

**PLANNING AND ZONING COMMISSION
MINUTES
EXECUTIVE SESSION, PUBLIC HEARING / GENERAL MEETING
February 5, 2019**

Place: Room 119

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Sini, Olvany, Cunningham, Rand, Leahy, Riva

STAFF ATTENDING: Ginsberg, Doneit
RECORDER: Syat
Channel 79

Chairman Sini opened the meeting at 8:00 P.M. and read the first agenda item. Mr. Cunningham arrived at the meeting at 8:22 P.M.

EXECUTIVE SESSION

Executive Session with Town Counsel to discuss pending litigation.

At 8:01 P.M., Ms. Riva made a motion to go into Executive Session to discuss pending litigation. That motion was seconded by Mr. Rand, and unanimously approved, 5-0. During the Executive Session, pending litigation was discussed. No decisions were made and no votes were taken.

Mr. Cunningham arrived at the meeting at 8:22 P.M.

At 8:43 P.M., the following motion was made: That the Executive Session be adjourned. The motion was made by Ms. Leahy, seconded by Ms. Riva and unanimously approved, 6-0.

The Commission took a brief three minute recess.

At about 8:46 P.M., Mr. Cunningham read the following agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Special Permit Application #304, Jeffrey Overman, 676 Hollow Tree Ridge Road. Proposal to construct a seasonal ice-skating/hockey rink, with associated chiller units; and to perform related site development activities. The 2.2+/- acre subject property is located on the south side of Hollow Tree Ridge Road, approximately 300 feet southwest of its intersection with Ox Ridge Lane, and shown on Assessor's Map #7 as Lot #49 in the R-2 Zone.

Mr. Ginsberg and Mr. Doneit summarized the revised plans submitted by the applicant. It was noted that three new Cultec units would be installed on the property, adjacent to the rink and that a gravel subbase would be installed underneath the rink to improve drainage on the property. The location of the chiller units has been modified to be closer to the residence.

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 2 OF 24

It was also noted that Mr. Darren Oustafine, P.E., Assistant Director of Public Works, submitted comments on the application for the record, generally concluding that the proposed improvements are likely to result in a net decrease in stormwater runoff from the property when the ice rink is in operation.

Mr. Olvany suggested that an as-built survey be required prior to the first installation of the rink.

Chairman Sini asked if there were any questions or comments on the application from the general public. Being none, the following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision later in the evening. The motion was made by Ms. Leahy, seconded by Mr. Rand, and unanimously approved, 6-0.

Mr. Cunningham then read the following agenda item:

Special Permit Application #305 / Site Plan, 168 West Avenue, LLC, 168 West Avenue.

Proposal to establish two new two-bedroom apartments in the first floor space formerly occupied by Town Electric; and to perform related site development activities. The subject property is situated on the north side of West Avenue at the northwestern corner formed by its intersection with Edgewood Road, and is shown on Assessor's Map #20 as Lot #15 in the SB Zone.

Mr. Doneit provided the Commission with an overview of the application. It was noted that the applicant withdrew previous applications to modify the zoning regulations and to establish a new pizza restaurant in the first floor space formerly occupied by Town Electric.

The applicant summarized the proposal to establish two new two-bedroom apartments in the first floor space of the building. It was noted that two one-bedroom apartments are presently located on the second floor of the building and are planned to remain. The applicant, Joe Criscuolo, showed the Commission elevations of the building and noted that several minor modifications would be made to the façade of the building, including the installation of several new windows and a new entranceway.

Chairman Sini asked if there were any questions or comments on the application from the general public.

Ms. Karen Doying, of 10 Edgewood Road, had several questions regarding on-site parking, setbacks, and proposed modifications to the façade of the building.

It was noted that the Regulations require 2.5 parking spaces for each dwelling unit for multi-family dwellings. A total of 10 off-street parking spaces are required for the combined existing and proposed dwelling units. It was noted that 16 parking spaces have been shown on the plans, however only 14 of those parking spaces would be available because the southeasterly most parking space identified would be occupied by a dumpster for the residents of the building, and the northwesterly most parking space, if occupied by a vehicle, would impede resident access to the building.

Chairman Sini asked if there were any additional questions or comments on the application from the

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 3 OF 24

general public. Being none, the following motion was made: That the Planning & Zoning Commission close the public hearing regarding this matter and will render a decision later in the evening. The motion was made by Ms. Riva, seconded by Mr. Rand, and unanimously approved, 6-0.

Mr. Cunningham then read the following agenda item:

GENERAL MEETING

Deliberations and possible decision regarding the following:

Amendment of Site Plan Application #301, Special Permit Application #301, and Land Filling & Regrading Application #433, Town of Darien, 560 Middlesex Road (Highland Farm).

Proposal to modify, clarify and amend the Commission's July 24, 2018 approval as follows:

- Condition D on page 8—allowing the Parks and Recreation Department to have more than one portable bathroom if it is determined that more than one is needed for an event.
- Condition P on pages 9-10—eliminate the requirement for parking areas to be paved prior to programmed activities occurring.
- Condition Q on page 10—eliminate the requirement for a portable toilet on the site at this time (this should be consistent with Condition D)
- Condition Q (there were 2 Q's) and Condition X, on pages 10 and 12 respectively—allowing the Town until 2023 to complete all of the various improvements approved by the Commission.
- Condition R, pages 10 and 11—only require a 30 minute break between programmed activities for programs with 30 or more participants.
- The second change to Condition R (Special Events) is to better define a Special Event as a gathering where more than 92 vehicles will be parked. The Town feels that it will be easier to base that definition on the number of vehicles rather than the number of attendees. This also puts a self-imposed limit on the number of vehicles that can be parked on-site.
- Condition T on page 12—allow amusement attractions or rides a maximum of once per year, a minimum of 300 feet away from the shared Ox Ridge Riding Club property line.

