PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING
MARCH 1, 2016

Place: Auditorium TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, DiDonna, Olvany, Sini, Jr.

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Proposed Amendment to the Darien Zoning Map (COZM #2-2016), Proposed Amendments to the Darien Zoning Regulations (COZR #3-2016), put forth by the Darien Housing Authority, 719 Boston Post Road. Proposal to: 1) modify the Darien Zoning Map by applying the Municipal Use Zone to the subject property as an overlay zone; and 2) modify section 420 *et. seq.* of the Darien Zoning Regulations to modify the MU Zone to allow a maximum building coverage of 25 percent, and to permit more than one principal use on a parcel. The subject property is located on the north side of Boston Post Road at the northeast corner formed by its intersection with Academy Street, and is shown on Assessor's Map #16 as Lot #59, now in the DB-1/DBR Zone. *PUBLIC HEARING ORIGINALLY OPENED ON 2/23/2016.*
AND
Continuation of Public Hearing regarding Site Plan Application #291/Special Permit, Land Filling & Regrading Application #378, Darien Housing Authority, 719 Boston Post Road. Proposal to raze the residential structures on the property and construct 55 units of multi-family housing with associated parking and stormwater management and 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 Academy Street, and is shown on Assessor's Map #16 as Lot #59, now in the DB-1/DB-R Zone. *PUBLIC HEARING ORIGINALLY OPENED ON 2/23/2016.*

Jan Raymond, Chair of the Darien Housing Authority (DHA), introduced Attorney Bruce Hill who represented the Housing Authority. Attorney Hill said that he just received the letter that had been signed by a number of the neighbors and had been submitted to the Planning & Zoning Office earlier in the day. He introduced Emily Jones, Professional Engineer from Civil 1.

Ms. Jones explained that the stormwater management plan has been revised in accordance with the comments and concerns expressed by Joe Canas, who had been hired by the Town to conduct a peer review of the application materials. A small stormwater detention system will be located to the west of the proposed building and a larger stormwater detention system will be located to the right of the proposed building. It will be under the parking area and access driveway. Ms. Jones explained that the connection of existing stormwater pipe on the north side of the site has been reconfigured and that connection will carry the off-site water directly through the site and into the storm drainage system in the Boston Post Road. The drainage calculations have been revised to treat the existing property as if

it were undeveloped. This has resulted in an increase in the amount of stormwater detention on-site to achieve a "no increase" in the peak flow of discharge. The revised design incorporates larger stormwater detention units and a greater number of those units. She said that the soil testing on the site had marginal results and therefore, they have taken no credit for exfiltration of stormwater in their calculations. The stormwater that flows from Academy Street at the north side of the site is in a 12" diameter pipe and a drainage maintenance easement 20 feet wide will be created around this pipe. The system also will have a high level overflow capacity to accommodate storms that are larger or more intense than standard rain storms. Ms. Jones said that she sent the revised information to Mr. Canas earlier in the day and will continue to work with him to resolve any remaining questions. She said that the inlet and pipe system is designed for 25 year storm, but stormwater detention on the site is designed with an outlet sized for a 50 year storm.

Joe Canas, Professional Engineer from Tighe & Bond, explained that he had been retained by the Town and has submitted his comments in a letter. He did receive the revised plans and calculations earlier in the day and has not had a chance to fully review those revisions. He did say that a 25 year design storm inlet pipe seems to be appropriate and acceptable.

Mark Fisher reviewed the Site Plan for the property. He said that there would be 60 on-site parking spaces plus some available parking spaces along Boston Post Road and Academy Street. Twenty-six new ornamental trees and large shade trees will be added to the site to make up for some of trees that will need to be removed. He said evergreen trees will include Austrian Pine and Colorado Spruce rather than White Pine trees that lose the lower branches as they get older. In response to questions, he said that no irrigation system is planned for the landscaping at this time. Attorney Hill said that an irrigation system could be added for the shrub beds near the buildings.

