PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
November 30, 2010

Place: Auditorium, Town Hall TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Conze, Spain, Cameron, Hutchison, Riccardo, and Voigt (arrived at 8:20)

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
TELEVISED BY: Channel 79

PUBLIC HEARING

Continuation of Public Hearing regarding Affordable Housing Application Under CGS 8-30g (#2-2010), Coastal Site Plan Review #259, Site Plan Application #278, Land Filling & Regrading Application #249, Christopher & 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 OPENED ON 11/9/2010.*

Mrs. Margaret Stefanoni explained that the application is a set aside development as defined by section 8-30g of the Connecticut general statutes. Thirty dwelling units are proposed, nine of which would be affordable. She said that the entire development would be age restricted. Mrs. Stefanoni said that 2.5% of Darien's current housing stock qualifies as affordable. The goal of the State statutes is to make sure that at least 10% of the housing stock in each community is affordable. The median selling price of a house in the State is $245,000, but in Darien, the median selling price is $1.55 million. She said that the Clock Hill Homes housing units were occupied in 1995 and since then there has been only 18 sales of those affordable housing units. There are 60 people on the waiting list. She said that Darien also has 30 affordable housing units that are restricted to seniors. The addition of 30 more housing units restricted to seniors will help to absorb the people on the waiting list. She said that in accordance with the affordability plan, the 9 affordable units would be deed-restricted for 40 years and the residents of those units would spend a maximum of 30% of their income on housing. All of the units within the development will have two bedrooms and two bathrooms. The affordable housing units are scattered throughout the building. Mrs. Stefanoni said that Route 136, Tokeneke Road, is a State highway. Before applying to the Commission, she showed the plans to the Connecticut Department of Transportation (DOT), District III personnel and it was determined that they would not be able to place the driveway so as to tie into the new traffic signal at the intersection of Tokeneke Road and Cliff Avenue. She said the proposed driveway curb cut along Tokeneke Road, would be located to the west of the traffic light and in a location that affords sufficient sight line distances for safety.

Michael Stein, project architect, explained that the project was two and a half stories high. It will contain 57,000+ square feet of building floor area and would be 39 feet tall, as defined by the

Darien Zoning Regulations. There would be 30 dwelling units, each of which would contain two bedrooms and two bathrooms. The size of the units range from 1,000 square feet to 1,490 square feet. Each dwelling unit will have hookups for its own laundry facility and the entire building will be sprinkelered for fire safety. Mr. Stein said that as the grade of the land changes, the building will be stepped up accordingly to follow the contours of the land.

Barry Hammons, professional engineer and land surveyor, reviewed the site development plan for the 1 acre property. He said that the building would have a 16,000 square foot footprint. 45 on-site parking spaces are proposed for the 30 dwelling units. 2 of the parking spaces are designed to comply with the handicapped access requirements. Some of the parking spaces will be located under the proposed building.

Mr. Hammons reviewed the drainage plan for the project and noted that the town had referred the drainage plan to its consultant, Tighe and Bond Engineering. Mr. Hammons said that he has received the comments from Joseph Canas of Tighe and Bond and has revised the plans accordingly. He said that the storm water runoff will be directed into Vortechnics units that would be located under the ground and then into an infiltration system that is to be located on the surface of the ground. The overflow from that infiltration system would be then directed toward the drainage system in Tokeneke Road. He provided a summary of the 100 page drainage report. He reviewed the watershed map that shows about 20 acres of land that also flows into and joins the water that runs off from this site. He said that from an engineering perspective, it would be best to reduce or change the time of concentration to let the runoff water flow through this system and out to the Five Mile Rive more quickly. He said that the predevelopment runoff would be 56.2 cubic feet per second and the post-development runoff would be 59 cubic feet per second during a 50-year storm. He said that this increase in the peak rate of runoff would be okay because they are reducing the time of concentration. He said that an important aspect of the storm drainage system is water quality improvements that are intended to remove impurities from the water before it is discharged.