Mr. Ginsberg summarized the draft resolution, which included some redlined comments from Mr. Sini.

The following motion was made: That the Planning & Zoning Commission adopt the following resolution, as amended, to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Rand, seconded by Ms. Riva and approved by a vote of 6-0. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 5, 2019**

Application Number: Amendment of Site Plan Application #301, and

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 4 OF 24

Special Permit Application #301, Land Filling & Regrading Application
#433

Street Address: 560 Middlesex Road
Assessor's Map #6 Lot #149-B

Name and Address of Applicant & Town of Darien
Property Owner: 2 Renshaw Road
Darien, CT 06820

Name and Address of Jayme J. Stevenson, First Selectman
Applicant's Representative: Town of Darien
2 Renshaw Road
Darien, CT 06820

Activity Being Applied For: Proposal to modify, clarify and amend the Commission's July 24, 2018 approval as follows:

- Condition D on page 8 of the original Adopted Resolution—allowing the Parks and Recreation Department to have more than one portable bathroom if it is determined that more than one is needed for an event.
- Condition P on pages 9-10—eliminate the requirement for parking areas to be paved prior to programmed activities occurring.
- Condition Q on page 10—eliminate the requirement for a portable toilet on the site at this time (this should be consistent with Condition D)
- Condition Q (there were 2 Q's) and Condition X, on pages 10 and 12 respectively—allowing the Town until 2023 to complete all of the various improvements approved by the Commission.
- Condition R, pages 10 and 11—only require a 30 minute break between programmed activities for programs with 30 or more participants.
- The second change to Condition R (Special Events) is to better define a Special Event as a gathering where more than 92 vehicles will be parked. The Town feels that it will be easier to base that definition on the number of vehicles rather than the number of attendees. This also puts a self-imposed limit on the number of vehicles that can be parked on-site.
- Condition T on page 12—allow amusement attractions or rides a maximum of once per year, a minimum of 300 feet away from the shared Ox Ridge Riding Club property line.

Subject Property: The 16.296+/- acre subject property is situated on the south and east side of Middlesex Road approximately 300 feet west of its intersection with Mansfield Avenue.

Zone: R-2

Date of Public Hearing: January 29, 2019
Deliberations held: January 29, 2019 and February 5, 2019

Time and Place: 8:00 p.m. Room 119 Darien Town Hall

Publication of Hearing Notices

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 5 OF 24

Dates: January 17 & 24, 2019

Newspaper: Darien Times

Date of Action: February 5, 2019

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
February 14, 2019

Newspaper: Darien Times

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all applicable provisions of Sections 400, 850, 880, 940, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the amendment request, the submitted documents, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

Each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. On July 24, 2018, the Darien Planning & Zoning Commission approved a Site Plan/Special Permit/Land Filling & Regrading application for the subject property. That application was to refurbish and expand two existing parking areas composed of porous asphalt and gravel. The applicant also proposed to construct a 0.5+/- mile stone chip pedestrian walking/jogging pathway, and locate a single story storage shed, and a portable bathroom at 560 Middlesex Road; including construction of a stormwater management system, minor regrading of the property, and installation of ancillary signage and fencing, and to perform related site development activities. The application included a proposal to utilize the property for programmed/active and passive recreational uses and activities, as well as periodic "Special Events" with restrictions on use.
2. The subject amendment application consists of the following submittals:
 - a) A January 11, 2019 letter from First Selectman Jayme Stevenson, describing the request;
 - b) A redlined version of the July 24, 2018 Adopted Resolution showing the proposed requested changes;
 - c) An undated letter from Chance Arkelian, Head Trainer of the adjoining Ox Ridge Riding & Racquet Club, entitled "Consideration of Activities on Field at 560 Middlesex Road Ox Ridge Club Perspective".
3. At the public hearing on this matter, the Planning & Zoning Commission reviewed each of the modifications and clarifications requested by First Selectman Stevenson, and discussed each one individually.

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 6 OF 24

4. The first request was a modification to Condition D on page 8 of the July 24, 2018 Adopted Resolution—allowing the Parks and Recreation Department to have more than one portable bathroom if it is determined that more than one is needed for an event. The Commission noted that especially for larger events, more than one portable bathroom would be appropriate. Related to that request was a modification to Condition Q on page 10—eliminate the requirement for a portable toilet on the site at this time (this should be consistent with Condition D). It was acknowledged that especially during winter months, very little activity would be held at the site, and that a portable bathroom would not be necessary. The intent was to have the portable bathroom for programmed activities and special events.
5. The next request was for modifications to Condition Q (there were 2 Q's in the Adopted Resolution) and Condition X—allowing the Town until 2023 to complete all of the various improvements approved by the Commission. The Commission noted that typically, applicants are given one year to complete projects, and in this case, the Commission granted three years (from 2018 to 2021). It was acknowledged that there are budgeting implications to implementing this project. First Selectman Jayme Stevenson said that funds are being requested in the current capital 2019-2020 budget. The project will be in the range of \$500,000-\$1,000,000 for full, complete, implementation of all of the aspects presented in the original application. Work could occur all in one year, or in multiple years. The original Commission approval in Conditions Q and X required implementation by July 24, 2021. The Commission believed that it would be appropriate to see if this project can get fully implemented prior to 2021, and if not, the applicant may return to the Commission in 2020 for an extension of time beyond 2021.
6. Condition R, on pages 10 and 11 of the July Adopted Resolution requires a 30 minute break between programmed activities for programs with 30 or more participants with one parking area being constructed, and 60 or more participants with both approved parking areas being constructed. The Commission noted that the 30 minute break was recommended by the traffic consultant in the original application, but it did not envision very small programs which may run back-to-back.
7. Condition T on page 12 is to allow amusement attractions or rides a maximum of once per year, a minimum of 300 feet away from the shared Ox Ridge Riding Club property line. The spirit of the original approval was to keep amusement rides from the Ox Ridge Riding & Racquet Club, as such may disturb horses. A more recent letter from the Ox Ridge Riding & Racquet Club trainer clarifies the Club's position. Commission members suggested amusements one time per year for a maximum of two days on a weekend (this does not include a day for setup), with a maximum of five rides, would be appropriate. All rides should be shut at sundown, and Planning & Zoning Department staff may approve the details of specific ride locations on the property. The Commission was not in favor of a large amusement event such as Hindley Happening, and thus, the limit on the number of amusement rides that may be located on this property.
8. Condition P on pages 9-10—eliminate the requirement for parking areas to be paved prior to programmed activities occurring. It was suggested to allow the use of one temporary lot for programmed activities through the end of 2019. A stopgap measure would be to fortify that

