

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
SEPTEMBER 10, 2013**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Spain, Cameron, Cunningham, Voigt, Olvany (arrived at 9:55 P.M.)

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

Chairman Spain read the following agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding:

By Order dated December 19, 2012 in the matter of Christopher & Margaret Stefanoni v. The Darien Planning and Zoning Commission – Docket No.: HHB-CV-11-5015368S (the “Appeal”), Judge Henry Cohn remanded the matter back to the Darien Planning & Zoning Commission for limited reconsideration. The legal notice for the original application read as follows:

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.

Margaret Stefanoni said that the neighboring property owner to the north had a concern about the location of the stone wall with respect to the common boundary line. She had her surveyor, Mr. Hammons, re-survey the property and he submitted a memorandum dated September 4, 2013, explaining that the wall was located on the property line. Stakes were placed on the property. Mrs. Stefanoni submitted two photographs taken of the stakes in relation to the stone wall. The photographs were taken with her back to Hoyt Street.

Mrs. Stefanoni said that her surveyor, Mr. Hammons, has re-measured the sight line looking to the north. She said that based on his measurements, starting at a point in the proposed driveway 15 feet back from the curb line, the sight line is 550 feet long. She also had a report that verified that the weight of the fire trucks can be carried by the drainage system as designed. Modified plans also show that a fire hydrant will be added to the south of the driveway per the request of the Fire Marshal. In response to another concern about fire access to the east side of the building through the open space, the architect has added an additional window on the south side of the building so that the room in the southeast corner of the building will have a fire rescue window facing south in addition to the window facing east (towards the open space). Mrs. Stefanoni said that she feels the emergency access to the building will be sufficient even though it will not be the 15 feet clearance preferred by the Fire Marshal. She said that if desired, the Stefanonis will install a fence along the

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southerly property line so that firefighters in that area will not accidentally fall down the wall in that area.

She then said that the projects at 745 and 599 Boston Post Road have less distance than the 15 feet recommended by the Fire Marshal in this particular case. Information about those buildings was submitted to the Commission. She referred to an Exhibit, which shows the Site Plan for 745 Boston Post Road with an adjacent driveway that is not in the same ownership, which could be eliminated by that different property owner, providing access to one wall of the building at 745 Boston Post Road. With respect to Maplewood at 599 Boston Post Road, the existing building which was substantially renovated to be converted from a nursing home to an assisted living facility is closer to the side property line than 15 feet though it too has the next door parking lot right there where a ladder truck has access. These two buildings were recently approved with less on parcel perimeter distance than the Fire Marshal's preferred standard. She realizes that residence at 599 Boston Post Road will be a different type of resident than her project and they will have 24 hour staff, however, the building is close to the property line. Both Post Road buildings are also very close to the Darien Fire Station.

Mrs. Stefanoni said that the approved driveway at 745 Boston Post Road is 20 feet wide out to a side street, not the 24 foot wide driveway width proposed at Hoyt Street, and the Department of Transportation (DOT) had approved the turning radiuses at Hoyt Street. She said that the exact location of the mailboxes will be left up to decisions of the condominium association and post office but the mailboxes will most likely be located in the lobby of the building. Mrs. Stefanoni referred to the October 18, 2011 minutes submitted as part of her packet regarding a neighbor's concern regarding 745 Boston Post Road. She also indicated that the sight line for the driveway at 599 Boston Post Road is not shown in its entirety on the plan. She said that a copy of that plan is Exhibit H in her packet. She said at the Hoyt Street project, the Town's consultants have indicated that the entire sight line should be illustrated on the map. She said that they will do that if it is a requirement of the State Department of Transportation at the time they apply for their actual DOT permit.

Mrs. Stefanoni said that the Fire Marshal Robert Buch had requested the depiction of a fire truck turn around on the site. She referred to the drawing of the 745 Boston Post Road property indicating that the fire truck would not be able to turn on that particular site but would have to back out into Academy Street, a side street, to depart the property. She said that on her Hoyt Street project, the fire truck could enter the site and then back up into a lane within the parking area in order to turn around on the site. She referred to a large color map which shows the turning movements of the fire truck going into Hoyt Street then backing around into the parking area then turning around so that it could exit the site while driving forward into Hoyt Street rather than backing up into Hoyt Street. She said that the backup movements would not affect or go through any of the parking spaces. Mr. Spain said that the fire truck will need access to both the north and west sides of the proposed building on Hoyt Street. Mrs. Stefanoni said that, based on Mr. Hammons diagram, the truck could access both sides of the building and then turn around on the site before leaving to drive onto Hoyt Street.

