

**STAMFORD PLANNING BOARD  
APPROVED MINUTES - TUESDAY, SEPTEMBER 29, 2020  
REGULAR MEETING & PUBLIC HEARING  
VIA THE INTERNET & CONFERENCE CALL**

*Regular Meeting - 6:30 p.m. / Public Hearing - 7:00 p.m.*

**JOIN ZOOM MEETING**  
<https://us02web.zoom.us/j/86082302695>

*Meeting ID: 860 8230 2695  
Passcode: 920614*

**Web & Phone Meeting Instructions**

- *If your computer/smartphone has mic and speaker then:  
Type in, paste or click the following link: <https://us02web.zoom.us/j/86082302695>; **OR***
- *If not, then **Call-in** using the **phone number & password** provided above.*
- *Sign-up for Planning Board meeting updates by emailing [lcapp@stamfordct.gov](mailto:lcapp@stamfordct.gov).*

**Web Meeting Ground Rules:**

- *The meeting shall be recorded and the video shall be posted on the City of Stamford website [http://cityofstamford.granicus.com/ViewPublisher.php?view\\_id=8](http://cityofstamford.granicus.com/ViewPublisher.php?view_id=8)*
- *The Planning Board shall moderate the audio for attendees.*
- *Attendees shall be on mute and will be unmuted when called to speak by the Planning Board members.*
- *Applicants will have 20 minutes to make their presentation.*
- *Any applicant wishing to submit written testimony can send it prior to the meeting to [lcapp@stamfordct.gov](mailto:lcapp@stamfordct.gov) or submit through a Chat message to the Planning Board Chair during the meeting.*

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Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Jennifer Godzeno, Secretary; and Michael Totilo. Alternates: William Levin. Absent: Michael Buccino, Voting Member and Claire Fishman, Alternate. Present for staff: David W. Woods, PhD, FAICP, Deputy Director of Planning; Sandy Dennies, Director of Administration; Thomas Madden, Director Economic Development; William Brink, Executive Director, WPCA; James Travers, Transportation Bureau Chief and Anthony Romano, Management Analyst, Office of Policy & Management.

Ms. Dell called the meeting to order at 6:36 p.m., introduced the members of the Board and staff present and explained that this meeting will begin as a regular meeting and will be suspended at 7:00 p.m. to start the Public Hearing portion of the meeting.

Ms. Dell introduced the first item on the agenda.

**PLANNING BOARD MEETING MINUTES:**

**September 8, 2020:** After a brief discussion, Mr. Tepper moved to recommend approval of the Planning Board Regular Meeting Minutes of September 8, 2020; Ms. Godzeno seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

### **REQUEST FOR AUTHORIZATION:**

1. **CITY-OWNED PROPERTIES:** In accordance with Section §9-4 of the City Code of Ordinances, the Director of Administration has submitted a list of real property owned and leased by the City (the Triennial List) to the Planning Board, the Board of Finance and the Board of Representatives for review with the objective of recommending future use or disposal of unused properties.

Dr. Woods made a brief presentation and Sandy Dennies, Director of Administration, was available to answer any potential questions Dr. Woods was not be able to answer. (*See Staff Report & City-Owned Properties Description*)

After a brief discussion, Mr. Tepper recommended approval of City-Owned Properties and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and the City Charter Section C6-30-13 and finds this request to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

2. **PROPOSED SALE - 66 WEST PARK PLACE:** The Board of the URC is proposing to sell 66 West Park Place, Stamford, CT (a.k.a 0 West Park Place & Park Square West III) pursuant to Sec. 9-6, Special Sales, which authorizes the sale of City-owned property “subject to such terms and conditions as the Mayor may deem to be in the best interests of the City”. Sec. 9-6 requires that each sale be approved by the Planning Board, Board of Finance and Board of Representatives. The buyer is going to seek approval for a higher and better use of the property to maximize its value. The proposed building will provide up to 7,000-10,000 sq. ft. of retail commercial on the ground and first floor that will act as an innovation hub for the residents of Stamford along with some other retail use to be determined. The upper floors will be residential apartments focusing on co-living. The increased purchase price is based upon 70 residential units over 7-8 stories. The buyer is proposing for no on-site parking and that tenants will rent spaces directly from The City of Stamford from the adjacent City garage on an “as needed/required” monthly basis. The capacity of the existing garage to accommodate this request will be determined during the parking/traffic study that will take place during the approval stage.