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 7 OF 24

“northern” parking lot by adding gravel. The Commission believes that the construction of the second parking lot (the “western” lot) should be done by spring 2020.

9. The Commission then reviewed the proposed second change to Condition R (Special Events) is to better define a Special Event as a gathering where more than 92 vehicles will be parked. The Town believes that it will be easier to base that definition on the number of vehicles rather than the number of attendees. This also puts a self-imposed limit on the number of vehicles that can be parked on-site. It was explained that it is easier to count, manage, and limit vehicles coming on the site, rather than manage potential users walking into the site. It was agreed that details regarding Special Events to be held on the site shall be submitted in advance to the Planning & Zoning Department, and that Special Events need to be coordinated with the Ox Ridge Riding & Racquet Club.

PUBLIC COMMENTS RECEIVED

10. The only public comment received on the subject application was a January 29, 2019 e-mail from Hank Wilson of 527 Middlesex Road. In his e-mail, he noted his concerns with some of the proposed requests. His concerns were received by, and discussed by, the Commission.
11. In conclusion, the Commission finds:
- a) that the requests by the Town which will be approved “as requested by the Town” are:
- Condition D on page 8—allowing the Parks and Recreation Department to have more than one portable bathroom if it is determined that more than one is needed for an event.
 - Condition P on pages 9-10—eliminate the requirement for parking areas to be paved prior to programmed activities occurring.
 - Condition Q on page 10—eliminate the requirement for a portable toilet on the site at this time (this should be consistent with Condition D)
 - Condition R, pages 10 and 11—only requires that a 30 minute break between programmed activities for programs with 30 or more participants with one parking area being constructed, and 60 or more participants with both approved parking areas being constructed.
 - The second change to Condition R (Special Events) is to better define a Special Event as a gathering where more than 92 vehicles will be parked. The Town believes that it will be easier to base that definition on the number of vehicles rather than the number of attendees. This also puts a self-imposed limit on the number of vehicles that can be parked on-site.
- b) the requests that are hereby modified or not approved exactly as requested, are:
- Condition Q (there were 2 Q’s) and Condition X, on pages 10 and 12 respectively—allowing the Town until 2023 to complete all of the various improvements approved by the Commission. **The Commission is not approving this request. See Finding #5.**
 - Condition T on page 12—allow amusement attractions or rides a maximum of once per year, a minimum of 300 feet away from the shared Ox Ridge Riding Club property line. **The Commission is approving this request with modifications as noted in Finding #7.**

SPECIAL PERMIT FINDINGS

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 8 OF 24

12. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
13. The location and size of the use and the nature and intensity of the proposed operation conforms to the applicable requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
14. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that **Amendment of Site Plan Application #301, Special Permit Application #301, and Land Filling & Regrading Application #433** are hereby approved subject to the foregoing and following stipulations, modifications and understandings.

- A. Construction and other site development activity shall be in accordance with the following plans as required to be modified herein:

ENGINEERING PLANS

Plans generally entitled ‘560 Middlesex Road, Darien, CT’ prepared for the Town of Darien by Redniss & Mead, dated April 10, 2018, last revised May 23, 2018:

- Sheet SV-1, Aerial Vicinity Exhibit;
- Sheet SV-2, Topographic Vicinity Exhibit;
- Sheet SE-1, Site Development Plan;
- Sheet SE-2, Sedimentation & Erosion Control Plan;
- Sheet SE-3, Notes & Details;
- Sheet SE-4, Details;
- Sheet SE-5, Images of Details;
- Sheet SE-6, Porous Parking Sections;
- Sheet EXH-1, Coverage Comparison;
- Sheet EXH-2, Slope Exhibit.

The proposed landscaping and plantings for the site are shown on the submitted Site Development Plan referenced above. A standalone ‘landscape plan’ was not submitted by the applicant.

- B. During the site work, the property owner shall utilize the sediment and erosion controls illustrated on the submitted plan referred to in Condition ‘A’ above, and any additional measures as may be necessary due to site conditions, including tree protection as may be necessary. Those sediment and erosion controls shall be installed to minimize any adverse impacts during site work and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 9 OF 24

conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.

- C. Because of the nature of the proposal, the Commission hereby waives the requirement for a Performance Bond.
- D. The proposed portable bathroom(s) shall be placed on-site for scheduled activities on an as-needed basis determined by the Parks and Recreation Department. A portable bathroom(s) shall be on-site for all special events.
- E. The Commission hereby allows the proposed storage shed, portable bathroom, and associated fence/screen and gravel pad to be located anywhere, directly adjacent and along the eastern side of the parking lot in the southwest corner of the property.