Mr. Voigt then arrived at the meeting.

Mr. Hammons reviewed the site plan showing the 1.5 parking spaces per unit and the fact that there is emergency vehicle access from Pheasant Run into the site. This emergency access area would not be paved with asphalt, but would be able to support the weight of emergency vehicles. Mr. Hammons said that he worked with the Department of Transportation to get the driveway design and location in an acceptable form for the DOT. He said that an important design criterion was to have an adequate sight line towards the ridge, or high point, to the west. They were able to achieve a sight line of 209 feet to the west. There is a sight line of 390 feet to the east. He said that they did not use a speed-analysis to determine the appropriate sight line; rather they used a measurement of where and how far a motorist could see in each direction. He said that removing a hump on the side, or shoulder, within the state's right of way would be necessary to establish, and thus improve, the sight line. He said the sight line was measured in the location of the proposed driveway, and measured 10 feet back from the traveled portion of the road, measured to the center of the east bound travel lane.

Mr. Hammons said that at present, less than 20% of the existing lot is covered by impervious surfaces. He said that the proposed development would result in 64.5% of the lot being covered with building, parking area, and other impervious surface. He added that the soils of the site are

very absorbent, and he used a very conservative estimate of 1 inch of absorption in 10 hours. He explained that the runoff at present is approximately 2 inches in a 2 hour rainstorm. Mr. Hammons said that the proposed infiltration system consists of a rain garden on the surface and approximately 3,200 square feet of infiltrators under the ground. By using this design, they are trying to encourage filtration of the water into the groundwater. He said that they will be using sand and grit separators to clean the water before it goes into the rain garden and infiltrator system. He noted that maintenance of the drainage system involves inspecting the system and removing debris on a periodic basis. Mr. Hammons said that the drain pipe from the parking area underneath the proposed building goes directly into the sanitary storm sewer system. He said that this is a standard design of a parking-type structure. He has not yet gone to the Darien Sewer Commission to obtain approval for the sanitary sewer connection. They will be using the existing lateral for the majority of the sanitary sewer. The will apply to the Sewer Commission for the necessary permits and they do not expect any problems with the connection.

In response to questions, Mr. Hammons said that his first involvement with the Connecticut Department of Transportation regarding this project occurred in April 2010. In March of 2010, a letter had already been obtained from the Department of Transportation and he said that he would be willing to provide a copy of that letter. He was involved in providing specific details regarding the driveway locations, profiles, and details. He said that the July 13 letter of approval from the DOT referrers to plans of the project. He said that he would provide a full set of the plans for the project and he believes that that would include six pages. The last date of the revision of those plans would be June 1, 2010. The Commission asked for a copy of all written communications that Mr. Hammons has had with DOT regarding this project, and Mr. Hammons said that he would submit such. Mrs. Stefanoni said that the profile pages were created for the Department of Transportation analysis. She said that there is a cover sheet, a site plan, a utility and grading page, and two profile pages. There is also a drainage plans and she believes the DOT approved sheet 2 of 5, that shows the location of the curb cut as noted in the June 1, 2010 revision. Mr. Spain asked if any of the sanitary sewer connection work had been approved by the state. Mr. Hammons said no. He asked if any of the storm sewer work had been approved by the State DOT and Mr. Hammons said yes. There was a question whether the sidewalk on the plan was approved by the Department of Transportation. Mrs. Stefanoni said that the detail had been included at the request of the DOT staff in case the town or the applicant wants the sidewalk installed, and then the specifications would already be on the plans. Mrs. Stefanoni said that no sidewalk is proposed at this time. Mr. Hutchison asked if an estimate had been made of the cost of making the necessary improvements. Mr. Hammons said that no estimate had been calculated as of this time. In response to questions, Mr. Hammons said that changing the grades and surface areas will generally increase the runoff, and that is why the storm drainage system are included in the site plans. They will need to be installed despite the cost. Mr. Hammons said that the number of parking spaces seems to be appropriate given the type of age-restricted use.

