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## **REPORT OF THE REFERRALS COMMITTEE**

**March 3, 2010**

**The Committee meeting scheduled for February 23, 2010 was cancelled by Chairman Jack Halpert, with a majority of the Committee in agreement. The meeting was cancelled due to inclement weather conditions, low volume of referrals, and the conclusions that no intermunicipal impacts were anticipated from the proposed amendments.**

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I. Referrals – February, 2010

- #10-06: Zoning Map Amendment, Stamford
- #10-07: Zoning Regulation Amendment, Darien
- #10-08: Land Filling and Regrading Application, Darien

## **Referrals – February 2010**

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To date, the following referrals have been received and were reviewed by the Referrals Committee:

### **Referral No. 10-06 – Zoning Map Amendment, Stamford**

**Referrer:** Stamford Zoning Board and Land Use Bureau

**Applicant:** Richard W. Redniss (App. 210-04) on behalf of Mark Lapine

**Received:** January 27, 2010

**Hearing:** March 15, 2010

**Contact:** Todd Dumais, Associate Planner, Stamford

**Authority:** 8-3b

**Proposal:** The applicant proposes to amend the Zoning Map from R-5 (Multiple Family, Medium Density Design) to C-L (Limited Business) to comply with the underlying Master Plan land use designation of Category 7 (Commercial Arterial).

**Description:** The applicant is requesting a zoning designation change from R-5 (Multiple-Family, Medium Density Design) to C-L (Limited Business). The proposed change will extend the C-L zoning district by one parcel (approximately .30 acres) to match the underlying Master Plan designation of Category 7 (Commercial Arterial). The parcels adjacent to the north and northeast of the subject property are designated on the Master Plan as 4 Residential-Medium Density Multifamily as well as the properties on the southwest corner of West Avenue and West Main Street.

The applicant states that the proposed change would achieve the following Master Plan goals:

“promote the upgrade of retailing and other uses along the West Main Street corridor...involving reduced curb cuts, signage controls, and landscaping.”

“To expand the capacity of West Main Street, on-street parking should be removed where opportunities are created for off-street parking. Eventually, West Main Street should provide four lanes of traffic from the border of Greenwich to Downtown. However, this improvement should be coupled with safer crossings, street trees and other design elements that reflect an equal priority for pedestrians.”

“This category is intended to provide for and protect business-oriented development (1) extending from the Downtown or (2) along major arterial routes.”

The existing two-story building on the northeast corner of West Avenue and West Main Street houses Mr. Lapine’s business, Dynamic Brands International, LLC. According to the company’s website, it is a retail and premium sales organization and a distributor for consumer electronics manufacturers. The subject property abuts this property to the north. The proposed plan

shows the removal of an existing curb cut to Mr. Lapine's property and increased landscaping and screening along West Avenue in accordance with plans the City is preparing for this intersection. A smaller curb cut is proposed for a parking lot of 31 spaces.

Currently, a two-story dwelling and one-story garage occupy the .30 +/- acre subject property. The plans are to demolish the dwelling and garage to accommodate additional parking and screening. The dwelling is market rate and not a part of the City's affordable housing stock.

**Staff Comments:** The intersection of West Main Street (US Route 1) and West Avenue mixes commercial and medium density residential uses. The proposed zoning change would appear to improve the existing traffic conditions by removing on-street parking and improving safety for ingress and egress to the existing business. In addition, the change would support the City's plans for this area and comply with the existing underlying land use designation.

The subject parcel is outside of the statutory 500-foot buffer (see Figure 1. below). The proposed change does not appear to generate inter-municipal impacts due to the minimal nature of the amendment on surrounding traffic and land use conditions. Staff recommends that Stamford notify the Town of Greenwich for informational purposes.

**Referral No. 10-07 – Zoning Regulation Amendment, Darien**

**Referrer:** Jeremy Ginsberg, Planning and Zoning Director  
**Applicant:** Darien Planning and Zoning Commission  
  
**Received:** February 17, 2010  
**Hearing:** March 23, 2010  
**Contact:** Jeremy Ginsberg, Darien Planning and Zoning Director  
**Authority:** 8-3b

**Proposal: The applicant proposes to amend the Flood Damage Prevention Regulations Within the Zoning Regulations (COZR #1-2010)**

**Description:** This proposal is a continuation of the Town's process of updating its Flood Damage Prevention Regulations. The applicant wants to strengthen the language regarding State and Federal permits associated with development permits. Presently, the regulations state:

- (4) Additional Federal or State permits may be required if said permit requirements are known, copies of such permits must be provided and maintained on file with the development permit.

In summary, the proposed language is as follows:

- The applicant shall either obtain a written report indicating recommendations, preliminary approvals, final approvals or disapprovals from any State or Federal Department or Agency having jurisdiction over the application or any aspect thereof; or
- Otherwise provide sufficient written evidence that such State or Federal Agency approval appears to have a reasonable probability of success.
- The Commission reserves the right to review an approved application if it determines that a State or Federal agency's approval has a material impact on the application.

**Staff Comments:** The proposal appears to be administrative in nature and no intermunicipal impacts are anticipated.

**Referral No. 10-08 – Land Filling and Regrading Application #237, Darien**

**Referrer:** Peter Ratkiewich, P.E., Bridgewater Engineering, LLC

**Applicant:** Karl and Elisabeth Puehringer, 51 Phillips Lane

**Received:** February 18, 2010

**Hearing:** March 23, 2010

**Contact:** Jeremy Ginsberg, Darien Planning and Zoning Director

**Authority:** 8-3b

**Proposal:** The applicant proposes to fill and regrade an area of the rear yard, construct an associated retaining wall, and perform related site activities for a single-family property within the R-1/3 zone.

**Description:** The subject property is located on the south side of Phillips Lane approximately 1,050 feet west of its intersection with Hoyt Street and is +/- 0.28 acres (see Figure 2. below). The applicant proposes to construct a retaining wall and install fill to create a usable rear yard and to prevent further erosion of the slope to the rear of the property.

The proposed project will encroach upon the 50-foot wetland setback by a maximum of 6.7 feet and will impact a total of 285.5 square feet of the total 3,423 sf of setback area. To mitigate the encroachment, the applicant proposes to include plantings on the slope below the wall.

**Staff Comments:** The subject parcel is located within the 500-foot statutory buffer with Stamford. The Noroton River is approximately 200 feet west of the parcel. The application states that there are wetlands present on the parcel and encroachment into the wetland area is proposed. The application is subject to the Inland Wetland and Watercourses Act (IWWA)

Secs. 22a-36 through 22a-45. The Act requires that the Town conduct a wetland review to ensure the application to fill and regrade complies with the IWWA and other applicable state and federal law. Given the existence of wetlands and the location of the property within the statutory buffer, staff recommends that the Town notify Stamford of the application. The Connecticut Department of Environmental Protection should also be notified if required by local wetlands regulations.