

**STAMFORD PLANNING BOARD
APPROVED MINUTES - TUESDAY, AUGUST 15, 2023
REGULAR MEETING
VIA THE INTERNET & CONFERENCE CALL
6:30 P.M.**

ZOOM WEBINAR
Webinar ID: 871 4886 6949
Passcode: 604639

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/87148866949>; **OR**
- If not, then **Call-in** using the **Phone Number & Passcode** provided above.
- Sign-up for Planning Board meeting updates by emailing 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
 - 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.
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Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair (Left the meeting at 8:08 p.m.); Michael Buccino and Michael Totilo. Alternates: William Levin and Stephen Perry (Left the meeting at 7:43 p.m.). Absent: Jennifer Godzeno, Secretary & Voting Member. Present for staff: Lou Casolo, Engineering Bureau Chief/City Engineer; Chris Dellaselva, Assistant Corporation Counsel; Vineeta Mathur, Principal Planner and Lindsey Cohen, Associate Planner.

Ms. Dell called the meeting to order at 6:35 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:

June 27, 2023 (Regular Meeting): After a brief discussion, Mr. Buccino moved to recommend *approval* of the Planning Board Regular Meeting of June 27, 2023; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

August 7, 2023 (Special Meeting): After a brief discussion, Mr. Perry moved to recommend *approval* of the Planning Board Special Meeting of August 7, 2023; Mr. Tepper seconded the motion, and passed unanimously with eligible members present voting, 3-0 (Dell, Perry and Tepper). (Mr. Buccino, Mr. Totilo and Mr. Levin were ineligible to vote as they were absent at the August 7, 2023 Special Meeting.)

Ms. Cohen suggested that ZB Application #223-32 should be discussed at this point as there were fourteen (14) people who were in attendance for this application.

Ms. Dell agreed and called for a motion to bring forward ZB Application #223-32 - 1110 East Main Street.

Mr. Tepper made a motion to bring forward ZB Application #223-32 - 1110 East Main Street; Mr. Perry seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

1. **ZB APPLICATION #223-32 - LISA FEINBERG, CARMODY TORRANCE SANDAK HENNESSEY, LLP, representing NAUTILUS BOTAINCALS EJVI & SIMI ENT, LLC - 1110 EAST MAIN STREET - Special Permit:** Applicant is seeking Special Permit approval to operate a hybrid cannabis retail facility servicing both medical patients and adult-use consumers and a Special Permit to be exempt from the sidewalk requirements of Section 12.K. Property is located within the C-N Zone.

Ms. Dell explained that the applicant has been asked to pull this application from tonight's meeting as the Law Department would like to speak to the Board about the issue of medical and personal marijuana use. The applicant was asked if this application could be postponed to the September 12, 2023 meeting and the applicant agreed.

Ms. Dell thanked everyone who came to the meeting for this application and invited those who are in attendance to come back to the September 12th meeting.

REQUEST FOR AUTHORIZATION:

Lou Casolo, Engineering Bureau Chief/City Engineer, along with Chris Dellaselva, Assistant Corporation Counsel, made a presentation and answered questions from the Board on Item Nos. 1 & 2.

1. **REAL ESTATE PURCHASE & SALE AGREEMENT - SMTG, LLC - 560 ATLANTIC STREET:**

The City of Stamford ("Seller") agrees to sell and convey and SMTG, LLC ("Buyer") agrees to purchase property commonly known at 560 Atlantic Street, Stamford, Connecticut for a purchase price of \$207,500.00 (Two Hundred Seven Thousand Five Hundred Dollars) to be paid as follows:

- Deposit of \$41,500.00 (Forty-One Thousand Five Hundred Dollars) to be paid before or upon signing of this agreement, receipt of which has been acknowledged, subject to collection; and
- Upon delivery of the deed, the balance of \$166,000.00 (One Hundred Sixty-Six Thousand Dollars) is to be paid by wire transfer or by certified check or official cashier's check drawn by and upon a federally regulated or state-chartered bank, the proceeds of which to be immediately available.

After a brief discussion, Mr. Levin recommended approval of the Real Estate Purchase & Sale Agreement for 560 Atlantic Street with a purchase price of \$207,500.00. 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. Michael Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Levin, Tepper and Totilo).

