

STAMFORD PLANNING BOARD
REGULAR MEETING MINUTES #3761
TUESDAY, OCTOBER 2, 2012
7TH FLOOR LAND USE CONFERENCE AREA,
GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT

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

Mrs. Dell called the meeting to order at 7:00pm.

Regular Meeting

Master Plan Map Amendment:

MP 418 - 710A LONG RIDGE, LLC, to amend the Master Plan Map from Land Use Category 2 – Low Density Single-Family to Land Use Category 8 – Commercial Campus for approximately 6 acres of property located on the west side of Long Ridge Road known as Lot 20B Long Ridge Road.

Mrs. Dell opened the meeting on this matter and explained the need for a revote due to an error. Alternate Naumowicz was present at the Public Hearing and not Alternate Tepper. When Board Member Williams recused himself from the vote and Alternate Tepper seated, he was not at the original public hearing, hadn't listened to the tapes and was ineligible to vote. Tonight the Board will handle the issue as if it was the first time discussion this and revote.

Mr. Dumais provided the Board with the following summary of the Public Hearing:

The applicant 710A Long Ridge, LLC, requests an amendment of the Master Plan Map from Category 2 (Residential – Low Density Single Family) to Category 8 (Commercial – Campus Office), for parcel known as Lot 20B Long Ridge Road, comprising an area of approximately 6 acres. Undeveloped parcels containing approximately 4.19 acres of conservation easement area of which approximately 1.37 acres is identified wetlands and is currently zoned R-20 single-family residential and is surrounded by R-20 residential zoned (Master Plan Category 2) properties to the north, south and east; RA-1 residentially zoned (Master Plan Category 1 & 17) property to the southwest; and C-D commercial zoned (Master Plan Category 8) properties to the west and north west. The Board should note that while a significant portion of the surround properties are zoned residential and in residential Master Plan Categories, the uses are considered Special Exception uses that more closely resemble commercial use. (Show Board) Overall goal is to develop site with a two story 14,348 s.f. office building, with an emphasis placed on a outdoor classroom space to be located in the existing conservation easement area of the property.

Just as Staff has previously explained in its reports for on this project, this application is part of a larger multi-step Land Use Board approval process which first starts with the Planning Board. The property is currently in both a residential Master Plan Category (Cat. 2) and a residential zoning district (R-20) that do not permit the proposed office use. The Stamford Charter requires any proposed zoning map amendment be consistent with the underlying Master Plan Land Use category. Specifically the Charter states: "The Zoning Map shall not be amended by said [Zoning] Board to permit a use in any area which is contrary to the general land use established for such area by the Master Plan." Accordingly, the applicant has submitted applications to change both the Master Plan (to Cat 8) and the zoning map to (C-D -Designed Commercial). In addition this Charter "consistency" requirement places the Planning Board as the first step of the multi-step Land Use approval process. Without a successful change in the Master Plan Map, the applicant cannot move forward with the Zoning Map and Site Plan approval applications.

The Public Hearing Held on Tuesday, July 31st –

During the hearing the applicant cited many examples of strategies and goals from the Master Plan which they felt this application furthered. Attorney Freeman argued that this application was consistent with the Master Plan and distributed an exhibit at hearing that summarized the following points:

- It is consistent with Category 8 Definition – “provide for low density specialized office parks, not practical to other areas”
 1. He noted the extremely low FAR .32 and large setbacks as an example.
 2. Compatibility with adjacent land uses, surrounded by Large Office Campus at 800 and 777 LRR, surrounded by commercial uses Daycare, Med Office Building and Nursing Home.
 3. Superior Design
 4. Traffic will not adversely impact area
 5. Complaint with goal of directing most of new office development downtown.
 6. Compliant with design guidelines.
- Other sections compatible with MP, Contain Development outside downtown, design controls, accommodate the expansion needs of important employers of project
- Site was more appropriate for C-D than R-20
- It Deducts Environmentally sensitive lands from FAR
- It will create a much needed outdoor classroom space
- There are No Negative Traffic Impacts.