Mr. Cunningham had numerous questions regarding the illustration showing the fire truck turning around area. The copies given to the Commission members were reduced copies and do not include the color drawings on the easel. Mrs. Stefanoni said that her engineering consultant Mr. Hammons

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said that the turning radiuses do work. Mr. Spain said that it is not clear from the map whether it would work because the lines are not labeled and there is no sequencing or numbering of the turning movements. He said that his narrative describing the turning movements would help make it clear. Mrs. Stefanoni said that the point is that the 24 foot wide driveway and the layout of the parking spaces will allow sufficient turning area on the site for a fire truck to turn around on the property. She said the illustration includes a 52 foot long truck, which is longer than any fire truck in service in Darien at this time. She said that the dark lines represent the wheels and the faint lines represent the overhangs of the front and rear portions of the vehicle. She said that the colored version that she was referring to is more clear than the black and white copies given to the Commission. Mrs. Stefanoni said that the Gallivant senior transport van is much smaller than a fire truck and could easily do a similar back and turning movement in order to be facing Hoyt Street as it departs from the site. Mrs. Cameron asked where people could stand and wait for the Gallivant van. Mrs. Stefanoni said that they could stand on the side walk or wait in the lobby.

Ms. Cameron said that she tried to cross Hoyt Street in traffic on numerous occasions and there seems to be insufficient sight lines for pedestrians waiting to cross from the west side of Hoyt Street to the east side of Hoyt Street. At some times, she had to wait up to three minutes in order to safely cross Hoyt Street in this general area. She asked where people could stand on the site and safely wait to cross the street. Mrs. Stefanoni said that people on her site could stand and wait where a sidewalk would normally be installed along the street. She said that they are willing to install a sidewalk but warned that it would start at the south end of the property and end at the north end of the property and would not connect to anything. She said that she cannot control the location, whether there is a crosswalk or where it would be located. Any decisions with respect to a crosswalk would be up to the Town and State DOT. She said that residents of the property might or might not use public transportation and that there are numerous traffic calming measures that could be incorporated by the Town and DOT to slow down traffic and make things more safe for any pedestrians in the area. She said that in her view, there is sufficient onsite parking proposed on the property to accommodate all of the residents and visitors. There will only be one dedicated parking space per unit plus some extra parking spaces. This exceeds the requirements in the Darien Zoning Regulations for senior citizen affordable housing. Ms. Cameron said that in this particular location, there is nowhere else for any residents or visitors to park, if all of the onsite parking spaces are full. At other locations closer to the downtown area, there is on-street parking or municipal parking available. But it is all “no parking” on Hoyt Street.

Ms. Cameron said that she looked at the open space to the rear of the site and it seemed to be very wet; she questioned if there are any wetlands on the property. She felt that drainage from the neighboring properties above seems to drain down into this low, wet area. Mrs. Stefanoni said that they have verified that there are no inland wetlands on the property and did confirm that the storms have damaged some of the vegetation and that the area needs to be cleaned up.

Mr. Ginsberg said that on Friday, the Planning & Zoning Commission had received their packets that included the September 4, 2013 memorandum from Mr. Hammons regarding the stone wall; the architectural floor plan and architectural elevation drawings showing the added window on the south side of the building. Mrs. Stefanoni said that the modification of the dormer has been extended to incorporate the window and this slightly increases the amount of floor area in the building.

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Mr. Spain said that there are three large site plans that were received. They concern: Storm Drainage, Sight Line Distances, and Sediment and Erosion Controls. Also received was a two-page memorandum from the applicants regarding the stipulations and conditions of the original Commission approval and whether they were disputed or agreed upon or implemented. There was also the September 5, 2013 memorandum written by the applicants that consists of 3 pages of text plus Exhibits A through O.

