since then BLT has totally renovated the building including keeping the historic façade.

Rachael Cain, Land Use & Real Estate Associate General Counsel for BLT, made a presentation on their application.

### Applicant's Summary of the Firehouse:

- The firehouse was vacated in 2002 and left empty for 17 years. During this time the City unsuccessfully pursued two RFPs to locate an entity willing to take on the remediation and restoration and the site fell into disrepair.
- In March of 2017, the applicant agreed to buy the building and began immediate structural repair and restoration as the building was in real danger of collapse.
- The applicant abated the hazardous materials in the building interior, created a new structural frame within the building, installed a new second floor (the prior floor had collapsed) installed a new roof, replaced windows and doors, and repointed the exterior bricks. The exterior of the building is now completely repaired and restored.
- The current applications largely govern the adaptive reuse of the structure which is in line with the City's and communities' stated goals of creating an active and accessible use on the site.

- The applicant solicited substantial public input for potential uses of the firehouse and now seeks approval to allow more flexible uses on the site. Virtually none of the suggested uses are allowed by the current zoning. More flexibility for uses will allow the applicant to better market the space to a potential tenant and thereby ensure the firehouse is able to attract and keep a vibrant and successful tenant.
- Additionally, the applicant has gone the extra step of acquiring adjacent properties to create a holistic site that can support a new use and to avoid any negative impact on the already-crowded street parking in the neighborhood.
- The NX-D District, recently adopted by the City, matches the size and scale of the adjacent neighborhood and is consistent with the Master Plan and the South End Study which specify that more retail is desired on Pacific Street.

After some discussion, Mr. Totilo recommended **approval** of **ZB Application #219-10** and that this request is compatible with the neighborhood and consistent with Master Plan Master Plan Category #4 (Residential - Medium Density Multifamily); Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).

After some discussion, Mr. Tepper recommended **approval** of **ZB Application #219-11** and that this request is compatible with the neighborhood and consistent with Master Plan Category #4 (Residential - Medium Density Multifamily); Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).

After some discussion, Mr. Totilo recommended **approval** of **Special Exception #1 (permitted uses under Section 7.3 - Historic Bonuses) requested in ZB Application #219-12** and that this request is compatible with the neighborhood, consistent with Master Plan Category #4 (Residential - Medium Density Multifamily) and compatible with the South End Neighborhood Study; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).

After considerable discussion, Mr. Tepper recommended **DENIAL** of **Special Exception #2 (Drive-through bank or pharmacy under definitions Section 28.8 for NX-D) requested in ZB Application #219-12** as the Board found the addition of a drive-through for a pharmacy or bank appended to this historic building would be impractical and would not conform to the area; it would make the neighborhood too congested. This request is incompatible with the neighborhood, inconsistent with Master Plan Category #4 (Residential - Medium Density Multifamily) and incompatible with the South End Neighborhood Study; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).

Items Nos. 5 and 6 were heard together. Richard Redniss and Ray Mazzeo, of Redniss and Mead, made a brief presentation regarding their proposed Text Change, Special Exception and General Development Plan application.

5. **ZB APPLICATION #219-16 - RICHARD REDNISS, (22 1<sup>st</sup> Corp) representing ROCKRIMMON COUNTRY CLUB - 2949 LONG RIDGE ROAD - Text Change:** The applicant is proposing to amend: [a] Article III Definition # 27 Country Clubs or Golf Clubs to include specific standards and the General Development Plan review process by Special Exception of the Zoning Board; [b] Article V, Section 19-3.2.e to exempt # 27 Country Clubs or Golf Clubs as well as # 67.5 Museum Complexes use from the Special Exception standards for uses within single family districts; and [c] Appendix A, Table I to change the permissions of the proposed use from Special Exception of the Zoning Board of Appeals (ZBA) (marked with an “A”) to Special Exception of the Zoning Board (marked with a “B”) in the RA-3, RA-2, RA-1, R-20, and R-10 zones and remove the use entirely from the R-7.5, C-L, C-G, C-I, and C-S Zones.

After a brief discussion, Mr. Totilo recommended **approval** of **ZB Application #219-16** and that this request is compatible with the neighborhood and consistent with the Master Plan for the Zoning Districts identified; Mr. Quick seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).

6. **ZB APPLICATION #219-17 - RICHARD REDNISS, (22 1<sup>st</sup> Corp) representing ROCKRIMMON COUNTRY CLUB - 2949 LONG RIDGE ROAD - Special Exception and General Development Plan (GDP):** The applicant is proposing renovations and minor additions to the main clubhouse and pool area, resurface existing tennis courts, addition of a tennis court, realignment of a portion of the parking area and renovation and realignment of portions of the golf course including the 18th Green, cart path and the practice range.

