

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
March 1, 2011**

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Conze, Spain, Hutchison, Riccardo

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat  
Channel 79

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**PUBLIC HEARING**

Chairman Conze read the first agenda item:

**Flood Damage Prevention Application #269-A, Arthur Collins, 45 Pear Tree Point Road.**  
Proposing to install a generator and propane tank on a platform, and perform related site activities within a regulated area. The subject property is on the west side of Pear Tree Point Road approximately 800 feet south of its northernmost intersection with Long Neck Point Road, and is shown on Assessor's Map #60 as Lot #52, in the R-1 Zone.

Arthur Collins and his wife Donna were present. Mr. Collins explained that they had obtained a variance of the setback requirements from the Zoning Board of Appeals in order to place the generator in the area between the street and the detached garage. They have submitted an engineering certification regarding the placement of the generator on the platform and it will not have any adverse flooding impacts on any adjacent properties. He said that the generator will be tucked between the garage and the wall in the front yard. In response to questions, Mr. Collins said his generator will be exercised or run once a week for approximately 20 minutes. He will try to coordinate that with his neighbor so that both generators will be exercised at the same time. Mr. Collins said he is very anxious to install the emergency generator so that he will avoid the power outage problems experienced last March.

Mr. Ginsberg confirmed that the Zoning Board of Appeals had granted the necessary variance, Calendar #63-2010, to permit the generator in the front yard and in the required 25' side yard. He also confirmed that the engineer's letter of January 7, 2011 had been received. The generator will be placed on a platform so that the mechanical equipment will be at or above the expected flood level. There were no comments from the public regarding the application.

The following motion was made: That the Commission close the Public Hearing on this matter. The motion was made by Mrs. Riccardo, seconded by Mr. Hutchison and unanimously approved.

Chairman Conze then opened the General Meeting and read the following agenda item:

**GENERAL MEETING**

*Discussion, deliberation AND POSSIBLE DECISION regarding the following:*

**Affordable Housing Application Under CGS 8-30g (#2-2010), Coastal Site Plan Review #259, Site Plan Application #278, Land Filling & Regrading Application #249, Christopher &**

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**Margaret Stefanoni, Tokeneke Road.** Proposing to construct 30 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities. The subject property is located on the south side of Tokeneke Road at the southeast corner formed by the intersection of Tokeneke Road and Pheasant Run, and is shown on Assessor's Map #66 as Lot #104-A1, within the R-1 Zone. *PUBLIC HEARING WAS CLOSED ON 1/4/2010. DEADLINE FOR COMMISSION DECISION: 3/10/2011.*

Commission members noted that a draft resolution had been prepared by staff at their request. Mr. Conze said that that it has been a laborious process with many items. Rather than debating each item at the meeting, he would prefer to have the Commission members contact staff with their comments so that a revised draft can be prepared. He asked that the comments be directed to staff by Thursday so that a revised and clarified draft can be distributed to the Commission members on Friday.

Mr. Spain said that he watched the videotape of the Public Hearing that was conducted on February 25 (when he could not attend the meeting). He said that the applicant has not asked for a new Zoning district to be created, nor to amend the Regulations. Rather, they have applied for Site Plan and development approval. This process does not obviate the requirements that should be considered for the multi-family housing proposal in a zone that does not normally allow for multi-family developments. He said that traffic and parking and all other issues must be adequately addressed. He said that the draft resolution tries to incorporate those types of issues.

Mrs. Riccardo said that she has met with Mr. Ginsberg and has provided her input so that it can be incorporated into the revised draft.

Mr. Ginsberg said that the decision deadline for this matter is Thursday, March 10, 2011. Not all of the members can be present for the March 8<sup>th</sup> meeting. He asked if it would be appropriate to ask the applicants for an extension of one week so that all the members could be present for the scheduled meeting of March 15<sup>th</sup>. The Commission members agreed and asked Mr. Ginsberg to request that the applicants grant an extension. If the extension is not obtained, then the Commission will need to act on this matter by March 10<sup>th</sup>.

