

**STAMFORD PLANNING BOARD  
APPROVED MINUTES - TUESDAY, JANUARY 30, 2024  
REGULAR MEETING  
VIA THE INTERNET & CONFERENCE CALL  
6:30 P.M.**

**ZOOM WEBINAR  
Webinar ID: 812 5264 8842  
Passcode: 230585**

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Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Michael Buccino and Michael Totilo. Alternates: William Levin and Stephen Perry (Left at 8:40 p.m.). Absent: Jennifer Godzeno, Secretary and Michael Buccino, Voting Members. Present for staff: Vineeta Mathur, Principal 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:**

**January 23, 2024:** After a brief discussion, Mr. Tepper moved to recommend *approval* of the Planning Board Regular Meeting Minutes of January 23, 2024; Mr. Totilo seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Levin, Perry, Tepper and Totilo).

**REQUEST FOR AUTHORIZATION**

**SUPPLEMENTAL CAPITAL PROJECT APPROPRIATION REQUESTS:**

- 1. MICROTRANSIT PROGRAM - PROJECT #001390 - TOTAL REQUEST \$2,558,239.66:** For the creation of a Microtransit Pilot Program to enhance transit and mobility options for residents from traditionally underserved neighborhoods and reduce traffic congestion.

Frank Petise, Transportation Bureau Chief, and Luke Bittenwieser, Transportation Planner, made a presentation and answered questions from the Board.

After a brief discussion, Mr. Perry recommended approval of the Microtransit Program - Project #001390 with a Total Request of \$2,558,239.66. 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, Levin, Perry, Tepper and Totilo).

**ZONING BOARD REFERRALS:**

- 1. ZB APPLICATION #224-03 - RICHARD REDNISS, REDNISS & MEAD representing GBR BROAD & SUMMER, LLC and RUBFORD, LLC (Owner) - 74 & 96 BROAD STREETS - Map Change:** Applicant is proposing a map change to a portion of 74 Broad Street & 96 Broad Street properties from the current C-L (Limited Business) Zoning District to the proposed C-G (General Commercial) Zoning District.

The properties are in Master Plan Category #11 (Downtown). The lots are currently under two zoning districts: C-L (Limited Business) (approximately 30% of the property) and C-G (General Commercial) (approximately 70% of the property). This application is a proposal to unify the lots under one zoning district, that of C-G (General Commercial). The surrounding properties are zoned C-C (Central City) to the south, C-G (General Commercial) to the east and west, and C-L (Limited Business) to the north. It is best practice to have one set of standards apply to a lot. This proposal would fix the last remaining split-zoned lots fronting this portion of Broad Street.

From a Master Plan perspective, the C-G District allows slightly lower residential densities and slightly higher non-residential density compared to the C-L District that can be accomplished through the greater building height and building area allowances. This Zoning map change aligns with the Master Plan Category #11 (Downtown) intended to protect an intensive, pedestrian-oriented mixed-use district by allowing slightly greater densities than what is permitted on 30% of the site. In addition, the project is aligned with the following Master Plan Policies and Strategies:

- Strategy 3B4: Encourage the reconfiguration of existing office and retail space to accommodate market trends and potential new users.
- Strategy 3B.1 and 5A.1: Concentrate regional office, retail and entertainment uses and high-density residential development in the Downtown.
- Strategy 5B.3: Encourage quality urban design that relates well to streets and people.
- Strategy 5B.4: "...inward looking retail centers should be prohibited."

Richard Redniss, Redniss & Mead, representing the applicant, made a presentation and answered questions from the Board.

After some discussion, Mr. Levin recommended **approval** of **ZB Application #224-03** and that this request is in general harmony with the 2015 Master Plan; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Levin, Perry, Tepper and Totilo).

- 2. ZB APPLICATION #223-45 - AYR WELLNESS, INC. - 417 SHIPPAN AVENUE - Special Permit:**  
Applicant is seeking approval to operate a hybrid cannabis retail facility servicing both medical patients and adult-use consumers. The property is located within the C-N (Neighborhood Business) and M-G (General Industrial) Zoning Districts.

The property is in Master Plan Category #6 (Commercial - Neighborhood Business). The use is permitted by Special Permit in these zoning districts. The location of the site meets the distance requirements outlined in the Zoning Regulations. The site meets and exceeds the minimum required number of off-street parking spaces. The Applicant does not plan to use the existing drive-through lane. The Zoning Enforcement Officer would have to decide as to whether its use would be compliant or non-compliant if the Applicant were to consider using the drive-through in the future.

Questions that have come up on past dispensary applications are addressed in the Application materials. Customers are encouraged to use the online pre-order service. The company has a "Good Neighbor Policy" that includes important considerations for such uses as "Create a safe exterior environment through design and site management" and "Enforce appropriate customer behavior outside the facility and in adjacent areas." Unlike smoke shops and liquor stores, the Applicant has strict operational controls and inventory management procedures to regulate the distribution of their products.

