

**STAMFORD PLANNING BOARD  
APPROVED MINUTES - TUESDAY, MARCH 26, 2024  
REGULAR MEETING  
VIA THE INTERNET & CONFERENCE CALL  
6:30 P.M.**

**ZOOM WEBINAR**  
**Webinar ID: 815 7669 5005**  
**Passcode: 793734**

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

Ms. Dell called the meeting to order at 6:40 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:**

**March 12, 2024:** After a brief discussion, Mr. Levin moved to recommend *approval* of the Planning Board Regular Meeting Minutes of March 12, 2024; Mr. Perry seconded the motion, and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Perry and Tepper).

*As per notice sent on March 26, 2024 this agenda item has been TABLED to the  
May 21, 2024 meeting.*

**PLANNING BOARD DISCUSSION:**

**CITY OF STAMFORD PARKING STUDY:** The Transportation, Traffic & Parking Department will make a presentation on the steps the City is taking to implement the recently approved Parking Study completed in November 2023.

**ZONING BOARD REFERRALS:**

- ZB APPLICATION #223-42 - 208 WEST AVENUE, LLC - 208 WEST AVENUE - Map Change:**  
Applicant is proposing to rezone 208 West Avenue from the current R-MF Zone (Residential Multifamily) to the proposed NX-D Zone (Neighborhood Mixed-Use Design District).

If the Zoning Map Change is approved, the Applicant would submit a Zoning Board application to develop the site and the adjoining lot to the south with nine (9) residential units. The two lots would also be consolidated into one lot. The adjoining lot to the south is currently zoned NX-D. One of the development challenges the Applicant is attempting to overcome through this rezoning is having a development site in two different zoning districts.

Key difference between R-MF and NX-D in this case is the increased development potential including density (2,000 sq. ft. per family in the R-MF vs. 1,000 sq. ft. per family in the NX-D; height (4 stories and 40 ft. in RM-F vs. 5 stories and 60 ft. in the NX-D) and building coverage (30-35% in the RM-F vs. 70% in the NX-D). The property is located in Master Plan Category #13 (Industrial - General). While the MP Category is intended to provide for and protect existing industrial development and preserve opportunities for new industrial uses, it also acknowledges that in Stamford residential and manufacturing/ assembly/warehousing have long co-existed as neighborhood uses. The Category acknowledges the validity of the continuance of residential use. This trend is evident in this neighborhood and further reinforced by the Master Plan with Category #3 (Residential - Low Density Multifamily) on either side of this category and one block east and west of this site. Current zoning allows for residential development, the question here is whether we want increased density residential development.

It does appear that through Zoning and Master Planning designations this portion of West Avenue has been identified for higher density development compared to Aberdeen Street to the west and eastward of Diaz Street that are in the R-6 One Family, Two Family Residence Zoning District and Master Plan Category #3 (Residential - Low Density Multifamily). In that case, this re-zoning would be aligned with the interpretation of the Zoning and Master Plan for the area. Allowing for additional residential development is aligned with the Mayor's Executive Order on housing and Master Plan Policy 7H to encourage infill development. It also gives Staff confidence that this project would not have a negative impact on the preservation of MP Category #3 areas to the east and west because this area of West Avenue appears to have been identified as a target area for moderate increases in density to potentially discourage requests for increased density in those MP Category #3 areas.

Ms. Cohen made introductory comments then introduced Mr. Klein.

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

After a brief discussion, Mr. Levin recommended **approval** of **ZB Application #223-42** and found this request to be in general harmony with Master Plan Category #13 (Industrial - General); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Perry and Tepper).

*As per notice sent on March 26, 2024 this agenda item has been TABLED to the April 30, 2024 meeting to be heard at a Public Hearing.*

2. **ZB APPLICATION #224-09 - STAMFORD ZONING BOARD - Text Change:** Applicant is proposing to amend Use Definition "Dwelling Unit, Accessory (ADU)" in Section 5.E of the Stamford Zoning Regulations to ease limitations in the production of ADUs.
3. **ZB APPLICATION #224-10 - STAMFORD ZONING BOARD - Text Change:** The purpose of this Text Change is to streamline the existing regulations for non-conforming uses, add provisions for non-conforming buildings, structures and lots, eliminate Special Permit provisions and facilitate the conversion of obsolete structures and uses to viable uses.

