

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, JUNE 13, 2023
REGULAR MEETING
VIA THE INTERNET & CONFERENCE CALL
6:30 p.m.**

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Web & Phone Meeting Instructions

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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
- 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.

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Jennifer Godzeno, Secretary; Michael Buccino and Michael Totilo. Alternates: Stephen Perry. Absent: William Levin, Alternate. Present for staff: Ralph Blessing, Land Use Bureau Chief and Lindsey Cohen, Associate Planner.

Ms. Dell called the meeting to order at 6:30 p.m.

Ms. Dell introduced the members of the Board and staff present and introduced the first item on the agenda.

PLANNING BOARD MEETING MINUTES:

May 23, 2023: After a brief discussion, Mr. Buccino moved to recommend **approval** of the Planning Board Regular Meeting of May 23, 2023; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Perry and Tepper). (Mr. Totilo was ineligible to vote as he was absent at the May 23, 2023 meeting.)

SUBDIVISIONS:

1. **SUBDIVISION #4046 - KAREN KENNEDY WOODCOCK TRUST (OWNER) and TH1, LLC & HB CAPITAL, LLC (APPLICANT) - 29 INTERVALE ROAD and 131 & 139 TURN OF RIVER ROADS (11 LOTS):** Applicant is requesting a 90-day extension of time to record the final map on the Stamford Land Records. The current expiration is June 23, 2023.

After a brief discussion, Mr. Totilo recommended approval of the ninety (90) day Extension of Time to file the final map with a new expiration date of September 21, 2023 and that this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Tepper seconded the motion and passed unanimously with eligible members voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

ZONING BOARD REFERRALS:

1. **ZB APPLICATION #223-17(MOD) - STAMFORD ZONING BOARD - Text Change (TABLED from the May 23, 2023 Meeting)**: The purpose of this Text Change is to establish use regulations for cannabis-related uses and to protect the welfare and safety, in particular, of children and adolescents. To that end, changes to the Smoke Shop or Tobacco Store regulations are also proposed to include a requirement for a special permit, minimum distance requirements from schools and signage limitations. All proposed marijuana and cannabis-related use regulations align with the licensing requirements of the State of Connecticut.

As discussed at the May 23, 2023 Planning Board meeting, a follow-up Zoning Text Change application will be filed adding further regulations to cannabis-related uses.

ZB Application #223-17(MOD) establishes definitions for eight (8) cannabis-related uses that are not defined in the City's Zoning Regulations and identifies the commercial and manufacturing Zoning Districts in which each use is permitted as-of-right or by Special Permit. The definitions and terms for uses are based on State terminology and on categories for State licenses. Smoke Shops and Tobacco Stores are defined terms in the Regulations, but additional language is proposed to be added to clarify that cannabis products are not allowed to be sold in these establishments unless licensed to do so. For three (3) uses - Adult-Use Cannabis Retailers, Smoke Shops and Tobacco Stores - the Application establishes minimum distance requirements of 1,000 feet from public schools and 2,000 feet between retailers. Adult-Use Cannabis Retailers are also limited to one per 20,000 residents. Signage regulations like that for Adult-Use Cannabis Retailers are also established for Smoke Shops and Tobacco Stores.

Approval of this application is recommended as the State has legalized these uses and the City should establish tools to regulate them.

Ralph Blessing, Land Use Bureau, made a presentation and answered questions from the Board.

Ms. Dell stated she would like to bring the amendment to a vote as it was sent by the Zoning Board and would like to add the questions that were raised as recommendations to the Text Amendment (i.e. the points Ms. Dell read into the record at the start of the presentation, Mr. Perry's recommendation of having representatives from the Board of Representatives, the Mayor's Office and the Police Department attending the Zoning Board Public Hearing and the other points discussed). Ms. Dell asked the Board if all were in agreement and all members approved the addition of the recommendations suggested.

After considerable discussion, Mr. Tepper recommended **approval** of **ZB Application #223-17(MOD)** with the recommendation the Mayor's Office, the Board of Representatives, the Police Department, and Department of Youth Services attend the Zoning Board's public hearing to share their opinions on the matter of cannabis Land Use regulations in Stamford and the following additional Zoning Regulations:

1. All dispensaries must be for medicinal marijuana or hybrid. No adult-use-only dispensaries shall be permitted.
2. Dispensaries must be 150 feet from any "R" Residential District.
3. Dispensaries must be 2,000 feet from public and private schools.
4. Dispensaries must be 2,000 feet from other dispensaries
5. Smoke Shops / Tobacco Stores must be 2,000 feet from public and private schools.

This request is consistent with 2015 Master Plan; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 6-0 (Dell, Buccino, Godzeno, Perry, Tepper and Totilo).

***ZB Applications #223-24, 223-25, and 223-26 will be heard together, presented by
Raymond Mazzeo, Redniss & Mead, but will be voted on separately.***

2. ZB APPLICATION #223-24 - RAYMOND MAZZEO, REDNISS & MEAD - Text Change:

Applicant is proposing to amend Section 9.B.4.e relating to building coverage and Section 9.B.4.f relating to setbacks of structures including accessory parking structures not exceeding 20 ft. in height within the P-D (Planned Development) District.