Thomas Madden, Director Economic Development made a presentation and answered questions from the Board. (*See Request to Sell Memorandum, Title Report & Commitment for Title Insurance – Note: Commitment for Title Insurance is 297 pgs. and is posted on the Planning Board website*)

After a brief discussion, Mr. Totilo recommended approval of the Proposed Sale of 66 West Park Place a/k/a 0 West Park Place & Park Square West III and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and the City Charter Section C6-30-13 and finds this request to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

### **ZONING BOARD OF APPEALS REFERRALS:**

1. **ZBA #039-20 - CITY OF STAMFORD - TRAFFIC ENGINEERING - 256 WASHINGTON BOULEVARD (Units 1 - 18) - Variance of Table III, Appendix B:** Applicant wishes to acquire approximately 938 sq. ft. of property frontage from 256 Washington Boulevard to accommodate the proposed City Roadway Widening of Washington Boulevard, specifically for the provision of an improved roadway cross-section. Applicant is requesting a front yard setback of 6.5 ft. in lieu of the 15 ft. required.

Since the City is responsible for enforcing the Zoning Regulations, without a variance the City cannot make a legal lot into a non-conforming lot by its own actions. Therefore, as part the taking of the sliver along Washington Boulevard, the City is required to obtain a variance approved by the Zoning Board of Appeals to allow this parcel to become a legal non-conforming lot, by providing relief to this front yard setback.

James Travers, Bureau Chief Traffic Engineering and Garrett Bolella, Traffic Engineer answered questions from the Board. Mr. Travers stated all property owners have been notified and have provided written testimony of being in favor of this proposal.

After a brief discussion, Mr. Tepper recommended **approval** of **ZBA Application #039-20** and that this request is compatible with the neighborhood and consistent with Master Plan Category #16 (Transit-Oriented Development District); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

### **REQUEST FOR AUTHORIZATION**

### **SUPPLEMENTAL CAPITAL PROJECT APPROPRIATION REQUESTS:**

William Brink, Executive Director, WPCA made a presentation and answered questions on the following four (4) Capital Project Appropriation Requests:

1. **REPLACEMENT OF PLANT WATER & RAS PUMPS - WATER POLLUTION CONTROL AUTHORITY - PROJECT #CP0124 - TOTAL AMOUNT OF \$5,460,000.00:** Funds will be used to replace pumps, electrical switchgear, piping and valves in the WPCF Operations Building associated with the plant water, return sludge and waste sludge pumping systems.

After a brief discussion, Mr. Totilo recommended approval of the Replacement of Plant Water & RAS Pumps - Project #CP0124 - Total Amount of \$5,460,000.00 and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and the City Charter Section C6-30-13 and finds this request to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

2. **WPCA MAJOR REPLACEMENT - WATER POLLUTION CONTROL AUTHORITY - PROJECT #CP6904 - TOTAL AMOUNT OF \$825,000.00:** Funds will be utilized for miscellaneous equipment replacements, paint final clarifier and replace final Clarifier No. 3.

After a brief discussion, Mr. Tepper recommended approval of the WPCA Major Replacement - Project #CP6904 - Total Amount of \$825,000.00 and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and the City Charter Section C6-30-13 and finds this request to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

3. **SANITARY SEWER REHABILITATION - WATER POLLUTION CONTROL AUTHORITY - PROJECT #CP4242 - TOTAL AMOUNT OF \$600,000.00:** Funds will be used to repair/replace sanitary sewers, manhole frames and covers, and rehabilitate sewers determined to have excessive infiltration and inflow.

Ms. Dell noted a resident, Ms. Delvally(sp?), had called in wishing to speak on this issue and was advised to participate in the next WPCA meeting to voice her comments.

After a brief discussion, Ms. Godzeno recommended approval of the Sanitary Sewer Rehabilitation - Project #CP4242 - Total Amount of \$600,000.00 and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and the City Charter Section C6-30-13 and finds this request to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

**4. UPGRADE OF ULTRA-VIOLET DISINFECTION SYSTEM - WATER POLLUTION CONTROL AUTHORITY - PROJECT #C71201 - TOTAL AMOUNT OF \$300,000.00:** Funds will be utilized to complete construction of new UV Disinfection System.