As Zoning Regulations change, uses, buildings, structures and lots may no longer conform with the new Regulations. Section 8-2.d.4. of the Connecticut General Statutes requires that existing uses may continue after regulations change, a provision that is called grandfathering. While the State Statute provides a general rule for uses it does not specify what happens to non-conforming buildings or structures, i.e. buildings that exceed maximum height, setback, or other requirements, and if and how these buildings could be reused. The proposed Regulations are based on the principle that existing non-conforming uses and buildings can continue but that the non-conformity cannot be increased unless it is required by safety or other requirements. The second principle is that non-conforming uses may be modified to more conforming uses or buildings. Thirdly, the proposed Regulations align the continuation of non-conforming use with case law.

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

After a brief discussion, Mr. Tepper recommended **approval** of **ZB Application #224-10** and found this request to be in general harmony with the 2015 Master Plan; Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Perry and Tepper).

4. **ZB APPLICATION #224-15 - FAMILY CENTERS INC. & 986 BEDFORD, LLC - 986 BEDFORD STREET - Special Permit:** Family Centers Inc is seeking a Special Permit approval pursuant to Section 9.N.4 and 19.C to allow use of the building known as 986 Bedford Street as a "Public Charitable Institution."

Ms. Dell asked Ms. Cohen to read ZB Application #224-15 into the record, which she did. Ms. Cohen then introduced Mr. Hennessey.

William Hennessey, Carmody Torrance Sandak Hennessey, LLC, along with Daniel Conant, Carmody Torrance Sandak Hennessey, LLC and Bob Arnold, CEO, Family Centers, made a presentation and answered questions from the Board.

After a brief discussion, Mr. Perry recommended **approval** of **ZB Application #224-15** and found this request to be in general harmony with Master Plan Category #4 (Residential - Medium Density Multifamily); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Perry and Tepper).

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

- 1. ZBA APPLICATION #011-24 - PIERRE-CHRISTIAN D. FRYE, AIA representing 143 MYRTLE AVE, LLC / CHRIS & CURT RILEY - 143 MYRTLE AVENUE - Variance of Table IV, Appendix B:** Applicant owns this vacant lot presently 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.

During its regular meeting held on Tuesday, August 15, 2023, the Planning Board unanimously recommended the Zoning Board of Appeals approve ZBA Application #026-23 which is the same application as seen before you tonight. The Applicant did not show up to the three Zoning Board of Appeals meetings of which this was on the agenda and therefore, the application had to be withdrawn and re-submitted.

The property is located in Master Plan Category #7 (Commercial - Arterial). The 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 proposal 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.

Ms. Cohen made brief introductory comments then introduced Mr. Frye.

Pierre-Christian D. Frye, AIA, representing the applicant, made a presentation and answered questions from the Board.

After a brief discussion, Mr. Levin recommended **approval** of **ZBA Application #011-24** and found this request to be in general harmony with Master Plan Category #7 (Commercial - Arterial); Mr. Perry seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Perry and Tepper).

- 2. ZBA APPLICATION #012-24 - HARVEY WEBER, ARCHITECT representing ZALMAN & MALYA SHMOTKIN - 15 FRANCIS AVENUE - Variance of Table III, Appendix B and Section 3-36 (Definition of a Story):** Applicant owns a two-story, single-family dwelling with a footprint of 1,191 sq. ft. and is proposing a new second story addition to be 21 ft. 3 in x 26 ft. 2 in. (557 sq. ft.) and a new upper floor addition to be 45 ft. 5 in. x 26 ft. 2 in. (818 sq. ft.) which will all be used as five (5) additional bedrooms and two (2) bathrooms. Applicant is requesting:

#### **Table III, Appendix B:**

- A front yard setback of 26.9 ft. in lieu of the 30 ft. required.
- A front street centerline setback of 51.9 ft. in lieu of the 55 ft. required.

#### **Section 3-36 (Definition of a Story):**

- New upper floor addition to have a ceiling height of no more than 8 ft. where 7 ft. 4 in. is the maximum.

The property is located in Master Plan Category #2 (Residential - Low Density Single-Family). The hardship identified is that the existing single-family dwelling is non-compliant with respect to the front yard setback. Any additions that would extend to the front façade of the house would require a variance. The variances from Table III, Appendix B are reasonable as the addition would be aligned with the front of the house. The property is in the R-7½ District as are surrounding properties. This District has a maximum height of two and a half stories and the Applicant is requesting relief from the dimensions of the half story. The overall height of the building would be reduced from the current height; however, it is not understood what the unique hardship of the land is. Other homes in this neighborhood are compliant with the half story dimensions such as the neighbor to the west at 19 Francis Avenue and to the east at 54 Belltown Road. Since there is no hardship identified for the variance of Section 3-36 besides comfort and denial of that portion of the request would not hinder use of the property as a single-family home. Staff finds the variance of Section 3-36 incompatible with the Master Plan for this area.

