

STAMFORD PLANNING BOARD
PUBLIC HEARING & REGULAR MEETING MINUTES #3743
TUESDAY, MARCH 27, 2012
4TH FLOOR CAFETERIA, GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT

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

Mrs. Dell opened the Regular Meeting at 7:00pm.

Mrs. Dell announced that Zbigniew Naumowicz and Jay Tepper would be seated as voting members on an alternating basis in Board Member Michael Totilo's absence.

Regular Meeting

Mr. Williams moved to recommend changing the order of the Agenda, taking ZB referral application 211-40 first. Mr. Tepper seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Tepper).

Zoning Board Referral:

Application 211-40 – Tolari, LLC & TR hardy, LLC, 57-59 Broad Street, Special Exceptions requesting approval of increased residential density, large-scale development, fee-in-lieu payment, a parking reduction and rear-yard setback reduction to construct a proposed twenty-three story, 226 unit mixed-use building located on Broad and Summer Streets in the CC-N district.

Attorney Michael Cacace representing the Applicant described the application and project referred to as Summer House. He stated he was excited and proud to present this application to the Board as it the poster child for advancing the goals of the Master Plan in the Downtown Zone. He distributed letters of support to the Board and proceeded to orient the members to the site. Mr. Cacace explained that the Applicant seeks to create 226 units of housing, on the smaller unit size side, that will encourage a healthy mix of residences on the block. He listed the numbers as, 58 studios, 71 one-bedrooms, with the rest being two-bedrooms. Mr. Cacace added that this is an in-fill project that preserves all the buildings on the block and the existing streetscape along one of the most vibrant areas of Stamford: lower Summer Street. He noted that almost all of the development is stepped back from the street and that it incorporates 20 BMR units. The height is 22 stories; appropriately much lower than Trump and will have parking on-site incorporating 1:1 parking ratio, a total of 265 spaces on-site with parking slightly above 1:1 ratio. They've increased the total number of spaces on the existing site. Attorney Cacace showed the Board Members a rendering of the building.

Mr. Tepper asked how far the building setback was from the street? Mr. Dumais responded 20'.

Attorney Cacace said they are before the Board because virtually nothing in Stamford is as-of-right and reiterated they are not looking for a text or map change to the zoning regulations and that this application is proposing a plan that is well below what's allowed under the maximums of zoning for the parcel. He outlined the specific Zoning Special Exceptions requested in the application and stated that each request is consistent with the Master Plan and indeed advances the Master Plan.

Richard Redniss, for the Applicant, described the Parking Management Plan (PMP). He outlined traffic access from Washington Blvd and Broad Streets. He described new pedestrian walkways by connecting blocks and stated that the PMP shows 203 self-parking spaces for the needs of the building with no assigned spaces and no bundling to pay for parking separately. Mr. Redniss explained that the plan is not to have valet but if needed they will have upper levels serve as overflow and used as valet for a ratio of 1:1.35. He then walked the Board through each floor of parking, showing a modest valet plan and said it addressed less space per row without cramming cars together. They will provide follow-up PMP reports to Staff every 6 months when occupancy reaches 75%.

Mr. Tepper asked about fee-in-lieu. Mr. Dumais explained that it was customary to require a fee-in-lieu payment for fractional BMR units under .5 of a unit.

Mrs. Dell asked if anything on the roof would be green?

Mr. Quick asked about LEED ratings? Mr. Redniss said that had not been considered as they haven't gotten that far yet.

Mrs. Dell spoke about the PMP and asked if a jitney service would be taken into account? Mr. Redniss said they hadn't progressed that far but it was something they could look into. Mrs. Dell said it might be helpful to promote less car ownership for the building.

Mr. Williams asked if the main entrance to the building would be down the place? Attorney Cacace said yes, elevators will provide service through the garage on each level directly to the building.

After further discussion, Mrs. Fishman moved to recommend approval of the requested Special Exception. Mr. Williams seconded the motion with the condition that some jitney service be provided and it passed unanimously with the eligible members present voting, 5-0 (Dell, Quick, Fishman, Williams and Naumowicz).

Public Hearing

Mrs. Dell called the Public Hearing to order at 7:40pm and introduced the Board Members to the Public.

Zoning Board Referral:

Application 211-25 – Text Change, BLCR Holdings, LLC and William Raveis Real Estate, to Amend Article III, Section 7 by creating a new Section 7, 7, regarding the preservation and Adaptive Reuse of Residential Buildings for Real Estate Broker's offices by way of special exception and site plan approvals.

