

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
APRIL 24, 2012**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Conze, Cameron, Hutchison, Cunningham, Spain

STAFF ATTENDING: Ginsberg

RECORDER: Syat

CHANNEL 79

Mr. Conze read the first public hearing agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Business Site Plan #281/Special Permit, Town of Darien, 35 Leroy Avenue. Proposal to: construct alterations to the former Darien Library building at 35 Leroy Avenue; establish the Darien Board of Education as a new Principal Use Requiring a Special Permit; and to perform related site development activities. The subject property is located on the west side of Leroy Avenue, approximately 350 feet north of its intersection with Boston Post Road, and is shown on Assessor's Map #39 as Lot #30, in the DB-1 and R-1/3 Zones.

Mr. Rusty Malik, of Quisenberry Arcari Architects, LLC, was present to discuss the application. He explained that his presentation would be focused on responding to questions from the last Public Hearing on this matter. He showed the location of the proposed screened Dumpster on the site plan. He then reviewed an updated Board of Education program regarding office space. He noted that the square footages have varied throughout the process. He met with the Board of Education after they had developed their education specifications (the "ed specs") and that there were many iterations before the final version which is before the Commission this evening. Mr. Malik also submitted the dimension floor plans. He provided a maintenance plan for both snow removal and stormwater management.

Mr. Russ Cyr, P.E., of TO Design, explained the existing drainage system. He noted that as part of this proposal, they are decreasing the impervious area on the site. The peak rate of runoff will therefore decrease. They also proposed to improve the quality of water via a hydrodynamic separator and a "hydroworks" system to replace one of the catch basins. That is the catch basin at the southeast corner of the existing parking lot. It now has a pipe to somewhere, however they aren't sure exactly where that pipe flows. Mr. Conze noted that the 35 Leroy Avenue parking lot has basically been in this same condition and configuration for over 25 years. He urged testing of this pipe to determine where it goes.

Mr. Michael Galante, of Frederick P. Clark Associates, then presented his report on traffic and parking and sight line issues. He noted that there has been one fatality in the area, not two as noted at the previous Public Hearing. That one fatality was not related to the existing road system. He mentioned the sight lines looking left coming out of the existing driveway. He said that one way to

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improve driveway exit sight lines would be to modify the existing telephone pole, which is at the far left of the property (northeast corner) with too many signs on it. He also noted that trees on the Red Cross property also somewhat impede sight lines. Mr. Galante added that the sight distance would improve if the sidewalk extended a little further down the library property to the east/north, however that sidewalk would need a retaining wall.

Mr. Conze then asked if there was anyone from the general public who wished to comment on the application. Mrs. Vickie Riccardo explained that she was out of town at the last Public Hearing on this matter. She said that she hopes the Planning & Zoning Commission would stipulate the requirement for oil grit separators in the parking lot. She mentioned that the e-mail from the Red Cross does not grant the same rights for egress as a formalized easement. She believed that the Planning & Zoning Commission should require a formalized easement for the sidewalk/walkway out to the street. Similarly, she believed that the email received from Whole Foods Market allowing for overflow parking for certain circumstances is good, but what if there is a change in ownership or management? She believed a more formalized agreement would also be appropriate in that situation. She said that the Commission needs to receive information on the decibel levels of the generators, and restrict the times that it will be operated for testing. Mrs. Riccardo mentioned that in October of 2010, the Planning & Zoning Commission issued a Mandatory Referral report and in that report, the Commission required a "full needs assessment." She then reviewed the March 12, 2012 memo from Mr. Ginsberg to the Commission which did not meet her expectation as a Planning & Zoning Commission member when she served on the Commission. She mentioned that Section 1005 of the Darien Zoning Regulations specifically sets Special Permit standards and Subsection 1005(f) requires an adaptability finding. She asked the Commission whether the submitted information is "a full needs assessment" as required by the Mandatory Referral issued by the Commission. There were no other questions or comments from the general public.

Ms. Cameron then wondered whether the Commission should close the Public Hearing tonight in light of the recent information from the architect received prior to the meeting. Mr. Ginsberg noted that the chart which was submitted to the Commission showing the Board of Education program had previously been emailed to the Commission last week. Mr. Conze believed that the Hearing could close this evening. Mr. Spain then made a motion to close the Public Hearing on this matter. That motion was second by Mr. Hutchison, and unanimously approved.