Ms. Cohen made brief introductory comments then introduced Mr. Weber.

Harvey Weber, Architect, representing the applicant, made a presentation and answered questions from the Board.

After a brief discussion, Mr. Perry recommended **approval** of **ZBA Application #012-24** and found this request to be 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, 5-0 (Dell, Godzeno, Levin, Perry and Tepper).

3. **ZBA APPLICATION #013-24 - CARMELA LAZARTE - 1353 HIGH RIDGE ROAD - Variance of Table II, Appendix B:** Applicant owns a two-story, single-family dwelling with a detached one-car garage and is proposing construct a two-story addition of 14 ft. x 26 ft. to the rear of the structure. Applicant is requesting a front line setback of 32.5 ft. in lieu of the 40 ft. required.

The property is located in Master Plan Category #2 (Residential - Low Density Single-Family). The hardship identified is that the existing single-family dwelling is non-compliant with respect to the front yard setback. Most of the existing home is within the front yard setback. Due to the location of the septic system, any additions to the structure would protrude into the front yard to have a connection with the existing dwelling. The addition would otherwise conform to Zoning. This property faces a unique and significant hardship of the land and, as such, granting a variance in this instance would be in harmony with the intention of this Master Plan category.

Ms. Cohen made a presentation and answered questions from the Board.

After a brief discussion, Mr. Tepper recommended **approval** of **ZBA Application #013-24** and found this request to be in general harmony with Master Plan Category #2 (Residential - Low Density Single-Family); Mr. Perry seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Perry and Tepper).

4. **ZBA APPLICATION #014-24 - HOWARD & DOREEN NUSBAUM - 130 REVONAH AVENUE - Variance of Section 3 (Accessory Structure):** Applicant owns a single-family dwelling with garage, pergola and shed and is proposing to convert the existing 1½-story garage into a 1½ story home office by adding dormers. Applicant is requesting: [a] a side yard setback of 18 in. in lieu of the 5 ft. required; and [b] a roof height of 22 ft. in lieu of the standard 15 ft.

The property is located in Master Plan Category #2 (Residential - Low Density Single-Family). The hardship identified is that the existing garage is located within the side yard setback. Any half-story addition on the garage would require a variance to the side yard setback if there were a desire to align with the outside wall of the garage, which is reasonable.

Height restrictions not allowing for use of space as an office is not a unique hardship of the land. See discussion of 15 Francis Avenue, above. It also appears that the garage could be used as an office even without the additional height in the location of where the proposed recreation area is. In either way, the height restriction would not hinder reasonable use of property. There is a case to be made for a hardship of maintaining the architectural integrity of the property that is historic and unique. However, if no alteration was made, the architecture would not be impacted. Staff recalls a similar variance request on Bedford Street for height of an accessory structure to be increased to allow for use of the second story. In that instance, surrounding uses were taken into consideration and led to a recommendation for denial of the variance request. In this instance, surrounding uses are backyards of adjoining single-family homes whose owners' consent to the variance request. This is not an area where a 7 ft. increase in height would significantly impact the perceived density as was the case on Bedford Street. Accessory structures are meant to appear as an accessory to the primary structures. This could be impacted by the increase in height. The R-10 Zoning District maximum height for primary structures is 2½ stories and 30 ft. in height, 7 ft. taller than this proposed accessory structure. Staff does not see a unique hardship here with respect to height.

Ms. Cohen made a presentation and answered questions from the Board.

After a brief discussion, Mr. Tepper recommended **approval** of **ZBA Application #014-24** and found this request to be in general harmony with Master Plan Category #2 (Residential - Low Density Single-Family); Ms. Godzeno seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Godzeno, Levin, Perry and Tepper).

Next regularly scheduled Planning Board meetings are:

- April 9, 2024 (Regular Meeting)
- April 30, 2024 (Regular Meeting & Public Hearing - ZB Application #224-09 ADUs)

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 8:00 p.m.

Respectfully Submitted  
March 28, 2024

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)