Mr. Hammons discussed the drainage report and noted that the watershed areas are broken down into catchments, some of which drain directly into this site and will go through the grit separator prior to being directed to the infiltration system. He said that the model 2000 or 4000 separators need to be inspected at least quarterly, to make sure that they remove 80% or more of the total suspended solids before the water is discharged to the rain garden. He noted that there is a bypass pipe within the design and it is at a slightly higher level so that the water will have someplace to go if there is a high surge of water. He said that the rain garden encompasses a range of around 2000

square feet of land and maintenance of the drainage system is very important, as it is for any drainage system. He said that the peak rate of outflow will be reduced by this design. He agreed that any development would have some effect on the increase in the total volume of water, but noted that the time that the water is released into the drainage system is very important. He said that he used conservative numbers in his calculations and engineering analysis.

David Spear, professional engineer, explained that he had submitted the traffic statement and he summarized that traffic statement. Chairman Conze noted that at the first public hearing, the Town's traffic consultant had described in detail the type of information needed for an appropriate traffic study. Mr. Spear said he was asked by his clients to do a traffic statement, which did not involve the time to perform new traffic counts. He explained that Tokeneke Road is State Route 136 and the site will be directly accessed from that State road. He continued that the road is 37 feet wide, and has two 14 foot wide lanes, plus wide shoulders. He said that in 2008, the Connecticut Department of Transportation performed counts on Tokeneke Road near the intersection of Five Mile River Road. At that location, there were 11,800 cars per day. The peak traffic in the morning was 1,038 vehicles per hour, and the peak traffic hour in the evening was 1,933 vehicles per hour. A new traffic signal has been installed at the intersection of Cliff Avenue. It is estimated that 435 cars will be moving into or out of Cliff Avenue during the peak hour of 5 pm to 6 pm. Mr. Spear said the accident data shows that in the vicinity, there were 5 rear-end accidents, two turning movement access, and one fixed vehicle accident. None of the traffic accidents appear to be related to the street design. He said that the traffic going into and out of the site will not cause any traffic delays or safety concerns. He said turning left into or out of the site will require some backup during peak hours. He said that the traffic light will cause sufficient gaps in the traffic. The side street traffic (to and from Cliff Avenue) is intermittent, so the signal rests on a green flow of traffic along Tokeneke Road. He said that breaks in the traffic flow will allow cars to move into and out of the site without too much delay. He said that it would be similar to residents driving into or out of the existing Pheasant Run. He said that there is an informal bypass that allows west bound traffic on Tokeneke Road to flow straight, even when someone is waiting to turn left into the site. He said that the 47 on-site parking spaces result in 1.57 parking spaces per unit, and he anticipates that this will be adequate for the proposed use. He said that the proposed driveway is far enough from the signal to get the proper turning radius.

Mr. Conze said that the plans were dated May of 2010, and he asked why only a traffic statement was provided, instead of a full traffic study. Mrs. Stefanoni responded that the proposed development is located on the State road, and it is the Connecticut Department of Transportation's decision whether the driveway curb cut would be acceptable or not. She said she submitted plans to, and received approval from, the State because they seemed satisfied that traffic and safety aspects have been adequately accommodated. She said that it is not fair to say that they, the applicants, don't care about traffic and pedestrian safety. She said that the Connecticut Department of Transportation deals with issues of safety and the applicant has satisfied the State's standards to install the driveway. Mr. Voigt asked if under Connecticut General Statute Section 14-298, Mrs. Stefanoni was claiming that the State has exclusive jurisdiction of the proposed use and driveway. Mrs. Stefanoni replied that she went to the Connecticut Department of Transportation because they have the ultimate final approval over the driveway details. Mr. Spain said that if local permits are not obtained due to the expected traffic to be generated, then the State approval would not override the Town decision. Mrs. Stefanoni said that it is up to the Commission to decide what they will do with the application. She said that she has already obtained approval for the driveway from the

