



South Western Regional Planning Agency  
Stamford Government Center  
888 Washington Boulevard, 3rd Floor  
Stamford, Connecticut 06901  
203 316 5190 Phone  
203 316 4995 Fax  
www.swrpa.org

## **REPORT OF THE REFERRALS COMMITTEE**

April 2, 2008

Committee Chairman Jack Halpert called the meeting to order at 2:00 p.m. Also in attendance were Committee members Nathan Snyder, Bob Byrnes, Leigh Grant and Rob Young. Floyd Lapp, Executive Director and Benjamin Henson, Regional Planner of SWRPA were also present. Other Business was discussed as well. Please make note of the proposed added language to future Referrals Reports. The Committee recommends the following actions related to the referrals reviewed at the meeting which was adjourned at 4:00 p.m.:

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### **Referral No. 08-09 – Text Amendment, Zoning Regulations, Westport**

**Referrer:** Westport Planning & Zoning

**Applicant:** Redniss & Mead

**Received:** February 25, 2008

**Hearing:** May 1, 2008

**Contact:** Michelle Frye, Planning Assistant

**Authority:** 8-3b

**Proposal:** Applicant is requesting to amend Section 5-2 to add a new definition and Section 6 to add new regulations for the redevelopment of split-zoned properties.

**Description:** The amendment to Section 5-2 – Specific Terms adds the following definition for the term “Green Roof”:

Roof areas which are landscaped by vegetation or other means to manage stormwater, where such landscaping comprises a minimum of fifty percent (50%) of the roof area, including roof areas permanently devoted to mechanical equipment used in the operation and maintenance of the buildings.

The amendment to Section 6 – Non-Conforming Uses, Buildings and Lots adds a new Section 6-6 – Redevelopment of Split Zoned Properties. These new regulations only pertain to properties with 200 ft of frontage on Post Road that are zoned both GBD and Residence A. The new section would allow full or partial redevelopment of a non-conforming building(s) and its use at such a location provided:

- The redevelopment reduces existing non-conformities such as:
  - o Building coverage

- Total coverage
- Floor area
- Redevelopment shall be constructed with a Green Roof
- Redevelopment shall be consistent with the “Greening of the Post Road Tree Program”
- Redevelopment shall be subject to Special Permit and Site Plan review as follows:
  - Existing non-conforming parking and loading spaces may be allowed to remain
  - Existing non-conforming landscaped buffer strips may be allowed to remain
- Within the Residence A portion of the site, floor area and building coverage may be increased if total site coverage is reduced and undeveloped land is protected by a permanent conservation easement
- Where redevelopment is for a motel, hotel, motor inn, or tourist court, the following accessory uses shall be exempt from additional parking requirements:
  - Meeting/conference rooms up to the lesser of 3,000 sq ft or 5% gross interior floor area
  - Restaurants up to the lesser of 1,200 sq ft or 2% gross interior floor area
  - Patron/service bars up to the lesser of 500 sq ft or 1% gross interior floor area

**Staff Comments & Recommendation:** The proposed definition for Green Roof simply defines a term found within the Westport Zoning Regulations. No inter-municipal impacts are anticipated. The second amendment adding a new Section 6-6 – Redevelopment of Split Zoned Properties will impact only a very select few properties in Westport. In fact, the applicant has provided a complete list of four properties which would be affected by this amendment. It should be noted, however, that this amendment would allow the redevelopment of a non-conforming use to maintain identical levels of non-conformity, provided the new non-conforming use is built with a green roof, includes street trees and falls subject to Special Permit and Site Plan review. Adoption of this amendment would also set a precedent for similar future amendments regarding non-conformities. Considering no anticipated inter-municipal impacts, SWRPA staff recommends **approval of Referral No. 08-09** to the Westport Planning & Zoning Commission.

**Referral No. 08-10 – Variance Request, Darien**

**Referrer:** Darien Zoning Board of Appeals  
**Applicant:** Athos Real Estate, Inc.  
**Received:** February 29, 2008  
**Hearing:** March 19, 2008  
**Contact:** Robert Woodside, Code Compliance Officer  
**Authority:** none

**Proposal:** Variance of Sections 674b and 675b of the Darien Zoning Regulations.

**Description:** A Site Plan for this project was reviewed at last month’s Referrals Committee meeting. The applicants are proposing to demolish the existing International House of Pancakes (IHOP) structure and replace it with a mixed-use structure with a Starbucks Coffee Company use on the first floor and a three-bedroom apartment unit, to be occupied by the applicant’s president, on the second floor.