After a brief discussion, Mr. Totilo recommended approval of the Upgrade of Ultra-Violet Disinfection System - Project #C71201 - Total Amount of \$300,000.00 and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and the City Charter Section C6-30-13 and finds this request to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

**PUBLIC HEARING TO START AT 7:00 P.M.**

***(NOTE: Public Hearing began at 7:15 p.m.)***

Ms. Dell suspended the Regular Meeting and began the Public Hearing.

Dr. Woods asked to make a comment as he received some phone calls and emails regarding some confusion about the responsibility of the Planning Board and the Zoning Board. Dr. Woods gave a general explanation of the function of each Board.

Dr. Woods asked Jason Klein, of Carmody Torrance Sandak Hennessey, LLP, to read the Legal Notice into the record as follows:

**APPL. MP-438** - Notice is hereby given that the Planning Board of the City of Stamford, CT will conduct a Public Hearing on **Tuesday, September 29, 2020 at 7:00 p.m.** via phone and internet video conference to consider the application of the Estate of John F. Steinegger and Nancy J. Steinegger to amend the City of Stamford Master Plan Map to change property currently located in Master Plan Category #4 (Residential - Medium Density Multifamily) to Master Plan Category #6 (Commercial Neighborhood). The subject properties include 40 Rose Park Avenue (Assessor Account #002-5250) and a portion of the property known as 194 West Main Street (Assessor Account #001-7761).

Land to be changed from Master Plan Category #4 to Master Plan Category #6 is described as follows:

Land to be changed from Category 4 to Category 6:

Block #: 9      Area: 0.2± Acres (8,382± SF)

Description:

Easterly: 61'± by the centerline of Rose Park Avenue;

Southerly: 118'± by said Rose Park Avenue and land N/F of Mohammed J. Sayed et al;

Easterly: 41'± by said land N/F of Mohammed J. Sayed et al;

Southerly: 25'± by land N/F of Westside Townhouse Condominium;

Westerly: 58'± by said land N/F of Westside Townhouse Condominium;

Northwesterly: 44'± by land of The Estate of John F. Steinegger;

Northerly: 112'± by said land N/F of The Estate of John F. Steinegger & said Rose Park Avenue.

Ms. Dell explained the procedure for the Public Hearing. The applicant will speak first and make their presentation; the Planning Board members will then ask any questions. After the Board is satisfied, the public will be allowed to address the Board in the following order: those *In Favor*, those *Against* and anyone who would like to make *General Comments*. Ms. Dell asked those from the public to please unmute at the proper time so it will be known who would like to speak when called.

Ms. Dell stated the two companion Zoning Board referrals would be heard after the presentation for the Master Plan application.

**PUBLIC HEARING:**

**MASTER PLAN AMENDMENT #MP-438 - 226-228 WEST MAIN STREET, LLC; POST ROAD III, LLC; POST ROAD IV, LLC; 188 WEST MAIN STREET, LLC; NANCY J. STEINEGGER & THE ESTATE OF JOHN F. STEINEGGER represented by JASON KLEIN, CARMODY TORRANCE SANDAK HENNESSEY, LLP - 188, 194, 226, 230 & 236 WEST MAIN STREET and 40 & 54 ROSE PARK AVENUE:** Applicant is requesting to change the ±7,582 sq. ft. parcel consisting of 40 Rose Park Avenue and a portion of 194 West Main Street currently located in Master Plan Category #4 (Residential - Medium Density Multifamily) to Master Plan Category #6 (Commercial - Neighborhood Business).

When Dr. Woods reviewed the Zoning Board applications for 226-228 West Main Street it was noticed there were two (2) Master Plan categories on this lot, which clearly should have been addressed as part of the 2015 Master Plan update. From Staff's perspective, this is seen as the Master Plan equivalent to a Scribner's error.

Ms. Dell introduced William Hennessey, of Carmody Torrance Sandak Hennessey, LLP, representing the applicants, to make their presentation for Master Plan Amendment #MP-438. (*PowerPoint presentation submitted*)

Ms. Dell asked the Board if they had any questions. Mr. Totilo and Mr. Levin asked questions.

Ms. Dell then turned the meeting over to the public and called for anyone to speak "In Favor" and there was no response. Ms. Dell then called for anyone to speak "Against" and there was no response. Finally, Ms. Dell called for anyone to make any "General Comments" and there was no response.

Ms. Dell closed the public portion of the Hearing and called for last discussion from the Board and the Board had no further comments.

