

MINUTES OF PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING #3265
JULY 25, 2000
CAFETERIA, GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT

Present for the Board were: Duane Hill, Chairman; Marggie Laurie; Tim Abbazia; Donna Loglisci; John Garnjost; and Claire Fishman. Present for staff were: Robin Stein, Land Use Bureau Chief; and Carol Davis, Senior Planner.

Mr. Hill opened the public hearing at 7:35 PM.

Master Plan:

MP-371 ADA, LLC; SHIRLEY COBLENTZ and FRANCES COBLENTZ to amend the Master Plan from Land Use Category 1 - Residential, Single Family, Very Low Density to Land Use Category 2 - Residential, Single Family, Low Density for 4.594 acres on the east side of Newfield Avenue.

Mr. Garnjost asked to be recused and did not participate in this discussion.

Attorney Gerald Fox III said the applicant and neighbors have been in negotiation and he has no objection to keeping the hearing open as requested by their attorney. Mr. Fox displayed the Master Plan map of the area and the subdivision map for Laurelwood. He explained that this parcel borders Master Plan Category 2 on the south.

Dominick Schefiliti displayed several possible site plans. He explained that due to the wetlands on the property the best configuration is a plan for six units, four with a common drive from Edward Place and two with a common access from Newfield Avenue. He said this plan could be accomplished with R-20 zoning and would involve no wetland crossing.

Mr. Fox said under the preferred plan Edward Place residents will be the most affected and that the applicant has agreed to a 60' setback from Edward Place. He said there would be no access to this development from Donald Road or Haig Avenue. He said a deed restriction is being negotiated with the neighbors for the six lots.

Mr. Stein described the steps necessary to accomplish the six lot subdivision and explained that at least two more public hearings would be needed.

Gail Clear of 39 Mitzi Road, Michele Liptak of Donald Road and Valerie Butsicaris of 32 Mitzi Road spoke in opposition to the application. They were concerned about the precedent for down zoning and how pressure for higher density zoning would affect property on Donald Road.

Eleanor Goodman of Bouton Street said she was speaking as land use chairman of the Newfield Area Neighborhood Association. She asked how this change would benefit the Master Plan. She said there is no land use reason offered by the applicant other than the availability of city water and sewers.

Attorney William Hennessey, representing the residents of Edward Place, said he has met with the developers and that with certain modifications the plans proposed would be acceptable to his clients. He said they are not quite in agreement on the details and asked to continue the hearing for written responses at a later date.

Mr. Stein said this request is not unprecedented but that the written comments should have a date certain and a time for rebuttal.

Ms. Liptak said the lawyers are brokering a deal and that the deal is better than the quarter acre zoning on Edward Place.

Mr. Hill said the hearing would be kept open for two weeks for written comments - one week for the applicant and one week for any response. The Board was in agreement.

REGULAR MEETING

Mr. Hill convened the meeting at 8:35 PM.

Correspondence from Mayor Malloy regarding Pitney Bowes Agreement for Donation of 215 Washington Boulevard.

Andrew McDonald explained that relocation of the South End firehouse dates back ten years. He said there is need for better response time. He said since the building is over 100 years old it is not practical to update it. He said this is a strategic location for improved response time to Waterside and the South End. He said the building can be retrofitted and expanded in the future if needed. He said there is a lot of space for parking on the site. In response to questions Mr. McDonald said no contamination has been found around the site and Pitney Bowes knows of no contamination. He said he would check whether radon testing is done under the Phase 2 environmental test. He said conversion would cost between \$800,000 and \$1,000,000.

On a motion by Mr. Abbazia, seconded by Mrs. Loglisci, the Board voted unanimously to recommend acceptance of the gift and approval of the contract.

Pending Subdivisions:

Sub. Appl. #.3766 of Vincent F. and Mary K. Ferrara for the subdivision of property into four parcels on the east side of High Ridge Road (#525).

Mr. Stein reviewed the application and the comments made at the public hearing. He explained that the appeal of the variance has been settled out of court.

Mrs. Laurie asked what guarantees there are in condition #3 (the development of parcels A, B, C and D shall be subject to review and approval of the Environmental Protection Agency.) Mr. Stein said the normal process is for EPB staff to sign off but Board approval could be made mandatory. He said the main issue probably is drainage.

Mr. Abbazia asked that a condition be added to provide additional screening as appropriate on the northern boundary.

On a motion by Mr. Abbazia, seconded by Mrs. Fishman, the Board voted unanimously to approve the subdivision with the following conditions: Mrs. Loglisci did not vote.

