

STAMFORD PLANNING BOARD  
REGULAR MEETING  
APPROVED MINUTES, TUESDAY, JUNE 23, 2015  
4TH FLOOR CAFETERIA, GOVERNMENT CENTER  
888 WASHINGTON BLVD., STAMFORD, CT

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Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair, Claire Fishman, William Levin, Roger Quick, Jay Tepper and Michael Totilo. Absent: Jennifer Godzeno and Zbigniew Naumowicz. Present for staff was David W. Woods, Ph.D., AICP, Principal Planner.

Ms. Dell, Chair called the meeting to order at 6:30 p.m., introduced the members of the Board and announced that Ms. Godzeno and Mr. Naumowicz were going to be absent. Ms. Dell introduced the first item.

**ZONING BOARD REFERRALS:**

1. **ZB Appl. 215-19, 432 Fairfield Avenue - Special Exception (large lot development) and Site/Architectural Plan approval:** Former industrial complex and take-out restaurant (all demolished); Proposing to build a multi-tenant indoor industrial storage facility; Propose to separate a portion of the lot - either by subdivision or by combining it with the neighboring property - prior to building permits. The adjustment map or subdivision application will obviously come before the Planning Board at that time. Richard Redniss made a brief presentation outlining the purpose and advantages of this Special Exception and Site/Architectural Plan. My recommendation is to recommend that the Zoning Board approve this Special Exception and Site/Architectural Plan approval, and support Mr. Poola's recommendation to make the driveways along Fairfield Avenue. After a brief discussion, Mr. Quick moved to recommend approval of this request and that this request is consistent with the 2015 Master Plan; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).
2. **ZB Application 215-14 - Richard Redniss, LLC - Text Change:** to amend Article III, Section 9-N by adding a Paragraph 1 to allow the time period within which to obtain building for residences in certain developments in R-D Designated Residential Districts to extend in perpetuity provided several conditions are met: (1) BMR requirements have been satisfied, (2) common elements have been completed, and (3) WPCA conditions have been satisfied. Richard Redniss requested that the Planning Board postpone discussing this item until either August or September; the Board concurred.
3. **ZB Application 215-21 - BOYS & GIRLS CLUB OF STAMFORD, 347 Stillwater Avenue, Special Exception and Final Site & Architectural Plans,** requesting approval of Special Exception and Final Site & Architectural Plans to construct additional programming space and a new gymnasium for a total of 60,580 square feet at an existing building on 0.86 acres at 347 Stillwater Avenue in an R-6 zone with parking and site improvements. Improvements also to abutting Lione Park with new play equipment, sport courts and multi-purpose fields. Special Exception request under Definition 81.1 "Public Youth Services Agency." Richard Redniss made a brief presentation outlining the purpose and advantages of this Special Exception and Site/Architectural Plan. My recommendation is to recommend that the Zoning Board approve this Special Exception and Site/Architectural Plan approval. After a brief discussion, Mr. Tepper moved to recommend approval of this request and that this request is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).

Request by Richard Redniss to move ZBA Referral Item No. 7 to be heard here, which would allow him to speak on this Special Exception application; Dr. Woods also recommended that the Board hear Item No. 4 as well. Mr. Totilo moved to hear ZBA Referral Item No. 7 and ZBA Referral Item No. 4; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).

1. **ZBA Appl. 038-15, 1095 Riverbank Road:** Ms. Amy Souchuns made a brief presentation outlining the requested variances of the following to allow: (1) Section 9.D.5.c - 10 foot setback requested in lieu of 20 feet required; (2) Section 9.D.4.d - 30 square feet per sign required in lieu of 79 square feet required; (3) Section 6.A/9.D.5.C (7) - 15.6 feet proposed in lieu of 38 feet required. After a brief discussion, Mr. Quick moved to recommend approval of this request and that this request is consistent with the 2015 Master Plan; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).
4. **ZB Application 215-11 - Stamford Zoning Board - Text Change:** to amend Article III, Section 7-U and Appendix A, Table II, to establish a local regulatory framework for the palliative use of marijuana pursuant to Chapter 42-f of the Connecticut General Statutes. To establish the appropriate location and operation of medical marijuana dispensaries and production facilities in the City of Stamford to minimize the impact on neighbors while recognizing the essential services these dispensaries and facilities provide.

At the April 28th meeting, Norman Cole, AICP, Land Use Bureau Chief made a brief presentation regarding the background of this text amendment brought about by the Zoning Board. Since that time Norman tweaked the map where these facilities could possibly be located. At that meeting, Dr. Woods made the analogy that this issue is similar to the zoning regulations for “Adult Entertainment Uses.” U.S. Supreme Court ruled that adult entertainment establishments were protected under the 1st Amendment to the Constitution; however, jurisdictions were free to use their police powers in protection of the public, health, safety and welfare to regulate where these uses could be established, licensed and otherwise regulated, and they had to be based on a rational criteria, e.g., distance away from schools, places of worship, senior housing, etc.

After considerable discussion, Ms. Fishman moved to recommend the Zoning Board adopt this text change, with the recommendation that the Zoning Board include four conditions: (1) No production facility of medical marijuana be allowed anywhere in Stamford; (2) Delete all references to production facilities including Table III - Appendix B - #133.2; (3) Limit dispensaries to no more than one in the City of Stamford; and (4) obtain an opinion from the Director of Public Safety. This request is consistent with the 2015 Master Plan; Mr. Tepper seconded the motion, and passed with eligible members present voting, 4-0-1 (Dell, Fishman, Tepper and Totilo voting in favor; Quick abstained).