After a brief discussion, Mr. Levin recommended **approval** of *Master Plan Amendment #MP-438* and that this request is compatible with the neighborhood and consistent with Master Plan Category #6 (Commercial - Neighborhood Business); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

Dr. Woods stated since this has been an error on the Master Plan since at least 1981, the Planning Board would amend this lot only when it is time to update the Master Plan in 2023-2024 and will then take a hard look at the main arterials - West Main Street, East Main Street and the Ridge Roads.

As there was no one from the public wishing to speak In Favor, Against or to make any General Comments and the Planning Board wished no further discussion or had any additional comments, the Public Hearing was considered closed.

**COMPANION ZONING BOARD REFERRALS:**

- 1. ZB APPLICATION #220-35 - 226-228 WEST MAIN STREET, LLC; POST ROAD III, LLC; POST ROAD IV, LLC; 188 WEST MAIN STREET, LLC; NANCY J. STEINEGGER & THE ESTATE OF JOHN F. STEINEGGER represented by CARMODY TORRANCE SANDAK HENNESSEY, LLP - 188, 194, 226, 230 & 236 WEST MAIN STREET and 40 & 54 ROSE PARK AVENUE - Text Change** (*Continued from August 25, 2020*): Applicant is proposing to amend Article III, Section 4.B.7.c (12) *Arterial Streets* to include West Main Street in the list of *Arterial Streets*.



After a brief discussion, Mr. Tepper recommended **approval** of **ZB Application #220-35** and that this request is compatible with the neighborhood and consistent with Master Plan Category #6 (Commercial - Neighborhood Business); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

2. **ZB APPLICATION #220-36 - 226-228 WEST MAIN STREET, LLC; POST ROAD III, LLC; POST ROAD IV, LLC; 188 WEST MAIN STREET, LLC; NANCY J. STEINEGGER & THE ESTATE OF JOHN F. STEINEGGER represented by CARMODY TORRANCE SANDAK HENNESSEY, LLP - 188, 194, 226, 230 & 236 WEST MAIN STREET and 40 & 54 ROSE PARK AVENUE - Map Change (Continued from August 25, 2020):** Applicant is proposing to rezone properties which are bound by Ann Street to the west, West Main Street to the north and Rose Park Avenue to the east from the present zoning districts C-B & R-MF to the Village Commercial V-C zoning district.

After a brief discussion, Mr. Tepper recommended **approval** of **ZB Application #220-36** and that this request is compatible with the neighborhood and consistent with Master Plan Category #6 (Commercial - Neighborhood Business); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

***MASTER PLAN AMENDMENT #MP-437 AND THE TWO COMPANION ZONING BOARD APPLICATIONS WILL NOT BE HEARD AS THEY WERE WITHDRAWN BY THE APPLICANT ON SEPTEMBER 22, 2020***

**MASTER PLAN AMENDMENT #MP-437 - ARTIS SENIOR LIVING (Contract Purchaser) & ROOSTER, LLC (Owner) represented by RICHARD REDNISS, REDNISS & MEAD - Map Change (Continued from August 25, 2020):** Applicant is requesting to change portions of 1100 High Ridge Road and 209 Dunn Avenue from MP Category #2 (Residential - Low Density Single Family) to MP Category #7 (Commercial - Arterial).

**COMPANION ZONING BOARD REFERRALS:**

1. **ZB APPLICATION #220-33 - ARTIS SENIOR LIVING (Contract Purchaser) & ROOSTER, LLC (Owner) - 1100 HIGH RIDGE ROAD & 209 DUNN AVENUE - Text Change (Continued from August 25, 2020):** Applicant is proposing to amend Section 5E (Use Regulations) by adding language to the definition of "Assisted Living Facility" and to amend Appendix A, Table 1, Use #4.15 - Assisted Living Facility by marking a "B" under the C-N Zoning designation to indicate use is permitted by a Zoning Board Special Permit.
2. **ZB APPLICATION #220-34 - ARTIS SENIOR LIVING (Contract Purchaser) & ROOSTER, LLC (Owner) - 1100 HIGH RIDGE ROAD & 209 DUNN AVENUE - Map Change (Continued from August 25, 2020):** Applicant is requesting a rezoning of 209 Dunn Avenue and a portion of 1100 High Ridge Road from present Zoning District R-10 to proposed Zoning District C-N.