2. **REAL ESTATE PURCHASE & SALE AGREEMENT - SMTG, LLC - 13 MANHATTAN STREET:**

The City of Stamford ("Seller") agrees to sell and convey and SMTG, LLC ("Buyer") agrees to purchase property commonly known at 13 Manhattan Street, Stamford, Connecticut for a purchase price of \$137,500.00 (One Hundred Thirty-Seven Thousand Five Hundred Dollars) to be paid as follows:

- Deposit of \$27,500.00 (Twenty-Seven Thousand Five Hundred Dollars) to be paid before or upon signing of this agreement, receipt of which has been acknowledged, subject to collection; and
- Upon delivery of the deed, the balance of \$110,000.00 (One Hundred Ten Thousand Dollars) is to be paid by wire transfer or by certified check or official cashier's check drawn by and upon a federally regulated or state-chartered bank, the proceeds of which to be immediately available.

After a brief discussion, Mr. Perry recommended approval of the Real Estate Purchase & Sale Agreement for 13 Manhattan Street with a purchase price of \$137,500.00. 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. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

SUBDIVISIONS:

SUBDIVISION #3279 - ESTATE OF CESARE MANGIAPANI - NEWFIELD AVENUE (76 EMERALD LANE): Applicant would like to amend the boundaries of the conservation easement.

At the time of development, the single-family home at 76 Emerald Lane was permitted to encroach into the Open Space Preserve established during the subdivision process that created the lot. The Applicant would like to install a swimming pool also located in the Open Space Preserve. The Applicant has worked with Environmental Protection Board staff to amend the boundaries of the Open Space Preserve so the home and the future pool will not be in the preserve. An area of 8,883 square feet of land will be removed from the easement area and 8,307 square feet of land will be added to the easement area. While the replacement land area is short 576 square feet of the area to be removed, the replacement land area is wooded area more aligned with the characteristics of open space, whereas the area to be removed is developed with a single-family home. Staff recommends approval of this boundary revision because it will preserve open space that is more appropriate in accordance with the terms outlined in Stamford's Subdivision Regulations Section 9.1(E), Appropriateness of the Open Space.

Ida Gheibi, Sr. Civil Engineer, Ahneman Kirby, LLC, made a presentation and answered questions from the Board.

After a brief discussion, Mr. Levin **approved** amending the boundaries of the Conservation Easement associated with Subdivision #3279 and that this request is compatible with the neighborhood and consistent with Master Plan Category #1 (Residential - Very Low Density Single-Family); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Levin, Tepper and Totilo).

ZONING BOARD REFERRALS:

- 1. ZB APPLICATION #223-30 - STAMFORD ZONING BOARD - Text Change:** Applicant is proposing a Text Amendment to combine Tables I and II in Appendix A and to update certain uses and use definitions.

This Text Change is part of a comprehensive cleanup of the City of Stamford Zoning Regulations. Combining Use Tables I and II in Appendix A makes it easier to identify where uses are permitted. In addition, use terminology will be updated to more commonly-referred-to terms and consistent nomenclature, adding cross references and streamlining uses. New uses are not being added and new uses will not be permitted in different districts. Approval of this Text Change is recommended as it is aligned with Planning best practices to provide clear and organized regulatory documents.

Vineeta Mathur, Principal Planner, made a presentation and answered questions from the Board.

After a brief discussion, Mr. Totilo recommended **approval** of **ZB Application #223-30** and that this request is compatible with the neighborhood and consistent with the 2015 Master Plan; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

- 2. ZB APPLICATION #223-31 - STAMFORD ZONING BOARD - Text Change:** The purpose of this amendment to the City of Stamford Zoning Regulations is to increase the number of zoning districts where Publicly Accessible Amenity Spaces (PAAS) are required, to add a new type of amenity space (trails) and to make some minor adjustments to existing regulations.

Publicly Accessible Amenity Spaces (PAAS) provide the public a benefit from new developments and the purpose of the Text Change is to increase the districts in which this would be applicable, thus increasing the public benefit. Trails would be added as a type of amenity space. Design requirements would be modified, such as lighting, or increased, such as the width of publicly accessible waterfront. Future alterations to a PAAS would require a Special Permit. Finally, the PAAS regulations would be consolidated in Section 6 as opposed to separate district regulations. Approval of this Text Change is recommended as it is aligned with Planning best practices to provide clear and organized regulatory documents. In addition, this Text Change is aligned with the Master Plan and the following policies and strategies:

- Strategy 5B.3: Encourage quality urban design that relates well to streets and people.
- Policy 5C: Encourage public access to the South End waterfront.
- Policy 7F: Maximize public access to the waterfront.