At 8:25 P.M., Chairman Conze then read the next agenda item:

Special Permit Application #125-E/Site Plan, Town of Darien, Mather Community Center, 2 Renshaw Road. Proposing to construct additions and alterations to the existing Town Hall building for the establishment of the Mather Community Center/Senior Center, and perform related site development activities. The subject property, Darien Town Hall, is located on the northeast side of Renshaw Road at its intersection with Park Place, and is shown on Assessor's Map #41 as Lot #85 in the R-1/3 Zone.

Mr. Tom Arcari, of Quisenberry Arcari Architects, LLC, was present to discuss the application. He then presented Plan L-2.0 which was the layout plan. He noted that they are proposing a small addition in two locations and other related site work. There will be a new kitchen, a new entrance canopy and walkway improvements. They are removing some curb area to create a better drop off

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area. There will also be a new exterior patio. Two alternates were shown – one was for the terrace and garden; and the second was for emergency generator support. The entire Community Center could be used as a refuge and cooling center with that generator. It will be a 350kw generator run by diesel. Mr. Spain asked why the generator would be listed as an alternate. Mr. Arcari replied that the generator in the project is funding driven and he is asking the Commission to approve both alternates so that if the funding is available, this feature can be implemented. Mr. Cunningham asked whether it is a new generator. Mr. Arcari responded that it was.

Ms. Cameron asked about the number of trees to be removed as part of this project. Mr. Arcari responded that the Environmental Protection Commission, as part of the approval, said that there should be 1-to-1 replacement of the trees and they also required some tree wells. Mr. Arcari noted that four trees are proposed to be removed as part of this project and that two new trees are shown on the existing plans and two new trees will be field sighted with Planning & Zoning Department staff. Ms. Cameron mentioned that her reading of the plans shows that there will be seven to eight trees removed. Mr. Arcari said that they would commit to 1-to-1 tree replacement. He believed that if the alternate plan is executed, two or more additional trees will come out. He said that trees can be put on the traffic islands in the parking lot but cannot be located close to the building. Mr. Cunningham asked whether there will be an increase in pervious surface as part of this application. Mr. Arcari responded that he and Mr. Cyr would cover that later in the presentation. Mr. Conze said that the Darien Junior Football League (DJFL) currently operates in the Fall for a few weeks using temporary lights run off generators. He asked about the feasibility of running “hard wire” from Town Hall to that field. He strongly suggested that the architects look into that matter. Mr. Arcari agreed to explore that possibility. Mr. Spain said that they should look into wiring for those needs to allow extra flow for power. Mr. Arcari believed that it may be possible to provide conduits to the fields. Mr. Conze agreed that it would be an opportune time and he suggested that Mr. Arcari reach out to DJFL representatives to look at a possible solution.

Mr. Arcari then reviewed the proposed floor plans. He noted the Darien Arts Center currently has a lease for some space within the existing Town Hall Annex. He then reviewed the various rooms including the proposed woodshop which would contain venting. Mr. Cunningham asked whether the proposed kitchen would be new construction. Mr. Arcari replied that it would – it would be a new addition in the back of the building. They explored renovating an existing area for the kitchen but believed that it would be more cost efficient to build the kitchen new. Mr. Arcari emphasized that flexibility is the key on the floor plans. He noted that programming will change through the years and that the uses of the rooms will also change through the years. He noted that the dining capacity at the existing Senior Center on Edgerton Street is now 120. As part of the application, they will be increasing it to 165. They will also be installing brand new mechanical units on the roof of the building.

Mr. Arcari then showed the upper level layout proposed. It leaves the gyms as is and includes Youth Services camp areas. Mr. Arcari noted the changes in the floor plans between the March 15, 2012 plans and the April 24, 2012 plans he’s presenting this evening. He noted the presence of a load bearing wall that could not move, and therefore, had some impacts on the final design of the floor plans. Mr. Conze asked that Mr. Arcari submit final floor plans to the Commission, asking whether they know the uses, both existing and proposed for the building and any parking calculations needed to accommodate the various uses. Mr. Arcari mentioned that the proposed

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Senior Center/Community Center is only a few thousand square feet larger than the existing Center. They are not adding a lot of space. He emphasized the spaces on the floor plan are planned to be flexible and to be used for many different activities. Mr. Conze then strongly suggested attaching a legend to the plan explaining the current uses of the Senior Center. Mr. Hutchison asked that there be a Fire Marshal capacity shown for each room, if possible. Mr. Arcari responded that the Fire Code mandated capacity will exceed the likely capacity of the building. He then showed existing and proposed elevations of the Town Hall Annex. Ms. Cameron asked where the windows are that the Architectural Review Board referred to in its letter. Mr. Arcari then showed those windows on the plan. Mr. Cunningham asked about regrading associated with the project. Mr. Arcari showed the location of the regrading and the proposed retaining wall. He also showed pervious pavers near the room that the Arts Center now leases. All improvements include full handicap accessibility. Mr. Arcari mentioned that they could include pervious pavers near the 3D Studio. Mr. Arcari then showed the alternate of the upper window replacement. He noted that new mechanical infrastructure will be placed on the roof and they will be using the existing screen which is now on the Town Hall roof.

