

STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, OCTOBER 29, 2019
REGULAR MEETING
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; Michael Buccino and Michael Totilo. Alternates: William Levin and Claire Fishman. Absent: Jennifer Godzeno, Secretary. 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 introduced the first item on the agenda.

PLANNING BOARD MEETING MINUTES:

10/8/19: After a brief discussion, Mr. Buccino moved to recommend approval of the Planning Board Regular Meeting Minutes of October 8, 2019; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 4-0 (Dell, Buccino, Tepper and Totilo). (Ms. Fishman and Mr. Levin were ineligible to vote as they were absent at the October 8, 2019 meeting.)

10/22/19: After a brief discussion, Mr. Buccino moved to recommend approval of the Planning Board Regular Meeting Minutes of October 22, 2019; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Fishman, Tepper and Totilo). (Mr. Levin was ineligible to vote as he was absent at the October 8, 2019 meeting.)

REQUEST FOR AUTHORIZATION:

- 1. LEASE MODIFICATION AGREEMENT BETWEEN THE CITY OF STAMFORD & STAMFORD GOLF AUTHORITY/STERLING FARMS:** Sterling Farms notified the City of Stamford of its intent to extend its lease on November 21, 2018, as required under the original lease agreement dated March 26, 2007. Thereafter the City and Sterling Farms engaged in negotiations and agreed to modify some of the terms of the original lease as follows: **(a)** to extend the term of the lease until 2034; **(b)** to reduce the annual rental fee by half as of July 1, 2020 and **(c)** for Sterling Farms to create a sinking fund for future capital expenditures and to retire its outstanding debt as of September 1, 2019. All other terms of the original lease agreement will remain the same.

After a brief discussion, Mr. Tepper recommended approval of the Lease Modification Agreement between the City of Stamford and Stamford Golf Authority/Sterling Farms 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, 5-0 (Dell, Buccino, Levin, Tepper and Totilo).

- 2. AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF STAMFORD & THE HONORABLE JAMES A. HIMES:** Congressman Himes leases 966 sq. ft. of office space on the 10th floor of the Government Center for a monthly rent of \$1,796.47. This Amendment changes only the Term of the lease, which will now run through January 2, 2021. The remainder of the lease shall remain the same.

After a brief discussion, Ms. Fishman recommended approval of the Amendment to Lease Agreement between the City of Stamford & the Honorable James A. Himes 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, 5-0 (Dell, Buccino, Fishman, Tepper and Totilo).

ZONING BOARD REFERRALS:

1. **ZB APPLICATION #219-21 - THE STRAND/BRC GROUP, LLC & WALTER WHEELER DRIVE SPE, LLC - HARBOR POINT BLOCKS P3 & P6 - Special Exception:** Applicant is requesting approval to allow the Below Market Rate (BMR) requirement for the building to be satisfied by an alternative method of compliance pursuant to Section 7.4.C(4) of the Zoning Regulations. The applicant is applying to submit a fee-in-lieu in satisfaction of the BMR requirements. This was contemplated at the time of site plan approval for the related applications, as ZB Application #219-02, Condition #5.

NOTE: This project consists of two (2) residential buildings containing 180 units each. ZB Application #215-28A for the General Development Plan was approved on November 14, 2016 and ZB Application #219-02 for the Final Site Plan & Coastal Site Plan Review was approved on April 22, 2019.

Lisa Feinberg, Esq.; Carmody Torrance Sandak Hennessey, made a presentation and answered questions from the Board.

After Ms. Feinberg was finished, Ms. Dell requested that the Planning Board have the opportunity to discuss this issue before the other speakers address the Board.

After the Planning Board concluded their initial discussion, John Gottlieb, Rippowam Corporation (subsidiary of Charter Oak Communities); Bruce Heller, Chair, Inspirica and Joan Carty, President & CEO, Housing Development Fund made additional presentations to the Board and answered questions.

After considerable discussion, it was decided the Planning Board needed additional information and time for due diligence and **TABLED** this item until the November 19, 2019 meeting.

2. **ZB APPLICATION #211-23 (MOD) - PROCUREMENT, LLC - 816 HIGH RIDGE ROAD - Special Exception:** Applicant is requesting permission to modify ZB Application #211-23 to increase the 120 children capacity limitation to 152 children for the Child Day Care Center.

