

Planning, Zoning and Housing Committee  
of the Darien, Connecticut RTM

Regular Meeting Minutes

Date: March 3, 2010  
Place: Darien Town Hall – Employee Lounge  
Present: Adelman, Bayne, Bacon, Bishko, Cleary, Fead, Guimond, Hennessy,  
Magida, Miller, Olvany, van der Kieft (12)  
Absent: Conologue, Marsten, Ness, Sini, Young (5)

This was the Regular Meeting of the Planning, Zoning and Housing Committee chaired by John van der Kieft and called to order at approximately 8:05 PM

Mr. Adelman made a Motion to add Agenda item to approve minutes of the 35 Leroy Study Group Sub-Committee meeting on – Feb. 24th  
Motion Passed Unanimously

Mr. Bishko made a Motion to reverse the order of Agenda Items 3 (35 Leroy Ave. Sub-Committee Report) & 4 (Proposed Tax Abatement Ordinance for Low & Moderate Income Housing)  
Motion Passed Unanimously

Mr. Adelman made a Motion to approve 35 Leroy Study Group Sub-Committee Minutes of Feb. 24th  
Motion Passed by all Sub-Committee members present

The Chairman started the discussion on the proposed Affordable Housing Tax Abatement ordinance. Absent committee member Mr. Sini's e-mail was read for the record (see attached) Chair commented on the Special Committee meeting with the P&Z Commission Chairman, Mr. Conze and the fact that the Courts may look favorably on the proposed Tax Abatement as an effort by the Town to promote new Affordable Housing  
The Chair also discussed other points reviewed at the Special Meeting

Mr. Adelman indicated that he wanted the Board of Finance (BOF) to have Advisory role over a Tax Abatement application not Approval authority  
The entire Committee entered into an extended debate over BOF Advisor vs. Approval with many examples

8:47 PM Mr. Guimond made a Motion to Approve the Proposed Tax Abatement as drafted. Mr. Bishko seconded the Motion  
Motion passed – 8 For; 4 Opposed

Mr. Adelman specifically requested that the Chairman give a Minority position view of the proposed Tax Abatement (BOF Approval vs. Advisor) in the report to the full RTM when the proposed Ordinance goes to the floor  
Ms. Fead – Seconded  
The Chair agreed & stated that it was his standard practice to report the minority view

8:50 PM The Chairman introduced the 35 Leroy Study Group Sub-Committee and thanked the members for their hard work on the submitted report and the speed in which they performed their work

Mr. Adelman, Sub-Committee Chairman read the Summary of the submitted report for the record (see attached) and made closing comments (see attached)

Ms. Cleary, a member of the 35 Leroy Study Group Sub-Committee thanked Mr. Adelman for his hard work on the study report that was drafted

Ms. Stevenson (BOS) was asked if the next phase of the BOS 35 Leroy Task Force was proceeding

Ms. Stevenson stated that the Task Force which, she chaired, recommended to the BOS to proceed with Phase 2 of the (study) work. Phase 2 of the Task Force would entail engaging third-party consultants, professionals and architects. It would be necessary to spend funds for the consultants and the members of the Task Force may change during Phase 2.

The entire Committee entered into an extended debate on what to do with the Sub-Committee's submitted report. The debate also involved options for the 35 Leroy property

The question was asked "Who does Land Use Decisions within the Town of Darien?"

The BOS, P&Z or the RTM?

No conclusion was determined

Members of the Sub-Committee had the opinion that the drafted report was part of the public domain. Some members of the Committee thought it should be an internal PZ&H report. It was also stated that the report was to be filed with the Town Clerk for posting to the Town Website

It was agreed that the Committee would set another new meeting date for March 9<sup>th</sup> at 7:30 PM.

The meeting was adjourned at approximately 10 PM.

Respectfully submitted by Stephen P. Olvany, Acting Clerk

*Attachments*

## Stephen Olvany

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**From:** John van der Kieft [jvanderkieft@snet.net]  
**Sent:** Tuesday, March 02, 2010 5:05 PM  
**To:** Carolyn Bayne; Cece Miller; Dana H. Fead; Diane Conologue; Frank Adelman; Frank Adelman; Jeffrey Marston; Joanne Hennessy; John Bishko; John Sini; Liz Bacon; MariLu Cleary; Martin Magida; Mary Guimond; Mary Ness; Rob Young; Stephen Olvany  
**Cc:** John Sini  
**Subject:** FW: Statement for PZ&H Committee meeting

Committee,

As John Sini will be unable to attend tomorrow night's meeting, due to business commitments, he has asked me to pass along his thoughts with regard to the proposed Tax Abatement Ordinance as expressed in the statement below.

