STAMFORD PLANNING BOARD
SPECIAL MEETING MINUTES #3713
MONDAY, MAY 24, 2011
4th Floor CAFETERIA
888 WASHINGTON BLVD., STAMFORD, CT

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

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.

Mrs. Dell opened the Public hearing on application #3994 at 7:35PM. Mr. Tepper read the following legal notice into the record:

LEGAL NOTICE
PLANNING BOARD
OF THE CITY OF STAMFORD

Notice is hereby given that the STAMFORD PLANNING BOARD will hold a Public Hearing on Tuesday, May 24, 2011, at 7: 30 PM., in the Government Center Building, 4th Floor, Cafeteria, 888 Washington Blvd., Stamford, CT to consider the following application for the subdivision of property:

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

Neighboring property owners and/or their agents are encouraged to review the proposed subdivision map and pertinent correspondence in the file prior to the scheduled public hearing. These are available 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.

ATTEST: CLAIRE FISHMAN
SECRETARY
STAMFORD PLANNING BOARD

Dated at the City of Stamford this 12th day of May 2011

Mrs. Dell then explained the process by which the Public Hearing would be conducted. She noted that the Applicant would make a presentation; the Board would ask questions; members of the Public wishing to speak in favor or, in opposition to, or just make comments would be allowed to speak; next the applicant would then be allowed to address comments; and finally the Planning Board would ask an additional round of questions.

Mr. Roger Quick, announced that he was recusing himself from the public hearing on this application. He then got up and left the table.

Mrs. Dell next introduced all of the members of the Planning Board and staff to the Public.

Attorney Ron Gold, representing the Applicant, distributed the Certificate of Mailing for the recording and a copy of the Preliminary Subdivision Application to the Board. He began by commenting that he has received word that Mr. Harness as taken an appeal of Mr. Lunney's advisory letter to the Board. Mr. Gold next described the history of the application and its previous iteration, approval and subsequent appeal by neighbors. Mr. Gold then stated that the memorandum of Page 6 on the bottom, described Mr. Lunney's letter for this hearing and it's a reason of statement for Zoning Compliance. Mr. Gold stated that he does not agree with the Judge's determination and that the authority to determine compliance with the Zoning Regulations for Subdivisions is the Planning Board.

Mr. Gold then stated that the Charter spells out procedures for reviewing subdivisions, read the Charter, and it says you decide if it conforms to Zoning. He noted that he had Mr. Lunney review this informally and prepared this document for evidentiary purposes only, the Planning Board has the authority. Mr. Gold continued by stating they do not believe Mr. Lunney's letter is a decision, its an opinion letter and is for advisory purposes.

Mr. Gold then distributed a Compendium of Exhibits to the Board. He began by going through each Exhibit. Exhibit 1 – A Lewis Map of lots, and shows that this parcel is 6.43 acres in size and there is nothing of comparable size on Ingleside Drive or Spring Hill Drive. Mr. Gold then used the map to name a number of nonconforming lots located in the neighborhood, noting that 16 of the closest lots are nonconforming.

Exhibit 2 – Topo Map – Mr. Gold said that arguments relating to the pristine lake it should be noted that this subdivision was configured to give each of the lots direct access to the lake and open space. He noted that an area of extreme topography, the "knoll" is being preserved and that there was City Water available in this area so there was not a need for new wells.

Exhibit 3 – An Aerial Image of the neighborhood.

Exhibit 4 – A Zoning Map, he noted that RA-2 is the prevalent zone of the neighborhood and this application fully conforms to the standards of RA-2 zoning.

Exhibit 5 – Historically until 1985, this property was zoned RA-1, and so was the area.

Exhibit 6 – A copy of the 1985 Zoning Board decision appeal to the Board of Reps.

Exhibit 7 – Copy of the Deed of 258 Ingleside Drive, proof Mr. Innaurato owns the property.

Exhibit 8 – Planning Board Map 14137, approved subdivision on record in Town Clerks Office.

Exhibit 9 – A copy of the Zoning Enforcement Officers letter.

Exhibit 10 – Engineering Department's letter offered no objection to the application continuing with the approval process.

Mrs. Dell noted that Planning Board member Claire Fishman arrive at 8:00 PM.

Exhibit 11 – Director of Health and Social services memo offered no objection to the applications with conditions noted.

Exhibit 12 – Environmental Protection Board with a unanimous approval recommended approval of the subdivision subject to conditions.

Exhibit 13 – Permits from the EPB for lots B1 and B2 are in affect and in good standing until 2011 and are renewable by paying and EPB extension fee.