Mr. Spain said that a 599 Boston Post Road map has been received. Mrs. Stefanoni indicates that fire truck access to the existing building would be from an adjacent parking lot on a separate piece of property. That property is in a commercial zone and site plan approval from the Planning & Zoning Commission would be needed in order to change that parking lot. This is different from the residential zone in which the proposed application is located where a fence could go up on a property line without a permit being needed; and other site work could occur on a residential property without needing Planning & Zoning Commission review or action. Mrs. Stefanoni said that in the Hoyt Street situation, residential buildings only need to be 10 feet from a side property line. Mr. Spain agreed and noted that the neighbor's development would only need to be 10 feet from the property line of a single-family home, but that is not what is currently proposed in the application. What is here proposed is a multi-family dwelling, and the Fire Marshal is dealing with it as such.

Mrs. Stefanoni said that the proposed multi-family building would be sprinklered and they will install a stand pipe. She said that the Leroy-West project has a 10 foot setback and the Fire Marshal okayed that design and the court approved that design. She disagrees with the Fire Marshal opinion that requires greater fire access to the proposed building on Hoyt Street compared to other projects. Mrs. Stefanoni said that restrictions such as no smoking being permitted can be enforced by the condominium association.

Mr. Spain said that the traffic engineer has requested that the full sight line be shown on the plan so that the farthest extent of that sight line can be examined. The currently submitted map does not show the full extent of the sight line to the north, even though it indicates it would be 550 feet. Mrs. Stefanoni said that the map does not show the full extent of the sight line but it will be shown if the DOT requires it. She said that there is no reason that the map be submitted to the Planning & Zoning Commission because similar requests were not made of other developments. She said that sufficient information indicating the location and the length of the sight line has been submitted. Mr. Spain said that the traffic safety and location of signals near the other projects that she refers to and sight lines are important factors that the Planning & Zoning Commission must consider. In the case of the current application, there is a bend in Hoyt Street to the north that is a concern. It does make a difference where the safety sight lines start and end. He said that the full extent of the sight line has been requested by Mr. Galante in his memorandum and the full path of the line needs to be submitted in order to verify and document Mr. Hammons' conclusion that the sight line will be adequate. Mrs. Stefanoni said that the sight line depicted was not requested on the first application yet it was approved. She said that the Commission could close the hearing and she would submit the document at a future date or the public hearing can be kept open so that the information could be submitted as part of the hearing. Mr. Spain asked if residents would be walking to the site or always be driving. Mrs. Stefanoni said that it will depend on the individual resident(s). She said that they could install a sidewalk in front of the site but it would go from nowhere to nowhere. It

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will be up to the Town to decide whether to extend the sidewalk or whether to create any crosswalks.

Mrs. Stefanoni said that the open space parcel exists to the rear of the property and an additional fire rescue window has been provided on the south side of the proposed building. She said that the brush could be removed from the open space if the Commission wants that to be done. She said there is only one tree in that area and it is not near the window. She said that fire safety access is not needed through the open space, ie. on the building's eastern face.

Mr. Spain indicated that four drawings measuring 11" x 17" and two photographs and the minutes of the October 18, 2011 meeting were submitted. He asked that the large Site Plan from the easel with the colored lines of the turning radius also be submitted. Mr. Ginsberg said that other items received for the file include the September 10, 2013 memorandum from the Fire Marshal, and two e-mails to and from Mr. Galante with questions to him; and, in red, his responses. It was suggested that the responses be underscored as well so that any black and white copies would be more clear. Mr. Ginsberg said that one of the emails was dated on September 9, 2013 and two other emails were dated on September 10, 2013 one at 5:11 P.M. and the other at 5:39 P.M. Mrs. Stefanoni said that she read those emails on her computer but agreed that it had been a little confusing.

Mr. Tom Birmingham of 63 Hoyt Street said that the property line is approximately the center line of the stone wall that separates his property from the Stefanoni property. He said that parking of extra cars of visitors or residents is an extreme concern because there is no room on Hoyt Street. Parking extra cars on Echo Drive means that people have to cross Hoyt Street and it is very difficult to do so in that particular location due to the curve to the north. He said that pedestrians need to go further north to see around the bend in the road before they could cross safely.