TRAFFIC & PARKING

- F. The overflow parking areas shall remain closed except for special events and the annual June horse show.
- G. Special events will be scheduled by the Parks & Recreation Department with consideration given to available parking provided on the site.
- H. Because of the limited shoulder widths along Middlesex Road in the vicinity of the site and the visual impact on surrounding properties, no on-street parking adjacent to the property shall be permitted. If required by the Local Traffic Authority, 'No Parking' signs may be installed on the south side of Middlesex Road, generally between Middlesex Road/Ox Ridge Lane and Mansfield Avenue and along the easterly side of Middlesex Road along the site frontage and south of the Ox Ridge Lane intersection.
- I. The placement of traffic control signage in the direct vicinity of the site shall be at the discretion of the Local Traffic Authority.
- J. Equestrian and vehicular access shall be maintained between the subject property and the Ox Ridge Riding and Racquet Club, through two gates in the proposed fence along the southern property line.

LANDSCAPING & BUFFERING

- K. Two locking gates shall be included in the proposed paddock fencing along the shared property line to the south to maintain equestrian and vehicular access between the subject property and the Ox Ridge Riding and Racquet Club. Opaque wire fencing or a similar application shall be placed between or behind the rails to prevent, children, pets, balls or other objects from passing onto the Ox Ridge Riding and Racquet Club property.
- L. The Commission hereby waives the requirements of Section 944 of the Regulations that would otherwise require a 25-foot wide buffer area along and within the boundaries of the subject property, buffering adjacent residential properties from activities on the site. This waiver allows for the views of the site and field to be preserved from Middlesex Road and the adjoining residential properties as expressly desired by many neighbors at the public hearing. The

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 10 OF 24

existing trees and rock wall along Middlesex Road shall remain to the greatest extent possible, and shall only be removed to improve sight lines and/or allow access. A tree may be removed in the case where it is dead, dying or diseased.

- M. The Commission requires that plantings be placed within the 50 foot buffer from Middlesex Road, directly adjacent to the proposed parking areas, as noted on the approved Site Development Plan. These plantings, in conjunction with the existing rock wall, shall assist in minimizing visual impacts and screening of vehicles within the two proposed parking areas from neighboring residential properties on Middlesex Road. The Commission acknowledges that the purpose of this screening is to soften the view of the parking areas, but not to screen the desired vistas of the property.
- N. All landscaping planted and shown on the Site Development Plan shall be maintained in a vigorous growing condition throughout the duration of the use of subject property. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

SCHEDULE & PHASING

- O. The Town may allow access and usage of the site prior to the construction of one or both of the proposed permanent parking areas for daily public access and special events. The temporary parking shall use the existing curb cuts. Temporary demarcation (e.g., boulders, telephone poles, etc.) shall be provided for the temporary parking area(s), prior to any special events occurring at the site.
- P. The Town shall not schedule any programmed activities at the site until at least one of the two proposed permanent parking areas is marked out with temporary fencing and appropriately stabilized with temporary gravel fill. Both permanent parking areas shown on the approved plans shall be fully constructed by March 31, 2020.
- Q. The proposed fencing along the property line with the Ox Ridge Riding and Racquet Club shall be installed before any programmed activities and special events occur at the site.
- Q. All aspects of this proposal shall be installed/completed on the site with three (3) years of this action, by July 24, 2021.

USAGE/ACTIVITIES LIMITS

- R. The Planning & Zoning Commission hereby permits the following activities to occur on the site subject to the conditions noted. This includes some modifications to the Town's proposal. One such modification is a reduction in the number of special events annually.

Public Access.

1. Public access to the property shall be permitted from dawn until dusk, seven days per week, 365 days per year for any activities outside those defined as programmed activities and special events.
2. Dogs shall be permitted on leash only.

Programmed Activities.

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 11 OF 24

1. Programmed activities shall be permitted as proposed by the Board of Selectmen as follows:

Months of September through March

- a. Monday through Friday – 7:00 a.m. to 10:00 a.m. and 3:00 p.m. until dusk
- b. Saturdays – 9:00 a.m. to the earlier of 6:00 p.m. or dusk.
- c. Sundays – 12:00 p.m. to the earlier of 6:00 p.m. or dusk.
- d. No programmed activities shall occur on the site between 10:00 a.m. and 3:00 p.m. Monday through Friday.

Months of April through August

- a. Monday through Friday – 7:00 a.m. to 6:00 p.m.
- b. Saturday – 9:00 a.m. to 6:00 p.m.
- c. Sunday – 12:00 p.m. to 6:00 p.m.

2. All programmed activities shall be coordinated and scheduled through the Town Parks & Recreation Department.
3. A minimum of thirty (30) minutes shall be scheduled between multiple programmed activities occurring at once, at which 30 or more participants in any one program have been registered or are expected to attend with one parking area being constructed, and 60 or more participants with both approved parking areas being constructed. This 30 minute break will allow participants/spectators/visitors for one particular programmed activity to leave the site prior to the arrival of individuals for the next scheduled programmed activity, thus freeing up parking spaces in the parking area(s) and reducing potential traffic impacts on area roadways, particularly Middlesex Road.
4. Parking demand associated with programmed activities and public access shall not exceed the number of proposed permanent parking spaces (not to exceed 92 spaces). This means the use of overflow parking areas shall not be permitted for programmed activities in order to properly manage the intensity of use at the property.
5. No amplified announcements or music shall be permitted in connection with programmed activities on the site.

Special Events.

1. A special event shall be defined as a planned Town and/or non-profit sponsored gathering that is not a programmed activity. Except for the Ox Ridge Horse Show, no more than 240 vehicles shall be parked on-site at any one time. This is the area within 120 feet of Middlesex Road, shown as “Area Available for Overflow Parking” on Sheet SE-1 of the approved plans.
2. Town and/or non-profit sponsored gatherings of less than 100 individuals shall be considered programmed activities as conditioned by this approval.
3. Special events shall be limited to a maximum of eight (8) annual Town sponsored and/or non-profit sponsored special events.
4. The June charity horse show, sponsored by the Ox Ridge Riding and Racquet Club, which has and will continue to operate on a portion of the subject property (as permitted by the Board of Selectmen), shall not count towards the eight annual special events permitted on the site.
5. Where reasonably practicable, the Commission encourages special events to be scheduled on Fridays and Saturdays.