The Text Change to Section 9.B.4.e would change the percent lot coverage from 55% to 60% that would be eligible for Special Exception by the Zoning Board regarding height, architectural features and recreation structures. The Text Change to Section 9.B.4.f would make side yards eligible for reduction by the Zoning Board and would add landscaped parking structures to the list of eligible features that could have a reduced front or side yard. Both Text Changes would marginally increase density by Special Exception. These alterations would have limited applicability because the P-D (Planned Development) District is not a prevalent Zoning District in Stamford. The two areas zoned P-D are in Master Plan Category #11 (Downtown) and Master Plan Category #5 (Residential - High Density Multifamily). These Master Plan categories are characterized by higher density and heights than other categories. As such, these areas are identified in the Master Plan as suitable for the marginal increased density that would result from this Text Change. Seeing as the change is aligned with the intent of the Master Plan categories in which they would apply and would have limited applicability, approval of this application is recommended.

After a brief discussion, Mr. Totilo recommended **approval** of **ZB Application #223-24** and that this request is consistent with 2015 Master Plan; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

3. ZB APPLICATION #223-25 - 70 FOREST STREET, LLC - 70 FOREST STREET & 251 GREYROCK PLACE - Map Change: Applicant is proposing the rezoning of 251 Greyrock Place from the current R-H (Multiple Family, High Density) zoning district to the proposed P-D (Planned Development) zoning district.

The lot is a relatively small (~3,000 sf +/-) vacant lot in Master Plan Category #11 (Downtown). The property is owned by the same entity that owns 70 Forest Street, an adjoining lot to the south, that is in the P-D (Planned Development) District. It is the intention that both lots would function together serving the existing apartment building at 70 Forest Street. As such, the Applicant is looking for both sites to have the same zoning and be held to the same standards. The stated purpose of the P-D District is to allow for development that would produce a stable and desirable character complementary to the surrounding neighborhood. This is aligned with Master Plan Policy 6A to maintain residential neighborhood character. Approval of this application is recommended.

After a brief discussion, Mr. Tepper recommended **approval** of **ZB Application #223-25** and that this request is compatible with the neighborhood and consistent with Master Plan Category #11 (Downtown); Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

4. ZB APPLICATION #223-26 - 70 FOREST STREET, LLC - 70 FOREST STREET & 251 GREYROCK PLACE - Special Permit, Site & Architectural Plans and/or Requested Uses and a General Development Plan: Applicant is proposing to construct an attached two-story (plus basement) parking garage on the property known at 251 Greyrock Place. The garage will be attached to 70 Forest Street and will accommodate 36 parking spaces along with a roof deck.

As noted above, the property is in Master Plan Category #11 (Downtown). The Master Plan encourages vacant sites in Downtown to be redeveloped for housing, however, the proposed parking garage use is more suitable for this location. Housing would not be an option for this site given the lot size, bulk and parking regulations of the R-H and P-D Zoning Districts. It is also not in an appropriate area for a commercial use as abutting land uses are residential. Greyrock Place currently serves parking garages for Sofi at 50 Forest Street, Prospect Park Apartments at 65 and 77 Prospect Street, and Park View apartments at 53 Prospect Street. While adding additional traffic to this street is not ideal, it is aligned with the existing character of the street and takes such uses off other streets that are more pedestrian friendly. With the above-noted constraints in mind, approval of this application is recommended.

After a brief discussion, Mr. Buccino recommended **approval** of **ZB Application #223-26** and that this request is compatible with the neighborhood and consistent with Master Plan Category #11 (Downtown); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #015-23 - JOHN F. X. LEYDON, JR., ESQ. representing JOSHUA K. LEDERMAN - 46 OCEAN DRIVE NORTH - Variance of Table III, Appendix B and Section 3.B:**
Applicant owns a single-family dwelling and is proposing to install a spa with related equipment and raise the existing heating, ventilation and air conditioning units to comply with flood regulations. Applicant is requesting the following variances:

Table III, Appendix B:

- Allowance of a side setback of 3 ft. on the south side in lieu of the 10 ft. required for the new spa equipment.
- Allowance of a side setback of 4 ft. on the south side in lieu of the 10 ft. required for two (2) existing heating, ventilation and air conditioning units to remain.
- Allowance of a combined side yard setback of 9 ft. in lieu of the 20 ft. required for the new spa equipment.
- Allowance of a combined side yard setback of 10 ft. in lieu of the 20 ft. required for the two (2) existing heating, ventilation and air conditioning units to remain.

Section 3.B (Accessory Structures):

- Allowance for two (2) heating, ventilation and air conditioning units to remain at 4 ft. and to install the spa equipment 3 ft. each from the south side property line in lieu of the 5 ft. required and allowance of said units and equipment to be raised a maximum of 6 ft. to comply with flood regulations.

The property is in Master Plan Category #2 (Residential - Low Density Single-Family). The home was constructed prior to the enactment of Zoning Regulations and has pre-existing nonconforming side yards of 6 ft each. The southern side yard is the most suitable location for this equipment because the rear yard abuts the Long Island Sound and it is not preferable to have the equipment in the front yard. Equipment will be screened from the street and the neighboring property. Approval of this application is recommended as it supports compliance with flood regulations and is aligned with the intentions of Master Plan Policy 7P, which discusses adaptation of regulations to address potential increases in flooding.