Mr. Gregory then spoke, and he said one of the problems here is there is a moving target because plans are being submitted as late as last week and even new information is being submitted tonight at the public hearing. He said that the applicant has not had the courtesy to provide those application materials to the neighbors. He said that it is not up to the applicant to dismiss the concerns of the Fire Marshal with respect to this particular application. Mr. Gregory urged the Planning & Zoning Commission members to visit the site, walk the perimeter of the site and note the open space to the rear and the traffic on Hoyt Street. He said that the open space is clearly within the jurisdiction of the Planning & Zoning Commission and that open space use for access for fire emergencies is still very relevant. He said that the area is wet, even if it does not meet the technical definitions of being a wetland. Mr. Gregory submitted a number of photographs, some of which were taken in July of 2010 and others were taken at a different time. They show mature trees and the area that would limit fire access to the proposed building. Ms. Cameron said that there is no indication as to which trees have been removed.

Mr. Gregory said that despite no parking signs being placed along Hoyt Street, people do park along Hoyt Street. This creates sight line and safety issues along the street for all of the motorists and residents.

Joan Carlo of 65 Hoyt Street said that she could not attend the July 30, 2013 meeting, but she wanted to mention to the Commission that just that very morning there was a near miss on Hoyt Street as her husband tried to pull into their driveway. She said this week there are skid marks in

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front of Echo Drive that cross both lanes. These are just indications of how dangerous the street is already.

Kara Gregory of Georgian Lane said that some of the photographs were taken in March of 2011 and others were taken in July of 2010.

Mrs. Stefanoni submitted the large 24" x 36" maps that included four sheets. She asked that the public hearing be closed, and the Sight Line Map be submitted in the near future. Mr. Spain said he did not want to close the public hearing and then later receive additional information or exhibits. He believed that the truck turning movements need to be clarified and that information should be submitted as part of the public hearing. Mrs. Stefanoni said that she is concerned that this matter is continuing without closure, and she did acknowledge that everyone was doing their best. Commission members decided that it would be best to continue the public hearing so that any information can be submitted as part of the public record. The following motion was made: That the Planning & Zoning Commission continue the public hearing to next week, September 17, 2013 at 8 P.M. in Room 119 of Darien Town Hall. The motion was made by Mr. Voigt, seconded by Ms. Cameron and unanimously approved.

At approximately 9:55 P.M., Chairman Spain departed from the meeting and Mr. Olvany arrived to participate. Vice Chairman Cameron then read the following agenda item:

Continuation of Public Hearing regarding Proposed Amendments to the Zoning Regulations (COZR #4-2013) put forth by the Tokeneke Club, Inc. Proposal to modify the definition of Building Coverage in Section 210 of the Darien Zoning Regulations. This change would include only the first and largest court of any pervious tennis or recreational court in the calculation of "Building Coverage" for lots in commercial zones or special permit uses on lots in residential zones. ***PUBLIC HEARING ORIGINALLY OPENED 7/30/2013.***

Attorney Wilder Gleason represented the Tokeneke Beach Club and said that he will try to be brief. He said that at the previous hearing, a neighbor claimed that the proposed requested Amendment of the Zoning Regulations was spot zoning (which is just changing the zone for a certain property). He said that this is a proposed change to the Regulations regarding all properties that meet certain criteria. It is not, in his opinion, spot zoning.

Mr. Gleason said that they have had discussions with the Tokeneke Association and the Association decided to take no position with respect to this matter. He did note that there was a letter of support from Judge Dean, who is an adjacent property owner to the Tokeneke Club.

Attorney Gleason said that in accordance with his September 6, 2013 calculations, the total building coverage of the Tokeneke Beach Club property is 37.8% of the land area; 14.5% of that is actually building and structures and 23.3% of that is the tennis courts. He said that the tennis courts were in existence prior to 1985 when the Regulations were changed to include tennis and other courts in the building coverage calculations. He said that using the proposed new definition, the building coverage would be 17.2% of the lot area.

Mr. Gleason said that in 1984 and 1985 when the Zoning Regulations were being modified there is a single mention of building coverage in the November 1984 minutes. Zoning Enforcement Officer

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David Keating said that in 1985 when the Regulations were being updated, there was an effort to clarify the definition of building coverage to make sure that things were either clearly counted or clearly not counted as building coverage. Since tennis courts, paddle tennis courts and swimming pools all require permits and had substance, mass or volume, they were included in the definition of building coverage. Patios, terraces and driveways do not require permits and generally do not have anything located above ground, thus they were specifically excluded from the definition of building coverage.