Mrs. Fishman read the legal notice into the record:

*Notice is hereby given that the **STAMFORD PLANNING BOARD** will hold a Public Hearing on **Tuesday, MARCH 27, 2012, at 7: 30 PM.**, in the Government Center Building, 4th Floor, Cafeteria, 888 Washington Blvd., Stamford, CT to consider a **referral from the Zoning Board on Application 211-25 BLCR Holdings, LLC and William Raveis Real Estate**, for a **Zoning Text Amendment** to amend Article III, Section 7 by creating a new Section 7.7, regarding the Preservation and Adaptive Reuse of Residential Buildings for Real Estate Broker's Offices by way of special exception and site plan approvals.
The file comprising the request is available for review during normal business hours at the Land Use Bureau, Government Center, 7th Floor, 888 Washington Blvd., Stamford, CT*

At the above named time and place, all persons interested will be given an opportunity to be heard. The meeting place is accessible to the physically impaired. Deaf and hearing impaired persons wishing to attend this meeting and requiring an interpreter may make arrangement by contacting the Department of Social Services Administration office at 977-4050 at least five working days prior to the meeting.

Mrs. Dell described the procedures by which the Public Hearing would be conducted.

Attorney James D'Alton Murphy presented for the Applicant. He submitted the Certificate of Mailing and a handout to the Board. Mr. Murphy thanked the Board for hearing the application and explained that they were originally heard on the 14th of February and appreciate the Board scheduling the Public Hearing at their request because of neighborhood interest in the application. Mr. Murphy next explained that they are present for a text change on referral from the Zoning Board to allow a series of properties to apply for use by Special Exception for Real Estate Offices on Long Ridge Road (the Board will define the properties). He stated that on east side of Long Ridge Road, it's historically been residential and the western side has changed in recent years with intense commercial in some spots. A series of CT DOT traffic studies show huge volumes of traffic on Long Ridge Road to the point that homes are no longer appropriate for residential use. Mr. Murphy showed the Board properties which are currently used as real estate offices; nicely kept.

Mrs. Dell asked if people are living in homes on Long Ridge Road? Mr. Murphy said yes.

Mr. Murphy described the text change request and pointed out the Special Exception provisions to convert usage. There's a tight regulatory scheme and the criterion to be applied is under a new text change. He characterized the application as "what you see is what you get".

Mrs. Fishman asked about accessory structures and what would happen to them? Mr. Murphy said they hadn't thought about this but wouldn't be part of the special exception. Mr. Murphy explained that one of the benefits of this change is it would create a buffer from huge office complexes and from high speed traffic. Mr. Murphy said he didn't believe these would ever have been single family homes.

Mrs. Dell said of these 6 homes, has the Applicant shown how they are owned? Owner's are residents of Stamford. Mr. Murphy said this isn't spot zoning because this applies to a stretch of ½ mile on Long Ridge Road.

Mrs. Dell said she didn't understand how they could represent people living on Long Ridge because it's the Raveis people that want the text change. Mr. Murphy said not to presume and they don't represent these owners; they wish no detriment to them but the text change would make for a better transition.

Mr. Tepper asked if they'd contacted the 6 owners. Mr. Murphy said yes and they have some owners in support of the application.

Mrs. Fishman said this change would have all real estate agents poised to move in which makes it commercial property use down Long Ridge Road.

Mr. Murphy said they offered three options for the Planning Board and they aren't sure what the Master Plan will say.

Mr. Quick asked if they'd received any input from the neighbors.

Mr. Williams wanted to be clear on the situation – They are asking for people that own homes in this section to have an option to sell as a single family or conversion to real estate?

Mrs. Dell said she didn't want to open the door where people could use this to move commercial further down Long Ridge Road.

Mr. Dumais asked why 19.3.2e hadn't been included?

Mrs. Dell asked for Public comment in support.

Dave Wolf, 877 Long Ridge Road, said looking at the history of properties, they were operated as real estate offices. He discussed a list of properties and how in the past, most operated as real estate offices. Mr. Wolf then stated his support for the application.

Mr. Quick asked a question about properties falling outside the 2,500' zone.

Attorney Fox on behalf of John Kansas at 821 Long Ridge Road which is next to the Raveis piece said he supports the application but feels that all professional uses should be allowed here with the same restrictions on this applicant's proposal. If you're buying a house zoned residential purposes on a 5-lane highway, that's not an inducement for families to come.

Mr. Dumais asked a questions about and clarification regarding reuse/reconstruction of buildings. Mr. Murphy clarified.