Bill Crosskey, Project Architect, reviewed the renderings and said that the structure will have 3 stories when viewed from the Boston Post Road and 2 – 2 ½ stories when viewed from the northerly portion of Academy Street adjacent to the site. The drawings also include a comparison of the existing buildings to the proposed new building. He explained that the new building will have three stories of living space and a pitched roof above. Ms. Cameron noted that the Architectural Review Board (ARB) report notes the inclusion of bay windows and balconies to break up the façade. Mr. Crosskey said that those designs are already incorporated into the plans. He will return to the ARB with details about the proposed cupola and its size in relation to the chimneys.

Ms. Cameron reviewed the August 2015 email/letter from Olive Hauser regarding interior details that should be incorporated. Attorney Hill said that they are aware of that correspondence and have already incorporated many of those details. He received another copy of the information.

Alan Delaney explained that he was a member of the Darien Housing Authority and is now a resident in the existing Old Town Hall Homes facility. He said that his lease allows him to live on the site in perpetuity. He said that he and the other residents do not know where they will live if the project is approved and they would need to move out of their building in order to make way for the new building. If the new building is constructed they would then have to move a second time back into the new building. Mr. DiDonna asked about the fact that there are no elevators in the existing building and the buildings are occupied by elderly persons. Mr. Delaney said that this is really not an issue that would justify demolishing the existing buildings and constructing a replacement.

Arlene Broecking said that the human factor needs to be considered. She said that moving from one residence to another is the number two most stressful event that can take place in someone's life. The most stressful event would be the death of a family member. She said that making the current residents move once or twice is not appropriate.

Ann Boyle said that the existing garden apartment style units have two entrances and exits and a lovely courtyard. There is plenty of on-site parking at this time to accommodate all of the residents and their guests. She said that having the second means of egress for emergency purposes is a very important thing for the residents. She said the new building would not have these same features and would be dependent on elevator access and egress, even in an emergency.

David York of 40 Fairview Avenue noted that a letter had been sent to the Commission earlier in the day. The Commission members had received a copy of the letter and a copy had been sent to Attorney Hill. He said one of the important aspects of the project is that it will be three full stories of living space, which is no longer allowed by the Regulations and would not be approved by the Commission under today's Regulations. The existing two-story buildings are in keeping and in harmony with the neighborhood. He said that the Commission needs to have completely accurate comparisons of the scale of the existing and proposed buildings. He said that some of the adjoining house lots to the east are below the ground level of the proposed three story building. This means that the neighbors to the east will be looking up approximately eight feet to the ground floor level and then looking at the three full stories above that. He said that the architect's submission of the Boston Post Road front elevation does not reflect that some of the single family neighborhood is lower than the existing grade at the rear of the site. He said that another concern of the neighbors is the stormwater runoff. He said that if there is a problem, there is always a question of who will remedy the problem. He said that on-site parking remains a concern to the neighbors. He said that if there is not sufficient on-site parking, then people will be parking on the street. Mr. Sini said that the Commission is still waiting for the parking study regarding the proposed use.

At 9 P.M., Chairman Cameron noted that the Commission has a full agenda and will now move on to the next agenda item. She said that this application will be continued on March 22, 2016 at 8 P.M. in the Town Hall.

After a brief recess, at 9:05 P.M., Chairman Cameron then read the following agenda item:

Continuation of Public Hearing regarding Special Permit Application #35-C/Site Plan, Coastal Site Plan Review #79-B, Flood Damage Prevention Application #68-B, Noroton Yacht Club, 23 Baywater Drive. Proposal to construct a launch shed, improve the existing docks, and construct a replacement clubhouse, and to perform related site development activities within regulated areas. The property is situated on the south/southeast side of Baywater Drive approximately 100 feet east of the intersection with Plymouth Road and is shown on Assessor's Map #55 as Lots #80, #81, #82, #84, #91, #92-95, and #96, located in the Noroton Bay District (R-NBD) Zone. *PUBLIC HEARING ORIGINALLY OPENED ON 2/2/2016. DEADLINE TO CLOSE HEARING IS MARCH 7 UNLESS EXTENSION OF TIME IS GRANTED BY APPLICANT.*