Exhibit 14 – A copy of the conservation easement.

Exhibit 15 – A copy of the lists of lots in the area that are nonconforming.

Exhibit 17 – An example of how the Planning Board has operated in the past, which includes many different subdivisions with accessways that go through obstructions and are paper only in nature.

Exhibit 18 – A copy of the Spring Hill subdivision. Mr. Gold pointed out that on the Spring Hill, Shady Knoll and Winward subdivisions there were many long accessways and EPB constraints. He noted that Spring Hill meets the public standards for road acceptance but was kept private. In the Winward subdivision many accessways cross streams wetlands and none of them are the actual access used to access their lots.

Exhibit 19 – A copy of the subdivision regulation changes to lot lines, vehicular access and tortured lot lines. Included was a copy of the Board's application.

After completing his review of the Compendium of Exhibits, Mr. Gold stated that this was why we were back before the Board, because we believe our subdivision is complete.

John Puglesi, Engineer for the applicant walked the Board through the existing site conditions and highlighted the areas of steep slopes, pond, wetlands and pointed out the proposed open space protects much of these environmentally sensitive lands. He explained that the application is to divide the existing property into three lots, all meeting zoning requirements for lot area, circle diameter and lot frontage. Mr. Puglesi then noted that the open space is at 43% of the site which well exceeds the required 10% requirement in the regulations. He detailed the site drainage and soil and erosion control plans for the Board.

Mrs. Fishman asked for clarification that waste from the homes goes into a septic system and that runoff is from the storm water. Mr. Puglesi confirmed this. He stated that staff has no objections to the drainage report or how runoff is calculated.

Mrs. Dell asked if there were any members from the public wishing to speak in favor of this application. Jim Farrera of 281 Ingleside Drive spoke in support. He explained that he had lived there for almost 43 years and that since 1967 all of the subdivision discussed were created and that many of them access from his driveway. He stated he doesn't believe that there will be a traffic problem from this subdivision. His wife Elsie stated that they support the application because they can't see a problem with it and welcome the change in the neighborhood.

Mrs. Dell then asked if there were any members of the Public wishing to speak in opposition to the application. John Harness, attorney in Stamford asked the Chair for

clarification on who will decide on the application. Mrs. Dell indicated that if Mr. Totilo doesn't listen to the tapes it will be herself, Mrs. Fishman, Mr. Williams and Mr. Tepper. Mr. Harness then indicated that he represented six individuals, which were four property owners most impacted by this propose development. He summarized his opposition as 1. Due process, 2. Does not comply with the Zoning Regulations, and 3. Does not comply with the Subdivision Regulations. He explained that in an administrative capacity the Board needs to determine if the subdivision complies and that the ZEO's stamped approval letter is an appealable decision and submitted documented court cases into the record. Mr. Harness the stated that historically the Board approved of an application on this site in 2008 and that is important here because the Board is not considering this application in all due fairness. He explained that in the previous court ruling the Judge stated that the Board misinterpreted its own rules on accessways and frontage and this Board then conceived a meeting to decide to apply for a text change to circumnavigate the rules. This is wrong and circumnavigates due process. He then noted that after the Judge pointed this out to the Board and the Board decided to change its regulations, there was no fair way for his clients to get a unbiased review of the application. He asked why Robin Stein didn't bring the text change applications.

Mrs. Fishman asked Mr. Harness to in plain English express is concern. Mr. Harness stated it is about not judging this application fairly. He then commented that when he learned of these changes he went to the City Charter to look for the Planning Board's powers and authorities and said that the Board doesn't have the power to submit the text changes.

Mr. Harness then submitted into the record a copy of the new definition of lot frontage and explained that even under this new definition lot B-1 doesn't have the required frontage. He added that the lot doesn't have the legal frontage on Spring Hill. Mr. Harness then noted that the deed of Spring Hill Land East lists James Fieber Trustee as the owner of the road and he doesn't appear on the list of notified property owners. Again he stated that his clients are entitled to due process and is skeptical of the actions taken by the Board.

Joseph Risolli, engineer for the opposition presented his arguments against the subdivision. He stated that the number one issue is drainage and critiqued the applicant's storm water mitigation efforts and calculations. Mr. Risolli noted that hw looked at the neighborhood and concluded that there was a much larger watershed that should have been calculated when designing the weir structure. Jim McTay, surveyor working for Mr. Risolli provided the Board with a photographic analysis of the watershed including areas where addition flow enters the applicant's property. He noted the impact of this was that it changes almost everything included in the applicant's drainage report.