The Planning Board is generally not in favor of exempting the ZBA for developments in residential zones. Moreover, under very limited circumstances such as this, the Board does support the Text Change for Country Club and Golf Courses by Special Exception due to the size of the facility and the limited application of this Special Exception. However, the Board recommends that whenever an application is presented which changes jurisdiction from the ZBA to the Zoning Board then the ZBA needs to be advised of this change and why well in advance of the Zoning Board Public Hearing.

The Planning Board had a lengthy discussion about why the Zoning Board should exempt Country Clubs or Golf Clubs as well as Museum Complexes from the jurisdiction of the ZBA. The Planning Board was persuaded that in very limited cases for large-scale developments, such as the three (3) golf courses, the flexibility provided by the Zoning Board in approving a GDP is more appropriate.

After considerable discussion, Mr. Buccino recommended **approval** of **ZB Application #219-17** and that this request is compatible with the neighborhood and consistent with the Master Plan for the Zoning Districts identified; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).

**DISCUSSION PRIOR TO ZONING BOARD OF APPEALS (ZBA) REFERRALS:**

Given the changes over the last few years regarding the ZBA's granting of variances, Dr. Woods made a request to the Corporate Counsel's office for any guidelines the Planning Board should use in deciding what to refer to the ZBA that is consistent with the State courts, Section 19.d.(1) and (2) of the Zoning Ordinance, and the Master Plan. (Note: According to the State guidelines, variances should be rarely approved which has not been the case in Stamford.)

General Guidelines for Determining What is Not a Zoning Variance

1. Being an existing non-conformity does not form the basis for a hardship. You are already protected with a vested right to keep your existing use.
2. The desire to build a modern, new and bigger house are all personal desires and is not a legal hardship peculiar to the land.
3. Claiming the variance requested is "de-minimums" is not the basis for a hardship.
4. An owner is not entitled to a new modern and roomier house just because the old one is small and cramped by today's standards.
5. Being a small property alone does not justify a hardship claim, especially where there are many properties in the neighborhood which are equally undersized.
6. Expanding the nonconformity, which is in violation of the stated principals of the comprehensive plan of Stamford, is generally not allowed.
7. Family size does not count as a hardship.



The Planning Board had a discussion on the guidelines to determine what is not a Zoning variance. Dr. Woods led the discussion based on legal interpretation on the criteria and the Board spoke about the general Guidelines for review and comment to the ZBA.

**ZONING BOARD OF APPEALS REFERRALS:**

1. **ZBA APPLICATION #034-19 - 31 LIMERICK STREET - LUIS P. MENDOZA - Variance of Table III, Appendix B (Square footage on the lot which determines the number of families per lot):** The applicant owns an existing single-family dwelling and is proposing to build a 40 ft. x 19 ft. addition to the existing structure to convert the building into a two-family dwelling. Applicant is requesting an allowance of 5,857 sq. ft. for two (2) families in lieu of the 6,000 sq. ft. required for two (2) three-bedroom units.

The applicant is proposing to build a 40 ft. x 19 ft. addition to the existing structure to house another unit/family in an R-6 Zone (which is permitted). However, the applicant needs a variance due to being 143 feet shy of the 6,000 sq. ft. per unit required for a two-family dwelling. The variance requested is to allow 5,857 sq. ft. in lieu of the 6,000 sq. ft. required or 2.6% shy of conforming lot standard.

After a brief discussion, Mr. Totilo recommended *approval* of **ZBA Application #034-19** and that this request is compatible with the neighborhood and consistent with the Master Plan Category #3 (Residential - Low Density Multifamily); Mr. Quick seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).

2. **ZBA APPLICATION #035-19 - 171 DANNELL DRIVE - ALEX ETEMADFAR represented by KATIE WAGNER, QUESITED CONSULTING, LLC - Variance Section 7-6 (Area and Supplemental Regulations):** The applicant owns an existing single-family dwelling and has constructed a 10.52 ft. high retaining wall at the rear of the house and a 7.1 ft. high retaining wall on the side line. The applicant is requesting an allowance for the retaining wall constructed at the rear property line to remain at 10.52 ft. in lieu of the 8 ft. allowed and the retaining wall constructed on the side yard to remain at 7.1 ft. in lieu of the 6 ft. allowed.

The applicant already erected a 10.52 ft. retaining wall in lieu of 8 ft. allowed on the rear property line and a retaining wall of 7.1 ft. in lieu of the 6 ft. allowed on the side yard without getting a building permit. Outside the fact that these walls are already constructed the applicant is hoping for leniency by the Zoning Board of Appeals. Staff has no recommendation and will let the Planning Board discuss – if the ZBA denies this variance request, the property owner would be required to bring the retaining wall within the conforming height limits. [See Guideline #2 - This is a personal desire not required for the function of the house.]