This new application requests the following variances:

- 1) A variance to permit two parking spaces in front of a building to be located on a corner lot where the building is less than seventy-five (75) feet from the street line as may be required under Section 675b.
- 2) A variance to permit the construction of a restaurant with less than 1,200 square feet devoted to customer tables and seating area as may be required under Section 674b.

Section 675 concerns Area and Bulk Requirements. Item b requires that no parking shall be permitted in front of any building with a setback of less than 75 ft. The applicants are requesting to locate two parking spaces on the West Norwalk Road side of the proposed building. Being a corner lot, the West Norwalk Road “side” yard is considered a front yard. As proposed, the setback would be 37.2 ft. The proposed parking spaces are planned as “stacked” spaces requiring motorists to “parallel park” their car in order to access them.

Section 674 concerns Principal Uses Requiring Special Permits and lists five subjected uses. Item b on the list allows restaurants as permitted uses provided that at least 1,200 sq ft of indoor space shall be devoted to customer tables and seating area. The proposal illustrates a building with 1,700 sq ft of interior space. The application points out that Starbucks Coffee Company has not completed interior design, but anticipates that approximately 340 sq ft of the interior space will be dedicated to customer seating with an additional 380 sq ft of customer seating provided outside on an exterior patio.

**Staff Comments & Recommendation:** Notwithstanding, the traffic report, this site is located at an already stressed intersection. Locating stacked parking near the access point on West Norwalk Road does not appear to be a viable solution to meeting the required parking for this proposal. This access point is very close to the intersection with Boston Post Road and is proposed as the only way to enter the proposed drive-thru window. The proposed queue lane is designed to hold six cars at a time before backing out to West Norwalk Rd.

The subject property is constrained by its small size and location as a corner lot. As such, the proposed building is not very large. It is 1,700 sq ft. The requirement that at least 1,200 sq ft of the interior space be devoted specifically to customer tables and seating areas is excessive at this scale. 1,200 sq ft represents more than 70% of the entire floor area.

Considering the above comments and the fact that West Norwalk Rd. delineates the border between Darien and Norwalk, the act of approving these two variances to allow for this development may pose inter-municipal impacts. Considering this, staff **does not recommend approval of Referral No. 08-10** to the Darien Zoning Board of Appeals.

#### **Referral No. 08-11 – Text Amendments, Zoning Regulations, Ridgefield**

**Referrer:** Ridgefield Planning & Zoning Commission

**Applicant:** Ridgefield Planning & Zoning Department

**Received:** March 6, 2008

**Hearing:** April 22, 2008

**Contact:** Betty Brosius, Director of Planning

**Authority:** 8-3b

**Proposal:** Text amendment to Sections 3.3.D.1.c & 3.3.D.1.e of the Ridgefield Zoning Regulations. The underlined text represents new language to be added to the regulations and text that is stricken through represents language to be deleted from the regulations.

**Description:** Sections 3.3.D.1.c & 3.3.D.1.e – Clarifies lot size and water/sewer service requirements for accessory dwelling units by providing the following amended language:

- c. the lot shall conform to the minimum lot area requirement for the zone in which the property is located or be legally nonconforming; and
  - i. the lot shall be at least one (1) acre in size unless served by public water and sewer;
  - ii. on lots of less than one-half (0.5) acre, the accessory dwelling shall be attached to or located within the principal dwelling structure;
  - iii. both the existing house and the proposed accessory dwelling shall demonstrate compliance with the Public Health Code; and

Subsection e is deleted as shown:

- ~~e. if such accessory dwelling unit is to be located within a detached accessory building, then:
  - i. the lot area shall be at least one-half (0.5) acre if served by both public water and public sewer or one (1.0) acre if served by well or septic, and
  - ii. both the existing house and the proposed accessory dwelling shall demonstrate compliance with the Health Code.~~

**Staff Comments & Recommendation:** These amendments minimally change the regulations. The changes do not appear to pose any inter-municipal impacts. Staff recommends **approval of Referral No. 08-11** to the Ridgefield Planning & Zoning Commission.

### **Referral No. 08-12 – Text Amendments, Zoning Regulations, Ridgefield**

**Referrer:** Ridgefield Planning & Zoning Commission  
**Applicant:** Ridgefield Planning & Zoning Department

**Received:** March 6, 2008  
**Hearing:** April 22, 2008  
**Contact:** Betty Brosius, Director of Planning  
**Authority:** 8-3b

**Proposal:** Text amendment to Section 3.4 – Accessory Structures of the Ridgefield Zoning Regulations. The underlined text represents new language to be added to the regulations and text that is stricken through represents language to be deleted from the regulations.