It was noted that the public hearing had started on February 2, 2016 and had been continued. Attorney Jackie Kaufman represented the applicant and said that the entire proposed structure would be outside of the wave velocity or V Flood Hazard Area. The replacement building is designed to comply with

the Flood Damage Prevention Regulations and variances have been obtained from the Zoning Board of Appeals. The existing two floors of habitable space will be located above the expected floor level. The ground level of the building will have little or no habitable space. Attorney Kaufman said that they have provided to the Commission a size comparison of the existing and proposed building. They have also acknowledged the membership limitations for the previous approval granted by the Commission. She said that liquor service from the proposed bar will be for the members and will be on the outside patio on the upper level and within the building. They have also provided a list of activities at the Club. This list includes routine activities, special events, and circumstances when there are large groups of people, such as regattas. She said that the Club operates from 8:00 A.M. until 10:30 P.M. seven days a week, year round. The existing facilities do provide breakfast, lunch and dinner. She noted that on the list of activities there are three to five weddings at the site each year.

Attorney Kaufman referred to the four page draft of a Parking Management Plan. She noted that the Club is also seeking a liquor license, but is not changing the characteristic of the Club. She said the Club primarily functions as a family oriented, sailing club. At present, they obtain a series of daily liquor licenses for special events and activities. They are seeking a single liquor license for the facility that will make it safer for the members and the neighbors. According to the 1991 approval, there is a maximum of 271 members of the Club. Attorney Kaufman said that there are always adequate parking spaces for the activities. The parking occurs on the Club property for all activities except some large group gatherings.

Randy Tankoos of 119 West Avenue said that he has been a member of the Club since 1988. He said that he understands that the issues for the neighbors include the adequacy of the parking and the liquor license. He said that the Club has and will continue to work with the neighbors to address these concerns. He said that having a liquor license will allow the Club to exercise control and authority over when liquor is available. This will allow compliance with safety requirements and state laws.

Richard Hokin of 25 Shipway Road showed an old photograph of the Noroton Yacht Club. He said that this photo shows that the Club predates most of the neighboring houses. He said that he has lived in the area since 1973 and has been a member of the Noroton Yacht Club for more than 40 years. He fully supports the liquor license application so that the Club can have control and will comply with all requirements.

Attorney Bruce Hill represented the Noroton Bay Homeowners' Association. He said that the Association is in support of the replacement structure, but 52 of the 83 member property owners have signed a petition in opposition to the liquor license. This is due to traffic and parking and safety concerns. Attorney Hill said that he attended a meeting in June of 2015 at which the Club said it was still trying to define what a "member" was and that they did not know how many members they had. He said there needs to be a clarification regarding active members, non-active members and any other classifications that the Club may designate. He said that he understands that the cap imposed by the Planning & Zoning Commission in 1991 was 278 members. Attorney Hill said that he is still seeking information and clarity from the Club to address the concerns of the neighbors. He said that many of the neighbors have been told that one of the Club's intents is to intensify the use of the Club by its members. Apparently their goal is to double the number of visits to the Club by each member. He said that such an increase in the intensity of use was a big concern of the neighbors due to traffic in the residential neighborhood getting to and from the Club and then the need for on-site parking by the Club members.

Attorney Hill said that the liquor license is another concern for the neighbors. He said that the Club still has not nailed down what they wish to use the liquor license for. Will they have stools at a bar? Will they only have waiter/waitress service from the bar; will they have a full-time bartender? He said that his clients keep hearing that the liquor license will allow the Club to control liquor on the site, but it has never been clarified whether the liquor license would be instead of the BYOB policy or in addition to the BYOB policy. He said that the liquor license aspect does have implications with respect to public health, safety and welfare which are all considerations that the Planning & Zoning Commission must weigh when deciding whether to amend the Special Permit. He said one of the concerns is whether the bar will be seasonal or will be year round. Attorney Hill said that the Noroton Yacht Club is very different from other Darien social clubs due to its history and the fact that it is located in a very different type of neighborhood. He said the Noroton Bay neighborhood streets are very narrow and there are many children who live on and walk in and sometimes play in the streets. He said that the Club indicates that they will have the same use, but the neighborhood sees that the intensity of that use will substantially change if the Club has the members utilize the Club twice as often.