John F. X. Leydon, Esq. made a presentation and answered questions from the Board.

After a brief discussion Mr. Totilo recommended **approval** of **ZBA Application #015-23** and that this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

3. **ZBA APPLICATION #016-23 - RAJIV BHATI - 310 OAKLAWN AVENUE - Variance of Table III, Appendix B:** Applicant owns a single-family dwelling and is proposing construction of a 35 ft. x 6 ft. deck on the second floor. Applicant is requesting a side yard setback of 4.4 ft. in lieu of the 10 ft. required.

The property is in Master Plan Category #2 (Residential - Low Density Single-Family). The property is a corner lot requiring two front yard setbacks which means as-of-right buildable area is more limited compared to standard lots with one front yard. It would be recommended the applicant locate the deck on the southwestern portion of the property which has a larger side yard. However, the applicant proposed the current location (southeast) as it would be above an existing patio and have the least exposure to traffic and the public from either street. As such, approval of this application is recommended. Planning Board staff advise the Applicant to obtain letters of support from neighbors and/or propose screening between the proposed deck and the adjacent property to maintain privacy.

After a brief discussion Mr. Tepper recommended **approval** of *ZBA Application #016-23* and that this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Totilo seconded the motion and passed with eligible members present voting, 4-0-1 (In Favor - Dell, Godzeno, Tepper and Totilo / Abstain - Buccino).

4. **ZBA APPLICATION #022-23 - JAMES PARKER - 64 LEWELYN ROAD - Variance of Table III, Appendix B:** Applicant owns a single-family dwelling with a detached garage and a gazebo and is proposing to construct a second-story addition. Applicant is requesting a front yard setback of 23.7 ft. in lieu of the 30 ft. required and allowance for coverage of 37.22% in lieu of the 25% allowed.

The property is in Master Plan Category #2 (Residential - Low Density Single-Family). The existing dwelling has a nonconforming front yard setback of 26.6 ft. and a nonconforming lot coverage of 35.1%. The variances requested would result in a modest increase to existing nonconformities. The style of the house with a second story overhang in the front is prevalent on the surrounding properties. As such, approval of this application is recommended as it is in keeping with the residential character of the neighborhood and aligned with Master Plan Policy C1 to preserve and enhance the Cove neighborhood character and quality-of-life.

After a brief discussion Mr. Totilo recommended **approval** of *ZBA Application #022-23* and that this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

5. **ZBA APPLICATION #023-23 - THOMAS & SUZANNE CINGARI - 115 OCEAN DRIVE WEST - Variance of Table III, Appendix B & Section 3.B:** Applicant owns a property with a single-family dwelling, in-ground pool and pier under construction, as well as an existing detached garage. Applicant is proposing to reconstruct the detached garage with the addition of dormers on the east and west sides of the detached garage. Applicant is requesting the following variances:

Table III, Appendix B (Schedule of Requirements for Area, Height & Bulk of Buildings):

- Front yard setback of 23.3 ft. in lieu of the 40 ft. required.
- Street centerline setback of 47.3 ft. in lieu of the 65 ft. required.

Section 3.B (Accessory Structures):

- Allowance to relocate an Accessory Structure in a front yard.
- Allowance to construct an Accessory Structure 21 ft. 2½ in. tall in lieu of the 15 ft. maximum permitted height.
- Allowance to construct an Accessory Structure that is two-stories in lieu of the maximum one-story permitted.

Ryan Salvatore, Burr Salvatore Architects, representing the applicants, was in attendance and answered questions from the Board.

The property is in Master Plan Category #2 (Residential - Low Density Single-Family). The existing detached garage is nonconforming in terms of location of an accessory use, front setback and height. The garage could be re-built and used in-kind without any variances, however, the applicant wants to add dormers and, thus, is required to request variances to permit the entire structure. The granting of the variance for use as a garage would not be injurious to the neighborhood and, therefore, approval of this application is recommended.

After a brief discussion Mr. Tepper recommended **approval** of **ZBA Application #023-23** based on the understanding this Application is for rebuilding a garage to be used as a garage. The Board finds this request is compatible with the neighborhood and consistent with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo). Please note, this Application was submitted and reviewed with the understanding that the garage would be used as a garage. An Accessory Dwelling Unit use requires a Zoning Permit and must be applied for and issued separately.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Standards for Master Plan Amendment applications.
2. Standards for Surveys requiring Planning Board Chair signature.

Ms. Cohen provided details on each of the draft Standards and answered questions from the Board. The Board was in agreement with the content of both documents and approved posting them on the Planning Board website.

Next regularly scheduled Planning Board meetings are:

- June 27, 2023 (Regular Meeting & Public Hearing - Last meeting before July Hiatus)
- August 15, 2023 (Regular Meeting - *IF NECESSARY*)
- August 29, 2023 (Regular Meeting)

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 8:10 p.m.

Respectfully Submitted
June 15, 2023

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