**Descriptions:** Section 3.4 – Accessory Structures – adds detached garage to list of outbuildings permitted with a Zoning Permit and also to the list of outbuildings permitted in front yard with a Special Permit.

**Staff Comments & Recommendation:** The changes expected as a result of this amendment do not appear to pose any inter-municipal impacts. Staff recommends **approval of Referral No. 08-12** to the Ridgefield Planning & Zoning Commission.

**Referral No. 08-13 – Text Amendments, Zoning Regulations, Ridgefield**

**Referrer:** Ridgefield Planning & Zoning Commission

**Applicant:** Ridgefield Planning & Zoning Department

**Received:** March 6, 2008

**Hearing:** April 22, 2008

**Contact:** Betty Brosius, Director of Planning

**Authority:** 8-3b

**Proposal:** Text amendment to Sections 8.3.B.1, 8.3.C & 9.3.H.1 of the Ridgefield Zoning Regulations. The underlined text represents new language to be added to the regulations and text that is stricken through represents language to be deleted from the regulations.

**Description:** The amendments to Sections 8.3.B.1, 8.3.C & 9.3.H.1 clarify the procedures for filing and approving Village District Applications. The changes include:

8.3.B.1. Any modification associated with a proposed development, construction, or use in the Central Business District (CBD) zone shall be reviewed in relation to the design guidelines in Subsection 8.3D and the additional considerations in Subsection 8.3.E, and in accordance with Sec. 8-2j of the Connecticut General Statutes.

8.3.C.6. The Commission shall take action on the application upon receipt of the report from the Village District Consultant.

8.3.C.7. In accordance with §8-2j(f) and 8-3c of the Connecticut General Statutes, approval of a Village District Application is effective upon filing in the Office of the Town Clerk.

9.3.H.1 When an application is filed in any zoning district which is identified as a Village District, such application shall be forwarded for review and comment to the Village District Consultant selected by the Commission, in accordance with Sec. 8.3 of these regulations.

**Staff Comments & Recommendation:** These amendments make use of the Connecticut General Statutes to clarify requirements of both the applicant and Town during the application process for Village District designation. The changes do not appear to pose any inter-municipal impacts. Staff recommends **approval of Referral No. 08-13** to the Ridgefield Planning & Zoning Commission.

**Referral No. 08-14 – Text Amendments, Zoning Regulations, Ridgefield**

**Referrer:** Ridgefield Planning & Zoning Commission

**Applicant:** Ridgefield Planning & Zoning Department

**Received:** March 6, 2008  
**Hearing:** April 22, 2008  
**Contact:** Betty Brosius, Director of Planning  
**Authority:** 8-3b

**Proposal:** Text amendment to Sections 10 – Appendix – 10.1 Application Fees of the Ridgefield Zoning Regulations.

**Description:** This amendment establishes fees for processing zoning permits required for Change of Use and Home-Based Business. The new fees are included within the schedule as shown below:

Change of Use Permit	\$50
Home-Based Business Permit	\$50

**Staff Comments & Recommendation:**

These amendments add two new Permit application fees to the Zoning Regulations and nothing more. The changes do not appear to pose any inter-municipal impacts. Staff recommends **approval of Referral No. 08-14** to the Ridgefield Planning & Zoning Commission.

**Referral No. 08-15 – Text Amendments, Zoning Regulations, Fairfield**

**Referrer:** Fairfield Town Plan & Zoning Commission  
**Applicant:** Quatrella & Rizio, LLC

**Received:** March 6, 2008  
**Hearing:** TBD  
**Contact:** Raymond Rizio  
**Authority:** 8-3b

**Proposal:** Applicant is requesting to amend Sections 27.2.3.3 and 27.4.6 to alter Special Exception requirements pertaining to hospitals.

**Description:** Section 27.2 details the required submittals that must accompany an application for a Special Exception. As explained in Section 27.2.3, hospitals, homes for the aged, rest homes, chronic, convalescent and nursing homes must submit additional information. Section 27.2.3.3 concerns one of these additional requirements. The proposed language addresses outdated terminology with regard to the document formerly referred to as a Certificate of Necessity, now called a Certificate of Need. This document used to be issued by the Department of Health of the State of Connecticut. The Connecticut Office of Health Care Access now issues the certificate.

Current:

~~A Certificate of Necessity—issued by the Department of Health of the State of Connecticut.~~

Proposed:

A copy of the proposed application for a Certificate of Need to be granted by the Connecticut Office of Health Care Access.