Mr. Sini asked if there had been any testimony presented to the Commission about an increased intensity or greater intensity of use. Mr. Hill said that no such testimony has been offered. Attorney Hill said that the list of activities submitted to the Commission should be part of the record and that the Club should be required to submit an annual list of special events and activities, just as other clubs in residential neighborhoods need to do in Darien.

Yael VanHulst of 2 Baywater Drive spoke as Vice President of The Noroton Bay Homeowners' Association. She said that in this tight neighborhood, there were over 115 children under the age of 18. She said that it is a very close neighborhood with small yards. She said that the Association is not against the replacement of the Yacht Club building, but they are very concerned about the intensity of use, the movement of traffic through the streets, the liquor license request, and the adequacy of parking for club members and their guests. She read a letter from David Genovese of 16 Baywater Drive who could not be present at the meeting. Mr. Genovese expressed concern about the liquor bar and the increase in use that it would cause. He said that there are children that walk or bike in the streets and sometimes play or chase balls in the street. He said that doubling the traffic through the residential neighborhood to get to and from the Club would increase the risks to all of the residents. He said that comparing the Noroton Yacht Club to other clubs in Town or to the Belle Haven Club in Greenwich is not an appropriate comparison. He said that the Noroton Bay neighborhood is very different from the location for other clubs. He criticized the Traffic Study that was performed in August because many people in the area are away on vacation in August.

Photographs of children in the neighborhood were submitted. Sheree Frank said that some of the children in the pictures are members of the Club and the pictures illustrate that the neighborhood is full of young people. There was a recent regatta at the Noroton Yacht Club and it resulted in parking of vehicles on the streets and on other peoples' lawns. She said that many people going to and from the Club drive too fast through the residential neighborhood. It was noted that 52 homeowners in the Association signed the petition against having the liquor license in the neighborhood oriented Yacht Club. Parking is a problem, particularly in winter time when embankments of snow along the sides of the street limit access and on-street parking.

Mr. Olvany said that according to the materials submitted, there should have been 94 parking spaces available on or adjacent to the Noroton Yacht Club site for the Super Bowl party held in February. A woman disagreed that that many parking spaces would be available due to the on-site storage of boats. She said that the Club should have a plan to have members stationed at various street intersections to slow down their visitors when special events are held. She said that in her six years of living in the area, she has noticed that the level of activity at the Club has increased.

John Ferguson said that it is a neighborhood oriented yacht club, and that many of the people in the Noroton Bay community are members of the Club and this allows them to walk to the Club and walk home after events. He said that he does not want a liquor license at an establishment in the residential neighborhood because this could allow or encourage people to drive through their neighborhood after imbibing. He asked if the Club could represent to the Commission that having on-site liquor service will not increase the activities on the site and/or will not increase the traffic of people going to and from the site.

Mr. Olvany said that the Club needs to clarify whether they would still have the BYOB policy if they have a liquor license or if having the license would exclude the BYOB policy. He also noted that the documents submitted call for 94 on-site parking spaces during the winter time. He asked that the Club define what they meant by "shoulder season" and if it is really a 12 month operational club at this point. Mr. Sini asked the Club to address the concern about doubling of activities and doubling of participation by its members and how that might impact traffic through the residential neighborhood. Ms. Cameron asked that the Club provide information regarding the validity of the traffic study conducted in August 2015. Attorney Kaufman said that she would follow up with all of those questions and issues at the continuation.

Ms. VanHulst from 2 Baywater Drive referred to the January 16, 2016 letter from the Noroton Yacht Club to its members in which the Club indicates that they plan to obtain a liquor license and would still have limited BYOB policy.

There was a request to continue the public hearing on March 29, 2016; Attorney Kaufman granted the necessary extension on behalf of the applicant. The Commission will continue the public hearing at 8 PM on March 29, 2016 in the Darien Town Hall.

At about 10:25 PM, Chairman Cameron then read the following agenda item:

Land Filling & Regrading Application #376, Odd Group, LLC, 11 Sunswyck Road. Proposal to fill and regrade in conjunction with the construction of a replacement residence and pool, with associated stormwater management and septic system, and to perform related site development activities. The subject property is located on the south side of Sunswyck Road, approximately 500 feet east of its intersection with Goodwives River Road, and is shown on Assessor's Map #62 as Lot #34 in the R-1 Zone.