Mr. Russ Cyr, P.E., of TO Design, then explained the stormwater management. He explained that there is a proposed net reduction of pavement and an increase in the walkways. There will be a 2,400 square foot increase in impervious surface as part of this proposal and an associated drainage study had been submitted for the record. He then put up a map showing the Stony Brook Watershed and noted that it is four miles long and extends all the way into Waveny Park in New Canaan. Mr. Hutchison noted that there is a known flooding condition in this Town Hall property area. Mr. Arcari responded that they can design the system either way, to store stormwater on site or not store it on site. Mr. Cyr then read aloud the comments received from Darren Oustafine of the Darien Public Works Department and noted that the Environmental Protection Commission accepted his argument on only addressing water quality and not needing to address water quantity, due to its specific location at the bottom of the watershed. Mr. Spain summarized by noting the basic question is whether the Planning & Zoning Commission should require infiltration for flood control purposes. Mr. Arcari noted that the Commission recommends both stormwater mitigation and addressing water quality; they will do both. Mr. Conze believed that the Town may need to be held to a higher standard than most property owners. Mr. Cyr then addressed water quality. He noted that the proposed catch basins would incorporate deep sumps and hoods. They can replace two catch basins with this type. At 35 Leroy Avenue, they proposed hydrodynamic separators. In this case, however, sidewalks are proposed which will direct most of the runoff to grass areas. In response to a question, Mr. Cyr noted that they would look into the possibility of installing a French drain.

At about 9:40 P.M., Mr. Michael Galante, of Frederick P. Clark Associates, discussed his submitted traffic and parking report. He said that they did a traffic study at the existing Senior Center and found that the peak was generally at lunch time. The existing Senior Center is now open generally from about 9 A.M. to about 3 P.M. with the peak traffic running from about 12:45 P.M. to 1:45 P.M. He noted that as part of the Traffic Study for the Town Hall, there is a need to account for the ball fields, which are near Town Hall. He then reviewed Table 5 of his submitted report. He discussed impacts related to the delay and mentioned that the Level of Service is decreasing from the Level of Service B to a Level of Service C, which would be a delay of 2.5 seconds at mid-day. At the end of the day, the Level of Service for Town Hall improves as there would be no P.M. peak

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with Board of Education employees leaving. Mr. Galante then reviewed Table 7 of his submitted report looking at the possible need for a traffic light at the intersection of Boston Post Road and Renshaw Road: none recommended. He also looked at the accident data from Table 2 of his report and noted that there is not an accident issue in the area.

Relative to parking, Mr. Galante mentioned that he did parking surveys at Town Hall. He noted that the existing Town Hall has a total of 219 parking spaces and now, at most times, at least half of the spaces are empty. He mentioned that the Senior Center on Edgerton Street is now over capacity for parking at certain times. He summarized by noting that the Town Hall site can accommodate the parking needs on a busy day for the Senior Center/Community Center. Mr. Hutchison noted that parking can and should drive the uses and activities proposed and scheduled for the site. Mr. Galante noted that although the Town Hall is one building, it contains many uses. He recommended that there be site-wide management of the events occurring at the Town Hall site. He said that the Town has control of the programming and that is the bottom line. Mr. Ginsberg noted that the Park & Recreation Department manages the on-site room reservations for Town Hall. Ms. Cameron mentioned that other uses include the Darien Arts Center and the ball fields, which are also on site. Mr. Galante confirmed that there is a need to plan and coordinate. Mr. Spain asked whether there would be any pedestrian traffic associated with the Senior Center or Community Center. Mr. Galante said that the existing Senior Center has virtually all of its attendees either van driven by a Gallivant or they drive themselves. Mr. Conze confirmed that the Town has to manage the parking and programming. Mr. Hutchison asked about any signage recommendations. Mr. Galante noted that there may need to be internal signage directing attendees to certain areas of the Town Hall building.