**ZONING BOARD REFERRALS:**

1. **ZB APPLICATION #220-37 - WESTCOTT APARTMENTS DE 1, LLC ET AL & WESTCOTT APARTMENTS DE 2, LLC - 1430 WASHINGTON BOULEVARD - Special Permit:** Applicant is requesting approval to convey approximately 12,000 sq. ft. of existing ground floor office space into nineteen (19) additional residential units including four (4) Below Market Rate units.

The existing Westcott Apartments, located at 1430 Washington Boulevard, is on the west side of Washington Boulevard just north of North Street. This parcel is in Master Plan Category #5 (Residential - High Density Multifamily) which identifies as almost exclusively for residential development. As such, the applicant is requesting to convert the vacant ground floor commercial space into nineteen (19) additional residential units of which four (4) will be BMR units onsite.

Raymond Mazzeo, of Redniss & Mead, made a presentation and answered questions from the Board.

After a brief discussion, Mr. Totilo recommended **approval** of **ZB Application #220-37** and that this request is compatible with the neighborhood and consistent with Master Plan Category #5 (Residential - High Density Multifamily); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

2. **ZB APPLICATION #220-38 - CITY OF STAMFORD - ZONING BOARD (LAND USE BUREAU) - OMNIBUS TEXT CHANGE - Section 7.3:** The applicant is proposing, as part of the Omnibus Text Change, an overhaul of Section 7.3 currently named “Special Exception for Historic Buildings.” The new Section 7.3 “Historic Preservation” will be accompanied by several new defined terms related to historic preservation. This application was originally filed under ZB Application #219-28. During the referral period, numerous comments were received from agencies, boards, commissions and the public that necessitated a thorough revision of this original application. While the scope and intent of the original filing has only minimally changed, many of the tools to be employed to achieve those goals were significantly modified. Therefore, it seemed prudent to reset the process and file a new application.

At the January 7, 2020 meeting, the Planning Board unanimously recommended approval of the new Section 7.3 (Historic Preservation). Before it could be brought before the Zoning Board the Law Department took a second look at the proposed Section 7.3 and recommended the Text Change be amended as follows:

- a. Add definitions for terms related to Historic Preservation to Section 3. The purpose is to remove ambiguity related to eligibility of properties for review and to define the terms related to this Section.
- b. Delete current Section 7.3 - Special Exception Uses for Historic Buildings. This is a complete replacement of the Section.
- c. Add Section 7.3 - Historic Preservation. Section 7.3.A will take into account the wider scope of Historic Preservation as explained above. Section 7.3.B establishes a new requirement of a Historic Site and Architectural review for ALL historic buildings and non-contributing buildings in the Historic District, regardless of whether incentives or relief from certain Zoning requirements, per Section 7.3.C, are sought or not. Section 7.3.C would provide for use and bulk Zoning incentives and relief from certain Zoning Regulations that would hinder or prohibit the rehabilitation or reuse of historic buildings.

Two of the tools provided, however, are genuinely new additions to the historic preservation tool box. Incentives and modified rules are now also available (by special Permit) to replicas of historic buildings and the development rights for sites where historic buildings were demolished are limited in an effort to disincentivize the demolition of historic buildings. This last regulation replaces the concept of the “Historic Preservation Overlay District” that was contemplated in the previous filing with a much simpler procedural approach and a wider scope. Staff recommends approval.

After a brief discussion, Mr. Tepper recommended **approval** of **ZB Application #220-38** and that this request is compatible with the neighborhood and consistent with the 2015 Master Plan as Historical preservation could be in all neighborhoods ; Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

**ZONING BOARD OF APPEALS REFERRALS (Con’t):**

2. **ZBA #035-20 - COURTENEY KUCZO & JEFFREY RONAGH - 54 DUNN AVENUE - Variance of Table III, Appendix B:** Applicant owns two (2) lots side-by-side with a single-family dwelling on one and the other being vacant. Applicant is seeking allowance for the properties to be used as separate single-family lots and requesting the following: (a) minimum size of plot area to allow each lot to consist of 7,594 sq. ft. in lieu of the 10,000 sq. ft. required and (b) minimum size of plot frontage to allow each lot 50 ft. frontage in lieu of the 75 ft. required.

