

**STAMFORD PLANNING BOARD
REGULAR MEETING
APPROVED MINUTES - TUESDAY, AUGUST 29, 2017
4TH FLOOR CAFETERIA, GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT**

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Claire Fishman, Secretary (Arrived at 6:40 p.m.); Jennifer Godzeno and Michael Totilo. Alternates: Michael Buccino and Roger Quick. Absent: William Levin, Alternate. Present for staff: David W. Woods, PhD, AICP, Principal Planner.

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.

ZONING BOARD OF APPEALS REFERRALS:

- 1. ZBA APPLICATION #036-17 - EIGHT 77 LONG RIDGE ROAD, LLC - 877 LONG RIDGE ROAD - Special Exception:** Applicant owns this property with a residential dwelling (approximately 5,120 sq. ft. gross area) and associated improvements, including a paved parking area, walkway, deck, and attached garage. Applicant is proposing to use the existing building as a Child Day Care Center (the “Center”) and is seeking permitted use in the R-10 Zone. The Center will serve up to thirty (30) students, ages 0-5 (pre-Kindergarten) between the hours of 7:00 a.m. and 6:00 p.m. The Center will operate Monday through Friday and will be closed on the weekends. The interior of the dwelling will be renovated to accommodate the proposed use. Interior and exterior renovations are proposed to accommodate this use, as well as new outdoor fencing and the installation of play area equipment. The garage will be converted to classroom space, handicap access will be provided and new windows and doors will be installed for additional safety and light. No physical expansion of the building footprint or square footage is proposed. The Center operator will not reside on the premises.

This existing house located at 877 Long Ridge Road is in an R-10 zone and Master Plan Category #2 (Residential - Low Density Single-Family). The applicant is requesting a Special Exception by the ZBA to operate a day care center for thirty (30) children with limited hours of operation from 7:00 a.m. to 6:00 p.m., Monday through Friday and closed on the weekends. Jacqueline Kaufman, of Carmody Torrence Sandak & Hennessey, will make a brief presentation and will be available to answer questions of the Board afterwards. This proposed day care center is located on Long Ridge Road across from a large acreage office park that is currently occupied by Nestlé Waters.

From a planning perspective, the City needs high quality, affordable child day care in this location which makes good sense especially given their hours of operation from 7:00 a.m. to 6:00 p.m. The Board recommends approval with the suggestion that the hours of operation be extended to 7:00 p.m. which allows a little more time for parents to pick up their child(ren) thus lessening the potential for the last minute traffic crunch. After a brief discussion, Ms. Godzeno recommended **approval** of **ZBA Application #036-17** and finds this request to be compatible with the neighborhood and consistent with the 2015 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, Fishman, Godzeno, Tepper and Totilo).

2. **ZBA APPLICATION #039-17 - SAINT JOHN'S LUTHERAN CHURCH ("SAINT JOHN'S") - 884 NEWFIELD AVENUE - Special Exception:** The property owner operates Saint John's which is used extensively by a diverse congregation with a membership that draws from most of Fairfield County. Saint John's hosts Sunday services, mid-week services and various other functions. The existing building consists of office space for staff, two (2) large meeting spaces, a music room, a library, numerous classrooms, a large kitchen, custodial workroom and a stand-alone Chapel. The applicant, Concordia Conservatory (the "Conservatory"), a division of Concordia College, would like to operate a community music school at Saint John's. The Conservatory anticipates it will enroll approximately one-hundred (100) students and the highest percentage of these students will receive private instruction and arrive one at a time. The anticipated student population will range in age from six (6) months through adults. The expected hours of operation will be Monday through Friday, 2:00 to 8:00 p.m. and on Thursdays from 9:00 a.m. to 12:00 p.m. Periodic music performances will be scheduled on some evenings, including weekends. The affected area is approximately 47 ft. x 23 ft. and all improvements will be made to the interior of this area. The only exterior improvement will be the addition of an Americans with Disabilities Act compliant handicap ramp. Saint John's at 884 Newfield Avenue is located adjacent to Trinity Catholic High School to the north and single-family houses to the south and west. This property is in Master Plan Category #1 (Residential - Very Low Density Single-family). Arlene Torres, Esq., General Counsel for Concordia College, made a brief presentation at the applicant's request to replace the former day care center, Gray Farms Nursery School (which has moved up to Cascade Road - Planning Board meeting on April 25, 2017), with the Concordia Conservatory. From a planning point of view, the model they presented would not have a major undue impact to the neighbors given this is a similar use that was approved before. After a brief discussion, Mr. Tepper recommended *approval* of **ZBA Application #039-17** with the suggestion that the Zoning Board of Appeals endorse the necessary approvals relating to public health and safety and finds this request to be compatible with the neighborhood and consistent with the 2015 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, Fishman, Godzeno, Tepper and Totilo).