Vineeta Mathur, Principal Planner, made a presentation and answered questions from the Board.

After a brief discussion, Mr. Tepper recommended **approval** of **ZB Application #223-31** and that this request is compatible with the neighborhood and consistent with the 2015 Master Plan; Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Levin, Tepper and Totilo).

Ms. Dell announced again that ZB Application #223-32 - 1110 East Main Street, which was to be heard as Agenda Item No. 3, has been pulled and will be heard at the September 12, 2023 meeting.

Ms. Dell read the next agenda item into the record and introduced Jason Klein, Carmody Torrance Sandak Hennessey, LLP.

3. **ZB APPLICATION #223-33 - JASON KLEIN, CARMODY TORRANCE SANDAK HENNESSEY, LLP, representing KOLICH VICTORY, LLC - 30 VICTORY STREET - Map Change:** Applicant is proposing to rezone 30 Victory Street from the current R-6 (One- and Two-Family Districts) to the proposed NX-D (Neighborhood Mixed-Use Design District).

The property is in Master Plan Category #3 (Residential - Low Density Multifamily). The property is improved with two buildings: one (1) eight-unit, two-story multifamily building and one (1) one-story commercial/industrial building. Both buildings were constructed prior to the enactment of the City's Zoning Regulations. While the Applicant would like to continue the use of both buildings as-is, the R-6 One-Family, Two Family Residence District makes it difficult to do so because it does not permit the existing uses. Rezoning to NX-D would allow for the continued use of the property as-is and would facilitate easier tenancing of the commercial property and maintenance of the residential property.

While use of this property (residential abutting commercial/industrial) is more aligned with nearby Master Plan Category #6 (Commercial - Neighborhood Business) or Category #7 (Commercial - Arterial), neither building is vacant or experiencing high turnover and, thus, it can be implied there is a market for each type of building in this location. Further, the NX-D District is designed to maintain the small scale light industrial uses while protecting existing housing and ensure that both uses work harmoniously. As such, approval of this application is recommended. The residential building is aligned with the intention of Master Plan Category #3 (Residential - Low Density Multifamily). The application supports the following Master Plan strategies:

- Strategy 6B.3: Encourage rehabilitation and sound management of small multifamily buildings.
- Strategy WS1.4: Promote industrial regulations and standards that make industry more compatible with its residential neighbors and to reduce adverse environmental impacts.
- Strategy WS3.4: Encourage the rehabilitation and management of small multifamily buildings in order to preserve existing housing stock and maintain affordability.

Jason Klein, Carmody Torrance Sandak Hennessey, LLP., made a presentation and answered questions from the Board.

After considerable discussion, Mr. Tepper made a motion to **TABLE ZB Application #223-33** to a future meeting as members of the Board felt that making this parcel NX-D seemed like spot zoning and the Board also felt the application should not have been presented to the Planning Board without engagement with the surrounding property owners; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Perry, Tepper and Totilo).

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA APPLICATION #024-23 - ANTHONY TOTILO, ARCHITECT representing WENDY G. UMLA - 46 KENILWORTH DRIVE WEST - Variance of Table III, Appendix B:** Applicant owns a single-family dwelling with an accessory storage shed and is proposing the following:
 - Addition of a 5 ft. 6 in. x 19 ft. first floor entry portico/porch to be open on all sides.
 - Construction of a 27 ft. 6 in. x 25 ft. 9 in. (660 sq. ft.) second floor addition to include master bedroom, bathroom, laundry and storage with access to a new 5 ft. x 22 ft. 9 in. second floor deck.
 - First floor interior renovations to include kitchen, bathroom and other miscellaneous renovations, stair access to new second floor addition, and access to existing concrete terrace on south side.
 - Removal of existing rear accessory storage shed to be replaced with a new 10 ft. x 14 ft. storage shed.

Applicant is requesting a rear setback of 28.4 ft. to the second story addition in lieu of the 30 ft. required and a rear setback of 28.5 ft. to the second story deck in lieu of the 30 ft. required.