Ms. Cameron referred to the information that Mr. Gleason had submitted regarding information of how other towns deal with building coverage. She said that most other towns have lower allowable buildable coverage but their definitions are different and do not include some of the things that Darien includes. Mr. Gleason said that usually a building is defined as having a roof and walls and therefore would not include swimming pools or porches or similar facilities. He said there is a 2013 court cases that defines buildings. He said that the Darien Regulations allowing 20% building coverage in residential zones is more generous than other communities but those other communities do not include courts in their calculations of building coverage. He said that Darien is the only town that does count a tennis court completely and requires a Special permit for tennis courts in all cases. In some other communities in the area, they regulate the total impervious surfaces and do not allow more than 50% or so of the land area to be covered by impervious surfaces. Mr. Gleason said that the Noroton Yacht Club and Tokeneke Beach Club are the most impacted properties this way because larger percentages of their land are covered by tennis courts. Other locations that have multiple tennis courts have large pieces of property. In response to a question, Mr. Gleason said it is not appropriate for the Tokeneke Beach Club to go to the Zoning Board of Appeals (ZBA) to ask for variances of increased building coverage because it is the Planning & Zoning Commission that changed the definition of building coverage and in each case before the ZBA, the applicant must demonstrate a hardship. There is also input from the neighbors that may sway the Board members and a variance can only be granted when 4 out of 5 members of the ZBA vote for the variance. He said that a hardship is generally defined as the property owner being denied a substantial justice in the use of their land and that the requested variance is the minimal variance necessary to establish substantial justice. He said that it is more appropriate for the Planning & Zoning Commission to modify their definition rather than the applicant having to proceed to the ZBA. He noted that the Tokeneke Beach Club is a Special Permit use and under the jurisdiction of the Planning & Zoning Commission. He said that the proposed language to modify the Regulation could be modified slightly by the Planning & Zoning Commission if it would make them feel more comfortable.

Ms. Cameron said that she would prefer to regulate the total impervious surfaces on a property rather than just building coverage. Creating a new Regulation about impervious surfaces would require a whole new public hearing. She said that she understands the plight of the Tokeneke Beach Club and the reason for their application.

Mr. Ginsberg said that the Connecticut Department of Energy & Environmental Protection (CT DEEP) has responded to a referral and indicated that they have no concerns regarding the proposed modification of the Regulations.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing regarding this application. The motion was made by Mr. Olvany, seconded by Mr. Cunningham and unanimously approved.

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At 10:20 P.M., Chairman Spain returned to the meeting and read the following agenda item:

Continuation of Public Hearing regarding Coastal Site Plan Review #287, Flood Damage Prevention Application #328, Land Filling & Regrading Application #306, Stephen Milman, 5 Pratt Island. Proposal to install a retaining wall with associated fill, and perform related site activities within regulated areas. The subject property is located approximately 600 feet southwest of the intersection of Nearwater Lane and Baywater Drive, and is shown on Assessor's Map #55 as Lot #110 in the R-1 Zone. ***PUBLIC HEARING OPENED ON JUNE 25, 2013. WAS CONTINUED AGAIN AT APPLICANT'S REQUEST TO JULY 30, 2013. WAS CONTINUED AGAIN TO SEPTEMBER 10, 2013.***