Ms. Dell asked for a motion to move ZB Referral Item Nos. 2, 3 & 4 (ZB Application Nos. 217-42/43/44) after ZBA Referral Item #2 (ZBA Application #039-17). Mr. Tepper made the motion to move Zoning Board Referral Item Nos. 2, 3 & 4 (ZB Application Nos. 217-42/43/44); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

ZONING BOARD REFERRALS:

Raymond Mazzeo, of Redniss & Mead, made a brief presentation regarding the following three (3) agenda items which were presented together but acted upon individually.

The applicant is requesting the following two (2) Text Changes:

1. **ZB APPLIATION #217-42 - RICHARD REDNISS - 22 FIRST CORP. - 22 FIRST STREET- Text Change:** Applicant would like to amend Section 9-AAA-4-a-I and iv (MX-D Infill), Infill Development.

Applicant is asking for a Text Change to allow the site to be zoned as MX-D Infill development. After a brief discussion, Ms. Godzeno recommended *approval* of **ZB Application #217-42** and finds this request to be compatible with the neighborhood and consistent with the 2015 Master Plan Category #1 (Residential - Very 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).

2. ZB APPLIATION #217-43 - HERALD REALTY III, LLC - 100 PROSPECT STREET - Map Change: Applicant is proposing a Zoning Map change from C-L zoning district to MX-D zoning district to create thirty-two (32) additional units along with related amenities.

If Text Change #1 is approved, the applicant is asking for a Zoning Map change from C-L Zone (Limited Commercial) to MX-D Zone (Mixed-Use Infill) [This will allow a more dense development where appropriate either within walking distance to the train station or in Downtown specifically converting under-utilized buildings in the Downtown area] to create thirty-two (32) units. After a brief discussion, Mr. Totilo recommended *approval* of **ZB Application #217-43** and finds this request to be compatible with the neighborhood and consistent with the 2015 Master Plan Category #1 (Residential - Very 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).

The applicant is requesting the following two (2) Special Exceptions:

3. ZB APPLIATION #217-44 - HERALD REALTY III, LLC - 100 PROSPECT STREET - Special Exception and Site & Architectural Plans and/or Requested Uses: Applicant is requesting approval to add thirty-two (32) units and additional amenity spaces to an existing building previously approved for conversion from commercial to residential. The addition of the thirty-two (32) residential units on the 5th floor of the building will result in a total of one hundred twenty-six (126) residential units including the existing units. The Special Exception application requests a parking standard of one (1) parking space per unit for units with two (2) bedrooms or less pursuant to Section 12-D-1-c and the ability to use alternate means of compliance for the Below Market Rate requirement pursuant to Section 7.4-C-4.

A. Approval of the parking standard that is consistent with the existing converted building which is one parking space per unit. (All studio apartments with a few one-bedroom units). The parking standard for this building is currently one parking space per unit. Since these are almost all studio apartments and a few one-bedroom units, this proposal is for the same level of unit size which makes sense to be consistent for these new developments.

B. To allow for alternative means of compliance. The applicant is requesting the BMR units be onsite with continued discussion of possible alternative means of compliance. If the Planning Board recommends approval of this Special Exception (which is based on the BMR units being located on site), Mr. Mazzeo stated that they are working with the applicant, Herald Realty III, LLC, on a possible alternative means of compliance and will come back to the Planning Board for a recommended revision.