1. Delineation of "Open Space Preserve/Conservation Area - to be maintained in a natural state except as may be authorized by the Environmental Protection Board;" the area so designated is 5,175 square feet and is shown in color on a map dated April 24, 2000 on file in the Planning Board office.
2. Filing of a conservation easement to include the area designated as Open Space Preserve/Conservation Area. Prior to the filing of the final subdivision map, this Area shall be field staked with iron pipes at all property boundaries and turning points of the easement boundary (note to appear on final map).
3. The development of parcels A, B, C and D shall be subject to review and approval of the Environmental Protection Agency (note to appear on final map).
4. Appropriate screening along the northerly boundary of Parcel B subject to review and approval by the Executive Director of the Environmental Protection Board.
5. Stone walls and significantly sized trees shall be preserved to the greatest extent feasible (note to appear on final map).
6. Encroachment of the driveway and stone wall on the southern border of parcel D is to remain.
7. In-ground fuel tanks shall be prohibited (note to appear on final map).
8. Site development shall not begin until a soil erosion and sedimentation control plan is approved by the Environmental Protection Board staff and those control elements scheduled for installation are in place and functional (note to appear on final map).
9. Filing of a performance bond to ensure satisfactory installation of the driveway and drainage facilities.
10. Submission of a standard drainage facilities maintenance agreement to ensure the full and proper maintenance of these critical drainage facilities (note to appear on final map.)
11. In accordance with CGS 8-26c, approval shall expire on July 28, 2005 unless all "work" as said term is defined in CGS 8-26c(b), has been completed by said date (note to appear on final map).
12. Subdivision reference number to be placed on final map.

Sub. Appl. #3765 of Susan Morelli for the subdivision of property into two parcels on the south side of Rockrimmon Road (#976)

Mr. Stein described the application. He said letters have been received from the Health Department and EPB as well as a letter in opposition from Mary Wood.

Mr. Garnjost commented that there are lovely trees which may disappear. Mrs. Laurie asked who determines what trees are preserved and Mr. Stein replied that it is up to EPB and the Health Department since Stamford does not have a tree ordinance. It was agreed to add a condition for more screening.

On a motion by Mrs. Laurie, seconded by Mr. Garnjost, the Board voted unanimously to approve the application with the following conditions. Mrs. Fishman did not vote.

1. Final streetscape plans shall be subject to the review and approval of the Director of the Environmental Protection Board prior to the filing of the final map.
2. The development of parcel 2-A shall be subject to a permit from the Environmental Protection Agency (Note to appear on final map).
3. Appropriate screening shall be placed between the dwelling on Parcel 2-A and the Wood residence subject to review and approval by the Executive Director of the Environmental Protection Board.
4. Stone walls and significantly sized trees shall be preserved to the greatest extent feasible (Note to appear on final map).
5. Conditions set forth in a letter from the Director of Environmental Health Inspections to the Land Use Bureau Chief dated July 25, 2000 (Note to appear on final map).
6. In-ground fuel tanks shall be prohibited. (Note to appear on final map).
7. Site development shall not begin until a soil erosion and sedimentation control plan is approved by the Environmental Protection Board and those control elements scheduled for installation are in place and functional (Note to appear on final map).
8. In accordance with CGS 8-26c, approval shall expire on July 28, 2005, unless all "work" as said term is defined in CGS 8-26c(b), has been completed by said date (Note to appear on final map).
9. Subdivision reference number to be placed on final map.

Zoning Board of Appeals Referrals:

ZBA - Appl. #095-00 Church of God - French Speaking requesting a Special Exception and Variances to construct additions to its church building at 690 Pacific Street in the R-MF Multiple Family Residence District. Variances requested are side yard 0.7' in lieu of 8', coverage 34.9% in lieu of 30% and parking for 10 cars in lieu of 23.

Mr. Stein reviewed the application. He said that a letter from CTE indicates that parking for the church is available at the community center. He said he has concern about other church activities which might compete with CTE for parking and he suggested that hours of use could be restricted. In the discussion which followed it was agreed that while the Board does not favor restricting the hours of operation the referral letter would recommend maximizing the parking on site and pursuing alternative parking arrangements.

On a motion by Mr. Abbazia, seconded by Mr. Garnjost, the Board voted to recommend approval. Mr. Garnjost asked staff to follow up on the number of on-site spaces provided.

Consent Agenda:

Mr. Hill explained that using a consent agenda speeds up meetings by reducing the amount of time devoted to discussion on certain referral items. He said if members have questions about an item on the consent agenda they should call staff for an answer and if the answer is unclear the item can then be removed from the agenda.

Mrs. Laurie said she would prefer to abandon the consent agenda concept. Mr. Garnjost disagreed saying the two items on this consent agenda are examples of appropriate consent agenda items. Mr. Stein said the staff has no investment in the consent agenda but using Board time on consent agenda items short changes planning issues. Mr. Hill recommended that use of the consent agenda be continued.

Mrs. Laurie asked that ZBA Appl. 107-00 be removed from the consent agenda.

Consent Agenda*

***ZBA - Appl. #098-00 Our Lady Star of the Sea**, requesting Special Exception to construct a covered walkway from the church to a passenger drop-off area. The church is located at 1200 Shippan Avenue in an R-7.5 Single Family Residence District.

This will not intensify use of the church and will have no adverse impact on the neighborhood. Staff recommends approval.

