

STAMFORD PLANNING BOARD
REGULAR MEETING MINUTES #3496
TUESDAY, AUGUST 21ST, 2007
7TH FLOOR CONFERENCE AREA
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Theresa Dell, Claire Fishman, John Garnjost, Duane Hill, and Jay Tepper. Staff members present were: Robin Stein and Todd Dumais.

Regular Meeting:

The Chairman, Mr. Duane Hill, opened the meeting at 7:30 PM.

Status up-date of School Capital Projects.

Lou Casolo, City Engineer and Al Barbarotta, Schools Facility Manager described each of the major capital school projects and entertained questions from the Board.

Subdivision Application #3959 of Annette K. and Emmanuel K. Zibolis. For subdivision of property into 2 parcels. Property is located at the west side of Cowan Avenue; having an address of 37 Cowan Avenue.

Mr. Stein briefly described the application. He noted that the addition to the house was constructed in 2004 for the additional dwelling unit. At that time, the applicant's were instructed by the ZEO of the requirement to provide three legal parking spaces. Mr. Stein went on to say that the parking spaces were never constructed and the site has never complied with the legal requirement for three parking spaces.

Mr. Hill next requested that Mr. Dumais recap the issues that were brought up at the public hearing. Mr. Dumais described three primary issues that members of the public discussed. First, he stated that members of the public felt that the proposal was out of character with the neighborhood and unacceptable. They cited section 5.25 of the Stamford Subdivision Regulations: "So far as is practicable, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Proposed lots which result in a width that would require the house to be constructed perpendicular to the street where existing homes are predominately situated parallel to the street are to be discourages..." In addition, issues on traffic / parking congestion were discussed, as well as, building height.

Mr. Stein then stated that the Board has the right to require that both parcels meet Zoning Parking requirements and described an alternative plan for the existing two-family home to meet the four space requirement. He stated that is the Board were to recommend approval, staff would encourage the Board to place a condition requiring four parking spaces.

Mrs. Dell stated that she feels strongly that this second house is completely out of character with the neighborhood and that the Board must look at the neighborhood as a whole.

Mr. Stein passed out conditions of approval and an option for denial for the Board to discuss. The Board discussed both the conditions of approval and the option for denial.

Mrs. Dell moved to deny the application. Mr. Garnjost seconded the motion. Mrs. Dell and Mr. Garnjost voted in favor of the denial of the application and Mr. Hill and Mrs. Fishman voted in opposition of the denial of the application. The motion failed by a 2-2 vote. Mr. Tepper recused himself from voting.

Mr. Stein informed the Board that if they failed to reach a decision, the application would receive automatic approval by week's end because it would expire.

Mrs. Fishman moved to approve of the application. Mr. Garnjost seconded the motion. Mrs. Fishman, Mr. Hill, and Mr. Garnjost voted in favor of the approval of the application, with conditions, and Mrs. Dell voted in opposition of the approval of the application. The motion passed by a 3-1 vote. Mr. Tepper recused himself from voting.

Zoning Board Referrals:

ZB 207-17, TAG Forest LLC., map change to rezone property from C-L to C-G at 11 Forest Street. (Postponed to a future meeting date.)

ZB 207-18, TAG Forest, LLC., text change to amend Article IV, Section 12 to allow parking requirements to be satisfied by lease or easement. (Postponed to a future meeting date.)

ZB 207-19, TAG Forest, LLC., special exception to grant a parking reduction of 27 spaces to serve 18 dwelling units with 24 of the spaces provided by lease. (Postponed to a future meeting date.)

ZB 207-27, Stillwater, LLC. & Spin Water LLC., special exception to construct a 60 unit residential development at 300 Stillwater Ave. Mr. Stein briefly described the application and noted that if approved the application would come back before the Board as a subdivision.

Mr. William Hennessey, attorney for the application, requested to speak and further described the details of the application to the Board.

Mr. Tepper moved to recommend approval of the application. Mrs. Fishman seconded the motion it passed unanimously with all members present.

Zoning Board of Appeals Referrals:

ZBA 073-07, Atlantic Lofts LLC., variance of parking requirements to permit existing building to be used for mixed-use at 93-95 Atlantic St. Mr. Dumais described the application as variances of Section 12 A (4) for relief of 20' back-up requirement and Section 12 D requesting 2 spaces in lieu of the 5 spaces required for 3 dwelling units. He noted that the site is currently in the CC-N zone and contains an existing 4-story commercial building built in the 1890's, two nonconforming parking spaces and is currently unoccupied.

