

STAMFORD PLANNING BOARD
PUBLIC HEARING & REGULAR MEETING MINUTES #3610
TUESDAY, APRIL 26, 2011
4th FLOOR CAFETERIA
888 WASHINGTON BLVD., STAMFORD, CT

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

The chair, Mrs. Dell, opened the Public Hearing at 7:30 PM and introduced each member of the Planning Board and Staff to the Public. She then explained the Public Hearing procedures for those in attendance.

Public Hearing

MP 414 – 969 Associates, LLC, Master Plan Map Amendment to amend portions of the Master Plan Map from Land Use Category 7 – *Commercial Arterial* to Land Use Category 2 – *Residential, Low Density Single-Family* and from Land Use Category 2 to Land Use Category 7 for portions of the property known as 969 High Ridge Road.

Mrs. Fishman read the legal notice into the record. Mrs. Dell noted that a staff report was submitted to the applicant and the Board and was officially part of the record file.

William Hennessey, attorney for the applicant introduced the development team to the Board and described them as a team able to tackle the task of moving the Master Plan line. He explained that the current Master Plan line configuration running through the properties known as 969 High Ridge Road was created in the 2007 timeframe. Mr. Hennessey explained that some of the Board members may remember that this property came before Board on several different referrals for a proposed new development that was never constructed. He then, using digital ortho-photographs of the site, oriented Board to the site. He explained that the office building at 969 High Ridge Road is flanked by two smaller buildings: a bank to the North and a Sleepy's to South and the overall site is about 3.45 acres in size. Mr. Hennessey noted that the Master Plan line mimics the zoning line through property. He then described the overall objective of this and future as replacing the obsolete non-conforming office (built in 1970's) under B-D with a newer commercial building. He noted that in 2005 the team started looking at the property and noticed that though the rear portion was always residentially zoned, it wasn't in a residential Master Plan Land Use Category. Mr. Hennessey went onto say that the current line could be considered tortured although Staff doesn't call it such and that we don't often draw lines this complicated but it was the result of a plan of development that the neighbors were in favor of. The current plan, he noted, is to remove non-conforming office building and replace it with a 12,000 s.f. CVS building, but to accomplish this, need to tweak Master Plan. M. Hennessey commented that the overall net result is more land goes from commercial to residential categories. He showed the Board a conceptual site plan for the proposed CVS that still precludes the use of Turn of River Road from any vehicular access and noted that many issues will come up with lighting architecture, building height, landscaping during later applications.

Mrs. Dell asked a question about site plans and traffic lights. Mrs. Fishman asked how wide the green space along the Turn of River frontage would be. Mr. Hennessey answered the questions.

Steve Hoffman, Managing Partner of 969 High Ridge Associates said that the open space to the rear is open to the public but there is a fence along the edge of the green space and would more or less be the way it was today.

Mr. Tepper asked what the guarantee was that the space would stay green. Mr. Hennessey said they fully expect this to remain green and that he can't imagine a way the Zoning Board would approve an application without a condition for Applicant to maintain the green space.

Mrs. Dell asked if the residential home there now would remain. The answer was yes.

Attorney Hennessey apologized and noted that he forgot to submit the Certificate of Mailing for the record, which he then did.

Mr. Totilo expressed concern about traffic, specifically the entrances and exits to the development. Specifically, he noted that that he did not agree with the proposed turning movements as shown and would raise the comments again if the Board received this application on referral.

Attorney Hennessey said they were going from a 60,000 s.f. office building to a 13,000 s.f. commercial building and doesn't think there are any traffic concerns but appreciates the comment.

Mrs. Dell said her only concern was not Master Plan related but more on the potential future application to putting another CVS and how many more can we put into this area? Is this type of commercial enterprise viable? Attorney Hennessey said market research shows there is a demand.

Mrs. Dell went to the Public for persons wishing to speak in favor of the application. There were none. Mrs. Dell then asked if there were any persons wishing to speak in opposition to the application. There were none. She next asked if there were any persons wishing to speak neither in favor of nor in opposition to but just wishing to make general comments or questions on the application. There were none. There being no further questions from the Board of comments from the Applicant, the Chair closed the public hearing on application MP 414.