The applicant's presentation thus concluded, Mr. Conze then opened up the hearing to the general public. Mrs. Vickie Riccardo then asked whether the proposal for a swimming pool at Town Hall is dead. Mr. Arcari responded that he has looked at the various studies and there would need to be appropriate transition space, however there is no pool as part of this subject application. Mrs. Riccardo then asked about the kitchen venting system. Mr. Arcari responded that they propose to install a full commercial kitchen and will work directly with the Health Department on appropriate venting. Mrs. Riccardo asked about garbage pickup. Mr. Arcari mentioned that garbage is temporarily loaded on the loading dock and the existing dumpsters will stay. They believe that they now have capacity in the existing dumpster area; however, they may need more frequent pickup of trash. In response to a question, Mr. Arcari noted that during construction, there will be no programs on going in the Town Hall Annex area. Contractors will be present and situations around the back of the Town Hall building may be interrupted during periods of construction. Mr. Conze then asked Mr. Arcari to update the plans with a legend showing current and proposed uses and tie that in to the existing parking. He noted that the Commission could require a phasing and staging plan to note the closing off of the back of the Town Hall building. Mr. Arcari responded that it would totally be up to the contractor regarding their means and methods of construction. They don't plan on developing a Staging and Phasing Plan until the contractor has been selected and secured. Mr. Conze noted that the Commission, in the past, has required such a plan be submitted to the Planning & Zoning Office prior to any construction beginning. In light of the additional information needed from the applicant, Mr. Spain made a motion to continue the Public Hearing to May 1, 2012 at 8 P.M. in Room 206 at Town Hall. That motion was seconded by Mr. Hutchison and unanimously approved.

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Chairman Conze then read the next agenda item:

Land Filling & Regrading Application #111-A, Town of Darien, Park and Recreation Commission, Cherry Lawn Park, 120 Brookside Road. Proposing to cut, fill, and regrade Gallagher Field in the northwest corner of the property, and perform related site development activities. The Cherry Lawn Park property is on the east side of Brookside Road 700 feet north of its intersection with Overbrook Road, and is shown on Assessor's Map #11 as Lot #31 in the R-1 Zone.

Park & Recreation Director Susan Swiatek was present to discuss the application. She noted that Gallagher Field is now in the northwest corner of Cherry Lawn Park. The field is near Brookside Road and is now crowned. The current grading is not conducive to baseball. They will be moving the field in from the street and towards the park about 20 feet, which will shorten the outfield to about 200 feet, which is an appropriate Little League distance. Overall, Cherry Lawn Park is 27 acres. As part of this application, they will be regrading to correct existing grades. The field will be used generally by children ages 7 to 11. It will no longer be permitted to be used for adult baseball groups. The plan calls for fencing for safety purposes. Ms. Swiatek noted that the Zoning Board of Appeals recently granted approval for this project. She noted that there are both cuts and fills involved as part of this application.

Doug DiVesta, P.E. showed the existing conditions within Gallagher Field. He noted that they proposed to have about 522 +/- cubic yards of cut and about 2200 +/- of fill as part of this application. Thus there will be a net increase of about 1700 cubic yards of material. This will involve a total of about 120 truck loads of material. He estimated that it will take about four days to bring all the necessary material into the Park. Mr. DiVesta then showed the drainage improvements proposed as part of the application. Trucks will come in adjacent to the field off of Brookside Road.

The same amount of surface storm water will be going to Brookside Road as flows there now. The intent is to have the fields drain better than they currently do. They propose to install new clay in the infield and prepare an improved pitchers mound. He then showed the black chain link fence proposed as part of this application. They are also proposing a small retaining wall near the north property line.

Neighbor Tim McDonald of Brookside Road said that he was concerned about the large amount of fencing proposed, especially along Brookside Road. Mr. Spain asked whether the public will still have access to the field when it is not being used for Little League purposes. Ms. Swiatek responded that soccer practices can be held in the outfield and will be allowed to occur "off season". Mr. Conze asked about the possibility of planting some trees to mitigate the impact of the large chain link fence along Brookside Road. Mr. Cunningham suggested possibly a mixture of boulders and plantings. Mr. Conze noted that the Commission could also approve this application with some suggestions allowing the applicant to either come back to the Commission or work directly with the Planning & Zoning Director on improving that area near Brookside Road. In response to a question, Ms. Swiatek noted that they hope to start work this August, which would allow the field to be playable in the Spring of 2013. As part of this project, they will install a field irrigation system. Ms. Cameron asked whether it would be appropriate to have Ms. Swiatek return

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with details of the Brookside Road area. Mr. Spain suggested the Commission now act on the application, but leaving flexibility for the details. The Commission could always approve the fence along the street with any extra plantings or boulders to be worked out with the Director. There being no further questions or comments from the Commission or the general public, Mr. Spain made a motion to close the Public Hearing on the is matter. That motion was seconded by Mr. Hutchison and approved by a vote of 5-0.