The amendment to Section 27.4.6 adds the following underlined language to the existing:

With respect to hospitals, homes for the aged, rest homes, chronic, convalescent and nursing homes, the applicable laws and regulations of the Health Code of the State of Connecticut pertaining to the operation and maintenance of hospitals and other institutions shall be met and with regard to hospitals, no building permit shall be issued until such a time as the Applicant shall file with the Planning and Zoning Office a copy of the Certificate of Need issued/granted by the Connecticut Office of Health Care Access.

Instead of submitting a State-approved Certificate of Need upfront during the application process, the applicant will instead submit a copy of the *application* to the State for said document. This would allow the Special Exception permitting process to continue while the Certificate is being reviewed by the State. Once the Certificate of Need is issued by the State, the applicant would return to the Town Plan and Zoning Commission to apply for a Building Permit. No Building Permit will be issued without the Certificate of Need. The applicant states that the proposed changes would allow the developer Zoning approval prior to pursuing the rather expensive Certificate of Need, thus granting a “degree of certainty” that they would be able to develop a hospital at an approved site.

**Staff Comments & Recommendation:** The proposed amendments have the combined effect of both correcting outdated language and significantly altering the Special Exception application process as pertains to hospitals. The proposed amendments do not pose inter-municipal impacts. SWRPA staff recommends **approval of Referral No. 08-15** to the Fairfield Town Plan and Zoning Commission.

#### **Referral No. 08-16 – Text Amendments, Zoning Regulations, Weston**

**Referrer:** Weston Planning and Zoning Commission

**Applicant:** Weston Planning and Zoning Commission

**Received:** March 6, 2008

**Hearing:** April 7, 2008

**Contact:** Joan Lewis, Administrative Assistant

**Authority:** 8-3b

**Proposal:** Applicant is requesting to amend Section 374 of the Weston Zoning Regulations.

**Description:** Section 374 regards aspects of non-conformities other than the use itself. The proposed amendment adds the underlined sentence to address increasing the height of any part of a non-conforming structure:

A building or structure which is conforming in use but does not conform to the height, setback and land coverage, parking or similar dimensional requirement of these regulations, shall not be considered to be non-conforming within the meaning of Section 373 and 375 of these Regulations. However, no permit shall be issued nor shall any changes be made on such building or structure that will result in the increase of any such non-conforming structures nor shall any non-conforming part of the structure be increased in height.

**Staff Comments & Recommendation:** The proposed amendment adds further clarity to a rather straightforward regulation. The change does not pose inter-municipal impacts. SWRPA staff recommends **approval of Referral No. 08-16** to the Weston Planning and Zoning Commission.

**Referral No. 08-17 – Rezoning, Greenwich**

**Referrer:** Greenwich Planning & Zoning – Land Use Department

**Applicant:** 83-84 South Water Street Associates, LLC

**Received:** March 11, 2008

**Hearing:** April 29, 2008

**Contact:** Marek Kozikowski

**Authority:** 8-3b

**Proposal:** To apply the Historic Overlay (HO) Zone designation to a 0.922 acre parcel at 84 South Water St. in Greenwich currently zoned WB Waterfront Business.

**Description:** The property is located at 84 South Water St. and is bounded to the west by the Byram River, the north by Interstate Lumber, the east by South Water St. and the south by the Greenwich Landing condominium project. The site is home to a 20,000 sq ft building that was constructed in 1904 and used to house George Mertz & Sons, a mill working enterprise. This original structure is listed as an historic resource with the Connecticut Historical Commission. A 24,000 sq ft addition was constructed in the 1970s. The addition is not listed as an historic resource. The applicant wishes to completely restore the original building and replace the addition with a new addition. The existing structures are legally non-conforming in a number of ways. The chart below illustrates the current and proposed extents of non-conformity.

	Existing	Required	Proposed
Floor Area Ratio (FAR)	1.12	0.5 (max)	1.01
Building Coverage	86.60%	30% (max)	56.60%
Height	50 ft	30 ft (min)	50 ft
Parking Spaces	0	66-77 (min)	81
Front Setback	0 ft	15 ft (min)	0 ft
Rear Setback	13 ft	30 ft (min)	13 ft

The most notable movements toward conformity include the reduction in the FAR ratio, building coverage and creation of parking spaces. Height and setbacks are unaffected. The application also points out that the restoration and new construction will be built to LEED-gold standards and will include: photovoltaic solar panels, evacuated collector tubes and rainwater retention devices. A public boardwalk promenade, dock and boat ramp system are also part of the site plan. Limited public parking will be provided during non-business hours.