MP 415 – Caroline Gaglio, Master Plan Map Amendment to amend portions of the Master Plan Map from Land Use Category 1 – *Very Low Density Single-Family* to Land Use Category 1 – *Very Low Density Single-Family* and Land Use Category 17 – *Open Space Overlay* for approximately 7,312 s.f. of land part of the property known as 74 Spinning Wheel Lane.

Mrs. Fishman read the legal notice into the record. Mr. Dumais explained that this is not the first time the Board has seen this property. A few months ago the applicant was before the Board by way of a Zoning Board of Appeals referral for a variance to building a two-story garage. He noted that at the time, and based on their survey, the applicant was made aware of several encroachments of structures onto the City's property. Mr. Capalbo, the applicant's attorney put together an proposal for a property swap with the City to correct the encroachments. Mr. Dumais informed him that the proposed swap would result in a potential Master Plan issue – the loss of Open Space Overlay Lands but could be corrected by way of the Master Plan Map amendment. This explains the genesis of the application currently before the Board he added.

Joseph Capalbo, attorney for the applicant, submitted the Certificate of Mailing for the record. He then stated that he echoed Mr. Dumais comments and proceeded to provide the Board with a historical background on the property. Using a survey, he identified the areas of the proposed property swap and focused on the area for which the Master Plan Application was made. Mr. Capalbo noted that he already submitted the required contracts and deeds needed to review the swap to the City's Corporation Counsel and noted that as part of the consideration of the swap agreed to amend the Master Plan map.

Mr. Quick asked if Lot 4 would still conform to zoning regulations? Mr. Capalbo answered that all lots would be in conformity and would not be afforded any additional development possibilities.

Mrs. Dell then asked if there were any members of the Public wishing to speak in favor of the application. There were none. She next asked if there were any persons wishing to speak in opposition to the application. There were none. She finally asked if there were any persons wishing to speak neither in favor of nor in opposition to but just wishing to make general comments or questions on the application. There were none. There being no further questions from the Board of comments from the Applicant, the Chair closed the public hearing on application MP 415.

Regular Meeting

Zoning Board Referral:

ZB 211-09 – Walter Wheeler Drive SPE, LLC, The Strand BRC Group, LLC & Yale & Towne SPE LLC, Zoning Text Amendment request to amend the SRD-S and SRD-N Districts building height standards by deleting the reference to stories.

Mr. Dumais briefly introduced the application. He noted that during the Applicant's presentation to the Board on Application 210-02, members of the Planning Board correctly pointed out that the proposed development did not comply with the Zoning Building Story requirement for the SRD-S. Mr. Dumais then explained that the current application seeks to remove the reference to number of stories but does not seek to change the total height limitations for the district. He added that the design controls, FAR, setbacks, and total height limitations essentially negate the requirement in these districts for a story limitation.

John Freeman representing Applicant echoed Mr. Dumais comments. He added that he believes there is no need to maintain the regulations as currently written because of the numerous design controls for the district.

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

Old Business

Subdivision #3937, 431 Eden Road & 37 & 57 Old Well Road, request a modification of conditions 11 and 12 of the subdivision approval to allow a performance bond to be filed prior to the issuance of a building permit and to grant a five year extension of time to complete all "work" as defined in C.G.S. §8-26c(b). The new date of completion would be July 28, 2016.

Mr. Dumais introduced the request to modify Subdivision #3937 to the Board. He noted that again, this item in its current form was not properly noticed on the original agenda and requires a 2/3 vote to be placed for discussion and consideration. Mr. Totilo moved to add the item to the agenda. Mr. Naumowicz seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Totilo, Quick and Naumowicz).

Mr. Dumais explained that the request is to extent the approval of the subdivision to complete all work by five years and to modify one of the original conditions of approval to require a performance bond to be filed prior to the start of a building permit.

After a brief discussion, Mr. Totilo moved approval of the requested time extension. Mr. Naumowicz seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Totilo, Quick and Naumowicz).

New Business

Mrs. Dell informed the Board not to forget that Robin Stein's retirement party was May 5, 2011.

Mr. Dumais reminded the Board that on Monday, May 9th a Joint Planning and Zoning meeting to discuss the DSSD and URC's Downtown Study is scheduled for 7PM, however a final location was yet to be determined.

There being no further business to discuss, Mrs. Dell adjourned the meeting at 8:55 pm.

Respectfully Submitted,

Clair 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.