Chairman Conze read the following agenda item:

*Discussion and deliberation ONLY regarding the following items:*

**Affordable Housing Application Under CGS 8-30g (#1-2010), Site Plan Application #277, Land Filling & Regrading Application #247, Christopher & Margaret Stefanoni, 57 Hoyt Street.** Proposing to construct 16 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities. The subject property is located on the east side of Hoyt Street approximately 100 feet south of its intersection with Echo Drive, and is shown on Assessor's Map #27 as Lot #168-1, within the R-1/3 zone. *PUBLIC HEARING CLOSED ON 1/18/2010. DEADLINE FOR DECISION: 3/24/2011.*

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Mr. Ginsberg explained that the draft resolution for this has not yet been prepared. The deadline to act on the application is March 24<sup>th</sup>. The Commission agreed that it would be appropriate to ask for a one week extension so that additional time would be available to act on this matter. Chairman Conze asked the Commission members to get in touch with Mr. Ginsberg to provide their individual comments so that he could prepare a draft resolution regarding the Hoyt Street project. In the meantime, the staff must concentrate on preparing the revised draft for the Tokeneke Road project.

Chairman Conze read the following agenda item:

**Flood Damage Prevention Application #269-A, Arthur Collins, 45 Pear Tree Point Road.** Proposing to install a generator and propane tank on a platform, and perform related site activities within a regulated area. The subject property is on the west side of Pear Tree Point Road approximately 800 feet south of its northernmost intersection with Long Neck Point Road, and is shown on Assessor's Map #60 as Lot #52, in the R-1 Zone. *(if public hearing has been closed)*

Mr. Ginsberg explained that it is the normal procedure that a draft resolution be prepared so that the Commission could read the draft before taking an action. In this case the Zoning Board of Appeals has already approved the variance, and the engineer has provided the necessary certifications regarding the work in the Flood Hazard Zone. He asked the Commission if they would prefer a draft resolution for consideration at a future meeting or if they want to take an action at this meeting. Commission members noted that Mr. Collins is very anxious to install the emergency generator so that he will avoid the power outage problems experienced last March.

The following motion was made: That the Commission authorize the approval of the Flood Damage Prevention Application noting that the appropriate documentation had been submitted, and the permit is subject to the normal conditions regarding work in the Flood Zone including, but not limited to the provision of an as-built certification once the generator has been installed. The motion to approve was made by Mr. Hutchison, seconded by Mrs. Riccardo and unanimously approved.

Chairman Conze read the following agenda item:

**Proposed Amendments to the Darien Zoning Regulations put forth by the Darien Planning & Zoning Commission—Proposed Modification of Subsection 922c.** Proposing to modify subsection 922 of the Darien Zoning Regulations--Permitted Signs (subsection 922c specifically addresses real estate signs). The changes affect the maximum sign size and permitted locations of such proposed signs. *HEARING CLOSED: 2/15/2011.*

Mrs. Riccardo said that she felt it would be appropriate to amend the Regulations to allow up to four square feet of real estate sign, provided that square footage included no more than one hang down or similar attachment. It is also critical that the signs not be displayed within the street right-of-way. In some cases, where a stone wall separates the private property from the street right-of-way, the sign might have to be hung directly above the stone wall rather than being placed between the street and the stone wall.

Mr. Hutchison said that it might be appropriate to include a provision to indicate that the signs avoid creating a safety issue by blocking sight lines.

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Mr. Conze said that such a safety provision could easily be incorporated into the Regulations.

Mr. Ginsberg noted that in some cases where a hedge or fence or other landscaping provides privacy to the residents, it also limits their ability to display any real estate sign in front of the wall or fence or landscaping. In such cases, the benefit of the privacy will reduce the effectiveness of the real estate sign, because in no case will the sign be allowed to be within the street right-of-way.

Mr. Spain said in most cases it might be possible to place the real estate sign parallel to the street and on the fence or against the hedge so that the sign would not protrude into the right-of-way, but still might be visible.

Mrs. Riccardo and other Commission members noted that there needs to be a special effort to educate the public and the Board of Realtors about the new Regulations and to make the Board of Realtors more responsible for compliance of their membership. The new regulation must also be consistently enforced for individual home sellers, out of town sellers and for local members of the Board of Realtors. It was noted that complaints about signs and violations should be referred to the Board of Realtors so that they will have their membership take care of their own violations.

Commission members said that it might be appropriate to ask the Board of Realtors to provide to the Commission a copy of any materials that they distribute to their membership regarding signage to be displayed at the properties for sale. The Commission asked the staff to draft a resolution.

Chairman Conze then read the following agenda item:

**Coastal Site Plan Review #229-B, Flood Damage Prevention Application #293-A, Foster Kaali-Nagy, 125 Five Mile River Road.** Proposing to install a pier, ramp and float, and perform related site activities within regulated areas. *HEARING CLOSED: 2/15/2011. DECISION DEADLINE: 4/21/2011.*

Mr. Conze said that he is aware that Mrs. Cameron could not attend the meeting tonight, and that she has requested additional time to review the documents and materials regarding this application. Chairman Conze did not want to take an action on this matter until Mrs. Cameron has had the opportunity to fully read the materials and discuss them with the other Commission members. He asked the Commission to contact staff with comments. This matter will probably be placed on the agenda of March 22<sup>nd</sup> for further discussion.