A traffic impact and access analysis was performed by Frederick P. Clark Associates, Inc. The report indicates that this redevelopment will generate up to 62 vehicle trips during weekday peak hours, which represents an insignificant impact. The report also points out that the signalized intersection of South/North Water St. and Mill St. is operating with delays during afternoon peak hours and suggests modification of the signal timing and cycle length to reduce the delays on the eastbound approach of Mill St. and further points out that this modification should occur regardless of the redevelopment of the site at 84 South Water St.

**Staff Comments & Recommendation:** Applying the historic overlay to the site will allow the developer a degree of flexibility with respect to use and design guidelines. This redevelopment appears to be in line with the requirements of applying the HO overlay and does not appear to pose inter-municipal impacts. SWRPA staff recommends **approval of Referral No. 08-17** to the Greenwich Planning & Zoning Commission.

**Referral No. 08-18 – Text Amendments, Zoning Regulations, Ridgefield**

**Referrer:** Ridgefield Planning & Zoning Commission

**Applicant:** Ridgefield Planning & Zoning Department

**Received:** March 13, 2008

**Hearing:** April 22, 2008

**Contact:** Betty Brosious

**Authority:** 8-3b

**Proposal:** Text amendment to Sections 9.5.B.2 & 9.5.C.3 of the Ridgefield Zoning Regulations. The underlined text represents new language to be added to the regulations and text that is stricken through represents language to be deleted from the regulations.

**Description:**

Section 9.5.B.2 – Proceedings

An appeal of Order shall be processed in accordance with the Connecticut General Statutes and bylaws adopted by the ZBA.

- a. The ZBA shall require that notice be mailed to persons who own land that is adjacent to, or within one hundred (100) feet of, the land that is the subject of a hearing.
- b. Persons who own the land shall be the owners indicated on the property tax map or on the last-completed Grand List as of the date such notice is mailed.
- c. Notice shall be sent by U.S. mail.

Section 9.5.C.3 – Proceedings

The Variance Application shall be processed in accordance with the Connecticut General Statutes and bylaws adopted by the ZBA.

- d. The ZBA shall require that notice be mailed to persons who own land that is adjacent to, or within one hundred (100) feet of, the land that is the subject of a hearing.
- e. Persons who own the land shall be the owners indicated on the property tax map or on the last-completed Grand List as of the date such notice is mailed.
- f. Notice shall be sent by U.S. mail.

These amendments add language to the Zoning Regulations which clarify proceedings for processing Appeals of Order and Variance Applications. In both cases, the changes set guidelines for who must be notified of hearings on such proceedings as well as how they are to be notified.

**Staff Comments & Recommendation:** These amendments are administrative and do not pose any substantive inter-municipal impacts. SWRPA staff recommends **approval of Referral No. 08-18** to the Ridgefield Planning & Zoning Commission.

**Referral No. 08-19 – Coastal Site Plan Review & Special Permit, Darien**

**Referrer:** Darien Planning & Zoning Commission

**Applicant:** Foster Kaali-Nagy

**Received:** March 18, 2008

**Hearing:** April 22, 2008

**Contact:** Jeremy Ginsburg

**Authority:** 8-3b

**Proposal:** To replace an existing single-family residence at 125 Five Mile River Rd. with a new single-family residence and swimming pool. Grading of the site is also proposed.

**Description:** The property is currently zoned R-1/2. The developer states that the ground floor will be roughly 3,000 sq ft. On the 0.73 acre lot, the resulting building coverage will be 9.4%, well below the maximum allowable coverage of 20%. The proposed development appears to fulfill the use and design requirements of the R-1/2 zone. The proposed swimming pool and accompanying fence and screening also appear to comply with the requirements of the zoning regulations. A Zoning Permit for this development must include the swimming pool.

A Drainage Summary Report and Environmental Assessment Report were conducted by Frangione Engineering, LLC. The report states: “with these drainage structures in place, we can be assured that there will be no adverse hydrological or hydraulic impacts caused to surrounding or downstream properties or drainage facilities by this development.”

**Staff Comments & Recommendation:** This Coastal Site Plan proposes replacing an existing single-family residence with a new single-family residence that meets current zoning regulations and does not pose inter-municipal impacts. SWRPA staff recommends **approval of Referral No. 08-19** to the Darien Planning & Zoning Commission.