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 12 OF 24

6. Special events shall conclude by 10 p.m. on Fridays and Saturdays and by 8 p.m. Mondays through Thursdays and on Sundays.
 7. Setup and breakdown for such special events may occur within two (2) days of the event and may not occur before 8 a.m. or after 9 p.m on weekdays and Sundays or after 11 p.m. on Fridays and Saturdays.
 8. Where reasonably practicable, any special events shall occur on the northern half of the property so as to avoid conflicts with equestrian activities at Ox Ridge Riding and Racquet Club.
 9. All special events shall comply with all applicable rules and regulations set by the Town Parks & Recreation Department.
 10. No prograded activities or special events shall occur during the annual June Ox Ridge Riding and Racquet Club horse show.
 11. The Commission strongly encourages the applicant to coordinate all special events with the Ox Ridge Riding & Racquet Club so as to avoid conflicts with horse shows, tournaments and other events that have been planned for and are occurring at the Club.
 12. The applicant shall not schedule any special events at the same time as special events are scheduled at the Ox Ridge Riding and Racquet Club.
 13. All special events shall be coordinated and scheduled through the Town Parks & Recreation Department.
 14. Each January, the Parks & Recreation Department shall submit to the Planning & Zoning Department a list of scheduled special events, and notify the Department as the event list is modified throughout the year. A list of all events for the remainder of 2018 shall be submitted by September 1, 2018.
 15. Amusement attractions or rides shall be prohibited within 300 feet of the shared property line with the Ox Ridge Hunt Club. However, up to five (5) amusement attractions or rides may only be placed once a year, for up to two (2) days on a weekend. One day may be used for setup. All rides shall be shut off by sundown.
- S. Any desired modifications by the applicant to these permitted uses, and associated conditions placed on the uses, by the Commission shall require prior review and action by the Planning & Zoning Commission.

PROHIBITED ACTIVITIES

- T. In order to minimize potential conflicts with equestrian activities occurring on the adjacent Ox Ridge Riding and Racquet Club property to the south, the following activities shall be prohibited on the entire property:
1. Dogs off leash.
 2. Hitting golf balls.
 3. The flying of objects (e.g. kites, drones, model rockets and airplanes, etc.).
 4. Fireworks or pyrotechnic displays.
 5. Amusement attractions or rides shall be prohibited within 300 feet of the shared property line with the Ox Ridge Hunt Club: (see Special Events #15, above)

CERTIFICATIONS REQUIRED

- U. The stormwater systems shall be installed at the same time the associated parking areas are constructed on the site. The applicant's project engineer shall provide a certification that the

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 13 OF 24

stormwater management (drainage) system is installed in full compliance with the approved plans.

- V. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- W. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- X. This permit shall be subject to the provisions of Sections 858, 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within three years of this action (July 24, 2021). This will allow for implementation of the various project aspects over multiple years, and may be extended as per Sections 858, 1009 and 1028.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records prior to the start of the work to finalize this approval.

Mr. Cunningham then read the following agenda item:

Amendment of Business Site Plan #237-A, Dolcetti, 22 Grove Street, CBD Zone.

Request for two new tenants.

Mr. Ginsberg provided the Commission with an overview of the proposal. Commission members generally indicated that they were in favor of the proposal for the new tenants, and unanimously approved the request.

Mr. Cunningham then read the following agenda item:

Business Site Plan #187, RFA Capital Corp., 1921 Boston Post Road, NB Zone.

Request to establish a mortgage office (commercial sales and service/financial service use) on the first floor of the existing building, with storage on the second floor.

Mr. Ginsberg provided the Commission with an overview of the proposal. Commission members generally indicated that they were in favor of the proposal.

Mr. Cunningham then read the following agenda item:

Special Permit Application #60-N, Flood Damage Prevention Application #208-B, Land Filling & Regrading Application #121-C, Country Club of Darien, 300 Mansfield Avenue.

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 14 OF 24

Request for an extension of time to expand the surface area of an existing pond and other site related activities.

Mr. Cunningham recused himself from the discussion or voting on this matter, since he is a member of the Club. Mr. Doneit provided the Commission with an overview of the proposal, and the reason for the request. Commission members generally indicated that they were in favor of the proposal. Ms. Riva made a motion to grant an additional year. That motion was seconded by Mr. Olvany, and approved by a vote of 5-0, with Mr. Cunningham abstaining.

Mr. Cunningham then read the following agenda item:

Discussion of proposed changes to Business zone related zoning:

- a) Proposed Zoning Map amendments
 1. Merging of the DOR-1, DOR-5 and OB office zones; the DB-1 and DB-2 zones; and the SB and SB-E zones;
 2. Other map amendments to certain parcels (see list from Glenn)
- b) Proposed Zoning Regulation amendments
 1. Related to regulatory framework for restaurant/food service uses.
 2. Expanded uses allowed in the newly-created (merged) office zone.
 3. Issue of drive-throughs (what zones should they be allowed)
 - a. Drive-through restaurants
 - b. Drive-through banks/other
 4. Modifying certain parking requirements, and establishing some new ones.
 5. In the NB zone:
 - a. Establishing criteria to establish new uses.
 - b. Allow food service/restaurant uses and office uses.
 6. In the DC zone (Leroy/West and Goodwives Shopping Center):
 - a. Allow office uses and personal service uses as-of-right
 7. Rename the Noroton Heights Redevelopment zone, and change it from an overlay zone.
 8. Other regulation amendments
- c) Application of Municipal Use Overlay Zone to certain properties.
- d) Creation of a new Appendix E—Area and Bulk Chart for all Zoning Districts

Discuss possibility of public hearing on Tuesday, March 19, 2019 (would be a Special Meeting).

