

STAMFORD PLANNING BOARD  
PUBLIC HEARING & REGULAR MEETING MINUTES #3714  
TUESDAY, JUNE 14, 2011  
7<sup>th</sup> FLOOR LAND USE BUREAU CONFERENCE AREA  
888 WASHINGTON BLVD., STAMFORD, CT

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Stamford Planning Board Members present were: Theresa Dell, Roger Quick, Claire Fishman, Dudley Williams, 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**

**Subdivision #3994 – Michael A. Innaurato**, For subdivision of an existing property into three (3) parcels. The property is located on the north side of Ingleside Drive; having an address of 258 Ingleside Drive.

Mr. Quick recused himself from the Board for purposes of this application and left the table. Alternate member Mr. Naumowicz was present but not seated because he had not reviewed the tapes from the previous meeting. Mrs. Dell noted for the record that Mrs. Fishman had listened to the tapes from prior meeting.

A revised engineering report was delivered to the Board by the Applicant. John Harness, Attorney for several neighbors opposed to the subdivision requested a continuance of the meeting. Attorney for the Applicant Ron Gold stated it was unfortunate that revisions contained in the report were not ready earlier than today. Mr. Harness asked that his engineer be allowed to provide a written report by Friday. Mrs. Dell requested a 2 minute recess.

Attorney Gold, commented that his presentation this evening would be a response in rebuttal of those opposed to the application. Mr. Gold distributed an updated Compendium of exhibits, in which he highlighted a section on the Powers of Planning Board and noted that it states they “shall” but it does not limit the power of the Planning Board. Mr. Gold added that this was one of the complaints of Attorney Harness, who questioned the Board’s authority to file an amendment to Zoning Regulations.

Mr. Gold next addressed this complaint regarding the Zoning Board of Appeals action by Mr. Harness based on “decision of Zoning Enforcement Officer”. He stated that the Planning Board has the sole authority to determine compliance with Zoning Regulations with respect to Subdivisions and commented that the Zoning Enforcement Officer has nothing to decide but offered an advisory statement to the Board which is not appealable. Mr. Gold added that this advisory statement was added as a result of the previous court decision.

The next rebuttal comment that Mr. Gold addressed was the claim that the neighbors were denied due process and that because of this the Text Amendment application process was flawed. He noted that one public hearing is required to be held to change the Zoning Regulations and it was done in accordance with Charter requirements. Mr Gold stated that due process means notice and the right to be heard. He noted that a

Zoning Regulation potentially affects all property within the City of Stamford and notice is note required to be mailed to individual property owners.

Mr. Gold then added that Mr. Harness' suggestions regarding David Stein being a relative of Robin Stein are inaccurate and are defamatory and mud-slinging.

Mr. Gold next commented on the issue raised regarding lot frontage. He noted that the lot frontage exceeds more than double the minimum frontage required by the zoning regulations. He noted that Spring Hill Lane meets the definition of Street, as currently defined in the Zoning regulations. Mr. Gold noted that it is a street, more specifically it's a private thoroughfare and that his client has no access to it and they admit this.

The next rebuttal Mr. Gold offered was on the topic of the Subdivision Regulations. He explained that the legislative authority for the Subdivision Regulations and their amendments is granted to the Board in the Charter. He noted that there are countless examples where legislative authority changes the rules. According to Mr. Gold, the Planning Board responded to the court's decision and they revised the Subdivision Regulations to allow them to legally respond to and review subdivision regulations. He also added that in doing these Subdivision Regulation amendments, the Planning Board properly published notice of the application in the Stamford Advocate.

Mr. Gold next addressed the complaint that the owner of Spring Hill Lane East was not properly noticed. He stated that Spring Hill Lane East is a street, how regulations are written. Mr. Gold stated that the Subdivision Regulations require that owners of record will be determined from current records of Office of Tax Assessor and that as an applicant and a Board we are entitled to rely on Assessor's records in which Mr. Fiber is not listed as an owner abutting this application. He then added that the people who are present here got the notice and Attorney Harness doesn't represent James A. Fiber and he is not here appealing this application.

Attorney Gold next addressed some of the neighbor's specific comments. In response to comments made by the neighbor at 63 Spring Lane East, the zoning was changed in 1986 decision which created a tremendous amount of nonconformities in the area prior to this amendment. On the comment that the usable land was small in this application, Mr. Gold noted that Mr. Innaurato not held to this standard and neither were neighboring subdivisions held to this standard. Mr. Gold clarified that there would be no sharing of the Septic Systems in this proposed subdivisions. He stated that this Subdivision is in character with the neighborhood based on the size of lots and size of homes. He added that the applicant's are only requesting two additional two lots to be allowed even though there is enough acreage to allow for four lots. Mr. Gold discussed the neighboring property in Daisy Blum was made more conforming buy a sale of land from his clients property but is still nonconforming and that her comments about character and crowding are disingenuous.

Mr. Gold then submitted a letter from LandTech Consultants environmental consultant into the record.

Attorney Harness speaking on behalf of the opposition, did bring some issues to the attention of the applicant. He stated that he is not the bad guy here, nor are his clients. Mr. Harness stated that this is a dispute over what can lawfully be done with the property. He commented that his clients stand for correct proposition, these changes were done to correct deficiencies to the Zoning Regulations but the Judge didn't say they the Regulations were defective, he said that your interpretation of them was wrong. Mr. Harness then commented that the Board changed its regulations to get around this.

He next noted that we want to be treated fairly and that the alleged new Zoning Regulations, he has challenged whether the Board can act as applicant. The powers of the Planning Board point out what a Board shall do but doesn't grant them any additional powers. He questioned the Board if they were going to decide this or let the courts decide this? He then commented that Mr. Lunney's letter had to be appealed to ZBA because it is wrong. Mr. Harness next stated that even if the alleged Zoning Regulations are valid the new definition of lot frontage doesn't solve this applicant's problem of not having the required lot frontage. He again commented that it is unfair to say we are wrong-doers here or portray them in that light. Mr. Harness commented that if Robin Stein wanted so badly to change the regulations why did he make the Board the applicant. He asked that the Board look at it from their view and have a real discussion of how this complies with the Zoning Regulations.

Attorney Gold said reading the regulations said that Mr. Harness's interpretation is a stretch hard and that he was not reading the definition properly. He commented that Spring Hill Lane is a street, so we meet the requirement.

Mrs. Dell announced that the Public Hearing on this application would be continued to the June 21<sup>st</sup> meeting at 7:30pm. She requested the City Engineer's presence at that meeting.

### ***New Business***

Mr. Dumais announced that the next meeting date was Tuesday, June 21, 2011.

Mr. Tepper updated the Board on the latest meeting of SWARPA. He explained that the Regional Planning Agency setup may not be in existence much longer because the State is pushing to convert the RPAs into Council of Governments structures. Mr. Tepper stated that once he had additional details he would report them to the Board.

There being no further business to discuss, Mrs. Dell adjourned the meeting at 8:52 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 7<sup>th</sup> floor of Government Center, 888 Washington Boulevard, during regular business hours.