Connecticut Department of Transportation and then provided additional information to the Planning and Zoning Commission when requested. Mr. Spain said that the Planning and Zoning Commission asked for a full traffic report, as required by the regulations, to address the traffic and safety issues. He said that the Commission received less information than was requested, and appears to be needed. Mrs. Stefanoni said that the State has generated traffic data and counts because this is a State road and the proposed 30 dwelling units are not considered a major traffic generator. Mr. Spear said that the safety issues are discussed in the traffic statement, the same as they would be in a traffic study. He said that accident history and sight lines will be the same because this is a small senior housing development that is a low traffic generator. He said that his opinion is that a traffic statement is sufficient and that a traffic study is not needed. He said that the critical traffic time is during the peak pm hour.

Mr. Voigt asked if a traffic count had been done in the morning on a rainy day, when many children are being driven to the nearby elementary school. He also noted that a speed study was not available from the Connecticut Department of Transportation. The speed study would determine the actual travel rate of the vehicle passing the area rather than the posted speed limit. Mr. Spear said that the senior housing project is designed so that it must access via Tokeneke Road and if the Planning and Zoning Commission rejects the driveway on Tokeneke Road, then it would effectively be a taking of the property. He said he is not an attorney. He did say that the existing driveway to the property is via Pheasant Run. Mr. Spain said that the existing use can easily be continued, so there is no taking.

Mr. Hutchison said although seniors may not drive as many miles as younger drivers, the rate of accidents for seniors is higher per mile driven. Mr. Spear said that he felt that the application materials do contain enough information, and that the traffic signal at the nearby intersection is a two edge sword. He said that the limited sight line in the westerly direction is due to the elevation of the road coming down the hill. Mr. Spain said that if there is a green light, a driver headed eastbound on Tokeneke Road will expect to go through the traffic light, but may not be able to see a car coming out of the new driveway until it is too late. He said that much of the safety access is based on the speed that the vehicle is actually traveling, but no speed data has been presented or analyzed. Mr. Spear said that such safety concerns would have been a part of the standard analysis conducted by the Connecticut Department of Transportation before issuing a permit. He explained that this is an arterial roadway with a reasonable volume of traffic. He mentioned that the traffic count provided by the Connecticut Department of Transportation is a cumulative number based on traffic in both directions. He said that he had received the September 29, 2010 letter from Mike Galante, during the time that he was putting together the traffic statement. He said that he addressed the pertinent issues, but the purpose of the traffic statement was not to respond to Mr. Galante's letter. In response to questions, he said that he did not make a chart or flow diagram of the turning movements of vehicles. He noted that traffic proceeding westbound on Route 136, could pass by a car that is waiting to turn left into the site. He said that the most difficult maneuver is turning left from the site and then heading westbound on Route 136. He said that the typical driver would need a 6 or 7 second gap in order to safely make that maneuver. He said that a cautious senior citizen might wait for an 8 or 9 second gap to find a safe enough time to turn left from the site. Mr. Spear said that his projection of traffic volumes generated from this proposed site was based on looking at three other age-restricted complexes that have 1,500 square foot units. There is a 32 unit complex in Bloomfield, a 65 unit complex in Glastonbury, and a 100 unit complex in another location. He said the he has dealt with the Connecticut Department of Transportation for 20 years and agreed that the

staffing level has gone down somewhat over those years. Mrs. Cameron mentioned that from her recent experience, the attention paid to small applications has decreased considerably at State agencies, such as with the DEP. She said that this is a dangerous area with respect to traffic and needs more investigation to properly address the safety issues. Mr. Spear replied that the State still does its due diligence and had reviewed an application internally in order to approve the permit application. He was not sure, but he said that he would inquire if the application for the new curb cut was reviewed by various divisions within the Connecticut Department of Transportation.