Mr. Ginsberg said that this is an opportunity for the Commission to review everything one last time, in anticipation of a March 19, 2019 public hearing on these matters. Commission members were generally favorable on combining various zones—SB and SB-E; DOR-1, DOR-5, and OB, and DB-1 and DB-2.

Mr. Ginsberg then reviewed a number of individual zoning map amendments which have the potential to be put forth by the Commission. They include: 273 West Avenue, which is now commercially zoned (DC and NHR), but the Commission recommends changing it to R-1/5. 1973 Boston Post Road is now split zoned, and the Commission unanimously agreed that the entire parcel should be in the NB zone, such that the zone boundary would be coincident with the property line. 6 Ring's End Road is a small property in the NB (commercial) zone. A single-family residence has recently been renovated on that property. The Commission agreed that it should be put into the residential zone. 164 Old King's Highway South is a property at the corner of Old King's Highway South and Cross Street. Mr.

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 15 OF 24

Ginsberg said that this is now in the SB zone, and is small in size. There has been a single-family residence on this property for many years. The Commission noted that this would be the only property on this side of Old King's Highway South to be residentially zoned. Mr. Olvany noted that it would be "jumping the street". After some discussion, Commission members agreed to include the change in the proposal, and would weigh comments received at the public hearing.

Mr. Ginsberg said that it was unclear whether 671 Boston Post Road was part of the Planimetrics proposal, as it is now split-zoned. It now contains the Halstead real estate office, and the area that could be rezoned is the area behind the existing parking lot, which is now zoned residential. Commission members discussed the matter, and eventually determined not to put this proposal forth. Mr. Ginsberg said that the TD Bank property at 55 Boston Post Road is now split zoned, and contains a conservation easement in the back of the property. The consensus was to put forth a proposal to make the entire property commercial.

It was noted that the Ledge Road area just south of Atria is zoned SB, but contains I-95 right-of-way and traffic island and Ledge Road right-of-way. It won't have a practical effect, other than lining up the lines of the map better. The Darien Library at 1441 Boston Post Road is in the MU Overlay zone, but is now split-zoned. Commission members asked that it be put into just one zone. The gas station at 5 Five Mile River Road at the corner of Tokeneke Road was then discussed.

Mr. Ginsberg explained that the proposed regulations put forth address the existing convenience food service use issue (where indoor seating is limited). Mr. Chalder has put forth different definitions regarding restaurants. Mr. Ginsberg said that one issue regarding outdoor dining needs to be considered by the Commission. Mr. Chalder proposed modifying the parking requirement for outdoor dining in Section 904, however, the Commission believed the existing standard was appropriate, and they did not wish to modify it. Mr. Riva asked whether there would be a limit on indoor seating for any restaurant. Mr. Ginsberg responded that "Quick Service Restaurants" would not have a limit on indoor seating. There was a question on whether existing Convenience Food Service uses (such as Roost and SoNo Bakery) would need to return to the Commission to add more indoor seating, or whether staff approval would be appropriate. Mr. Sini believed that staff could work closely with the restaurateurs.

Mr. Ginsberg mentioned that the new combined office zones will now allow additional uses. Another issue was related to Hotels, Motels, and Inns. The question of whether the Commission wished to allow such uses in the future, and where to allow them, was then discussed. It was agreed that they are now allowed in the SB zone with a five acre minimum. Commission members believed that it would not be appropriate to allow those uses any more. They noted the presence of nearby hotels and inns in other communities around Darien.

The next question is what zones should allow drive-throughs, both restaurants and other. It was decided that drive-through restaurants should only be allowed by Special Permit in the SB zone. Banks and other drive-throughs should be allowed by Special Permit in the CBD and DC zone.

Mr. Ginsberg said that there are now three Neighborhood Business (NB) zones in Town, and whether they should allow offices and/or restaurants. Those uses have never been allowed in that zone. It was pointed out that Papa Joe's and Mama Carmela's are now in Noroton. Mr. Sini suggested both be allowed by Special Permit. Commission members agreed to put those changes forth. Mr. Ginsberg

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 16 OF 24

noted that there will be two DC zones—Leroy/West (Koons) and Goodwives Shopping Center. Commission members agreed it would be appropriate to allow Personal Service uses as-of-right. Mr. Ginsberg asked about office uses. Commission members agreed to NOT allow office uses in these zones.

Mr. Ginsberg explained that Glenn Chalder included a proposed map for MU rezoning. It was noted that Town-owned properties should be included to be in that overlay zone, including the schools, but not dedicated parklands. Because dedicated parks may not need to be built on to the extent that other properties may need to in order to meet community needs. It was agreed that Highland Farm should not be included in the MU overlay zone at this time.

The last item is to create a new chart in the back of the Zoning Regulations as a new Appendix E. This chart will list proposed uses by each zone. Mr. Olvany said that he has seen different charts in his work, and made suggestions relative to the format of the chart. Mr. Ginsberg said that a public hearing may be held on March 19.

Mr. Cunningham then read the following agenda item:

Deliberations and possible decisions regarding the following, if public hearings are closed:

Special Permit Application #304, Jeffrey Overman, 676 Hollow Tree Ridge Road. Proposal to construct a seasonal ice-skating/hockey rink, with associated chiller units; and to perform related site development activities.

Mr. Sini noted that it is unusual to vote on an item the same evening it is heard. Mr. Doneit said that the applicant is hoping to install the ice rink this winter. Commission members generally indicated that they were in favor of the proposal, with some minor changes reflecting the fact that the chiller units will be close to the house, rather than as originally proposed, and that they may be removed on a seasonal basis, although the Commission is not requiring such. The Commission also wanted to make sure that the Resolution reflected the plans submitted this evening, and the requirement for an as-built after the first time the rink is installed.