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

2. **ZBA Appl. 030-15, 81 Central Street:** The Applicant is requesting variance of Table III-Appendix B - asking for (1) front yard street setback of 28.7 feet in lieu of 30 feet required; (2) street centerline setback of 48.7 feet in lieu of 55 feet required. Filling in the space of less than two feet deep and seven feet long setback needing a variance with seventeen feet as conforming along the east side of the house. Allow existing non-conforming use to remain at current

setback and grant the variance to allow the new building. After a brief discussion, Mr. Tepper moved to recommend approval of this request and that this request is consistent with the 2015 Master Plan; Mr. Quick seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).

3. **ZBA Appl. 031-15, 18 Flying Cloud Road:** The Applicant is requesting variance of Table III - Appendix A: Rear Steps and Landing - asking for a rear yard setback of 20.8 feet in lieu of 30 feet required; 2nd Floor Addition - asking for a rear yard setback of 24.5 feet in lieu of 30 feet required over an existing 1st floor interior room at southwest corner of house; maintain 32% coverage as per 1989 approved variance granted for an addition constructed in 1989-1990 (32% in lieu of 25%). Maintain and rebuild on old structure squaring off the house in the rear – reaffirming the existing variance of 32% coverage in lieu of 25% (typo on the agenda). After a brief discussion, Mr. Totilo moved to recommend approval of this request and that this request is consistent with the 2015 Master Plan; Mr. Quick seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).
4. **ZBA Appl. 033-15, 656 Den Road:** The Applicant is requesting variance of Table III- Appendix B - asking (1) to rebuild and expand non-conforming accessory structure in front yard [Section 6]; (2) front yard setback of 14 feet in lieu of 40 feet required [current structure is 13.5 feet]; (3) street centerline setback of 33.25 feet in lieu of 65 feet required. Maintain and rebuild an existing old accessory structure in the front yard. After a brief discussion, Ms. Fishman moved to recommend approval of this request and that this request is consistent with the 2015 Master Plan; Mr. Quick seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).
5. **ZBA Appl. 034-15, 1425-1435 Bedford Street:** The Applicant is requesting variance of the following to allow: (1) Section 9.D.5.c - 10 foot setback requested in lieu of 20 feet required; (2) Section 9.D.4.d - One (1) 79 square foot sign requested in lieu of two (2) 30 square foot signs allowed; (3) Section 6.A/9.D.5.C (7) - 15.6 feet proposed in lieu of 38 feet required. Amy Souchuns, attorney for the applicant, made a brief presentation explaining the need for these variances. After a brief discussion, Mr. Tepper moved to recommend approval of this request and that this request is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).
6. **ZBA Appl. 035-15, 1209 Westover Road:** The Applicant is requesting variance of Table III- Appendix B and Section 6A - Proposed Revised Parcel 1-A: to allow the existing pool to remain an accessory building in front yard and have a 33.4 foot rear yard setback in lieu of 60 feet minimum allowed; Proposed Parcel 1-C: existing dwelling will have an 18.2 foot front yard in lieu of 40 feet minimum allowed; a 19.5 foot side yard in lieu of 25 feet minimum allowed; the garage will have an 18.5 foot side yard in lieu of the 25 feet minimum and an area of 0.831 acres in lieu of the one (1) acre minimum allowed. After a brief discussion, Mr. Tepper moved to recommend that the Zoning Board of Appeals deny this application based on an excessive number of variances needed; the third lot of less than an acre in a RA-1 Zone and that this request is not consistent with the 2015 Master Plan; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).

7. **ZBA Appl. 037-15, 443 Webbs Hill Road:** The Applicant is requesting variance of Article IV-Section 10 - Expand existing 1729 farmhouse to enlarge bedrooms and kitchen and add additional bathroom, which would expand a nonconforming Farm House on an historic site. After a brief discussion, Mr. Tepper moved to recommend denial of this request until a report can be issued from Historical Preservation Advisory Committee; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).
  
8. **ZBA Appl. 039-15, 506 West Main Street:** The Applicant is requesting variance of Table III-Appendix B for front streetline setback of 17.5 feet in lieu of 25 feet required; centerline setback of 42.5 feet in lieu of 50 feet required; side yard setback of 4.5 feet in lieu of 6 feet required. After a brief discussion, Mr. Totilo moved to recommend approval of this request and that this request is consistent with the 2015 Master Plan; Ms. Fishman seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).

**PLANNING BOARD MEETING MINUTES:**

Meeting of 6/2/15: After a brief discussion, Ms. Fishman moved to recommend approval of this request and that this request is consistent with the 2015 Master Plan; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Levin, Quick, Tepper and Totilo).

Meeting of 6/9/15: After a brief discussion, Mr. Quick moved to recommend approval of this request and that this request is consistent with the 2015 Master Plan; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Levin, Quick, Tepper and Totilo).

**OLD BUSINESS:**

None

**NEW BUSINESS:**

- Next regularly scheduled Planning Board meeting - 6/30/15
- July Planning Board Break
- Mr. Quick requested to having open discussions on planning activity regularly.