John

Fellow PZ&H Committee Members:

I apologize for missing this evening's meeting due to a unavoidable business related conflict. Since I cannot cast a vote in my absence, I wanted to share my view regarding the current version of the proposed tax abatement ordinance which now includes a provision requiring formal Board of Finance approval in addition to formal approvals from the Representative Town Meeting, Board of Selectmen and the Planning and Zoning Commission.

I fully support the adoption of such an ordinance in Darien and encourage my fellow committee members to vote in favor of recommending the proposed ordinance to the entire RTM.

Darien's zoning laws already include zoning incentives for select affordable housing developments and also allow for certain residents to apply for property tax reductions. These two existing provisions set a precedent in this town for adopting tools which promote affordable housing and tax abatement for select developments and individuals within Darien.

If ultimately passed by the RTM, the Property Tax Abatement Ordinance will likely prove to be a useful tool in Darien as it looks to foster appropriate affordable housing development within its borders. With the required approvals of four key bodies of our town government, I am confident the ordinance will be applied to only desirable, conforming affordable housing projects, which could ultimately benefit the entire Darien community.

Lastly, as Chairman Conze disclosed at our previous PZ&H Committee meeting, the adoption of such an ordinance could be helpful to Darien as any future 8-30g related cases are argued and settled in the courts.

Thank you for your consideration in supporting the proposed ordinance.

Respectfully,  
John Sini, Jr.  
RTM, District 1

## **Report to Planning, Zoning & Housing Committee**

### **Table of Contents**

- Section I – Summary Report
- Section II – Table of Highlights
- Section III – Detailed discussion of individual options
- Section IV – Supporting data and calculations
- Section V – Reference Documents & Sources

### **Section I – Summary Report**

#### **Background**

The 35 Leroy Study Group was formed by action of the Planning, Zoning & Housing Committee (PZ&H) of the Darien RTM at its regular meeting of January 13, 2010.

The Study Group defined its mission as reviewing a broad range of reasonable potential uses for 35 Leroy and assessing each such potential use on a range of financial and strategic dimensions. Using existing documentation and research we performed ourselves, we incurred no financial cost to the Town. We also determined that our role would be to present facts to PZ&H, but not to develop a recommendation for the future use of the property. Several viable options exist.

The Study Group – accompanied by additional members of PZ&H – toured the 35 Leroy property on the afternoon of Jan. 28. The tour was led by Pat Direnzo of the Darien Department of Public Works. The group held 2 formal meetings, on Jan. 28 and Feb. 24. The group planned to hold a meeting on Feb. 10, but it was cancelled due to the closure of Town Hall as a result of severe weather. The group also held an informal working session – partly by conference call – on March 2 in preparation for this report to PZ&H.

The initial members of the Study Group were Frank Adelman, MariLu Cleary, Dana Fead, Mary Ness, John Sini and Rob Young, all of whom are members of PZ&H. Mr. Young resigned from the Study Group on Jan. 15 due to perceived personal and professional conflicts of interest. Ms. Ness resigned from the Study Group on Feb. 5 for personal reasons that required travel out of town.

#### **Process**

The Study Group:

- gathered all the available information pertaining to the 35 Leroy site
- defined a broad list of reasonable options for use of the property
- defined the dimensions along which each option would be evaluated
- in some cases, conducted individual research or consultations to gain further insight into key issues
- collected all the data available to date into this report

Our list of key documents and sources is included at the end of this document in Section V.

An initial briefing book was produced in order to jump-start the information-gathering process. A copy of that book remains on file with the Town Clerk.

### Scope of evaluation

We ultimately agreed to evaluate each option considered along several dimensions:

- Financial impact (one time vs. recurring)
- Town priorities met / not met by each option
- Impact to immediate neighborhood
- Relationship to downtown area
- Risks
- Other comments

### Options considered

We considered the following options for use of 35 Leroy:

Option Group 1 – Sell the property

Option Group 2 – Affordable Housing

- 2A – Under CHALAC / MHA arrangement
- 2B – At higher density under §514 – 27 units
- 2C – Senior affordable housing
- 2D – Mixed affordable housing for families & seniors

Option Group 3 – Adapt & re-use the existing structure for a non-housing purpose

- 3A – Senior Center
- 3B – Board of Education offices
- 3C – Other Municipal offices
- 3D – Darien Arts Center
- 3E – Additional educational space for Darien Public Schools

Option Group 4 – demolish structure and repurpose entire site

- 4A – Pave for parking
- 4B – Build 2-story parking structure
- 4C – Create a park or otherwise leave as open space

Other options discussed are listed below. We did not formally evaluate these options either because they were rejected as an extremely poor fit with the neighborhood, or we did not have sufficient information to distinguish them from options in the list above.