Chris Kuczo, father of the applicant, explained his daughter owns both lots and pays separate taxes on each and the last Zoning change occurred in 1951. There are 62 houses on Dunn Avenue, of which 32 are all the same lot size of .17 acres or smaller including these two lots and also the surrounding lots. The proposed dwelling on the vacant lot has 1,350 sq. ft. of building coverage. Mr. Kuczo further explained that current zoning would allow an addition to the existing dwelling but it would not be consistent with the neighborhood.

After considerable discussion, Mr. Tepper recommended **approval** of **ZBA Application #035-20** even though these two (2) lots do not conform with the **current** Zoning Regulations due to the comprehensive rezoning in the 1980s, which made numerous lots on Dunn Avenue non-conforming, but are consistent with what is presently in the neighborhood. The Board also recommends the Zoning Board of Appeals, after rendering its decision, refer this to the Zoning Board so they can take a hard look at this section of the City and consider changing the entire area from R-10 to R-7½. It is the opinion of the Board that the proposed application keeps with the character of the neighborhood and is consistent with the slightly higher single-family density found in Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Tepper and Totilo).

3. **ZBA #036-20 - CHRIS RUSSO, ESQ., RUSSO & RIZIO, LLC representing McDONALD'S REAL ESTATE COMPANY - 1103 EAST MAIN STREET - Variance of Section 13-F:** Applicant operates a McDonald's restaurant with a drive-through facility in an existing two-story masonry building. The existing building will remain and be renovated with associated improvements, including updated signage. Applicant is requesting allowance for an additional ground sign of approximately ten (10) sq. ft. on the site for a pre-browse menu to assist in the operation of the drive-through facility. A modification of a previous Zoning approval, which was conditioned as being approved per plans, to modify the Site Plan to erect a Welcome Point Gateway and Springboard Canopy along the drive-through lane.

At the March 3, 2020 meeting, the Planning Board reviewed and recommended approval with the condition of improving the entrance and exit onto East Main Street. (See attached referral letter.)

Dr. Woods explained that even though the Planning Board approved this at the March 3, 2020 meeting, there were issues with the Zoning Board. Dr. Woods spoke with Attorney Chris Russo and asked him to speak and explain why this application has been brought back.

Mr. Russo explained this is the same application from earlier this year. There were two Hearings with the Zoning Board of Appeals and at the second Hearing, the Zoning Board of Appeals had questions but were not allowed to ask those questions as the Public Hearing had been closed. The issues the Zoning Board of Appeals had were clarification of operating hours, if they were in accordance with the approval; confusion as to what was being requested on the site plan and traffic flow. The variances being requested are to change the pre-browse sign, which already exists, to be moved approximately 5 ft. and make it a ground sign and a modification to the site plan by adding the Springboard Canopy.

After a brief discussion, Mr. Totilo recommended **approval** of **ZBA Application #036-20** with the recommendation with the recommendation the applicant work with the Transportation, Traffic & Parking Bureau to address potential improvements to the entrance and exit onto East Main Street, which was originally made at the March 3, 2020 meeting and that this request is compatible with the neighborhood and consistent with Master Plan Category #3 (Residential - Low Density Multifamily); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Godzeno, Tepper and Totilo).



4. **ZBA #037-20 - IRMINA OZIEMBALA - 31 PALMER AVENUE - Variance of Section 6-A:** Applicant owns a single-family dwelling with a detached accessory structure (garage) that needs to be replaced due to age and condition. Applicant would like to replace the existing 9 ft. x 19 ft. existing detached accessory structure currently with a current sideyard setback of 1.3 ft. The applicant is requesting to install a new 10 ft. x 20 ft. prefab garage at its existing location; therefore, requesting a variance to legalize what is an existing non-conforming setback of 5 ft. required.

The applicant is requesting a variance of 3.7 ft. for an accessory structure because they want to install a pre-fab structure that is larger and to move it 5 ft. would make their back yard too small. They are also claiming to rebuild the accessory building exactly the same way would be too expensive. It is up to the Planning Board but from Staff perspective is (a) the applicant does not make a compelling case as to why they require the sideyard setback variance regardless of size of the accessory building and (b) the cost of rebuilding the exact same structure is not a hardship for a variance.

Ms. Oziembala explained the new accessory structure would be the same footprint and would extend one (1) foot into her backyard. The existing structure is 9 ft. x 19 ft.

Dr. Woods suggested Ms. Oziembala make a modification to her application before going to the Zoning Board of Appeals that the request is the same non-conforming use retaining the same setback and ask they accept the existing conditions.