Mr. Dumais then described the proposed conversion of the building into 1,988 s.f. of ground floor retail, and 5,964 s.f. of new residential units (3 two-bedroom units). He commented that the building predates zoning, and appears to have, in the past, contained residential dwelling units. He further stated that this application appears to satisfy a number of Master Plan objectives such as, adaptive reuse of a historic structure, providing ground floor retail, promoting downtown living.

Mr. Garnjost moved to recommend approval of the application. Mrs. Dell seconded the motion it passed unanimously with all members present.

ZBA 077-07, Paul McDonald, variances of setbacks, coverage and parking requirements to operate a drive-thru dry cleaning establishment at 141 Cove Rd. Mr. Dumais described the application. He stated that based on the architectural plans submitted the proposed canopy does not appear to be a true drive thru, instead appears to be a covered parking space for the business patrons. In addition, Mr. Dumais commented that contrary to the applicant's claim that "the traffic department approved the design;" Mani Poola, city traffic engineer in a memo dated 8/10/07 stated: "The EXIT DRIVEWAY location at the proposed canopy opposes oncoming traffic and is not acceptable for safety reasons. It can be permitted if the proposed canopy relocated to the opposite side along with modifications to traffic signal for the driveway to get a signal phase is incorporated at their cost. Also, both ingress and egress driveways shall be separated and limited to 12' wide."

Mrs. Dell moved to recommend denial of the application for traffic safety reasons. Mrs. Fishman seconded the motion it carried unanimously with all members present.

ZBA 078-07, Highview Avenue Assoc. LLC., variance of lot area per unit to allow construction of a 3rd dwelling unit at 172 Highview Ave. Mr. Dumais described the application as a variance of Table III, Appendix B, Residential Density, Square Footage per Family to allow three dwelling units on a 10,500 s.f. parcel in lieu of the 11,250 s.f. required and further described the specific proposal to construct two new 2 ½ story dwelling units, a new 2-car garage attached to existing home, a 205' long driveway and two surface parking spaces.

Several members of the Board expressed their concerns over the increased density and lack of coherence of the proposal with the rest of the neighborhood.

Mr. Garnjost moved to recommend denial of the application. Mrs. Dell seconded the motion it carried unanimously with all members present.

ZBA 079-07, Peter & Brenda Marshall, variances of setbacks and coverage to allow an addition and alterations to an existing dwelling and garage at 10 Hazelwood Lane. Mr. Dumais described the application. He noted that the applicant's property is a corner lot which has a requirement for two front yard setbacks and in this instance, the applicant is asking for front yard setback variances for what is in reality their side yard. He further stated that if this was a standard lot the addition would conform to side yard setback requirements for the R-10 zone. Mr. Dumais cites the applicant's statement of ADA compliance requirements for constructing the addition as the reason for an increase in coverage. Mr. Dumais concluded his description of the project by stating that though the proposal calls for a much larger house than the original structure, it is not a McMansion. The relative bulk and size of the proposed addition / alteration would not be out of character with the surrounding neighborhood.

Mrs. Fishman moved to recommend approval of the application. Mrs. Dell seconded the motion it passed unanimously with all members present.

Old Business

Subdivision #3928, 144 Pond Rd., request to modify ingress/egress via easement to Phaiban La. Mr. Stein described the history of the application and the specific request to modify the ingress / egress via an easement to Phaiban Lane versus the approved

ingress/egress via Pond Road. The Board agreed that this easement was a much better design for vehicular access and overall site design for the rear-lot of the subdivision and did not feel that the modification warranted an additional public hearing.

Mr. Tepper moved to approve the request. Mrs. Dell seconded the motion and it passed unanimously with all members present.

New Business

Mr. Stein discussed options for the next meeting date of the Board. After a short discussion, it was agreed upon that the next Planning Board meeting would be Wednesday, September 5th, 2007 at 7:00 PM.

There being no further business or comments, the Chairman closed the meeting at 10:00 PM.

Respectfully Submitted,
Duane Hill, Chairman

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.