

STAMFORD PLANNING BOARD
REGULAR MEETING MINUTES # 3736
TUESDAY, JANUARY 31, 2012
7TH FLOOR LAND USE CONFERENCE AREA
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Theresa Dell, Dudley Williams, Michael Totilo, Claire Fishman, Jay Tepper and Zbigniew Naumowicz. Present for staff was Todd Dumais.

Mrs. Dell opened the meeting at 7:30pm and asked for a motion to make accept the revised Agenda. Mr. Williams moved to accept the revised Agenda. Mr. Totilo seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Tepper).

Zoning Board Referrals:

ZB Appl. 211-45 – Text Change - CHELSEA PIERS OF CONNECTICUT, LLC, STAMFORD EXIT 9 II, LLC to amend Article III, Section 9 M-D Designed Industrial District, BBBB subsection 3-b signage standards for the MD district and to amend Article IV Section 14-M and Section 14-O regarding the sale of alcoholic liquors.

Attorney William Hennessey, for the Applicant, introduced David Tookberry, Principle Chelsea Piers. Board Member Totilo recused himself on this application and left the table.

Attorney Hennessey described zoning history on this site and how the M-D zone was created for this site back in 1960's to address how you make a product and move trucks in/out. He described the property location on Blachley, Cove and that site is hidden from everyday traffic. Mr. Hennessey then explained the history of Chelsea Piers founding in NYC and the current status of the Chelsea Piers structures located on the site, with NBC Sports being the other tenant. He also noted that there is a lot of real estate as a buffer between the neighbors.

Attorney Hennessey said that one of the components of the proposed text change regards the sale of liquor. He noted that unlike in other design districts, in the M-D zone there is still a separation on distances of the sale of alcohol and noted that over time this has been erased from the design districts. Mr. Hennessey then explained that they are asking to add the M-D zone to the permitted zones that are exempt from Section 14. He advised the Board that every use in this zone is examined by the Zoning Board.

Mrs. Dell stated liquor is allowed in various areas/sections of clubs but she's not sure if this is the place to have clubs. Attorney Hennessey said this exempts Café's and restaurants and that's not what she's worried about.

Mrs. Dell asked about signage. Attorney Hennessey explained the proposed signage text amendment and how existing M-D text doesn't work. Neither tenant has a need or design for lots of signage but they both are interested in making the building look more fun and exciting. Mr. Hennessey stated that this language does not permit any roof mounted signage.

After a brief discussion Mr. Williams moved to recommend approval of the text change application. Mrs. Fishman seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Tepper and Naumowicz).

ZB Appl. 212-01 Seaboard Hotel Associates Special Exception request to amend Condition of Approval #20 of applications 208-29 and 208-30.

Attorney Hennessey representing the Applicant explained this is a simple application requesting the amendment of a 2008 approval for a Courtyard Marriott expansion on Atlantic Street that included 100 hotel rooms and 54 apartments with some commercial space. After the application was approved the economy melted down. Mr. Hennessey stated that in the Certificate of Decision, the Zoning Board only permitted the approval to be valid for 1 year with two available 1 year extensions. This is contrary to what is permitted in the regulations, he noted but now the new owners, Seaboard Development, want to preserve the existing plan of development. Applicant is asking the Zoning Board to modify the plan which existed in 2008 to be entitled to three 1-year extensions which means they have until February 24, 2013 to obtain a building permit. Attorney Hennessey further described the described the site plan to the Board.

After a brief discussion Mr. Williams moved to recommend approval of the special exception application. Mr. Naumowicz seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Naumowicz).

Zoning Board of Appeals Referrals:

ZBA Appl. 006-12 – King Low Heywood Thomas School, Inc. requesting modification of previous Special Exception approvals to perform interior and exterior modifications to the upper school building; remove two existing tennis courts and replace them with a playground, sports court and other landscape features; and create 38 new parking spaces south of the lower school all located on the King Low Heywood School campus at 1450 Newfield Avenue in a RA-1 zone.

Attorney Hennessey spoke for the Applicant. He described the King School and its 34 acre site, explaining how every year the school undertakes a infrastructure improvement project and they go to Jim Lunney, ZEO, to determine if work requires Zoning Board of Appeals approval. He explained how this summer's planned work has to do with the upper school where they want to make the building a bit more modern looking on the outside with some changes to the building entrance. The requested changes are hundreds of feet from any abutting residence and require a modest FAR increase to cut the floor away to add a new area; interior space of 3,000 s.f.. Mr. Hennessey also explained how just south of the school are two tennis courts which they want to make into a nice playground, educational garden and picnic area. It's internal to the site and adds a nice use to the property, this along with a new 38 space parking lot are the changes proposed.

After a brief discussion Mrs. Fishman moved to recommend approval of the variance. Mr. Williams seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Tepper).

ZBA Appl. 011-12 – Zissis requesting variance of Section 6 to permit an accessory structure to be located in a side yard and a Special Exception to permit the accessory structure to exceed fifteen feet in height on a property located at 56 Mather Road in a RA-1 zone.