As noted above, the property is in Master Plan Category #6 (Commercial - Neighborhood Business) but it is also surrounded by other Master Plan Categories that truly reflect the surround mix of land uses including #14 (Open Space) with Cummings Park directly across Shippan Avenue to the east, #5 (Residential - High Density Multifamily) to the south, #7 (Commercial - Arterial) to the west, and #3 (Residential - Low Density Multifamily) and #6 (Commercial - Neighborhood Business) to the north. The site is located along the commercial transition line of Shippan Avenue between heavier commercial uses (recycling center, auto center, equipment supply warehouse, self-storage facility) on one side and residential neighborhoods and open space on the other. Unlike the Curaleaf and Sweet Spot locations but similar to the Fine Fettle location, this site is not directly adjacent to any residential uses.

The MP Category calls for providing and promoting pedestrian-scaled "Main Street" environment. The security and signage controls may not be compatible with a "Main Street" environment that can typically be characterized by stores with free-flowing customers and storefronts for pedestrians to look in to. However, one could also say that the security is exactly what makes such a use compatible with a "Main Street" environment. The Applicant's tenancy of a vacant storefront would be more beneficial to a "Main Street" environment than a vacancy.

Ms. Dell noted that there were many attendees at the meeting and stated that this meeting is not a Public Hearing and speakers will not be allowed. Ms. Dell also noted letters received from Knights of Columbus, Building One Community, Al Koproski, Wolfsey Rosen, and Americares, along with various residents in opposition to this application.

Joseph J. Capalbo II, Esq., along with Tenisha Victor, Vice President of Market Expansion; Tiana Hercules, Connecticut Community Impact Representative; Amanda Ostrowicz, AYR Wellness, Inc. and James Bubaris, Traffic Engineer, Bubaris Traffic Associates, Inc. made a presentation and answered questions from the Board.

Ms. Dell then allowed Thomas Kuczynski, Board of Representatives, District #1, to speak and address the Board.

Before the Zoning Board renders its decision, Ms. Dell stated in order to vote for approval at the Planning Board meeting, she would like to strongly recommend the Law Department confirm that the programs and activities offered for children at Building One Community, Americares and the Knights of Columbus would not define these facilities as “schools” per the Zoning Regulations, where dispensary facilities cannot be located within 1,000 ft. thereof.

Ms. Dell asked the Board if they agreed with adding this notation as a consideration for a vote of approval, all Board members agreed.

Mr. Tepper stated that he agreed with adding this recommendation but would be voting for denial.

After some discussion, Mr. Totilo recommended **approval** of *ZB Application #223-45* with the recommendation the Law Department confirm the programs and activities offered for children at Building One Community, Americares and the Knights of Columbus would not define these facilities as “schools” per the Zoning Regulations in advance of Zoning Board consideration and that this request is in general harmony with Master Plan Category #6 (Commercial - Neighborhood Business); Mr. Perry seconded the motion and passed with eligible members present voting, 4-1-0 (Dell, Levin, Perry and Totilo - In Favor / Tepper - Against).

**3. ZB APPLICATION #223-46 - BUDR CANNABIS - 389 WEST MAIN STREET - Special Permit:**  
Applicant is seeking approval to operate a hybrid cannabis dispensary. The property is located within the C-L (Limited Business) Zoning District.

The property is in Master Plan Category #6 (Commercial - Neighborhood Business). The use is permitted by Special Permit in this zoning district. The location of the site meets the distance requirements outlined in the Zoning Regulations. The site meets and exceeds the minimum required number of off-street parking spaces. Unlike smoke shops and liquor stores, the Applicant has strict signage and operational controls and inventory management procedures to regulate the distribution of their products.

Like the previous application, the applicable MP Category calls for providing and promoting pedestrian-scaled “Main Street” environment. The security and signage controls may not be compatible with a “Main Street” environment that can typically be characterized by stores with free-flowing customers and storefronts for pedestrians to look in to. However, one could also say that the security is exactly what makes such a use compatible with a “Main Street” environment.

The surrounding land uses at this site do fit with the “Main Street” environment described in the Master Plan, with buildings meeting the sidewalk, smaller scale commercial uses east and west of the subject site. Part of the “Main Street” environment is nearby residential, of which exists within the blocks north and south of West Main Street. Heavy commercial uses like truck storage and auto repair shops are interspersed in the area. The Applicant’s tenancy of a vacant storefront would be more beneficial to a “Main Street” environment than a vacancy.

Ms. Dell noted two letters received from residents and that Mr. Capalbo forwarded a petition in favor with 275 signatures.