After a brief discussion, Mr. Tepper recommended **approval** of **ZBA Application #037-20** with the recommendation the applicant make a modification to their application to request the Zoning Board of Appeals legalize the non-conforming accessory structure and to allow placement of the new detached accessory structure in the existing location with the existing setback as it has been historically. It is the opinion of the Board that the proposed application keeps with the character and does not change the neighborhood and is consistent with Master Plan Category #2 (Residential - Low Density Single-family); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Godzeno, Tepper and Totilo).

5. **ZBA #038-20 - TRACI SKIADAS LEASING FROM A&F HIGH RIDGE, LLC - 111 HIGH RIDGE ROAD - Variance of Section 5 (Use Regulations):** Applicant is requesting a use variance in order to add a new package store to be located 1,337 ft. from an existing package store in lieu of the 1,500 ft. of separation required. Without relief of the distance requirement, the applicant will be unable to operate this package store, which would be permitted if it met the separation requirement.

The applicant is requesting to add a package store to an existing building on High Ridge Road under Master Plan Category #7 (Commercial - Arterial). The existing Zoning requires that package stores be 1,500 ft. apart. This location is 163 ft. shy of meeting the separation requirement.

Mr. Tepper asked about the Zoning as to how strict they were about maintaining the 1,500 ft.

Dr. Woods stated that yes, but could this be a situation where relief is warranted. There have been previous Zone changes requested making the separation 1,000 ft. Dr. Woods also explained the Zoning Board is very loose about allowing hardships.

Ms. Skiadas argued the Zoning for this area has not been changed since 1951 and it is very restrictive and there no properties in the area that would accommodate the 1,500 separation requirement.

Ms. Dell allowed Attorney David Lasnick to speak in opposition of this application. Mr. Lasnick stated he believed there is no hardship and the current Zoning is in place to regulate the number of package/liquor stores in this part of the City.

After some discussion, Mr. Tepper recommended **DENIAL** of **ZBA Application #038-20** as the Board felt this was not the proper location for an additional package store and the 1,500 ft. of separation should be adhered to. It is the opinion of the Board the proposed application does not keep with the character of the neighborhood due to the number of liquor stores in close proximity with this application and is inconsistent with Master Plan Category #7 (Commercial - Arterial). Finally, the Planning Board also recommends the Zoning Board of Appeals, after it renders its decision, refer this to the Zoning Board to take a closer look at whether the distance requirement, which has not been changed since 1951, is still appropriate today; Mr. Totilo seconded the motion and passed with eligible members present voting, 3-0-1 (Dell, Tepper and Totilo-Against / Godzeno-Abstained).

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Next regularly scheduled Planning Board meetings are:

- October 6, 2020 - Capital Budget (Meeting starts at 6:00 p.m.)
- October 13, 2020 - Capital Budget (Meeting starts at 6:00 p.m.)
- October 20, 2020 - Capital Budget (Meeting starts at 6:00 p.m.)
- October 27, 2020 - Capital Budget (Meeting starts at 6:00 p.m.)
- November 10, 2020 - Regular Meeting & Capital Budget Potential Call-back  
(**IF NEEDED** - Meeting starts at 6:00 p.m.)

Ms. Dell stated the next meeting will be October 6, 2020 and which starts the Capital Budget. Ms. Dell explained the pre-Planning meetings with all the agencies and departments begin on Friday (October 2, 2020). Dr. Woods and herself had a meeting with the Mayor, Sandy Dennies, Jay Fountain and Anthony Romano. The Mayor may be providing \$30M under the Safe Debt Limit, of which \$5M will be designated to mold remediation in the schools and some other City buildings.

Ms. Dell also noted that Dr. Woods and herself have been meeting with other planners in Fairfield County on Affordable Housing where letters have been posted in the Advocate about how Affordable Housing should be moved to north Stamford or other areas where there are larger pieces of property and the State can come in and put multifamily housing. There have been discussions on how to address this issue and the best course of action for Stamford.

Ms. Dell stated the 2021 Calendar is being worked on and will be sent within the week.

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 9:30 p.m.

Respectfully Submitted,

Jennifer Godzeno, Secretary  
Stamford Planning Board

**NOTE:** These proceedings were recorded on video and are available for review on the Planning Board website at [http://cityofstamford.granicus.com/ViewPublisher.php?view\\_id=20](http://cityofstamford.granicus.com/ViewPublisher.php?view_id=20)