**Referral No. 08-20 – Coastal Site Plan Review & Special Permit, Darien**

**Referrer:** Darien Planning & Zoning Commission

**Applicant:** Foster Kaali-Nagy

**Received:** March 18, 2008

**Hearing:** April 22, 2008

**Contact:** Jeremy Ginsburg

**Authority:** 8-3b

**Proposal:** To construct a new single-family residence with a swimming pool at 129 Five Mile River Rd. Grading of the site is also proposed.

**Description:** The property is currently zoned R-1/2. The developer states that the ground floor will be roughly 3,000 sq ft. On the 0.66 acre lot, the resulting building coverage will be 10.4%, well below the maximum allowable coverage of 20%. The proposed development appears to fulfill the use and design requirements of the R-1/2 zone. The proposed swimming pool and accompanying

fence and screening also appear to comply with the requirements of the zoning regulations. A Zoning Permit for this development must include the swimming pool.

A Drainage Summary Report and Environmental Assessment Report were conducted by Frangione Engineering, LLC. The report states: “with these drainage structures in place, we can be assured that there will be no adverse hydrological or hydraulic impacts caused to surrounding or downstream properties or drainage facilities by this development.”

**Staff Comments & Recommendation:** This Coastal Site Plan proposes a single-family residence that meets current zoning regulations and does not pose inter-municipal impacts. SWRPA staff recommends **approval of Referral No. 08-20** to the Darien Planning & Zoning Commission.

### **Referral No. 08-21 – Coastal Site Plan & Flood Damage Prevention Application, Darien**

**Referrer:** Darien Planning & Zoning Commission  
**Applicant:** John & Dudley MacFarlane

**Received:** March 18, 2008  
**Hearing:** April 22, 2008  
**Contact:** Jeremy Ginsburg  
**Authority:** 8-3b

**Proposal:** Site and building improvements to an existing single-family residence at 71 Five Mile River Rd.

**Description:** The improvements include: Covering an existing walkway between the home and garage with a roof and columns; installing photovoltaic solar panel system on a section of the home’s roof; removing A/C condenser units; installing a 30kw generator; removing an existing shed; replacing log storage with covered storage bins; installing geo thermal field with four vertical wells and connecting trench; replacing existing bluestone and asphalt drive with Belgian pavers; and construction of a small in-ground exercise (swimming) pool.

The new roof covering the walkway will not be as high as that covering the house nor the garage, which are both 23.5 ft high. The maximum height in the R-1/2 zone is 30 ft. The current building coverage of this 0.98 acre lot is 3,962.5 sq ft (9.3%). Removal of the existing shed will reduce this figure to 3,950.8 sq ft (9.25%). The maximum building coverage in R-1/2 is 20%. The proposed improvements appear to comply with the design requirements of the R-1/2 zone. The proposed exercise pool and accompanying fence and screening also appear to comply with the requirements of the zoning regulations. A Zoning Permit is required for the pool.

**Staff Comments & Recommendation:** This proposed building and site improvements do not pose inter-municipal impacts. SWRPA staff recommends **approval of Referral No. 08-21** to the Darien Planning & Zoning Commission.

### **Referral No. 08-22 – Zoning Enforcement Appeal, Darien**

**Referrer:** Darien Planning & Zoning Commission  
**Applicant:** Robert F. Maslan, Jr. Esq and Maslan Associates

**Received:** March 19, 2008  
**Hearing:** March 26, 2008  
**Contact:** Robert Woodside  
**Authority:** none

**Proposal:** An appeal of the Zoning Enforcement Officer's Cease and Correct Order and request of a variance of Section 406 of the Darien Zoning Regulations.

**Description:** The owners of the property at 16 Park Ln. in Darien were delivered a Cease and Correct order for "Unresolved Construction Issues Contrary to ZBA Calendar No. 82-2004". According to the Order, the owners made an improvement to their home that didn't follow their own plans which were approved by the Zoning Board of Appeals. The renovation included construction of an attic dormer that is wider than shown on the plans and extends out into the front setback. Further, the plans indicated this space was to be utilized as unfinished storage space, but it is in reality finished habitable space. The issue is further complicated by the fact that a Certificate of Occupancy and Zoning Compliance, dated February 17, 2005, was signed by the same David J. Keating, Zoning Enforcement Officer who issued the Cease and Correct Order. It is not clear when the renovations were completed.

**Staff Comments & Recommendation:** This matter falls outside SWRPA's purview on Referrals and has no bearing on inter-municipal impacts.