Joseph J. Capalbo II, Esq., along with Derrick Gibbs and Carl Turello Jr., Founders of Budr Cannabis, and James Bubaris, Traffic Engineer, Bubaris Traffic Associates, Inc., made a presentation and answered questions from the Board.

Ms. Dell stated she would like to add the same recommendation for approval of this application as was done for ZB #223-45 asking the Law Department to confirm the programs and activities offered for children at the Yerwood Center and the nearby Church would not define these facilities as “schools” per the Zoning Regulations, where dispensary facilities cannot be located within 1,000 ft. thereof.

After some discussion, Mr. Levin recommended **approval** of **ZB Application #223-46** with the recommendation the Law Department confirm the programs and activities offered for children at the Yerwood Center and the nearby Church would not define these facilities as “schools” per the Zoning Regulations in advance of Zoning Board consideration and that this request is in general harmony with Master Plan Category #6 (Commercial - Neighborhood Business); Mr. Perry seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Levin, Perry, Tepper and Totilo).

Note: Mr. Perry left the meeting at 8:40 p.m.

**ZONING BOARD OF APPEALS REFERRALS:**

- 1. ZBA APPLICATION #001-24 - RAYMOND MAZZEO, REDNISS & MEAD representing 70 FOREST STREET, LLC - 70 FOREST STREET & 251 GREYROCK PLACE - Variance of Section 9.B.4.e, Section 9.B.4.f and Table II, Appendix B:** Applicant owns a 17-story multifamily building with associated garage and adjacent vacant lot that previously contained a 2½-story single-family residence. The Applicant is proposing a 2-story addition to the existing garage that will occupy most of the adjacent vacant lot. Applicant is requesting the following:

Section 9.B.4.e:

- Allowance for Building Coverage of 58% in lieu of the 55% permitted. (Where up to 70% is permitted in certain instances.)

Section 9.B.4.f and Table II, Appendix B:

- Front yard (street line) setback of 5 ft. in lieu of the 15 ft. required (where other similar structures are permitted to be closer as detailed in the application materials).
- Front yard (street center) setback of 25 ft. in lieu of the 40 ft. required (where existing right-of-way is less than 50 ft. wide).
- Side yard setback of 0 ft. (west side) and 5 ft. (east side) in lieu of the 15 ft. required (where the required side yard dimension is increased due to the 2-story addition being connected to the amin structure which is 170 ft. in height).

The Planning Board considered this proposal as a package of Zoning Board applications (ZB #223-24, 223-25 and 223-26) at the June 13, 2023 public meeting and unanimously voted to recommend approval. The Zoning Board approved ZB #223-25 and, while supportive of the overall objective of the proposal, determined ZB #223-24 and #223-26 should be achieved through a variance application. The only changes are that the building height was reduced by about 4 inches and the accessible portion of the roof deck was reduced so it is not next to the adjacent building.

There are considerations for and against this proposal. In support of the application is that it is a minimal request to afford relief. The proposed structure provides a relatively modest number of spaces (up to 36) and will be 15 feet in height where 40 feet is permitted. The proposed front setback aligns with the residential building to the east. The land use is the same as that westerly along Greyrock Place of garage entry/exit serving multifamily buildings.

In argument against this application, the recently completed Parking Study determined that there is a significant excess of available off-street parking spaces Downtown. The Broad Street public parking garage is a 5-minute walk (0.2 miles) from this apartment building and has 187 parking spaces available for permits (684 spaces in total). The Applicant can purchase monthly parking permits from the City for the Broad Street garage and use that as valet parking spaces or the Applicant can encourage residents on the waitlist to seek parking permits. Amid a housing shortage and a Housing Plan that encourages smaller-sized affordable developments, a vacant lot in Downtown with access to multimodal transportation is better suited for housing.

The property is in Master Plan Category #11 (Downtown). The Downtown category is intended to provide for and protect intensive, pedestrian-oriented mixed-use district. This project is not aligned with that intention because it encourages car use by providing more parking and discourages pedestrian activity by not utilizing the nearby available parking garage spaces. This project is aligned with the Downtown category's objective for promoting a variety of scale and design in new construction.

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

After a brief discussion, Mr. Totilo recommended **approval** of **ZBA Application #001-24** and that this request is in general harmony with Master Plan Category #11 (Downtown); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo).

**2. ZBA APPLICATION #002-24 - WILLIAM & CATHERINE GALVIN - 49 SEA BEACH DRIVE - Variance of Section 3.B (Defined Terms), Section 4.B.2, and Table II, Appendix B:** Applicant owns a 2½-story, single-family dwelling with a garage and is proposing to install a 36 ft. x 16 ft. inground pool with associated pool equipment, inground spa, patio, gas fire pit, outdoor kitchen and a generator. Applicant is requesting the following:

Section 3.B (Defined Terms):

- Allowance to locate the inground pool with associated pool equipment, inground spa, patio, gas fire pit, outdoor kitchen and generator in a Front Yard.