Mrs. Fishman asked if the areas in red already flowed into the pond. Mr. Risolli answered yes and the applicant didn't design to this standard. He then noted that the weir was not designed properly because there was a downstream choke point in the channel that directly impacts the backflow up to the weir.

Mr. Tepper asked what this meant. Mr. Risolli answered that the design of the structure needed to be changed. Mr. Tepper asked is a revised design would solve the problem. Mr. Risolli answered that was going to have to be the Board's decision and that the applicant has already admitted to raising the level of the pond which is not a zero impact to offsite areas.

Mr. Williams asked what the difference between the blue areas and your larger area was and what determines a watershed. Mr. Risolli answered you need to go to the site because the maps are misleading and asked the Board to look at photographs 4 and 5.

Mrs. Dell next asked if there were any additional members of the public wishing to speak in opposition to the application. Jena Blum, 63 Spring Hill Lane East spoke in opposition to the application. She expressed concerns about the impacts of drainage, and impacts to the wetlands. She also noted that she was concerned she did not receive notice and would prefer 2 lots.

Mrs. Kathy Swan, 320 Ingleside Drive spoke in opposition to the application. She stated drainage and impacts offsite as her primary concern.

Perce Langstaff, Chair of the Stamford Land Conservation and Trust spoke to the historic nature of the area and property and hoped this application would be denied.

Regina Campfield, 47 Spring Hill Lane East, spoke in opposition to the application. She stated that they already get lots of water onto her property and was cornered that this subdivision would worsen the situation.

Simon Gardner, 25 Shaddy Knoll Drive spoke in opposition to the application.

Adrian Hyloo, 307 Ingleside Drive, spoke in opposition to the application. Chief concerns were the loss of trees and drainage impacts to the neighborhood.

Moreen Kessler, 261 Ingleside Drive, spoke in opposition to the application. She said that people aren't opposed to developing this site, they are opposed to developing it in a way to achieve maximum profit through maximum site disruption.

Mrs. Dell announced that this application would be continued to June 14th and that any additional materials relating to the draining were due by June 3rd to the Board.

Regular Meeting

Zoning Board of Appeals Referrals:

ZBA APPL. #019-11, Florence Ray Revocable Trust, requesting variances of building area (% coverage) to construct a proposed two story addition to an residential building located at 30 Grandview Avenue in a R-7½ district.

Mr. Dumais briefly described the request. Several Board members expressed concerns that the request was excessive and out of character with the neighborhood. Mr. Tepper moved to recommend denial of ZBA application 019-11. Mr. Williams seconded the motion is it carried unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Quick, Williams and Tepper).

APPL. #018-11, Sofia Byrnes, requesting a Special Exception to permit a Group Day Care Facility for up to 12 children at a property located in the R-20 district having an address of 143 Minivale Road.

Mr. Dumais briefly described the request. After a short discussion, Mr. Quick moved to recommend approval of Zoning Board of Appeals Application 018-11. Mrs. Fishman seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Quick, Williams and Tepper).

APPL. #016-11, Munno, requesting relief from Section 6 to permit a generator to be located in a front yard for a home located in R-20 district having an address of 425 Ocean Drive West.

Mr. Dumais briefly described the request. After a short discussion, Mr. Tepper moved to recommend approval of Zoning Board of Appeals Application 016-11. Mr. Williams seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Quick, Williams and Tepper).

Planning Board Meeting Minutes

Meeting of 2/8/11 Mr. Tepper moved approval of the meeting minutes of 2-8-11. Mrs. Fishman seconded the motion and it passed unanimously with the eligible members present voting, 4-0 (Dell, Fishman, Quick, and Tepper).

Meeting of 2/15/11 Mr. Tepper moved approval of the meeting minutes of 2-15-11. Mrs. Fishman seconded the motion and it passed unanimously with the eligible members present voting, 4-0 (Dell, Fishman, Quick, and Tepper).

Meeting of 4/5/11 Mrs. Fishman moved approval of the meeting minutes of 4-5-11. Mr. Quick seconded the motion and it passed unanimously with the eligible members present voting, 4-0 (Dell, Fishman, Quick, and Williams).

Meeting of 5/9/11 Mr. Tepper moved approval of the meeting minutes of 5-9-11. Mr. Williams seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Quick, Williams and Tepper).

New Business

Mr. Dumais explained that the Board did not have to meet next week. Mr. Tepper briefly updated the Board on the latest news from SWRPA.

There being no further business to discuss, Mrs. Dell adjourned the meeting at 11:15 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.