Stephen Milman explained that the proposal is to construct a low stone wall to prevent further loss of his property that is adjacent to Long Island Sound. He said that in the 20 years they've owned the property, they did not have any erosion or scouring problem until the storm in 2011 and Storm Sandy in 2012. He said that in 2011, they lost 2 – 3 feet of their landscaped yard and they replanted that area. In 2012, the new plantings were washed away and a slightly larger area was eroded. The proposed wall will be approximately 90 feet long and will be located above the high tide line and the coastal jurisdiction line. He said that the wall will be anchored to the existing ledge so that it will not be damaged by storms or slip away. Mr. Milman said that he received the June 25, 2013 memorandum from the CT DEEP that asked if they could consider alternatives, such as landscaping. He said that after the 2011 storm, they did plant the disturbed areas but all that material was washed out to sea in 2012. He said that two letters discussing alternatives by the engineers and suggestions of the CT DEEP will just not work given the circumstances of the property and the storm conditions. Mr. Milman said that the CT DEEP comments are guidance to the Planning & Zoning Commission but they are not binding upon the Commission. He said the decision whether to allow the wall on the residential property in Darien is up to the Planning & Zoning Commission. He said the CT DEEP is mostly concerned with seawalls and hardening of the shoreline. He said that this proposed wall is neither. He said that CT DEEP allows seawalls only to protect endangered dwellings yet they have no guidelines as to what defines an endangered dwelling. He said the CT DEEP seems indifferent to the loss of trees, land, gardens and other natural vegetation.

Ms. Cameron asked if the proposed wall will be similar to that on the neighboring property to the west. She asked if there was any filling or if there would be any raising of the grade. Mr. Milman said the proposed is similar to that of his neighbors and the only fill would be to replace the soil that was washed out during the 2012 storm. He said they are restoring the old grade, not raising the grade compared to what it was prior to the storms.

Professional Engineer Wayne D'Avanzo said the proposed wall would be a maximum of 2 feet high and 90 feet long. It will have weep holes in it so that water will be able to flow from the uphill side to the down side and drain through it rather than be held behind it. He said that the plan is to connect the proposed wall to the neighbor's wall in order to avoid any scouring between the two sites.

Mr. Voigt asked what will happen when the top of the wall is breeched on occasions and how will they avoid losing material in those circumstances. Mr. D'Avanzo said that the weep holes will be

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placed 8 feet on center and will allow the soil on the uphill side of the wall to drain properly rather than being washed away. Mr. Milman said that plantings will be placed in the fill material on the uphill side of the wall. He said that the first attempt at planting was washed away by the 2012 storms because the soil holding those plants was not protected. He said that currently the Williamson wall ends approximately 3 feet shy of the Milman property. The plan is to connect these two walls to avoid any problem.

Mr. Ginsberg referred to the August 28, 2013 3-page letter from Roberge & Associates Consulting Engineering (RACE). He said that there were also numerous emails to and from the DEEP in the packets that were distributed to the Planning & Zoning Commission subsequent to the application and the June 25, 2013 email. Mr. Voigt said that Mr. Roberge mentions the unique circumstances of this site and that it seems to him (Mr. Roberge) that the stone wall in this particular situation is a good idea.

Mr. Ginsberg noted that all of the proposed work is outside of the DEEP jurisdiction line, which is at about Elevation 5.5 in this part of Darien. Since the work is outside of the DEEP jurisdiction, no permit will be needed from the state agency. Mr. Milman referred to his August 8, 2013 email indicating that the DEEP provides comments to the Planning & Zoning Commission and it is up to the Planning & Zoning Commission to decide whether to allow the work. He said that no work needs to go into the DEEP jurisdiction in order to implement the construction of the wall. Mr. Spain said that if the project is approved, then a very detailed construction methodology must be submitted and must be implemented to assure no work is done within the DEEP jurisdiction. Mr. Milman confirmed that he would provide such a plan. He said that in this case, it would be 3 or 4 masons doing the anchoring work and making sure the wall is properly adhered to the existing ledge. He said that there would be no environmental impacts due to the work. Mr. D'Avanzo said that they would be using 3/8 inch rebar which would be drilled into and hammered into the existing ledge. He noted that on his plans he had used an exaggerated scale to show the details.

Bob Williamson of Pratt Island said that he is in support of the proposal and the proposed wall will protect and preserve trees. He is sure that his neighbor will do a good job and has no problem with the application.

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

Chairman Spain read the following agenda item:

Coastal Site Plan Review #223-A Patrick & Janienne Hackett, 112 Pear Tree Point Road. Proposal to construct a new detached garage, relocate the existing generator, install stormwater management, and perform related site development activities within a regulated area. The subject property is located on the east side of Pear Tree Point Road at the northeast corner formed by its intersection with Crane Road, and is shown on Assessor's Map #60 as Lot #24 in the R-1 Zone.