Section 4.B.2 and Table II, Appendix B:

- Allowance to locate a generator 35 ft. from the Front Street Line in lieu of the required 40 ft. in an R-10 Zone.

The property is in Master Plan Category #2 (Residential - Low Density Single-Family). The property is a through lot with two front yards. The yard in which the proposed improvements are located functions as and has the appearance of a rear yard. The shape of the lot would not permit the improvements to be in the side yards. The property has been granted variances to allow an accessory building in the front and side yard for the garage. The only portion of this proposal that is closer to the front lot line than the previously approved garage is the generator, the position of which is hidden from views. This application is in general harmony with the intent of the Master Plan and respective category with the intent to provide for a suitable environment for single-family dwellings.

After a brief discussion, Mr. Levin recommended **approval** of **ZBA Application #002-24** and that this request is in general harmony with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo).

**3. ZBA APPLICATION #004-24 - ANTHONY TOTILO, ARCHITECT representing NICOLA D. TAMBURRO - 18 WILLARD TERRACE - Variance of Section 10.A and Table II, Appendix B:** Applicant owns a single-family dwelling with accessory garage structure and is proposing reconstruction and enlargement of the existing garage / work room with exterior dimensions of 13 ft. 7 in. x 38 ft. (an expansion by 133.52 square feet). Applicant is requesting the following:

Section 10.A:

- Height allowance of the non-conforming detached garage to be increased from 10 ft. 6 in. to 14 ft. 11 in.
- Relocate front façade of garage forward 2 ft. towards street side.

Section 4.B.2 and Table II, Appendix B:

- Side setback for garage of 2.4 ft. in lieu of 5 ft. required.
- Lot coverage of 21.2% in lieu of 20% permitted. (Existing site coverage is 19.5%)

Note: Mr. Totilo stated that Anthony Totilo is his cousin but has no vested interest in the architectural firm or any of its clients.

The property is in Master Plan Category #2 (Residential - Low Density Single-Family). The hardships described are that the lot is undersized at 7,885 sq. ft. where 10,000 sq. ft. is required and the existing garage is nonconforming. The nonconformance with respect to the side yard will not be exacerbated save for the 2 ft. addition on the front.

The expansion of the existing nonconforming building is modest in height (+4 ft. 5 in.) and size (133.5 sq. ft.) and reasonable given the hardship of lot size. While the height is greater than the pre-existing nonconforming garage, it is less than the maximum height of accessory structures (15 ft.). This application is in general harmony with the intent of the Master Plan and respective category with the intent to provide for a suitable environment for single-family dwellings.

After a brief discussion, Mr. Tepper recommended **approval** of **ZBA Application #004-24** and that this request is in general harmony with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Levin seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo).

**4. ZBA APPLICATION #005-24 - CARTER SHERWOOD & DIMITRIA ALOUPIS - 77 PERSHING AVENUE - Variance of Table II, Appendix B:** Applicant owns a one-story, single-family ranch dwelling with approximately 1,184 sq. ft. of living space and is proposing to construct a 15 ft. x 27 ft. addition on the east side to provide a garage with additional living space above. Applicant is requesting a variance from Table II Appendix B, for allowance for both side yards to be 16.1 ft. in lieu of the 20 ft. required in an R-10 Zone.

The property is in Master Plan Category #2 (Residential - Low Density Single-Family). It is unclear what the unique hardship is. The lot is undersized, but marginally (9,714 sq. ft. where 10,000 sq. ft. is required). If the proposed addition was setback an additional 3.1 ft. from the eastern property line, then the proposal would still achieve the goal of providing additional living space and would not require a variance because it would meet the single side yard setback requirement of 10 ft. plus the two side yard setback requirements of 20 ft.

While providing additional living space would support the use of property as a single-family dwelling as is noted in the Master Plan Category, the resulting density would be greater than that of surrounding properties and is typical of a single-family neighborhood. Further, there appears to be alternative ways to achieve the goals of the addition without a variance, thus complying with the Zoning Regulations.

After a brief discussion, Mr. Tepper recommended a **denial without prejudice** of **ZBA Application #005-24** in order for the applicant to more fully explain their hardship; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 4-0 (Dell, Levin, Tepper and Totilo).

Ms. Dell reminded the Board of the Special Meeting to be held on February 6, 2024 to finalize the Capital Budget and review the Transmittal Letter to the Mayor.

Next regularly scheduled Planning Board meetings are:

- February 6, 2024 (Special Meeting - Capital Budget)
- February 13, 2024 (Regular Meeting)
- February 27, 2024 (Regular Meeting)
- March 12, 2024 (Regular Meeting)

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 9:14 p.m.

Respectfully Submitted  
February 2, 2024

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](http://cityofstamford.granicus.com/ViewPublisher.php?view_id=20)