- Other form of community center
- Community pool
- Dedicated dog exercise run
- Lease for non-profit use – private school, day care, etc.
- Commercial space – store, restaurant, etc. – for which Town would be landlord

### Findings – organization

Our findings are summarized in Section II, the Table of Highlights immediately following this report, and are detailed further in the pages of Section III thereafter, which are organized 1 page per option. Some key data, calculations and assumptions are also included in Section IV.

### Findings – observations

- The sale of the property would likely mean that we realize a loss on our investment.
- The affordable housing options would likely result in income to the town
- Re-use of the building will incur significant up-front capital expenditures, as well as significant incremental operating costs. Some of these costs may be offset by avoiding capital expenditures and operating costs currently being incurred at other locations in Town.
- Demolition of the building and repurposing of the site does not appear to maximize the full potential of the site.

### Possible next steps

A report of this type, produced in a short time by volunteers, may benefit from further study. We look forward to further direction from the PZ&H Committee regarding 1) any further study required and 2) future utilization of the report.

### Acknowledgements and thanks

The members of the 35 Leroy Study group would like to thank the following individuals for their support, assistance and patience throughout the process of compiling this report:

- Selectwoman Jayme Stevenson and the Facilities Study Task Force
- Robert Steeger and Pat Dierenzo of the Department of Public Works
- Town Administrator Karl Kilduff
- Jeremy Ginsberg and the office staff of the Planning & Zoning Department
- Nancy Sforza of the Buildings Department
- Louise Berry and the staff of the Darien Library
- Larry Kluetsch, Executive Director of Mutual Housing Association of Southwest Connecticut
- Our families

Respectfully submitted,

Frank Adelman, Chair  
MariLu Cleary  
Dana Fead  
John Sini, Jr.

Adelman concluding comments – March 3, 2010

First – I want to recognize Dana, MariLu and John for their very significant contributions. They all spent considerable time doing research, editing text and otherwise pulling this document together. This was a true group effort.

I also want to thank Mary Ness and Rob Young for their willingness to serve, and regret that they were not able to participate further. In particular we send Mary our best wishes as she deals with the situation with her parents.

When we spoke at our January meeting to establish this group, our goal was to accelerate our learning – as a Committee – about different options at 35 Leroy, so that we could be better prepared to react to any proposal that might come before us. With this report, our Study Group has achieved that. While there is plenty of room for further refinement and improvement, our team feels confident that the observations that come out of this report are solid – particularly the qualitative and strategic conclusions – and will remain valid in the event we decide to put more effort into refining this analysis.

The question now is – what to do with this information. We've completed the task we were given, but in light of recent developments we feel there may be more we can do to support this group and the full RTM. However, we want to ensure that we are making meaningful contributions that are supported by PZ&H as a whole. As I indicated, putting more work into this analysis may refine and improve the discussions and estimates, particularly the financial calculations, but will not change the main observations and outcomes.

In short, we are asking for direction, but we have some suggestions. For example, we think that this report could be valuable to the entire RTM, as the members evaluate various options under discussion. So we suggest that it would be appropriate for PZ&H to distribute this work to the full RTM. Second, if PZ&H does distribute this report more broadly, we have the option to do so with a recommendation among the options. Our Study Group has not included any recommendations here – we strictly limited our analysis to the available facts. But as a Committee we should decide together whether we want to make a recommendation, and if so, what that recommendation would be.

Last, as we all know, the First Selectman has expressed a vision for the use of several Town properties, and he has taken some actions that start to realize that vision. My personal opinion is that our Committee has a responsibility to represent the RTM and to play an important role in determining the disposition of Town-owned property. We should be key partners in those discussions and decisions. If there are steps that the Study Group can take that help PZ&H play this role effectively, I think the Group members would be willing to continue their efforts in support of that goal.

Thanks for listening and I look forward to your feedback.