Chairman Conze read the following agenda item:

**Coastal Site Plan Review #263, Flood Damage Prevention Application #300, Ralph F. Reynolds, Delafield Island Road (Lot #35).** Proposing to construct a fixed timber pier, ramp, and float on Lot #35, and perform related site activities within regulated areas. *HEARING CLOSED: 2/15/2011. DECISION DEADLINE: 4/21/2011.*

Mr. Conze said that it would be appropriate to postpone discussion on this matter until all members of the Commission could be present. He also suggested that Commission members contact Mr. Ginsberg with any questions or comments.

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Chairman Conze read the following agenda item:

**Coastal Site Plan Review #131-B, Flood Damage Prevention Application #298, and Land Filling & Regrading Application #254, Leo & Diane Schlinkert, 3 North Road.** Proposing to raze the existing residence and construct a new single-family residence with associated septic system and boathouse and perform related site development activities within regulated areas. *HEARING CLOSED: 2/15/2011. DECISION DEADLINE: 4/21/2011.*

Mr. Conze said that it would be appropriate to postpone discussion on this matter until all members of the Commission could be present. He also suggested that Commission members contact Mr. Ginsberg with any questions or comments.

Chairman Conze read the following agenda item:

**Business Site Plan #205/Special Permit, 205 Post Road Development Partners, LLC, 205 Boston Post Road, SB-E Zone.**

Request for extension of time to finalize plans and commence project.

The Commission reviewed the letter requesting an extension of time for the applicant to finalize their plans and proceed with the project. The following motion was made: That the Commission grant the requested extension of time for the project at 205 Boston Post Road. The motion was made by Mr. Hutchison, seconded by Mrs. Riccardo and unanimously approved.

Chairman Conze read the following agenda item:

**Coastal Site Plan #237-B, Flood Damage Prevention Application #263-B, Abigail Knott, 70 Five Mile River Road.**

Request for modifications to the Commission's Adopted Resolution, and request for extension of time.

There were two requests. The first is to grant an extension of time to finalize with Town Counsel the wording of the restriction, and the second request is to modify the Commission's approval regarding a deed restriction.

Attorney Wilder Gleason represented the applicant and explained that rather than a deed restriction, which must formally be approved by the RTM or Board of Selectmen, he is asking that the conditions of approval be recorded in the Land Records so that they will be available, and limitations on the property would be subject to modification or amendment only by the Planning and Zoning Commission and not other Town agencies.

The following motion was made: That the Commission grant the request for the extension and the modification of the conditions of approval. The motion to approve the requests was made by Mr. Spain, seconded by Mrs. Riccardo and unanimously approved.

Chairman Conze read the following agenda item:

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**Discussion of schedule for proposed land use fee amendments to be reviewed and acted upon by the RTM.**

Mr. Ginsberg explained that in his recent meeting with the RTM, the RTM discussed their desire to increase the fees on land use permits and applications. Technically, the fees are established by the RTM, but they have asked for Mr. Ginsberg's input before they take any action. In response to the RTM request, Mr. Ginsberg drafted a memorandum that recommends that the fees charged by the Planning and Zoning Commission be increased by \$10 - \$20 each, and that the fees for the Zoning Permit application be modified from a single, flat rate of \$70 per application to a sliding scale based on the value of the work. Simple, inexpensive projects are proposed to have an \$80.00 fee. More complicated and more costly projects would have a fee of \$160 or \$320, depending on the value of the work involved. Commission members reviewed the draft memorandum and asked that the matter be forwarded to the RTM as proposed.

Chairman Conze then read the following agenda:

**Approval of Minutes**

*January 25, 2011 Public Hearing/General Meeting*

Since several of the members present at this evening's meeting were not present at the January 25<sup>th</sup> meeting, Commission members decided to postpone action on this until a later date.

*February 8, 2011 General Meeting*

Mrs. Riccardo said that she noted several typographical errors, but other than that the minutes were fine. The following motion was made: That the Commission adopt the minutes as corrected. The motion was made by Mr. Hutchison, seconded by Mrs. Riccardo. All members voted in favor of the motion except Mr. Spain who abstained because he was not present on February 8<sup>th</sup>.

There being no other business, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

David J. Keating  
Assistant Director of Planning