Richard Redniss, Planner for the Applicant, described the house additions but it's in a flood plain and they can't improve the exterior structure by more than 50%. Wanted the garage to be tall because they need to store things out of the floor area and owner works on cars by jacking them up. The ZEO made a determination that a piece of the garage is a side yard and regulations don't allow it. Mr. Redniss described that the applicant is seeking a special exception and variance of 25' height and for the structure to be allowed in a side-yard.

After a brief discussion Mr. Williams moved to recommend approval of the variance. Mr. Naumowicz seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Naumowicz).

ZB Appl. 211-36 – Text Change, Goldstein (DSSD) to Amend Article III, Section 7-Q and Article IV Section 12-D-1 to add language regarding changes to open space and parking requirement in the C-G and CC-N districts.

Mr. Dumais described the requested text change and the definition of Parking Management Plan. He explained how staff worked with the applicant on the wording and was comfortable with what was proposed. Mr. Redniss said the Board would see a plan in the next few weeks which contains a six-level garage and a 1 to 1 self parking area.

After a brief discussion Mr. Williams moved to recommend approval of the text change application. Mr. Tepper seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Tepper).

Mrs. Dell announced that the Board would take a 5 minute break.

Subdivision #3986, 301 Haviland Road, request to modify Note 12 of the filed subdivision map.

Mr. Dumais described the request. After a brief discussion Mr. Totilo moved to recommend approval of the subdivision not modification request. Mrs. Fishman seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Naumowicz).

Subdivision #3860, Chestnut Hills Properties, LLC, request to modify condition 10 of Planning Board Certificate #3986.

After a brief discussion Mr. Tepper moved to recommend approval of the subdivision condition modification. Mr. Totilo seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Tepper).

Zoning Board of Appeals Referrals:

ZBA Appl. 002-12 – Barker requesting Special Exception approval to upgrade an existing Group Day Care to a Child Day Care Center located at 18/20 Edgewood Avenue in a R-7½ zone.

Mr. Dumais described the application. Several Board members stated that the request was too intense and out of character with the neighborhood. After a brief discussion Mr. Williams moved to recommend denial of the special exception. Mr. Naumowicz seconded the motion carried unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Naumowicz).

ZBA Appl. 008-12 – Reverend Joseph Charles requesting variances of Table III, Appendix B, lot frontage, residential density, and building height to allow reconstruction of an existing building to include a new third story and third unit at a property having an address of 108-110 Frederick Street located in a R-5 zone.

Several Board members stated that this was an excessive request. After a brief discussion that the requested variance was excessive and too close to the side setback, Mrs. Fishman moved to recommend denial of the variance. Mr. Williams seconded the motion carried unanimously the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Tepper).

ZBA Appl. 009-12 – Clarks Hill Shopping, LLC requesting a variance of Table IV, Appendix B, building coverage, to allow an existing building, awning and walk-in refrigerator to remain on a property having an address of 806 East Main Street, located in a C-N zone.

After a brief discussion this item was postponed to the next meeting because the Board requested more information from Staff.

ZBA Appl. 010-12 – Katz requesting variance of Section 6A to permit a generator to be located in a front yard of a property having an address of 192 Lyman Road in a RA-1 zone.

After a brief discussion, Mrs. Fishman moved to recommend approval of the variance. Mr. Totilo seconded the motion and the application was unanimously approved with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Naumowicz).

Planning Board Meeting Minutes:

Minutes of December 20, 2011

Mr. Williams moved to approve the minutes as submitted. Mrs. Fishman seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Tepper).

Minutes of December 13, 2011

Mr. Williams abstained from voting. Mr. Naumowicz moved to approve the minutes as submitted. Mr. Totilo seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Totilo, Naumowicz and Tepper).

Minutes of September 6, 2011

Discussion on the September 6 meeting minutes was table to a future date.

Old Business

Board Discussion of the Capital Budget 2012/2013 & Capital Plan

Mrs. Dell had the Board discuss the upcoming meeting regarding the Capital Budget and reminded the Board that the Public Hearing would be held next week. Mr. Dumais distributed the latest version of the draft Budget book along with the message transmittal and asked the Board for input regarding its content. The Board read through the message and requested that it be made clear that this was a year where outside agencies should receive a priority and a statement regarding the AUI be included.

Subdivision #3999, 54 Research Drive, request a 90-day extension of time to file the final subdivision map.

Mr. Dumais described the request as a routine extension of time request. After a brief discussion, Mr. Tepper moved to recommend approval of the time extension. Mr. Williams seconded the motion and the application was unanimously approved with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Tepper).

New Business

Mrs. Dell announced that she would like the Board to begin its meetings at 7:00pm. Mr. Williams moved to recommend approval of the time change for regular meetings to begin at 7:00pm and Public Hearings to begin at 7:30pm. Mr. Naumowicz seconded the motion and it was unanimously approved with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Naumowicz).

The Board Members asked Staff that when the Zoning Board approves a text change, they send the Planning Board a copy of the final text version.

Mr. Totilo moved to request a letter from the Zoning Board on notification of text change language approvals come back to the Planning Board. Mrs. Fishman seconded the motion and it was unanimously approved with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Totilo and Naumowicz).

There being no further business to discuss, Mrs. Dell adjourned the meeting at 9:45 pm.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

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