

STAMFORD PLANNING BOARD
REGULAR MEETING MINUTES #3605
TUESDAY, MARCH 1, 2011
7th FLOOR LAND USE CONFERENCE AREA
888 WASHINGTON BLVD., STAMFORD, CT

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

Regular Meeting

The chair, Mrs. Dell, opened the regular meeting at 7:30 PM. Mrs. Dell then asked if there was a motion from the Board to take Zoning Board of Appeals Referral Applications 004-11 and 005-01 out of order on the Agenda. Mr. Tepper moved to change the order of the agenda and discuss the two applications first. Mr. Totilo seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Totilo, Quick, and Tepper).

Zoning Board of Appeals Referral:

APPL. #004-11, Malinda Properties, LLC, requesting variances to expand and reconfigure an existing non-conforming gasoline filling station into a convenience store/gasoline filling station with new canopy for a property located in the R-5 district having an address of 136 Myrtle Avenue.

Mr. Dumais explained that the Board received a written request to speak by the applicant. William Hennessey, attorney for the applicant presented. He explained that the application was for the Sunoco Station on Myrtle Avenue which was one of the oldest gas stations in the City of Stamford. The zoning was commercial (CL) but was rezoned in the 1980's to residential, R-5. He explained that the parcel is roughly 100' x 76' and is located on Phase II of the Urban Transitway, a project that will be 5' off the front of the property. Attorney Hennessey distributed a proposed rendering of the project and went on to explain that the actual proposal is to construct a new canopy over the existing gas pumps and convert the full auto station into a convenience store.

Mr. Tepper asked if the rendering depicted the property before the Transitway taking? Attorney Hennessey said yes and that after the taking, the canopy will be 3.8' from the property line.

Mrs. Dell asked if the 3.8' was setting a precedent or if the fact that the City was initiating a taking make it a non-issue? Attorney Hennessey explained that the hardship is that the property has been plagued by changes in zoning over the years. He added that the canopy is an accessory structure and per Zoning Regulations limited to 15' in height, which doesn't allow for required under truck movement. Variances are needed for front yard, building height, setbacks – all to accommodate the canopy. Attorney Hennessey stated that in addition the applicant is proposing a removal of the garage repair bays and conversion to a full convenience store.

Mrs. Dell expressed concerns about ensuring size of canopy isn't too long and also state that she would feel more comfortable if the Board could implement a restriction that if converted the right to use the property as auto service repair would be terminated.

Mr. Dumais asked about lighting and suggested that the Board recommend the site lighting be kept to the minimum necessary levels.

After a short discussion, Mrs. Fishman moved to recommend approval on Application 004-11. Mr. Naumowicz seconded the motion and it carried unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Totilo, Naumowicz and Quick).

APPL. #005-11, Munno, requesting setback variances of to permit the construction a new attached garage on a non-conforming single-family home located in RA-1 district for a property having an address of 161 North Stamford Road.

Mr. Dumais explained that the Board received a written request to speak by the applicant. William Hennessey, attorney for the applicant presented. He explained that the applicant is asking for a 0' side yard setback which is unusual but this is an unusual property. He then presented the history of the property which dates back to the late 1700's and was used to house the North Stamford Sheriff. Attorney Hennessey distributed a paper with the historic background information to the Board Members along with a site orientation map. He then went onto say that part of the property was also used by Wes Saunders as a blacksmith store. Attorney Hennessey added that in addition to the interesting history the parcel has some interesting watercourses and wetlands on-site and slightly slopes from high to low. The wetland corridors chop the lot into limited usable pieces. He added that the neighboring property to the north strongly supports the application and that other locations for the proposed addition on site are not practical because of distances, septic field, and the fact that other locations would require a lot more disturbance within the wetland area. Attorney Hennessey then stated that if one could ignore zoning and property lines, this location would be the most logical location however, would impact front yard setback slightly and need a 0' side-yard setback.

Mr. Quick asked if the neighbors weren't interested in selling a part of their land? Mr. David Munno, Applicant, said that he didn't approach them with that idea. Attorney Hennessey then submitted a letter of support from that neighbor into the record and he reviewed the numerous hardships: wetland corridors, topography, historic nature and septic fields.