At about 10:45 P.M., Chairman Conze then read the next agenda item:

Business Site Plan #146-C/Special Permit, Anthony's Coal Fired Pizza, 319 Boston Post Road. Proposal to install additional parking with related landscaping and stormwater management; to install outdoor dining on a proposed terrace in front of the existing restaurant; and to perform related site development activities. The subject property is located on the north side of Boston Post Road, at the northeast corner formed by its intersection with Birch Road, and is shown on Assessor's Map #13 as Lots #1 and 2, in the SB-E and R-1/2 Zones.

Architect Nick Aivalis explained that the subject property at 319 Boston Post Road is split zoned SB-E and R-1/2. In a recent decision, Zoning Board of Appeals (ZBA) granted approval for five added parking spaces. He then reviewed the ZBA's conditions as part of that variance. Ms. Cameron mentioned that although the ZBA required that the area not be used for parking until Planning & Zoning Commission grants approval, but she was at the site earlier this evening and vehicles were parked beyond that area. Mr. Aivalis continued by noting that they are here tonight to ask for two different but related items. First would be the request to install additional parking and associated landscaping. The next request is for outdoor dining. Mr. Aivalis noted that they will be providing dense landscaping and a yard drain to accommodate drainage. He noted that water from Birch Road now flows into the applicant's 319 Boston Post Road property. They are also correcting an existing erosion problem. As for parking, Mr. Aivalis noted that they are proposing to add five spaces in the back, nine in total, as four extra spaces will be created by reconfiguring the remainder of the parking lot. There will be two new spaces in front of the building for pick up/take out. The proposed outdoor dining patio will be 300 square feet and contain 6 tables. Ms. Cameron then noted that the previously submitted site plan given to the Commission showed eight tables. Mr. Aivalis responded that they are proposing six tables which can each seat up to four. Mr. Hutchison then asked whether the proposed extra parking is to accommodate the outdoor dining. Mr. Aivalis said that they are trying to minimize existing parking problems with the restaurant. Ms. Cameron noted that in 1998, one of the proposed details was that the outdoor dining of the restaurant be open only when a portion of the indoor part of the restaurant is closed. Mr. Aivalis responded that they could accept such a condition of approval. He did note, however, that the 1998 proposal was much larger than the subject proposal this evening. Mr. Spain then asked about the current amount of seating within the restaurant. Mr. Aivalis responded that there are now 39 parking spaces and two handicap spaces and about 83 seats indoors. He noted that the outdoor dining would only be on a seasonal basis. Mr. Hutchison mentioned that Mr. Aivalis could reach out to the dry cleaner across Birch Road to allow parking on that property. Mr. Cunningham wondered if the staff could park at that location. Mr. Aivalis mentioned that at times, the staff does park there. But it does park on the subject site most of the time.

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Mr. Conze summarized by noting that the Commission wants the restaurant to succeed, and that they should probably have staff park off-site in order to allow more on-site parking for customers. Mr. Aivalis noted that the largest parking needs are from noon to 2 P.M. and from 5 P.M. to 8 P.M. After 8 P.M., generally parking spaces are available. He then showed a plan reflecting the proposed landscaping put forth. Mr. Hutchison asked about the possibility of including a split rail fence along Birch Road. This may help minimize patrons and or staff from running across Birch Road at places other than the intersection. Ms. Cameron then asked how the restaurant hopes to get rid of the existing Japanese Knotweed in the back of the property. Mr. Aivalis thought that they could dig it out but after some consideration thought that it might be more appropriate to bring in an arborist to trim the Maple tree and also to look into the Japanese Knotweed situation. Mr. Conze said that a landscaper should write up a proposal, which could include a split rain fence along Birch Road. He suggested that the Public Hearing be continued to allow that additional information to be submitted. Mr. Spain suggested that Mr. Aivalis work directly with the owner of the dry cleaner property at the corner of Boston Post Road and Birch Road and see if they will give him parking for midday and evening hours. He also suggested giving the Commission hard information for the lunch time peak relative to parking. Ms. Cameron asked that the applicant also address the information presented by the neighbors on music and outdoor speakers. Mr. Spain then made a motion to continue the Public Hearing to May 22, 2012 at 8 P.M. in Room 206 of the Town Hall. Ms. Cameron seconded that motion, although she mentioned that she would not be present at that meeting. The Public Hearing on this matter was then continued.

Due to the late hour, no further agenda items were addressed.

The meeting was adjourned at 11:15 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director