After a brief discussion, Mr. Quick recommended the ZBA *Deny without Prejudice* **ZBA Application #035-19**. (This does not require the applicant to return to the Planning Board.) The Board recommended the applicant answer the question “why did they not build the two retaining walls to code?” And, for Zoning Enforcement, “what did they base their decision on to grant the variances without having a satisfactory answer to that question from the applicant.” (The Board considered Tabling this application and asking the applicant to come back before the Board and answer the question posed above. However, given a postponement would push this application to September, the Planning Board took the action it did.) This request is incompatible with the neighborhood and inconsistent with the 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, Buccino, Quick, Tepper and Totilo).

**NOTE:** This application was Withdrawn as it was discovered the application form had been completed incorrectly.

3. **ZBA APPLICATION #036-19 - 51 AULDWOOD ROAD - RAJ PATEL & ELIZABETH HERSHMAN - Variance of Table III, Appendix B:** The applicants own an existing 2½ story single-family dwelling with three (3) bedrooms, two (2) bathrooms and a detached garage. Applicant would like to construct a 25 ft. 4 in. x 25 ft. 4 in. (640 sq. ft.) addition to the rear portion of the structure. The addition includes a master bedroom with bathroom and guest bedroom with bathroom which would convert the dwelling into a four (4) bedroom and four (4) bathroom home. Applicant is requesting: [1] a side yard setback of 4.3 ft. in lieu of the 6 ft. required on the west side of the house to the new addition; [2] a side yard setback of .8 ft. in lieu of the 6 ft. required to the air conditioning condensers; [3] a total side yard setback of 8.8 ft. in lieu of the 12 ft. required to the air conditioning condensers and [4] 26.4% building coverage in lieu of the 25% required.

The applicant is requesting a variance for a side yard setback relief of 4.3 ft. in lieu of 6 ft. required for their new addition. However, the applicant is further asking for a setback of 8 in. in lieu of 6 ft. required to place air conditioning condensers right on the lot line. In addition, the applicant is requesting a slight increase in building coverage to 26.4% in lieu of 25% in this R7½ zoning district. Despite the erroneous claim that their hardship is necessary for a growing family, what the applicant is requesting is not consistent with the rest of the surrounding houses in the neighborhood and is incompatible with the goals of Master Plan Category #2 (Residential - Low Density Single-Family); nor is this request consistent with Guideline Nos. 1, 2, 3, 4, and 6.

After some discussion, Mr. Tepper recommended the Zoning Board of Appeals *approve the following variances applied for in ZBA Application #036-19:*

- Side yard setback of 4.3 ft. in lieu of the 6 ft. required on the west side of the house to the new addition.
- Total side yard setback of 8.8 ft. in lieu of the 12 ft. required to the air conditioning condensers.
- 26.4% building coverage in lieu of the 25% required.

The above requests are compatible with the neighborhood and consistent with the Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).

However, given the proposed location of the air conditioning condensers and after considerable discussion, Mr. Tepper recommended the Zoning Board of Appeals **DENY** *the following variance applied for in ZBA Application #036-19:*

- Side yard setback of .8 ft. in lieu of the 6 ft. required for placement of the air conditioning condensers.

The Planning Board's issues with the side yard setback are as follows:

- a. Placing the air conditioning condensers right on the side yard setback would clearly infringe on the neighboring house.
- b. The applicant has numerous other locations on their property that would not infringe on any neighbor.

The above request is incompatible with the neighborhood and inconsistent with the Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).

4. **ZBA APPLICATION #037-19 - 18 GRAY FARMS ROAD - ADAM & JESSICA AGOVINO represented by JOHN GUZA, JR. - Variance of Table III, Appendix B:** The applicant owns an existing 2½ story single family dwelling and is proposing to construct a 30 ft. x 20 ft. addition to extend the current living room and bedrooms to allow for more living space. Applicant is requesting a rear yard setback of 45 ft. in lieu of the 60 ft. required and for a side yard setback of 11.3 ft. in lieu of the 15 ft. required.

The applicant is proposing to build a 30 ft. x 20 ft. addition in Newfield requiring a variance for a rear yard setback of 45 ft. in lieu of 60 ft. and a side yard setback of 11.3 ft. in lieu of 15 ft. required. This is a very odd-shaped lot and the house was built prior to Zoning Regulations. Given the configuration of the house and the neighboring houses, the applicant is requesting to build their addition where it makes the most planning sense, will keep the historic structure and bring the building up to current code. In reality, the variances needed are not that extensive.

After a brief discussion, Mr. Totilo recommend *approval* of *ZBA Application #037-19* and it is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).