After some discussion, Mr. Totilo recommended *approval* of **ZB Application #217-44** with the recommendation the Zoning Board require all residential parking to be made available to residents free of any additional charges or fees; and finds this request to be compatible with the neighborhood and consistent with the 2015 Master Plan Category #11 (Downtown); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

ZONING BOARD OF APPEALS REFERRALS (Continued):

3. ZBA APPLICATION #034-17 - POST ROAD IV, LLC - 236 WEST MAIN STREET: Applicant owns a vacant parcel of 6,189 sq. ft. in area and would like to construct a 2-story building providing retail commercial space on the first floor and two [2] residential units on the second floor. Applicant is requesting variances of the following:

Table III, Appendix B: (1) a front yard setback of 0 ft. on West Main Street and Ann Street in lieu of the 10 ft. required; (2) a center line setback of 26 ft. on West Main Street and 20 ft. on Ann Street in lieu of the 35 ft. required; (3) 0 ft. setback on the east property line in lieu of the 6 ft. required;

Section 12B(1): (4) allowance to park up to the side yard and rear yard property lines in lieu of the required 3 ft.; and

Section 12C: (5) permission to park 0 ft. from the street property line along Ann Street in lieu of the 10 ft. required.

The applicant is requesting a variance to build a 2-story small mixed-use infill building on West Main Street & Ann Street in Master Plan Category #6 (Commercial - Neighborhood). This proposed use would have retail on the first floor on West Main Street and two residences above. From a planning perspective, this infill type development (similar to V-C zoning) should be encouraged although the applicant requires a number of variances for construction of this building. After a brief discussion, Mr. Totilo recommended *approval* of **ZBA Application #034-17** and finds this request to be compatible with the neighborhood and consistent with the 2015 Master Plan Category #6 (Commercial - Neighborhood); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

4. **ZBA APPLICATION #035-17 - RYAN ANNE I REVOCABLE TRUST - 0 SHIPPAN AVENUE - Variance of Table III, Appendix B**:

Applicant owns an existing vacant lot and would like to construct a new 2½-story residence approximately 71 ft. x 36 ft. Applicant is requesting a front yard setback of 16 ft. in lieu of the 30 ft. required. Since this is a narrow corner lot with two (2) front yards, staff agrees with the applicant that this parcel is slightly too small to meet set back requirements in an R-7½ zone. The applicant is requesting only the minimal number of variances needed to construct a house compatible with the neighborhood and one which will be smaller than the surrounding homes. After a brief discussion, Mr. Tepper recommended *approval* of **ZBA Application #035-17** and finds this request to be compatible with the neighborhood and consistent with the 2015 Master Plan Category #2 (Residential - Low Density Single-Family); Ms. Fishman seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

5. **ZBA APPLICATION #037-17 - PRIYA GAWANDE - 36 EMMA ROAD - Variance of Table III, Appendix B**:

Applicant owns a single-family dwelling and would like to install a covered entrance to the basement and place two (2) air conditioning condensers on the property. Applicant is requesting: (1) a side yard setback of 5.8 ft. to the covered basement entrance in lieu of the 10 ft. required; and (2) a side yard setback of 7.5 ft. to the air conditioning condensers in lieu of the 10 ft. required. Even though this is a self-created hardship due to the installation of the air conditioning condensers encroaching on the side yard setback, the applicant needs this variance to keep them in this location otherwise they would be required to move them to the backyard at great expense. (Although, not really the Planning Board's or ZBA's problem.) The condensers are located on the side of the house that is well secluded by a row of trees between the houses which softens impact to the neighborhood. After a brief discussion, Mr. Tepper recommended the Zoning Board of Appeals **DENY ZBA Application #037-17** as this is a self-created hardship based on the fact that permits were not issued for either the two (2) air conditioning condensers nor the bulkhead door and recommends that both be removed and finds this application does not keep with the character of the neighborhood and is inconsistent with the 2015 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, Fishman, Godzeno, Tepper and Totilo).