The following motion was made: That the Planning & Zoning Commission adopt the following resolution, as amended, to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Rand and approved by a vote of 6-0. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 5, 2019**

Application Number: Special Permit Application #304

Street Address: 676 Hollow Tree Ridge Road
Assessor's Map #7 Lot #49

Name and Address of Property Jaime & Jeffery Overman

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 17 OF 24

Owners: 676 Hollow Tree Ridge Road
Darien, CT 06820

Name and Address of Applicant: David MacBride
Home Ice NY, LLC
38 Davis Avenue
Rye, NY 10580

Activity Being Applied For: Proposal to construct a seasonal ice-skating/hockey rink with associated chiller units, and to perform related site development activities.

Property Location: The 2.2+/- acre subject property is located on the south side of Hollow Tree Ridge Road, approximately 300 feet southwest of its intersection with Ox Ridge Lane.

Zone: R-2

Date of Public Hearing: January 29, 2019 continued to February 5, 2019
Deliberations Held: February 5, 2019

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: January 17 & 24, 2019 Newspaper: Darien Times

Date of Action: February 5, 2019 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien Times
February 14, 2019

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to construct a seasonal ice-skating/hockey rink with associated chiller units, and to perform related site development activities. The rink is an accessory use requiring a Special

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 18 OF 24

Permit under Section 405(b) of the Darien Zoning Regulations. While some very limited regrading is needed for the rink, it does not rise to the level of requiring a Land Filling & Regrading Application.

2. The proposed rink complies with all yard setbacks and building coverage requirements for the R-2 Zone. The proposed skating surface is proposed to be 40' wide by 80' in length with 42" hockey style boards enclosing the skating surface. The two proposed chiller units will be placed on the northwest portion of the property, directly adjacent to the existing residence. It was noted at the public hearing that the chiller units would be of similar decibel level to air conditioning units.
3. At the public hearing on the matter, the applicant indicated that the rink would be solely utilized for personal/private use. The rink and boards would be removed at the end of each season (March or April), and reinstalled in November.

STORMWATER MANAGEMENT

4. At the first public hearing on January 29, 2019, there was concern from the Commission regarding existing and proposed on-site drainage, and possible stormwater management generally. One neighbor submitted comments for the record via e-mail, noting their concern with drainage. No neighbors or members of the public commented at the public hearing.
5. At the February 5, 2019 public hearing on the matter it was noted that three new Cultec units would be installed on the property, adjacent to the rink and that a gravel subbase would be installed underneath the rink to improve drainage on the property.
6. Mr. Darren Oustafine, P.E., Assistant Director of Public Works, submitted comments on the application for the record on January 23, 2019 and February 4, 2019, generally concluding that the proposed improvements are likely to result in a net decrease in stormwater runoff from the property when the ice rink is in operation.

SPECIAL PERMIT FINDINGS

7. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
8. The nature of the use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, nor impair the value thereof.
9. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
10. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 19 OF 24

NOW THEREFORE BE IT RESOLVED that Special Permit Application #304 is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the proposed seasonal rink and related drainage work shall be in accordance with the following plan and materials submitted to and reviewed by the Commission:
 - Drawing L-1, Site Plan (Ice Rink), 676 Hollow Tree Ridge Road, Darien, Prepared by Daniel Sherman, Landscape Architect, dated October 17, 2018 (latest revision, undated, shows the location of the chiller units for the rink);
 - Proposed Ice Rink, 676 Hollow Tree Ridge Road, Darien, Prepared for Jamie & Jeffrey Overman by Pumpkin Ridge Landscaping, LLC, dated February 5, 2018.(11” x 17”).
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans in Condition ‘A’, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during construction and until the area has been revegetated and restabilized. The Planning and Zoning Department shall be notified prior to the commencement of work and immediately after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. The rink shall not be utilized for any organized events.
- D. The proposed court construction does not involve the installation of any lights or PA system and no lighting or PA system is approved as part of this application.
- E. In evaluating this application, the Planning & Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. The granting of this Special Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. Mechanical Permits are required from the Building Department for the chiller units.

PRIOR TO USE OF THE RINK FOR THE FIRST TIME

- G. Before using the rink for the first time, the applicant shall submit the following (requirements to be met only for the first year the rink is in operation):
 1. Verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading in the yard have been completed in compliance with the approved plans referred to in Condition ‘A’, above.
 2. A final “as built” map or other evidence that the rink and associated location of the chiller units have been properly completed in accordance with the approved plans, and complies with zoning setback requirements.

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 20 OF 24

H. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action by (February 5, 2020). This may be extended as per Section 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. Within the next sixty (60) days of this action, a Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records or this approval shall become null and void.

Mr. Cunningham then read the following agenda item:

Special Permit Application #305 / Site Plan, 168 West Avenue, LLC, 168 West Avenue.
Proposal to establish two new two-bedroom apartments in the first floor space formerly occupied by Town Electric; and to perform related site development activities.

Mr. Cunningham suggested a finding related to the previous applications that were withdrawn by the applicant for this property. It was also noted that there would be changes to some of the windows and doors, and that there will be a new screened dumpster area placed on site. Commission members noted that on-site parking is sufficient, and generally indicated that they were in favor of the proposal.

The following motion was made: That the Planning & Zoning Commission adopt the following resolution, as amended, to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Rand and approved by a vote of 6-0. The Adopted Resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 5, 2019**

Application Number: Special Permit Application #305 / Site Plan

Street Address: 168 West Avenue
Assessor's Map #20 Lot #15

Name and Address of Property 168 West Avenue, LLC
Owner(s): 45 Church Street
 Stamford, CT 06906

Name and Address of Joseph Criscuolo
Applicant: 7 Miller Road
 Darien, CT 06820

Activity Being Applied For: Proposal to establish two new two-bedroom apartments in the first floor space formerly occupied by Town Electric, and to perform related site development activities.