On a motion by Mr. Garnjost, seconded by Mr. Abbazia, the consent agenda, as modified, was approved.

ZBA - Appl. #107-00 John Richardson, 317 Courtland Avenue, requesting to build a 900 sq. ft. addition to an existing auto body shop at 317 Courtland Avenue in the M-G General Industrial District.

Mrs. Laurie asked why this was referred to the Planning Board. Mr. Stein explained that the applicant was informed that a MVD permit requires ZBA approval of a special exception, although the zoning regulations allow the use as of right in the M-G District.

On a motion by Mr. Garnjost, seconded by Mr. Abbazia, the Board voted unanimously to recommend approval.

There was a five minute recess and the meeting resumed at 10:10 PM.

ZBA - Appl. #075-00 - KinderCare requesting Special Exception for a child day care center. Proposed is a 9,202 square foot building for 180 students and 35 employees located at 752 High Ridge Road in the R-10 Single Family Residence Zoning District.

Mr. Hill said the Board has agreed to reconsider this referral due to subsequent developments. He asked Richard Redniss as representative of KinderCare to explain the changes in the application.

Mr. Redniss distributed a sealed plan showing the addition of a 0.5 acre parcel and reduction of the building. He said this represents 0.1 FAR instead of 0.2 FAR which is permitted. He said the wooded area at the rear is shown in a conservation easement with a deed restriction. He distributed a list of proposed conditions of approval.

Mr. Garnjost said while the items in the Planning Board response have been covered the traffic issue has not been resolved.

Mr. Redniss said the applicant will abide by the City plans for High Ridge Road and that the key is to work with the State.

Mrs. Fishman said this is a commercial operation in a residential area and Mr. Redniss explained that this use is a special exception use regardless of the operator.

Mrs. Laurie said this plan will remove a residential unit and she wondered which need (day care or housing) is most significant. Mr. Redniss responded that day care is under served.

There was discussion about the signage at the exit. Bruce Hillson, a traffic engineer for KinderCare, said the traffic report assumed there would be an appreciable change in traffic. He said there are ways to address the signage and that it is better to stack cars at the traffic light.

Eleanor Goodman of 32 Bouton Street and Land Use Chairman of the Newfield Neighborhood Association said more commercial uses invite more commercial activity in the area. She recommended a limited enrollment of 50 children.

Bill Ries, President of the North Stamford Association, questioned the traffic information submitted. He said there would be more trips, compared to library traffic, particularly during the peak hours. He recommended a traffic study.

Ernest DiMattia, Director of the Ferguson Library, explained that morning traffic at the library was heavy due to the book drop off. He said the State would not approve a traffic light because there is not enough traffic. He said he has tried to be responsible by considering the City's need to get a good price for the property, future tax income to the City and an appropriate use. He said if the application is denied he would like it specified what would be permissible.

Mr. Hill read two letters that were received.

Mr. Stein explained that the library was a special exception use at this location for fifty years and that a special exception is based on use. He said staff has turned away other commercial uses which were not special exception uses. He said traffic is the most significant issue, but it is an issue for the users and does not impact traffic on High Ridge Road.

Barbara Forgiorno of Little Hill Drive said no Kindercare facilities are located on a four lane road. She submitted a list of other facilities and more neighbor petitions. She said Kindercare has more staff and operates for more hours than the library.

Lisa Janniello of Warchol Lane spoke of traffic on High Ridge Road and said that Hartwood Road would become a turn around.

Mr. Garnjost asked how the number of children was derived and how it could be assured that only 50 children would be outside at one time.

Attorney David Sherwood said there would be 180 children enrolled at any one time. He said the location was chosen because of the number of children within a five mile radius. He said there are 460 children in day care facilities in Stamford and no vacancies.

Mr. Garnjost said he has concerns about the entrance and egress. Mr. Abbazia was concerned about the intensity of the proposal. Mrs. Loglisci was concerned about traffic. Mrs. Laurie said a house would be lost and it may be necessary to scale down the project. Mrs. Fishman asked what else can go there. Mr. Hill said child care is an appropriate use and is allowed by the Master Plan but the traffic issue does not seem to be solvable.

Mrs. Laurie made a motion, seconded by Mr. Abbazia, to recommend denial based on traffic and intensity of use. Mr. Garnjost questioned whether intensity is an issue. There was discussion about intensity and Mr. Abbazia said "intensity" can be removed from the motion. The motion was unanimously approved as amended.

Old Business:

Mrs. Davis said the South End, Waterside & West Side neighborhood meeting will take place on September 14 and the next advisory committee meeting will be held on September 28.

Mr. Stein said that Thomas Cassone, as John Byrne's replacement will coordinate affordable housing. He said the mayor would like the Planning Board to take the lead and apply for a special appropriation for a housing needs survey. He said John Shapiro will provide a draft scope of work.

There being no other business the meeting was adjourned at midnight.

Respectfully Submitted
Timothy Abbazia, Secretary
Stamford Planning Board

Note: These proceedings were recorded on tape and are available for review during regular business hours.