The property is in Master Plan Category #2 (Residential - Low Density Single-Family). The home is an existing nonconforming structure encroaching into the rear yard due to its development prior to the enactment of Zoning Regulations. The second story addition aligns with the exterior walls of the home. The nonconformance will not be exacerbated. The addition of a second story is aligned with the character of the neighborhood, which is a mix of one- and two-story single-family homes. As such, approval of this application is recommended as it is aligned with the neighborhood and the Master Plan. Specifically, the project is aligned with Master Plan Policy C1: Preserve and enhance the [Cove] neighborhood character and quality-of-life.

Ms. Dell asked Mr. Totilo if he was related to the applicant's representative. Mr. Totilo stated that Anthony Totilo was his first cousin but he had no financial interest in his business and was not a client at his firm.

After a brief discussion Mr. Tepper recommended **approval** of **ZBA Application #024-23** and that this request is compatible with the neighborhood and consistent with 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, Buccino, Levin, Tepper and Totilo).

2. **ZBA APPLICATION #025-23 - JAY M. HAVERSON representing WITHNY MILBRUN - 34 HAMILTON AVENUE - Variance of Table III, Appendix B:** Applicant owns a two-story two-family dwelling and is proposing to construct a two-story addition to the rear of the existing structure. The Applicant is requesting to expand an existing nonconforming use, a two-family home in an R-7 Single-Family District. The Applicant is also requesting an allowance of increased lot coverage to 27.4% in lieu of the 25% allowed.

The property is in Master Plan Category #2 (Residential - Low Density Single-Family). The lot is an existing legally nonconforming use and nonconforming lot established prior to the existing Zoning. The use as a two-family home is not apparent in the appearance, which is aligned with a single-family home as permitted in the R-7 One Family Residence District. Just half a block to the west is a large multifamily development. With respect to setbacks, it is an undue hardship to meet the bulk and area requirements on a lot that is smaller than the typical lot that the requirements apply to. The request is to exceed the permitted lot coverage by 2.4% for a coverage of 27.4% in lieu of the 25% allowed. Approval of this application is recommended as it does not alter the public appearance of the structure and the structure will continue to appear aligned with the character of the single-family neighborhood. The Application is also aligned with Master Plan Strategy 6C.2: Promote development of a variety of housing types.

After a brief discussion Mr. Buccino recommended **approval** of **ZBA Application #025-23** 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, Levin, Tepper and Totilo).

3. **ZBA APPLICATION #026-23 - PIERRE-CHRISTIAN D. FRYE, AIA representing CHRIS & CURT RILEY - 143 MYRTLE AVENUE - Variance of Table IV, Appendix B:** Applicant owns an existing vacant lot which is used to park cars and is proposing to construct a single-story building to house a private car collection. Applicant is requesting a rear yard setback of 0.0 ft. in lieu of the 15 ft. required.

The property is in Master Plan Category #7 (Commercial - Arterial). This Category intends to protect business-oriented development, be mindful of traffic, safety and community design considerations and be serviceable by the existing arterial system. The proposed would utilize existing curb cuts, would not add traffic to the existing roadways and would be serviceable by the existing system. The rear yard, if provided, would be inaccessible for maintenance or use due to the 0 ft. side yard setback requirement. The Owner would like to avoid having unusable space as it could be a gathering area for debris. Bringing the storage of cars, which is currently open, to an enclosed building may enhance the appearance of the lot. Both avoiding creating an inaccessible piece of property and enclosing a light industrial use shows community design considerations were made. Staff has reached out to the Applicant for more information on the façade materials but has not heard back. Although staff would like more information on the design of the structure, approval of this application is recommended as it is aligned with the intentions of the Master Plan Category.

After a brief discussion Mr. Totilo recommended **approval** of **ZBA Application #026-23** and that this request is compatible with the neighborhood and consistent with Master Plan Category #7 (Commercial - Arterial); Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Levin, Tepper and Totilo).

ZBA APPLICATION #027-23 WAS WITHDRAWN BY THE APPLICANT ON AUGUST 15, 2023 DUE TO INCORRECT PAPERWORK FILED WITH THE ZONING BOARD OF APPEALS.