5. **ZBA APPLICATION #038-19 - 930 COVE ROAD - SKY VIEW BUILDINGS, LLC represented by ANTHONY STRAZZA, STRAZZA CONSULTING - Variance of Section 10A (Non-Conforming Uses) and Table III, Appendix B:** The applicant owns an existing two (2) story, four (4) family dwelling and would like to add a third (3rd) story over the existing second (2nd) story. Applicant is requesting an allowance of a third (3rd) story expansion of an existing non-conforming four (4) family dwelling and requesting a front yard setback of 16.6 ft. in lieu of the 20 ft. required.

The applicant has an existing four (4) family residence in an R-5 (Multifamily Medium Density Design District) zone. If the ZBA denies this request, the applicant would not exacerbate an existing non-conforming four (4) family dwelling. The applicant wrongly contends that they will be “denied reasonable use of the property if we are not allowed to add a third story which is allowed in an R-5 Zone.” From Staff’s perspective, the reasonable use is the continuance of a legal non-conforming residence [Guideline #1]. However, the Planning Board should weigh whether to recommend the ZBA approve the variances requested for a front yard setback of 16.6 ft. in lieu of 20 ft. required and minimum frontage of 55 ft. in lieu of 60 ft. required which are not out of line with the neighborhood and could possibly make the existing four (4) family residence function better. If the Planning Board agrees with the applicant, then the Board should recommend approval [Not consistent with Guideline Nos. 1, 2, and 4]. However, given this is an existing four (4) family residence, Staff questions any addition proposal requiring variances and the reasoning for such addition. Just because the underlying Zoning allows for three (3) story residences does not mean it should be allowed and should only be approved if the applicant can meet all the conforming regulations.

Paul Gudas and Alex Patten from Skyview Builders came before the Board and made a brief presentation on what was being proposed and how it is compatible with the neighborhood.

After a brief discussion, Mr. Tepper recommend *approval* of *ZBA Application #038-19 with the condition the building contain a maximum of 4 dwelling units* and it is compatible with the neighborhood and consistent with Master Plan Category #3 (Residential - Low Density Multifamily); Mr. Quick seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Quick, Tepper and Totilo).

6. **ZBA APPLICATION #039-19 - 10 LEDGE TERRACE - EDWARD DARCANGELIS represented by JUAN P. PAREDES, P.E., JP ENGINEERING - Variance of Article III, Section 4-AA/2/2.4:** The applicant owns an existing single-family dwelling with paved driveway and patios. Applicant is proposing to construct: [1] a 48 sq. ft. addition to the attached one (1) car



garage which will encroach into front setback approximately 2 ft. and [2] a 44 sq. ft. portico to the single-family dwelling which will encroach into the front yard setback approximately 9.8 ft. Applicant is requesting: [1] a front yard setback of 27.7 ft. to the portico in lieu of the 30 ft. required; [2] a street centerline setback of 44.9 ft. to the portico in lieu of the 55 ft. required and [3] a street centerline setback of 52.7 ft. to the new addition in lieu of the 55 ft. required.

The applicant is requesting a variance to allow a one (1) car garage and to put in a front portico similar to the neighboring properties. Based on the topography of the site and the architectural character of the neighboring houses, the variances the applicant is requesting do not appear to be out of line.

After a brief discussion, Mr. Buccino recommend *approval* of **ZBA Application #039-19** and it 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, Buccino, Quick, Tepper and Totilo).

**PLANNING BOARD MEETING MINUTES:**

**March 19, 2019** (Tabled from April 9, April 23, May 7, May 21 and June 4, 2019) - If a quorum

After a brief discussion, Mr. Tepper moved to recommend approval of the Planning Board Minutes of May 21, 2019; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 3-0 (Dell, Tepper and Totilo). (Ms. Dell was absent at the March 19, 2019 meeting but viewed the video tape of the meeting which made her eligible to vote; Mr. Buccino and Mr. Quick were ineligible to vote as they were absent at the March 19, 2019 meeting.)

**June 4, 2019:** After a brief discussion, Mr. Buccino moved to recommend approval of the Planning Board Minutes of June 4, 2019; Mr. Quick seconded the motion, and passed unanimously with eligible members present voting, 4-0 (Dell, Buccino, Quick and Tepper). (Mr. Totilo was ineligible to vote as he was absent at the June 4, 2019 meeting.)

**NEW BUSINESS:**

**Emergency Contact List.** Discuss the possibility of each Board member providing a name and phone number to contact in the event the Board member is unreachable.

Next regularly scheduled Planning Board meeting is:

***No Meetings Scheduled for July - Planning Board on Hiatus***

August 6, 2019

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 9:17 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.*