Mrs. Dell asked if the Board decides to approve this, they would need to clearly articulate reasoning, extreme case, possibly unique and exceptional and must stress hardship and that granting a variance would not be taken lightly.

After a short discussion, Mr. Quick moved to recommend approval on Application 004-11. Mr. Totilo seconded the motion and it carried unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Totilo, Naumowicz and Quick).

After the presentations and vote, the Board returned to original agenda order.

Zoning Board Referrals:

ZB Appl. 210-40 – Stacey Ann Leydon, Text Change, Article II, Section 3(a) Definitions, Definition 15 Building Area: to allow certain exceptions from building area and setbacks for at grade patios or similar structures.

Mr. Dumais described the application. He explained that the application was in essence, three separate parts. The first competent of the text change was to codify a long held, but unwritten practice, by both the Building Department and Zoning Department on the

interruption of patios, deck or similar structures and how they count towards coverage. Mr. Dumais distributed a diagram graphically depicting the text amendment. He said that if a property is sloped, it can never achieve less than an average 8" height above grade. Mr. Dumais, that the Board should look at the numbers and feel comfortable that they make sense.

Mr. Totilo stated they'd also have to consider size issues when looking at the numbers. Several members of the Board expressed concern regarding the 50% exemption, and the 3% total area but agreed that as a general principle the amendment made sense.

Mr. Totilo moved to recommend approval of the requested Text Change application. Mrs. Fishman seconded the motion and it carried unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Totilo, Tepper and Quick).

ZB Appl. 211-01 – Paul Lenhart, Special Exception, to construct an infill development of approximately 4,000sf of ground level retail space with an associated 32 space parking area for property located in the Village Commercial District having an address of 1011-1013 Hope Street.

Mr. Dumais described the request noting that it is technically a Special Exception request but has mostly site plan issues. He explained that this is the second application in the Village Commercial District, this one being in Springdale. Mr. Dumais noted that it is an infill development that would create approximately 4000 new square feet of ground floor retail area and a new 26 space parking lot.

Several members of the Board noted that the applicant was over parked per the zoning requirements and suggested that more green space be added back into the project particularly along Hope Street. Mrs. Dell suggested that if the Board were to recommend approval they also recommend eliminating several parking spaces to add additional landscaping.

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

Zoning Board of Appeals Referral:

APPL. #002-11, French Speaking Baptist Church of Stamford, requesting an extension of a previous Special Exception Approval (007-09) to continue use of three-family dwelling for a Sunday School and other religious activities for a property located in the R-5 district having an address of 22 Vista Street.

Mr. Dumais explained that the Planning Board reviewed and recommended approval of the application last year. When the applicant went before the ZBA and was approved but were conditioned on a 1 year time limit in which they had to apply again to keep up the use.

Mrs. Dell suggested that the ZBA condition the approval for a longer period than one year and the rest of the Board agreed

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

APPL. #003-11, Roberts, requesting Special Exception approval to construct an accessory structure which exceeds fifteen feet in height for a property located in the RA-1 district having an address of 219 Cascade Road.

Mr. Dumais described the application.

After a brief discussion, the Board noted that they would condition their recommendation on the structure not having a second floor or kitchen. With this condition, Mr. Quick moved to recommend approval of the requested. Mrs. Fishman seconded the motion and it carried unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Totilo, Tepper and Quick).

Old Business

The Board welcomed Dudley Williams and hoped he would be sworn in by the Mayor before the next meeting.

Mrs. Dell stated the Capital Budget was in the Mayor's hands and is interested to see the changes that will be made. Mr. Quick suggested they spend one hour at a future meeting to talk about how they can work better together, become more electronically connected. Mr. Totilo suggested Mr. Fred Flynn could give the Board some information on short-term financing for computers and other equipment.

New Business

Mr. Dumais announced that there would be a meeting next week.

There being no further business to discuss, Mrs. Dell adjourned the meeting at 9:10 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.