In response to questions, Mr. Spear said that less field work was necessary for a traffic statement. He said that a full traffic study would cost approximately twice as much as the traffic statement. In response to another question, he said that he was asked by his clients to do a less expensive traffic statement, rather than a full traffic study. He said that the number of cars per household will influence the number of trips per day. The natural correlation is the more cars per household, the more traffic there will be. He said that there is not such a clear correlation with respect to the size of the units for senior housing.

Mr. Spain asked the project architect if he had reviewed the Fire Marshal's memo of October 4th regarding the preference for greater distance for access around the building on the east and south sides. Mr. Stein replied that he had reviewed the Fire Marshal's memo and responded, but did not make and changes with respect to the building design or location. He said that he believes that it is safe and that the Fire Marshal should not have any problem accessing it. As far as questions, he said that the building could be moved two feet farther from the property line. Mr. Stein said that the proposed parking spaces under the building would be accessed via a driveway on the north side of the structure. He said that this parking would be essentially underground, with a doorway to prohibit general access. He said that approximately 90% of the basement level is parking and approximately 10% would be the access stairs and mechanical equipment. He said that on the west side of the building, facing Pheasant Run, there is a high roof compared to the height of the windows. He said that only when viewed from the south and east sides of the property does the building appear to have a third floor. He said that each unit would have propane heating, served from a common fuel tank. Individual controls from within each unit would allow for proper regulation of the heat.

Mr. Stein said that the goal of the design was to have 30 units and that providing 1.5 parking spaces per unit was a factor. He said that construction costs were not a priority or driving force in the design. In response to questions he said that it is possible to create 4 or 5 additional parking spaces on the site. In response to other questions he said that he could reduce the size of the units to 1 bedroom and that might reduce the number of needed parking spaces, but that would be up to the traffic consultant to determine.

Christopher Stefanoni said that he had his architect design the project so that the units would be bigger and better than those within the Garden Homes project at 397 Boston Post Road. He said that 1.5 parking spaces per unit should be enough onsite parking. He said that affordable housing should be spread around the town and that this is one project that is within the Tokeneke School district, whereas his other proposed projects are in other school districts. He said that many seniors want to live in this type of unit.

At about 10:50 p.m., Joseph Canas, professional engineer from Tighe and Bond Engineering, reviewed his October 13, 2010 letter with 25 comments. Most importantly, he noted that more

information is needed and several corrections are needed. He said that just prior to the meeting he received a response from the applicant's engineer, Mr. Hammons. Mr. Canas said that in accordance with Section 883 of the Zoning Regulations covering stormwater management, it is necessary to compare the proposed development to an empty site, rather than taking into account the existing impervious surfaces on the site. Another item that he is concerned about include the fuel source for the generator. He noted that the applicants propose to install catch basins within the underground parking area. It is a standard Department of Environmental Protection (DEP) requirement to connect the drains from such areas into a sanitary sewer due to the higher concentration of oils, salts, and other chemicals. Mr. Hutchison noted that the Planning and Zoning Commission can waive certain aspects of Section 880 regarding storm drainage, but they need facts and data to back up a request for such a waiver.

It was noted that, due to the late hour, it would be necessary to continue the public hearing at a later date. Mr. Ginsberg said that the hearing had been opened on November 9, and by Statute it must be closed within 35 days (on or before December 14, 2010). With the applicants' consent, an extension of that 35 day time period could allow the continuation of the hearing until January 4 or January 11. Mrs. Stefanoni said that she would grant an extension to allow the public hearing to be continued on January 4, 2011.

The following motion was made: That the public hearing regarding this matter be continued in the Town Hall Auditorium at 8:00 pm on January 4, 2011. The motion was made by Mr. Spain, seconded by Mrs. Riccardo, and unanimously approved.

Being a special meeting, no other business could be conducted. The meeting was adjourned at 11:00 P.M.

Respectfully submitted,

David J. Keating
Assistant Planning & Zoning Director

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