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 21 OF 24

Property Location: The subject property is situated on the north side of West Avenue at the northwestern corner formed by its intersection with Edgewood Road.

Zone: Service Business (SB)

Date of Public Hearing: February 5, 2019

Deliberations Held: February 5, 2019

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: January 24 & 31, 2019

Newspaper: Darien News

Date of Action: February 5, 2019

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of
Action: February 14, 2019

Newspaper: Darien Times

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all applicable provisions of Sections 660, 1000, 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials, the Commission finds:

1. The proposal is to establish two new two-bedroom apartments in the first floor space formerly occupied by Town Electric, and to perform related site development activities. Two one-bedroom apartments are presently located on the second floor of the existing building and are planned to remain. Section 664g of the Zoning Regulations allows first floor dwelling unit by Special Permit in the Service Business (SB) Zone.
2. It was noted at the public hearing that the applicant withdrew a previous applications to modify the zoning regulations and to establish a new pizza restaurant in the first floor space formerly occupied by Town Electric.
3. Section 904, of the Regulations, Off-Street Parking Requirements, requires 2.5 parking spaces for each dwelling unit for multi-family dwellings. A total of 10 off-street parking spaces are required for the combined existing and proposed dwelling units. 16 parking spaces have been

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 22 OF 24

shown on the plans submitted by the applicant; however, it was noted at the public hearing on the matter that only 14 of those parking spaces would be available because the southeasterly most parking space identified would be occupied by a dumpster for the residents of the building, and the northwesterly most parking space, if occupied by a vehicle, would impede resident access to the building.

4. At the public hearing the applicant noted that several minor modifications would be made to the façade of the building, including the installation of several new windows and a new entranceway.
5. The Commission finds that the ingress/egress traffic from the property will likely be modestly reduced as a result in the change in use from a commercial use on the first floor to two private residential apartments.
6. The Commission finds that landscaping and buffering exists on the north side of the property, providing separation to the adjoining single-family residential properties.
7. One member of the public, Ms. Karen Doying, of 10 Edgewood Road, spoke at the public hearing with questions about parking, setbacks, and proposed changes to the façade of the building.

SPECIAL PERMIT FINDINGS

8. The location and size of the use, the nature and intensity of the proposed operations involved in the proposed facility and associated new driveway access, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
9. The location and nature of the proposed use, the size and height of the building and associated driveway access are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
10. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
11. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
12. The elements of the Site Plan, submitted as part of the Special Permit application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #305 / Site Plan is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 23 OF 24

A. Site changes shall be in conformance with the following plans submitted to and reviewed by the Commission, entitled:

- Improvement Location Map, Prepared for Aldo Criscuolo, Darien by Moody & O'Brien, LLC, dated February 5, 2018.

Plans generally entitled 'First Floor Apartment Conversion, 168 West Avenue, Darien, Prepared by John P. Urey, dated December 10, 2018:

- Sheet A-1, Proposed Floor Plan;
- Sheet A-2, Front Elevation;
- Sheet A-3, Back Elevation;
- Sheet A-4, Right Elevation;
- Sheet A-5, Left Elevation.

B. Because there is little or no new impervious surface proposed as part of this application, the Commission hereby waives the requirement for stormwater management under Section 880 of the Zoning Regulations.

C. The dumpster to be located within the southeasterly most parking space identified on the plans submitted by the applicant shall be sufficiently screened so as to reduce any visual impacts from West Avenue and adjoining neighboring properties as a result of its placement. The proposed screening shall be approved by the Director of the Planning & Zoning Department.

D. The approved use of the site is as described in the applicant's narrative, and as described by the applicant during the February 5, 2019 public hearing. Any change to that specific type of use shall require review and action by the Planning & Zoning Commission.

E. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit photographs and/or other evidence that the project has been completed pursuant to this approval.

F. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes the requirement for a Zoning and Building Permit(s).

G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

H. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (February 5, 2020). This may be extended as per Sections 1009 and 1028.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action and prior to the issuance of Zoning

PLANNING & ZONING COMMISSION
MINUTES
EXECUTIVE SESSION/PUBLIC HEARING/GENERAL MEETING
FEBRUARY 5, 2019
PAGE 24 OF 24

and Building Permit(s) to convert the first floor into two apartments, including the filing a Special Permit form in the Darien Land Records, or this approval shall become null and void.

Calendar and Project Status Updates

Mr. Ginsberg provided the Commission with a calendar update through March, saying that, at the present time, the Commission's meetings scheduled for February 12th and 26th would likely be cancelled due to lack of business and that the Commission's next meeting would be March 5th. Ms. Leahy said that she could not be present on March 5. A meeting on the proposed zoning regulation and map amendments will be held on March 19. The MU Zone proposal will be a separate application than the others.

Mr. Sini mentioned that there is interest in an update on the three large mixed-use redevelopments. Mr. Ginsberg said that he will email to Mr. Sini and Commission members the information which he recently pulled together at Joann Hennessey's request in mid-late January. Mr. Ginsberg said that the three projects are now working on construction plans.

Mr. Ginsberg said that the Residence at Selleck's Woods assisted living facility on Parklands Drive is nearing completion and will likely open in March. Old Town Hall Homes is working on a demolition permit, and the building will come down in late February or early March.

There being no further business, the following motion was made: That the Commission adjourn the meeting. The motion was made by Ms. Riva seconded by Ms. Leahy, and unanimously approved, 6-0. The meeting was adjourned at 10:12 P.M.

Respectfully submitted,

Fred W. Doneit, AICP, GISP
Senior Planner

02.05.2019min.