**Referral No. 08-23 – Text Amendments, Zoning Regulations, Stamford**

**Referrer:** Stamford Zoning Board – Land Use Bureau  
**Applicant:** Redniss & Mead, Inc.

**Received:** March 20, 2008  
**Hearing:** May 5, 2008  
**Contact:** Norman Cole  
**Authority:** 8-3b

**Proposal:** Text amendments to the Stamford Zoning Regulations with regard to property in the C-G General Commercial Zone. The affected Articles and Sections are:

- Article III, Section 7-S.3
- Article III, Section 7-S.9
- Article IV, Section 12-D.8.a
- Article IV, Section 12-D.9.e
- Appendix B, Footnote 8
- Appendix B, Footnote 13

**Description:** This proposal includes six amendments. Each amendment is listed below. The underlined text represents new language to be added to the regulations and text that is stricken through represents language to be deleted.

Article III, Section 7-S.3 Amenity: Residential:

Specification for Qualifications: For contiguous sites of not less than a total of two (2) acres in the CC-N zone which have been held in single ownership by one or more successive owners for the three (3) years immediately preceding application under this Section, or one (1) acres in the C-G zone on land designated as Hotel/Residential/Commercial on Map MRCP-8 of the Mill River Corridor Project Plan dated April 3, 2001 additional dwelling units may be allowed by using permitted commercial floor area for the residential development, subject to the standards hereafter provided...

The effect of this amendment is to allow additional units on said one (1) acre site.

Article III, Section 7-S.9 Mill River Greenbelt:

In the C-G zone, on land designated as Hotel/Residential/Commercial on Map MRCP-8 of the Mill River Corridor Project Plan dated April 3, 2001, building height may be allowed up to two hundred fifty (250) feet provided that the development facilitates the Mill River Corridor Project by incorporating property on map MRCP-7 dated April 3, 2001, designated as “Parkland To Be Alienated” and/or “Land To Be Acquired For Public Use” and/or “Right-Of-Way To Be Discontinued”.

The effect of this amendment will be to allow buildings that are part of the Columbus Park West development to reach a height on 250 ft. within specified areas.

Article IV, Section 12-D.8.a:

For a Hotel or Motel having one hundred (100) or more sleeping rooms, the number of parking spaces required for the Hotel or Motel and subordinate and incidental accessory uses such as dining room, cocktail lounge, bar, meeting rooms and swimming pools shall be one and five-tenths (1.5) parking spaces for each room designed for sleeping purposes. Subparagraph 12 of the section shall not apply to parking spaces provided or required under this subparagraph. Subject to the issuance of a Special Exception, the Zoning Board may approve a reduction of parking to not less than 1.0 space per guest room or suite for Hotels in the CC-N and C-G Zones, where it can be demonstrated to the Zoning Board’s satisfaction that the type of hotel uses warrant such reduction. Use of valet, tandem, vehicle elevators, stacked vehicles, or similar on-site parking management strategies, including up to forty percent (40%) small car spaces may be allowed.

The effect of this amendment is to include the C-G zone in this Special Exception to reduce parking requirement for Hotel and Motel uses from 1.5 spaces per guest room to 1.0 spaces per guest room.

Article IV, Section 12-D.9.e:

In the P-D, Planned Development District, the R-H, Multiple Family Design District High Density, the C-G, General Commercial District and the CC-N Central City District North, the number of spaces actually provided for residential uses in any building or unified complex of buildings may be reduced. Such reduction shall be made only pursuant to a Special Exception granted by the Zoning Board. Special Exception applications can be heard simultaneously with P-D, R-H, C-G and CC-N site plan and zone change applications. In the P-D and R-H Districts, the number of residential off-street spaces actually provided shall not be less than one and one quarter (1 ¼) spaces for each unit of one bedroom or less, one and one half (1 ½) spaces for each two bedroom unit, or two (2) spaces for each unit of three bedrooms or more. In the C-G and CC-N Districts, the number of residential off-street parking spaces actually provided shall not be less than one and one quarter (1¼) spaces for each dwelling unit, regardless of size, provided that the dwelling unit is located on property within

the Downtown Core as delineated on the Master Plan, and further provided that there shall be located on such property a minimum of 175 dwelling units. In granting any reduction of parking requirements under this subsection, the Board may condition such approval to require that the final site plan be able to accommodate additional parking spaces, should they be required in the future.

The effect of this amendment is to include the C-G zone in this Special Exception to reduce the parking requirement for residential uses to 1.25 spaces per dwelling unit.

