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REPORT OF THE REFERRALS COMMITTEE

February 25, 2008

Committee Chairman Jack Halpert was not present. Nathan Snyder called the meeting to order at 2:00 p.m. Also in attendance were Committee members Margaret Wirtenberg, Michael Stashower and Rob Young. Floyd Lapp, Executive Director and Benjamin Henson, Regional Planner of SWRPA were also present. The Committee recommends the following actions related to the referrals reviewed at the meeting which was adjourned at 3:00 p.m.:

Referral No. 08-04 – Coastal Site Plan Review, Darien*

**SWRPA previously received this referral on January 24, 2008, two business days prior to the January Referrals Committee meeting and 20 days prior to the hearing date. An Environmental and Coastal Impact Assessment was not included in the referral package. The report is now included for further review. The hearing date has been set for March 4, 2008, following our March 3 Agency meeting.*

Referrer: Darien Zoning Board of Appeals
Applicant: Darien Pak & Recreation Commission
Received: January 24, 2008
Hearing: February 13, 2008
Contact: Robert Woodside, Code Compliance Officer
Authority: 8-3b

Proposal: Applicant is requesting a variance of *Section 820 – Flood Damage Protection* of the Darien Zoning Regulations and has submitted a Coastal Site Plan for review.

Description: In June 2006, a master plan to upgrade and expand existing facilities at Weed Beach Park was approved by the Town of Darien. The park is 24 coastal acres lying southwest of Brush Island Rd. and Nearwater Ln. The site plan calls for:

1. Relocation of the existing gate house to allow for widening of the drive
2. Renovation of the existing sailing building to provide handicap accessibility. The on-site septic system will be vacated and a new sanitary line installed to service the building. All utility poles will be removed and all electric lines placed below ground.
3. Replacement of the existing bath house with a new facility that will include a detached concession stand. The structures will be connected via a covered plaza and both accessed by

a boardwalk surrounding the facilities. The boardwalk will be handicap accessible. A variance from the Zoning Regulations is requested for this facility.

4. Construction of a warming hut to house the platform court attendant and provide storage.
5. Construction of a permanent picnic pavilion.
6. Creation of pervious walking trails throughout the site.
7. Designation of a light craft (boat) launch.
8. Reconstruction of the surface parking lot. The existing lot has 250 spaces. The proposal calls for removing enough pavement so that there will be 141 paved spaces and 81 overflow spaces utilizing turf pavers. This will reduce the site's impervious surface cover.
9. Placement of all utilities underground. The site will be served by electric, telephone, cable, water and sanitary services.

The applicant is requesting a variance from *Section 820 – Flood Damage Prevention* of the Zoning regulations to allow the construction of the new bath house use. The proposed finished floor elevation is 10.5 ft. The Regulations require an elevation of 14 ft. The application states that meeting this requirement would “require the structure to be considerably higher than the surrounding areas and would impact the vista and accessibility that is required at this site”. The applicant also points out that the existing building that is being replaced currently sits at an elevation of 9 ft.

Staff Comments & Recommendation: The proposed site plan was submitted by the Town of Darien's Parks and Recreation Commission. It represents an attractive and needed upgrade of the site and facilities at Weed Beach Park. Constructing the proposed bath house at a finished grade elevation of 10.5 ft. instead of the required 14 ft. may not be in line with the local Zoning Regulations, but does not pose potential inter-municipal impacts. SWRPA staff recommends **approval of Referral No. 08-04** to the Darien Zoning Board of Appeals.

Referral No. 08-05 – Text Amendment, Zoning Regulations, Norwalk

Referrer: Norwalk Planning Commission

Applicant: Norwalk Zoning Commission

Received: February 5, 2008

Hearing: March 19, 2008

Contact: Dori Wilson, Senior Planner

Authority: 8-3b

Proposal: Text amendment to the Norwalk Building Zone Regulations Article 140, Section 118-1420.

Description: The proposal adds item “i” to subsection J.1 to establish fees for the corrective action of a zoning violation. The new language reads:

(i) Corrective Action of Zoning Violation

15-29 days after issuance of Cease & Desist: One hundred and fifty dollars (\$150).

30-60 days after issuance of Cease & Desist: Three hundred dollars (\$300).

More than 60 days after issuance of Cease & Desist: Six hundred dollars (\$600).

Staff Comments & Recommendation: The proposed change to the Building Zone Regulations is clerical in nature and will not affect development patterns in any way. No inter-municipal impacts are anticipated.

Referral No. 08-06 – Text Amendment, Zoning Regulations, Stamford

Referrer: Stamford Land Use Bureau
Applicant: Patricia M. Brennan

Received: February 15, 2008
Hearing: March 3, 2008
Contact: Norman Cole, Principal Planner
Authority: 8-3b

Proposal: Text amendment to the Stamford Zoning Regulations Article II, Section 3.

Description: The proposal adds a new definition to the Stamford Zoning Regulations to define Antique Center as a use. The new definition reads:

4.15 Antique Center: Any building with a minimum square footage of fifteen thousand square feet or part thereof with a minimum square footage of fifteen thousand square feet used for the sale of any old and authentic objects of personal property which were made, fabricated or manufactured generally fifty (50) or more years earlier and which have a unique appeal and enhanced value because of age, artistry, beauty or period of origin;

This newly defined Antique Center (4.15) use would be permitted only in the M-G Zoning District. This would be reflected in Appendix A – Table II Permitted Uses in Commercial and Industrial Districts Only.