Staff reviewed the application materials and recommends approval with the recommendation the Zoning Board only approve the increase in the number of children to 152 for the Day Care Center. If the applicant wants the 17 additional children, the applicant would need to return to the Planning Board and Zoning Board for approval.

After a brief discussion, Mr. Buccino recommended **approval** of **ZB Application #211-23 (MOD)** with the recommendation the Zoning Board approve the allowance of 25 additional children for a total of 145 children. If the applicant would like approval for the additional 7 children for a total of 152 children, they would need to come back to the Planning and Zoning Boards. The Board found this request to be 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, Buccino, Fishman, Tepper and Totilo).

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #053-19 - JORDAN PINA CASTRO - 10 ORCHARD STREET - Motor Vehicle:** Applicant is renting the 2,098 sq. ft. one-story building which is presently used as a service garage. Applicant is seeking approval to continue the Motor Vehicle use and use the structure as a general automobile repair facility.

The applicant is requesting to continue an existing auto repair shop with new ownership. After a brief discussion, Mr. Totilo recommended **approval** of **ZBA Application #053-19** with the following recommendations: (1) the applicant keep regular business hours; (2) prohibit the operation of a car wash and (3) prohibit the operation of an auto body painting shop. The Board found this request to be 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, Fishman, Tepper and Totilo).

2. **ZBA APPLICATION #054-19 - DORIAN SKROBISZ representing ANORZEJ PIASCIK - 28 STONE STREET - Variance of Section 10 & Motor Vehicle:** Applicant operates an automobile repair facility in the one-story block manufacturing building. Applicant would like to reduce the existing automobile repair shop from two (2) bays to one (1) bay and from two (2) mechanics to one (1) mechanic. Applicant is seeking to expand a non-conforming use to allow a less intense automobile repair use without pumps which are required to be located in a building previously used for manufacturing.

The applicant appears to be moving towards conformity with the existing zoning code. After a brief discussion, Mr. Levin recommended *approval* of **ZBA Application #054-19** with the following recommendations: (1) the applicant keep regular business hours; (2) prohibit the operation of a car wash and (3) prohibit the operation of an auto body painting shop. The Board found this request to be 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, Levin, Tepper and Totilo).

3. **ZBA APPLICATION #056-019 - JASON KLEIN, CARMODY TORRANCE SANDAK HENNESSEY, LLP representing KATHLEEN SPELLMAN-AURICCHIO, TRUSTEE - 428 HALLIWELL DRIVE - Variance of Table III, Appendix B:** Applicant owns a 2½ story single-family residence with a deck, generator, air conditioning unit and associated site improvements. Applicant is requesting approval to allow the existing deck and air conditioning unit to remain on the property and allow replacement of the existing generator and is seeking the following variances: (a) a side yard setback of 6.2 ft. for the generator from the southerly lot line in lieu of the 10 ft. required; (b) a side yard setback of 7.6 ft. for the air conditioning unit from the southerly lot line in lieu of the 10 ft. required; (c) an 18 ft. setback from both side yard lot lines in lieu of the 20 ft. required; (d) a rear yard setback of 14.6 ft. for the deck in lieu of the 30 ft. required; and (e) a building area of 23.7% in lieu of the 20% permitted.

As stated above, this is an existing deck and air conditioning unit on a uniquely odd-shaped lot which the applicant hopes can be legalized by a variance for the deck and to replace the existing air conditioning unit on-site. After a brief discussion, Mr. Levin recommended *approval* of **ZBA Application #056-19** and that this request 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, Fishman, Tepper and Totilo).

OLD BUSINESS:

None.

NEW BUSINESS:

Next regularly scheduled Planning Board meetings are:

- November 12, 2019 - CAPITAL BUDGET & PUBLIC HEARING - Subdivision Regulations
(Meeting starts at 6:00 p.m. / Public Hearing starts at 7:30 p.m.)
- November 19, 2019 - Regular Meeting (Potential Capital Budget Call-back)

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 9:15 p.m.

Respectfully Submitted,

Jennifer Godzeno, Secretary
Stamford Planning Board

NOTE: These proceedings were recorded on video 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.