Doug DiVesta, Professional Engineer, represented the applicants and explained that as part of a 2007 construction, the entire property was re-worked. A new owner now occupies the property and

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they wish to construct a detached garage on the easterly portion of the site. Storm runoff from the proposed building will be connected into the existing storm drainage system that includes underground Cultec units. The amount of paved area will not change and the grades will remain unchanged. Commission members reviewed the plans.

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

Chairman Spain opened the General Meeting at 10:50 P.M. He then read the following agenda item:

GENERAL MEETING

Business Site Plan #146-C/Special Permit, Anthony's Coal Fired Pizza, 319 Boston Post Rd.
Request for one year extension of time to implement approved plan.

Mr. Ginsberg explained that this is a request to extend the existing permit that has been granted to increase the number of parking spots and install substantial landscaping and drainage systems on the rear portion of the property. The new owner of the property hopes to do this work during the fall. Commission members said that the operators need to be more careful about having employees park in the on-site parking area. The following motion was made: That the Planning & Zoning Commission grant the extension until December 31, 2013 subject to the original conditions and stipulations. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

Chairman Spain read the following agenda item:

Amendment of Special Permit Application #209, Andrew Shaw Memorial Trust, Scout Cabin, 140 West Avenue.

The Scouts want to convert some of the second level storage space into a meeting room. The request includes a change of use of the space from storage to meeting area. The request not only includes internal renovations, but two new windows--one facing West Avenue as a second means of egress and a matching window facing the back yard for light. They propose to add three skylights for natural light to the space that will face west, and also propose to add internal lights, HVAC and emergency equipment. The HVAC units will be in the flood zone and must be properly elevated.

Mr. Ginsberg explained that the proposed modifications would allow a portion of the second floor level to be converted from storage use to habitable space. There will be no change in the programs or the capacity of the building or the operations of the building. Commission members reviewed the application materials. The following motion was made: That the Planning & Zoning Commission approve the requested modification and determine that a public hearing regarding this modification is not necessary. The motion was made by Mr. Cunningham, seconded by Ms. Cameron and unanimously approved.

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Other Business

Mr. Ginsberg said that there are two items to be considered under Other Business. They include the YMCA proposed generator and the proposed use of the cleaners next to Papa Joe's on the Boston Post Road. The following motion was made: That the Planning & Zoning Commission consider those two items under Other Business. The motion was made by Ms. Cameron, seconded by Mr. Voigt and unanimously approved.

YMCA Generator

Mr. Ginsberg reviewed the information from the YMCA which proposes to install a generator on the Holly Pond side of the building. There was some discussion about the size and noise created by the generator. The generator will be fueled by natural gas. After reviewing the materials, the following motion was made: That the Planning & Zoning Commission decide that a public hearing regarding this proposed amendment of the Special Permit is not necessary and that the Commission approve the requested modification to allow the proposed emergency generator. The motion was made by Ms. Cameron, seconded by Mr. Olvany and unanimously approved.

Proposed Greenfield Dry Cleaners at 1977 Boston Post Road

Mr. Ginsberg explained that the property is located in the Neighborhood Business (NB) Zone and all uses are subject to approval by the Planning & Zoning Commission. The use must be a commercial sales and service or personal service type business (office uses are not allowed). Commission members reviewed the submitted materials and noted that for a dry cleaner, the busiest times are early in the morning and late in the afternoon/early evening. Commission members agreed that the proposed drop off/pick up dry cleaning facility will generate more traffic than the previous use which was a frame shop; however, the use is permitted in this zone. They will not be performing the dry cleaning at the site and they will need a van to pick up items and deliver items. After further discussion, the following motion was made: That the Planning & Zoning Commission approve the proposed drop off and pick up dry cleaner facility at 1977 Boston Post Road. The motion was made by Ms. Cameron, seconded by Mr. Olvany and unanimously approved.

Due to the late hour, the Planning & Zoning Commission deferred action on the draft minutes. Those minutes will be on acted on at a future meeting.

There being no further business the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Ms. Cameron, seconded by Mr. Voigt and unanimously approved. The meeting was adjourned at 11:11 P.M.

Respectfully submitted,

David J. Keating
Assistant Planning & Zoning Director