Four letters of support were submitted into the record and 3 members of the public spoke in support of the application. A majority of the support focused on the inclusion of the outdoor nature classroom space as part of the applicant’s proposal.

Thirteen members of the public spoke in opposition to the application, residents of the greater Long Ridge Road Area, mostly from the River Oaks or Heatherwood Condo Associations, but also from the North Stamford. Reasons cited for opposing the application, were traffic safety issues, long term precedent setting issue of commercial expansion along Long Ridge; no need for additional vacant office space; the office development is not unique and could be built anywhere in the City; neighborhood in a careful balance between residential and commercial; not consistent with the Master Plan because of commercial expansion, and not for single tenant office user; can’t trust that the applicant won’t develop a larger building because the stated intention to combine the parcels together; the nature’s classroom is not a Master Plan issue; that the City is currently undertaking two separate studies that will examine this area.

Staff focused comments at the hearing on process and policy, noting that a significant portion of the applicant’s presentation regarded the open space and outdoor classroom, an area that is already protected by a conservation easement area. I stressed that this portion of the proposal is not a Master Plan issue. He noted that the Applicant does not have permission to alter the existing conservation easement area from the EPB and it is possible that the entire outdoor classroom area would not be permitted by that Board.

One of Staff’s chief concerns is that the City was in the process of undergoing a Comprehensive Master Plan update and this this application proposes a significant change from the existing Master Plan and is essentially operating outside of that process. Staff noted that to change one property without looking at the entire neighborhood is contrary to good Master Planning Policy and bad precedent. Staff also noted that all of the differences aired during the Public Hearing between the Applicant and the Public was proof that this issue needs be addressed through the Comprehensive Planning process.

Mrs. Dell next went to the Board to discuss comments and reactions to the Master Plan Application.

Mr. Quick said he was voting in favor of the application because the west side of Long Ridge Road has changed through variances and Special Exceptions over the years to commercial uses and basically south of the Merritt Parkway to Roxbury Road is all commercial. This property does not lend itself to residential. It’s not fair to the applicant to wait until the Master Plan review.

Mr. Totilo said he agrees with Mr. Quick and supports the requested change.

Mr. Naumowicz talked about the Master Plan and what a long process it is. He stated that he would love to see how the consultants come out on impacts to the City over the next ten years. He said it is important to wait for our consultant to look at this issue. He agreed with an outdoor nature classroom but never saw a clear definition of this so he was voting against the application.

Mrs. Fishman said she wasn't changing her vote. She doesn't want to change anything on Long Ridge Road at this point. She felt the inclusion of a nature classroom into the project was like the applicant trying to buy the Board's vote.

Mrs. Dell wanted to address Mr. Quick's opinion and felt this LRR corridor is indeed important to be reviewed by the consultants and should be done as part of the broader Master Plan update. She noted that the other side of LRR is commercial but this side is a residential zone with use to be changed by Special Exception. She felt at this time the applicant could build a building under the current residential special exceptions and the idea of an outdoor classroom under a Master Plan Map Amendment does not come into the picture. Mrs. Dell then noted that she asked staff to prepare statements for both approval and disapproval.

Mrs. Fishman moved to deny the application, Mr. Naumowicz seconded the motion which carried with a 3-2 vote to deny (Dell, Fishman and Naumowicz opposed; Totilo and Quick in favor). Mrs. Dell then read the following finding of the Board into the record:

The Master Plan is a complex document and requires a higher threshold for establishing reasons to amend versus other land use applications.

Since 2005, the Master Plan Map has been amended approximately 22 times all but three were to place lands into residential or mixed use categories, many of these changes were significant but underlying theme of the Plan is for more residential or mixed use development and the conversion of residential to commercial would have to be backed by extraordinary circumstances.