4. **ZBA APPLICATION #027-23 - JASON KLEIN, CARMODY TORRANCE SANDAK HENNESSEY, LLP representing 1786 BEDFORD ASSOCIATES, LLC - 1786 BEDFORD STREET - Variance of Section 3.B (Accessory Structure) & Section 10-A:** Applicant owns and operates an architectural firm in the existing colonial-style building on the property which was purchased in 2015. The structure was built in 1897 and had fallen into a state of disrepair before the applicant purchased the property and invested a significant amount of time, effort and money into the restoration of the building. The property is also improved with a one-story garage located in the northwest corner of the property, which has also fallen into a state of disrepair. The applicant is proposing to restore and rehabilitate the worn-down garage structure by replacing the current “industrial” aesthetic of the garage structure with a design more in keeping with the surrounding neighborhood. A vertical addition to the existing garage is proposed which will further enhance the structure. The lower level of the garage will be utilized for parking and the upper stories will contain space utilized as a “show room” design studio for the applicant’s architectural business and “flex space” that may be used as additional office or storage space. The applicant is requesting the following variances:

Section 3.B (Definition of Accessory Structure):

- Allowance of the Building Height for an Accessory Structure of three (3) stories and 31 ft. 11in. in lieu of the one (1) story and 15 ft. permitted.
- Allowance of additional Building Height for an Accessory Structure 4.7 ft. from the northerly Lot Line and 1.6 ft. from the westerly Lot Line in lieu of the 5 ft. required (and within the footprint of the existing garage).

Section 10-A:

- Allowance for the proposed addition to the garage to be utilized for office/”show room” use.

OLD BUSINESS:

Ms. Dell introduced the Zoning Board Text Change on medical and personal marijuana. Ms. Dell stated she had Ms. Cohen send everyone all the information available on this issue. Ms. Dell read into the record portions of the conditions contained in the decision made at the June 13, 2023 meeting. Ms. Dell stated the some of the conditions recommended did not appear in the revised Text Change but the Zoning Board did make a few of the changes requested, i.e. using population to determine the number of facilities (for every 20,000 inhabitants

there could be one dispensary); no adult-use cannabis facility could be within 3,000 ft. of any other dispensary or 1,000 ft. of public and non-public schools. Ms. Dell stated the Text Change did not contain anything on neighborhoods. The 150 ft. that was recommended by the Planning Board had been eliminated. Ms. Dell feels a letter should be written to the Zoning Board emphasizing that the Board feels the addition of a neighborhood distance for a dispensary or smoke shop is a necessary component of the Text Change.

Ms. Dell asked Ms. Cohen if she had any comments. Ms. Cohen stated no comments but corrected the figure for the population calculation as 25,000 inhabitants instead of 20,000 inhabitants.

Ms. Dell asked the Board if they supported sending a letter to the Zoning Board requesting the 150 ft. distance from a neighborhood or residential district be included in the Text Change; all Board members agreed.

The Board had considerable further discussion on this issue and Ms. Dell mentioned the Legal Department would like to speak to the Board to clarify issues with regard to medical and personal marijuana use and the dispensing thereof.

NEW BUSINESS:

Next regularly scheduled Planning Board meetings are:

- August 29, 2023 (Regular Meeting & Public Hearing)
- September 12, 2023 (Regular Meeting)
- September 26, 2023 (Regular Meeting & Public Hearing)

Ms. Dell asked Ms. Cohen if she had any further comments before closing the meeting.

Ms. Cohen stated she wanted to make a statement about Master Plan Amendment #MP-444 - Long Ridge & Wire Mill Roads. A Planning Board Certificate of Approval was filed in error on the Land Records. The filing was an honest mistake made when filing a Certificate for a different application. Staff is working with the Town Clerk and the Law Department to either get the Certificate retracted from the Land Records or to file a new document stating the Certificate was incorrectly filed. The meeting minutes filed with the Town Clerk and the video posted on the Planning Board website both show the Public Hearing for this application is still open as well as the associated Zoning Board Map Change Application #223-29. No vote has been taken by the Planning Board on either of these applications so therefore, no change to the Master Plan or Zoning Map has yet been approved. We are working on getting this resolved as quickly as possible.

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 8:16 p.m.

Respectfully Submitted
August 17, 2023

Theresa Dell, Chair
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