Mrs. Dell asked for Public comment opposed.

Kathlene Aliaga, 11 Loughran Ave, commented that three of these properties adjoin and 1 is across the street from here. She said she was confused because two of these properties have access from residential streets. Right now they have a residential home in a residential area. Concerns about future development of these properties and how does a residential home benefit from this conversion.

Joe Dippolito, 881 Long Ridge Road, said he has a wife and 2-1/2 year old and they are planning to renovate their house. They've already put a lot of money into the house and it's a slippery slope. How does this help the area when they allow commercial to push into a residential area. It doesn't help anyone. He doesn't want to see a strop of real estate offices.

Miryam Rodriquez, 27 Loughran Ave said he represents the wishes of the neighbor across the street.

Mrs. Dell read the letter into the record which asks the Planning Board to decline the proposed text amendments.

William Sabel, 17 Maltbie Ave said he'd be affected by the text change. He has concerns about an increase in traffic especially on the weekends. He bought because of the easy access to the parkway and I-95. He also feels there'd be a safety issue impact with people coming into the neighborhood. What type of buffering are they talking about because the last thing he wants to see is an empty parking lot. People in favor of this are not residents to this area – they just own the properties.

Additional Public Comments.

Mark Diamond, on the Board of the North Stamford Association said they had not been contacted by the applicant and they don't approve the application. He stated that this is a difficult task for the Board because of the limitations and that it sets a terrible precedent and

doesn't see the personal hardship for a text change. It doesn't serve the community or any other social purpose. The change is narrow now but there's no reason why people won't come before the Board in the future to expand on this; and may actually cause a flood of applications so he asked the Board not to open a can of worms. He said the North Stamford Association never held a vote but their intent is to oppose this development.

Mr. Murphy said everyone is expressing concern that suddenly the entire length of Long Ridge Road will be top to bottom real estate offices. They tried to draw a narrow section with properties where real estate offices have existed for many years with no complaints. He said they'd spoken with Mr. Lombardo of the North Stamford Association years ago and they had no comments.

Mrs. Dell said they may be in a grey area because they are using facts from 3 to 4 years ago in a separate application. When presenting a new proposal, they should use comments pertaining to this application.

Mr. Murphy closed and asked for the Board's favorable vote and referral on the application.

Mr. Tepper questioned the logic of making a request that covers other properties? Mr. Murphy said they can't make a text change that applies to one property; when they started this process, they had 4 to 5 other properties.

Mrs. Dell asked for any further comments or questions; there being none, she closed the hearing on the application and announced that the Board would deliberate on this application at the next meeting scheduled for April 3, 2012 at 7:00pm.

Regular Meeting

Mrs. Dell returned to the regular meeting items on the agenda.

Zoning Board of Appeals Referrals:

ZBA Appl. 017-12 – Ahuja Holdings, LLC requesting Special Exception approval pursuant to Section 4AA 1.3, to construct a 10,335 s.f. Child Day Care Center for 150 children at 831 & 833 High Ridge Road in a R-10 zoning district. *(continued from 3/20/12)*

Mr. Quick recused himself and left the table. Mrs. Dell seated both alternates for the voting.

Mr. Dumais summarized the application and need for continuation to this meeting.

Mrs. Dell stated there's no way this building fits into the neighborhood and to stretch this into such a massive facility is way too much development for this small section of High Ridge Road and cited traffic concerns as raised by the City's Traffic Engineer and in the applicant's own report.

Mr. Tepper said this application is clearly in opposition to the direction of the Master Plan and it's unreasonable to request this type of impact in an R-10 zone. He would more to deny based on opposition to the Master Plan.

Mrs. Fishman questioned the legality of having children under 5 years old on a second floor.

Mr. Williams said he agreed with what the other Board Members has already said.

Mr. Williams moved to deny this application. Mr. Tepper seconded the motion and the motion carried unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Williams, Naumowicz and Tepper).

Mrs. Dell asked that the record reflect the denial and referenced the Traffic Engineer's referral comments and Land Use Bureau Chief's (Norman Cole) comments.

Planning Board Meeting Minutes:

Minutes of March 20, 2012

Mrs. Fishman moved to approve the minutes as submitted. Mr. Williams seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Williams, Fishman, Quick and Tepper).

New Business

Mr. Dumais announced that the next Planning Board meeting would be held on Tuesday, April 3rd at 7:00pm on the 7th Floor.

There being no further business to discuss, Mrs. Dell adjourned the meeting at 9:25 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.