Doug DiVesta, Professional Engineer, represented the applicant. Ms. Cameron said that a question had been raised about whether she would participate in this matter. She felt that she does not have a conflict of interest and said that she would act on this matter in a fair and impartial manner. Mr. DiVesta indicated that he had no concerns or problems with Ms. Cameron participating.

Mr. DiVesta submitted revised plans that he said reflects the comments of the Environmental Protection Commission (EPC) approval and the comments of the Planning & Zoning Commission staff. He explained that the property is located on the south side of Sunswyck Road and is a large interior lot. The property contains approximately 2.07 acres. The plan is to demolish the existing house and replace it with a new house and new septic system. The EPC approval has been obtained and Health Department has been obtained. In order to implement the plan, they will need to secure approval from the Planning & Zoning Commission for the regrading of portions of the property.

Mr. DiVesta said that one of the concerns expressed by a neighbor to the north is that regrading and raising the driveway would redirect waters and cause flooding on the neighbor. He said that this would not occur. The raising of the driveway will intercept the water that flows toward the neighbor. He said that stormwater quality measures will be implemented but stormwater detention has not been required and will not be implemented because the site is so low in the watershed area. He said that the driveway grading has been revised per the EPC's decision and the pool has been relocated per the EPC decision. He said that the house has already been removed and that the replacement house will require very minimal amount of blasting and/or hammering of the existing rock. Ms. Cameron expressed her concern about the use of hoe ramming or hammering in the neighborhood. Mr. DiVesta said that if rock cannot be pulled away by machine, it will be blasted rather than using a hoe ram. In response to a question, Mr. DiVesta said the house will contain approximately 6,800 square feet of living space on the first and second floors. Ken DeLeo of ODD Group LLC said that the future owner of the house may want to finish part of the attic, but it is not part of their original construction design.

Wendy Hopper said that her property is located behind the proposed house and she is concerned about runoff and blasting. Mr. Ginsberg said that blasting would need a permit from the Fire Marshal. Mr. DiVesta said that runoff will not be directed toward Ms. Hopper's property. Mr. DeLeo said that the ledge rock in the area seems to be relatively soft and if blasting is a concern and if the rock cannot be ripped away by a machine, then it would take less than a week of hoe ramming to remove the rock for the proposed house.

There being no further questions or discussion, the following motion was made: That the Planning & Zoning Commission close the public hearing regrading this matter and will render a decision at a future meeting. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

At about 10:40 PM, Chairman Cameron then read the following agenda item:

Flood Damage Prevention Application #126-A, Land Filling & Regrading Application #379, Courtney Platt, 43 Contentment Island Road. Proposal to: create entry court/parking area in front of house; remove pool, retaining wall and terrace in back yard; add fill and lawn where pool was; and perform related site development activities within a regulated area. The subject property is located on the east side of Contentment Island Road, approximately 500 feet south of its intersection with Shennamere Road, and is shown on Assessor's Map #68 as Lot #16 in the R-1 Zone.

Mr. Sini said that to avoid any perception of a conflict of interest, he would not participate in this matter but would stay in the room in order for the Commission to maintain a quorum.

Courtney Platt explained that she proposes to remove a stone stairway at the front of the house and replace it with wooden stairs and create a new courtyard area. In the back of the house, they will remove stairs and a swimming pool and regrade that area to make a terrace/patio in the same area. She said that the pool does not meet current safety code standards and so they have decided to remove the pool. She said that there is a shared driveway with the neighbor and the plans that she is seeking approval for now has been designed to allow her to construct a detached garage in the future. Since the garage location would be in the Flood Zone, she would need to come back to the Planning & Zoning Commission if she wishes to do the garage in the future.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regrading this matter and will render a decision at a future meeting. The motion was made by Mr. Olvany, seconded by Mr. DiDonna and unanimously approved.

There being no further business, the following motion was made: That the Commission adjourn the meeting. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved. The meeting was adjourned at 10:47 P.M.

Respectfully submitted,

David J. Keating
Assistant Planning & Zoning Director

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