Appendix B, Footnote 8:

Dwelling units shall be set back not less than fifteen feet (15') from all property lines provided that this requirement shall not apply to dwelling units within buildings which include retail use on the ground floor and where the lot is less than 20,000 square feet in area and the dwelling units are less than six (6) stories from grade, or to dwelling units located on land designated as Hotel/Residential/Commercial on Map MRCP-8 of the Mill River Corridor Project Plan dated April 3, 2001. All construction on Tresser Boulevard (including the extension thereof) in the CC-N Central City District North shall be set back not less than ten (10) feet from the street line.

Appendix B, Footnote 13:

(adds asterisks to “150” under “Maximum Premium Height (feet)” which corresponds with the “C-G” column and adds the following note: 250 feet, see Section 7-S (9).)

also:

For any project within the CC-N or C-G District, directly fronting on a “Ground Floor Retail Street” as defined herein, and utilizing premium floor area or premium height pursuant to this footnote, the Ground Floor Retail amenity must be provided. For such projects, retail floor area not to exceed 1.0 FAR may be exempt from the maximum FAR calculation. Ground Floor Retail streets: Atlantic Street - from Tresser Boulevard north to Broad Street, Bedford Street - from Broad Street north to ~~the CBD Boundary~~ Walton Place, Broad Street - from Washington Boulevard to Greyrock Place, Main Street - from ~~Washington Boulevard~~ the Mill River to Veterans Park, West Park Place - from Washington Boulevard to Main Street, Bank Street - from Main Street to Atlantic Street, Summer Street - from Main Street north to ~~the CBD Boundary~~ North Street, Washington Boulevard – from Tresser Boulevard north to Broad Street.

The effect of these amendments is to clarify the newly allowed building height of 250 ft and to redefine the streets included in those labeled “Ground Floor Retail Street” to include the project area.

**Staff Comments & Recommendation:** The general intent of these amendments is to apply various elements of the regulations of the CC-N zone to the C-G zone to allow the Columbus Park West development to proceed. Since no C-G or CC-N zone is contiguous to any adjacent community to Stamford, the proposed changes will have no inter-municipal impacts. Staff recommends **approval of Referral No. 08-23** to the Stamford Zoning Board – Land Use Bureau. However, considering the Columbus Park West site’s proximity to I-95, SWRPA requests a copy of future traffic reports which become available in connection with the subject development.

### **Referral No. 08-24 – Text Amendments, Zoning Regulations, Weston**

**Referrer:** Weston Planning and Zoning Commission

**Applicant:** Weston Planning and Zoning Commission

**Received:** March 24, 2008

**Hearing:** April 7, 2008

**Contact:** Joan Lewis, Administrative Assistant

**Authority:** 8-3b

**Proposal:** Applicant is requesting to amend Sections 372.3 and 373.5 of the Weston Zoning Regulations.

**Description:** Section 372.3 regards Non-Conforming Use of Land. The changes are shown below. The underlined text represents new language to be added to the regulations and text that is stricken through represents language to be deleted.

If such non-conforming use of land, or any portion thereof, ~~ceases for any reason whatsoever for a continuous period of more than six months~~ is intentionally abandoned or is changed to a conforming use, any future use of such land shall be in conformity with all requirements of these Regulations.

This change makes Section 372.3 more specific and removes the time requirement of six months.

Section 373.5 regards Non-Conforming Use of Buildings. The changes are shown below. The underlined text represents new language to be added to the regulations and text that is stricken through represents language to be deleted.

If any non-conforming use of the building or structure ~~ceases for any reason for a continuous period of more than one (1) year,~~ is intentionally abandoned or is changed to a conforming use, or if a structure in which such use is conducted or maintained is moved for any distance whatsoever, for any reason, then any future use of such building or structure and the land on which it was located shall be in conformity with all standards specified by these Regulations for the district in which it is located.

This change makes Section 373.5 more specific and removes the time requirement of one year.

**Staff Comments & Recommendation:** The proposed amendments are administrative and pose no substantive inter-municipal impacts. SWRPA staff recommends **approval of Referral No. 08-24** to the Weston Planning and Zoning Commission.

## Other Business

Proposed language to be included in all future Referrals Committee Reports:

“SWRPA comments are advisory in nature and are meant to augment the referring community’s own analysis of the application and in no way serve as a substitute. Whereas SWRPA comments evaluate conformity with the Regional Plan of Conservation & Development and may include additional observations, final recommendations of ‘recommends Approval’ or ‘does not recommend Approval’ are

based exclusively on SWRPA's determination of whether or not inter-municipal impacts are anticipated."