As stated in the 2002 Master Plan, the Plan is not cast in stone. "It needs to be held in respect, but not awe. Its revision, like the original, should be orderly and based on sound research and consensus building." This is exactly why we are in the process of the 2012 Comprehensive Master Plan update. An application such as this a clear change from the policies and recommendation in the existing Master Plan and if approved outside of this orderly process would set a terrible precedent.

Sections from the Master Plan that back this:

Citywide Policies Report - Page 20: - The Master Plan states: "there must be enough restraints to channel development to where it will have the greatest opportunity for synergy and longevity...For office, retail and hotels, this mean promoting Downtown as the preferred location."

Citywide Policies Report - Objective A3: "...to constrain the amount of office development outside of Downtown."

Citywide Policies Report – Strategy A3.5: "Carefully control the expansion of offices on Long Ridge Road and High Ridge Road" A key component to this strategy is the idea that zoning be recalibrated to "allow limited expansion (by special exception) to keep single users content with their Stamford locations..." This strategy is again echoed in the *Neighborhood Plans Report*, as strategy 4D1.

Citywide Policies Report - Strategy C1.1 Contain development outside downtown.

Economic Development Report - section on High Ridge and Long Ridge Road Corridors suggests “that the expansion of office uses on the Ridge Roads should be limited to the legitimate expansion needs of existing businesses.”

The Application failed to demonstrate that its proposal is consistent with the Master Plan and that it meets the threshold requirements for a Master Plan amendment.

Zoning Board Referral:

ZB Application 212-24 – Hyland Special Exception Request to permit a café liquor license at an existing restaurant establishment located at 934 Hope Street in the Village Commercial District.

Mr. Dumais described the application to the Board. Several members of the Board asked Staff to clarify what exactly was being sought by this application and specifically wanted to know additional details on the type of liquor permit was being requested.

Mr. Tepper commented that under no circumstances should they have entertainment at this location.

Mrs. Dell announced that discussion on this application would be continued to the next meeting to await the additional information requested.

Zoning Board of Appeals Referrals:

ZBA Appl. 063-12 – Michael & Betha Pesiri Solomita requesting a variance of building area, lot coverage to construct an addition to an existing home located at 21 Meadowpark Avenue West in a R-10 zoning district

Mr. Dumais described the application to the Board. He noted that he needed to confirm with the Zoning Enforcement Officer the reason that no rear-yard setback was being requested.

Mrs. Dell announced that the Board would postpone further discussion and a vote on this application until the additional information was made available.

ZBA Appl. 061-12 – Sonia Sakin requesting a variance of rear-yard setback requirements to construct a 10'x15' deck on an existing home located at 53 Northwoods Road in a R-20 zoning district.

Mr. Dumais briefly introduced the application to the Board. Mr. Ray Mazzeo, from Redniss & Mead spoke on behalf of the applicant. He explained that the plan previously approved by the ZBA and some portions of it were implemented but they ran out of money, the approval lapsed and it is why he is back before the Board.

Mr. Tepper moved to recommend approval of the requested variance. Mrs. Fishman seconded the motion which passed unanimously with the eligible members present voting, 5-0 (Dell, Totilo, Quick, Fishman and Tepper).

ZBA Appl. 060-12 – Stamford Meeting Hall, Inc. requesting variances of Section 6A, front-yard setbacks, and Section 19-3.2-e to allow improvements to an existing meeting hall located at 770 West Hill Road in a RA-1 district including the following; a new handicapped ramp, a partially covered entrance, and new ac units and paved areas.

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

Planning Board Meeting Minutes:

Meeting of 9/18/12 - Mrs. Dell announced that discussion of the minutes would be at a future meeting date.

New Business:

The Board discussed and asked Staff to prepare a letter requesting the Zoning Enforcement Officer, James Lunney, to update the Board on ongoing City-wide zoning enforcement actions and related issues.

There being no further business, Mrs. Dell adjourned the meeting at 8:45 pm.

Respectfully Submitted,

Theresa Dell, Chair
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.