Staff Comments & Recommendation: The proposed change to the Zoning Regulations adds a clearly defined use to be permitted in a specific Zoning District. While there are M-G General Industrial districts that border Greenwich and Darien, an Antique Center use poses no inter-municipal impacts. SWRPA staff recommends **approval of Referral No. 08-06** to the Stamford Land Use Bureau.

Referral No. 08-07 – Text Amendment, Zoning Regulations, Stamford

Referrer: Stamford Land Use Bureau
Applicant: William J. Hennessey, Jr.

Received: February 19, 2008
Hearing: March 24, 2008
Contact: Norman Cole, Principal Planner
Authority: 8-3b

Proposal: Text amendment to the Stamford Zoning Regulations Article III, Section 9.BBB.4.c: C-D Designed Commercial District.

Description: The proposal amends this regulations pertaining to impervious surface area coverage by adding the underlined language to the current regulation as shown below:

Total non-porous surface area coverage shall not exceed fifty percent (50%), provided that if at least one required parking space per residential unit is provided in an enclosed area, coverage may be increased to fifty-five percent (55%).

Staff Comments & Recommendation: The proposed change to the Zoning Regulations will allow 5% percent more coverage to make it easier for someone to construct covered parking instead of uncovered surface parking. It was pointed out at the SWRPA Referrals Committee meeting that this proposal could potentially allow a 5% impervious surface coverage bonus to any development as long as the development had one residential unit. Under this scenario, if a covered parking space was provided for this one unit, the entire development still qualifies for an additional 5% impervious surface coverage. The committee deemed this scenario unlikely, but possible and felt it important to note. No inter-municipal impacts are anticipated. SWRPA staff recommends **approval of Referral No. 08-07** to the Stamford Land Use Bureau.

Referral No. 08-08 – Site Plan Review/Special Permit, Darien

Referrer: Darien Planning & Zoning Commission

Applicant: Athos Real Estate, Inc.

Received: February 22, 2008

Hearing: April 1, 2008

Contact: Jeremy Ginsberg, Planning & Zoning Director

Authority: none

Proposal: A Business Site Plan to demolish an existing building and construct a new brick building.

Description: The property is a 0.473 acre parcel at the intersection of Boston Post Rd. and Norwalk Rd. in Darien. The street address is 71 Boston Post Rd. The applicant is proposing demolition of the existing building which was formerly used for an International House of Pancakes (IHOP) restaurant that closed in 2007. The applicant has purchased the property and plans to construct a new 2-story brick building. The first floor, proposed as 1,700 sq ft, would be utilized by the Starbucks Coffee Company. The second floor would be utilized as a 3-bedroom dwelling unit for the applicant.

The property at 71 Boston Post Rd lies within the SB-E Service Business East district which includes commercial sales and service uses. If this use is determined by the Darien Planning & Zoning Commission to be a restaurant, a likely scenario, the applicant would be required to apply for a special permit to allow such a use. Anticipating such a determination, the applicant is requesting said Special Permit. Many of the surrounding land uses include restaurants, with and without drive-thru windows. The proposed Starbucks would have a drive-thru window.

As simply a commercial sales and service use, twelve on-site parking spaces are required. A restaurant use would require seventeen spaces. The site plan indicates that eighteen spaces are planned which would satisfy either requirement.

A traffic study and a drainage study have been included with the application. The drainage study concludes:

“the proposed development, if constructed as proposed, will only slightly increase the amount of impervious surfaces on the site as compared to existing conditions. This slight increase in impervious surfaces will result in only a small increase in peak runoff flow rates as compared to existing conditions and therefore, will not have any negative effects or adverse impacts on existing drainage patterns, adjoining properties, or local storm drainage systems.”

A copy of the traffic study has not been submitted to the Town yet. As soon as they receive the study they will forward it to SWRPA. The proposal realigns two of the existing three curb cuts to improve access and flow within the site. The third curb cut will be removed and replaced with landscaping and a sidewalk.

The site plan meets the required 30 ft front yard requirement and because of its location on a corner lot surrounded by similar SB-E uses also meets the required 10 ft rear yard requirement. Corner lots are required to have both frontage yards meet the required frontage. Neither of the yards in the proposal meet the requirement of 100 ft of frontage. Unless the site provides a 75 ft front yard, no parking is allowed in front of the building. This site has a 30± ft front yard and is proposing parking in front of the building.

Signage plans were not included with the site plan, thus SWRPA is unable to determine compliance with Darien sign regulations.

Staff Comments & Recommendation: The proposed use fits the character of the surrounding neighborhood and is permitted to operate as a restaurant via Special Permit approval. The site plan indicates a number of improvements including the removal of a curb cut, construction of a new sidewalk, additional landscaping, not to mention a newly constructed brick building. The proposal fails to meet frontage requirements. Staff is unable to comment on the traffic study or the signage compliance due to missing materials. SWRPA staff recommends further follow-up by the Town of Darien with these issues before the April 1st hearing and requests to be updated so that SWRPA can inform its Referrals Committee at its March 24th meeting. Provided the traffic report indicates this project will not generate significant traffic, staff recommends **approval of Referral No. 08-08** to the Darien Planning and Zoning Commission and suggests consideration be given to the City of Norwalk as this site is very near the border between Darien and Norwalk.