6. **ZBA APPLICATION #038-17 - POLYMER PLAZA ASSOCIATES, LTD PT NSP - 595 SUMMER STREET - Variance of Table III, Appendix B:** Applicant owns an office building on this property and would like to replace an existing monument sign (28 sq. ft.) with a new sign of a different shape. (23.33 sq. ft.) Applicant is requesting a front setback of .90 ft. in lieu of the 10 ft. required. The sign is consistent with the neighboring signs in this commercial district (C-L) and is replacing an existing sign which will be smaller in dimensions but offer more visibility. After a brief discussion, Mr. Tepper recommended *approval* of *ZBA Application #038-17* and finds this request to be compatible with the neighborhood and consistent with the 2015 Master Plan Category #11 (Downtown); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

REQUEST FOR AUTHORIZATION

SUPPLEMENTAL CAPITAL PROJECT APPROPRIATION REQUEST:

AFFORDABLE HOUSING ZONING INITIATIVE - PROJECT #C46580: Funding for affordable housing from developers who choose to make a payment into this fund rather than constructing some or all of their obligations for affordable housing under Stamford's Inclusionary Zoning Regulations. One payment has been received from 965 Hope, LLC as follows: \$76,154.00 for a fractional unit at 965 Hope Street. The appropriated funds will be used to finance affordable housing developments. The City is working to become more transparent on the BMR program and the first step towards doing this is for the Planning Board to recommend approval for funds it receives under the Inclusionary Zoning Regulations Section 7.4. After a brief discussion, Mr. Tepper moved to *approve* the Affordable Housing Zoning Initiative - Project #C46580 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 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. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

ZONING BOARD REFERRALS (Continued):

4. **ZB APPLICATION #217-25 - 159 GROVE STREET, LLC - 159 GROVE STREET - Special Exception and Site & Architectural Plans and/or Requested Uses:** Applicant is proposing to construct an addition to an existing historical building (Section 7.3) to develop into a total of four (4) residential units. Property is within the RM-F zoning district.

The purpose of Section 7.3 Special Exception Uses for Historic Buildings "is to encourage the preservation, rehabilitation, enhancement and adaptive re-use of historic buildings." The applicant, 159 Grove Street, LLC, is seeking this Special Exception for permission to build four (4) residential units in this historic house that was built in 1889. These four (4) units consist of two (2) existing units in the front of the house and two (2) new units to be constructed at the back of the house. Joseph Capalbo, attorney for the applicant, brought this application to HPAC at its July 12, 2017 meeting and HPAC has no issues with the Zoning Board granting this Special Exception for an historic building request. The Planning Board confirms the preservation of an historic building with a bonus of two (2) additional housing units in an RM-F Zone. Except for the proposed unnecessary expansion into the sideyard setback, it is compatible with the neighborhood and consistent with Master Plan Category #5 (Residential - High Density Multifamily). After some discussion, Mr. Tepper recommended the Zoning Board **DENY ZB Application #217-25** given that the applicant is able to build the two (2) additional units without exacerbating the existing nonconforming side yard setback and should be required to build within the existing boundaries; 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:

Meeting of 08/08/17: After a brief discussion, Mr. Tepper moved to recommend approval of the Planning Board Minutes of August 8, 2017; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Buccino, Dell, Godzeno, Tepper and Totilo) (Ms. Fishman was absent and not eligible to vote.)

OLD BUSINESS:

Ms. Dell announced that BLT has withdrawn without prejudice Master Plan Amendment #424 in order to meet with the NRZ and staff. Dr. Woods pointed out that it was not clear at the conclusion of the June 26, 2017 Public Hearing whether the Planning Board had moved to close the public comments and was only closed by the Chair. Roberts Rules of Order addresses that the whole Board, by a super majority, may move to re-open the Public Hearing closed by the Chair as a continuance of the Public Hearing. Dr. Woods recommend that the Board do this so when the amendment comes up in a future meeting, not yet determined, it would be advertised as either a continuance of the previous Public Hearing or as a new Public Hearing based on whether BLT submits a new application. Thus, this would assure the public that they would be able to speak if they desire. After a brief discussion, Mr. Totilo moved to re-open the Public Hearing on Master Plan Amendment #424; Ms. Godzeno seconded the motion and passed unanimously with eligible members voting, 5-0 (Dell, Fishman, Godzeno, Tepper and Totilo).

NEW BUSINESS:

Next regularly scheduled Planning Board meeting is:
09/12/17

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 8:30 p.m.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

NOTE: These proceedings were recorded on video only as there were technical difficulties with the audio equipment and it is available for review in the Land Use Bureau located on the 7th Floor of the Government Center, 888 Washington Boulevard, during regular business hours.