

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING / GENERAL MEETING
April 25, 2023**

Place: Room 206, Darien Town Hall

TIME: 7:30 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Olvany, Reilly, Barsanti, Balgach, Nedder

STAFF ATTENDING: Ginsberg, Doneit
Recorder: Karen Manz
Channel 79

Chairman Olvany opened the meeting at 7:30 P.M. and asked that a motion be made to re-order the agenda. That motion was made by Mr. Balgach and seconded by Ms. Barsanti. Mr. Olvany then read the following agenda item.

PUBLIC HEARING

Coastal Site Plan Review #375 and Filling & Regrading Application #550, WZ III 2002 Trust FBO M.J. Ziegler, 95 Long Neck Point Road. Proposal to construct a new 4-bedroom single-family dwelling on a now vacant lot, construction of a new driveway, a porch, and a pool; and to perform related site development activities within a regulated area, including regrading of the property and installation of stormwater management. The 1.41+/- acre subject property is located on the east side of Long Neck Point Road approximately 430 feet south of its intersection with Ziggy's Way, and is shown on Assessor's Map #58 as Lot #1-Q in the R-1 Residential Zone.

Mr. Ginsberg explained that this application would not be proceeding this evening. Professional engineer Robert Sandolo of SE Minor was present and acknowledged that his firm will be working on revised plans relative to zoning setbacks and will return to the Commission at a future date. Mr. Sandolo granted an extension for the Commission to continue to the public hearing on June 6, 2023 at 7:30 p.m. in Town Hall. Mr. Olvany asked that the building envelope be clearly delineated on the revised plan, and that the zoning table be updated.

Chairman Olvany then read the next agenda item:

Coastal Site Plan Review #374, Flood Damage Prevention Application #179-A, Land Filling & Regrading Application #549, Mark & Stasha Cohen, 114 Five Mile River Road. Proposal to construct a new 5-bedroom single-family dwelling, construction of retaining walls, terrace areas, and a pool and cabana; and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management. The 0.94+/- acre subject property is located on the west side of Five Mile River Road approximately 115 feet south of its intersection with Davis Lane, and is shown on Assessor's Map #67 as Lot #23 in the R-1 and R-1/2 Residential Zones.

Mr. Doneit noted that this application would not be proceeding this evening. The public hearing was not opened, and no specific date for the public hearing was set.

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At about 7:36 p.m., Chairman Olvany then read the next agenda item:

Business Site Plan Application #234-B, Special Permit Application #236-A, Grove Street Plaza, LLC, Harvest Restaurant Group, 14 Grove Street. Proposal to establish a new Full Service Restaurant in the first floor and basement space formerly occupied by the Melting Pot. Proposal to establish part-time, seasonal use of the existing public plaza area to accommodate outdoor dining for the new restaurant, the businesses at 20 Grove Street, and the general public. The space is located within Grove Street Plaza, a 0.35+/- acre property, located on the northwest side of Grove Street at its intersection with Brook Street and is shown on Assessor's Map #73 as Lot #22, in the Central Business District (CBD).

Mr. Doneit summarized the application. He noted that comments have been received from the Darien Health Department and the Fire Marshal. They will be going to the ARB on May 16, and the Board of Selectmen. A new hood and vent are proposed for the building, and the applicant has submitted details regarding a change in the basement use, as well as changes to the outdoor dining and public plaza. Mr. Olvany noted that there was prior documentation regarding the public plaza. He asked that it be submitted for the record.

Attorney Robert F. Maslan Jr., was present on behalf of the applicant. He said that the proposed new tenant would be making interior changes to the first floor and the basement formerly occupied by the Melting Pot. They are also seeking changes to the outdoor plaza area by including more tables and chairs, and specifically reserving a number of tables/chairs for use by the restaurant during certain times of day. Mr. Shedd Glassmeyer then reviewed the history of the property from 2005. He said that Espresso Neat and Flour Water Salt enable the public to better use the plaza. In 2010, the Melting Pot received approval to use the plaza, but it was not greatly used, due to the nature of that restaurant use.

Mr. Maslan reviewed his Powerpoint presentation with the Commission, which included a plan showing the existing plaza, as well as the proposed new outdoor tables and chairs adjacent to the buildings. He also showed photographs of other Harvest restaurants in New Jersey. Mr. Genovese confirmed that the tables and chairs remain outside all the time. He said that he would be maintaining the plaza. Mr. Genovese confirmed that the concerts held at Grove Street Plaza would be held elsewhere in the future.

Mr. David Genovese explained the differences between the subject application and the prior approval for the Melting Pot. He said that one of the differences is that the Melting Pot was not open for lunch, whereas Harvest will be open at 11:30am Monday through Saturday, and at 11am on Sunday, as they will serve lunch and brunch, but Melting Pot did not. They will also be installing an odor controlling ventilation system. He added that they propose a new entrance to the restaurant facing Grove Street.

Mr. Genovese and Mr. Maslan showed their proposal to use portions of the plaza exclusively by Roots Ocean Prime starting at 11:30am, as well as additional portions of the plaza for dinner. It was noted that because tables would be surrounding the fountain, public access to the fountain would not be possible during certain hours. There would be a different style table adjacent to Espresso Neat and Flour Water Salt. Mr. Reilly asked what the next steps would be if the Commission does not approve the project. Mr. Genovese responded that any new restaurant tenant

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would likely require some outdoor dining. Mr. Reilly said that he was not comfortable with such large exclusive use of the plaza by a restaurant tenant. Mr. Genovese believed that the proposal would result in better use of the plaza space.

Mr. Shedd Glassmeyer said that they will only be serving food outside during warmer months. Mr. Genovese said that there will be no change in the refuse location or size. They may have to adjust the frequency of pickup. He said that the first floor is 4,013 square feet, and that they are exempt from the Darien parking requirements. They will not be serving breakfast. There will be no change in the exterior lighting in the plaza, but they may be adding more lighting on the tables. In response to a question, it was noted that there are now ten apartments on the property on the upper floors.

Mr. Chip Grabowski of Harvest explained more about his family operated business, which has a 20+ year track record, and more than ten restaurants. They will be bringing Roots Ocean Prime Steakhouse to Darien. He confirmed that they serve both lunch and dinner (and brunch on Sunday). He said that the outdoor dining is essential for the business. He said that as part of this proposal, there will be additional outdoor seating for the public before 11:30am.

Mr. Olvany noted that seating capacity will be increasing via more outdoor seating. In response to a question, it was noted that there are now ten apartments on the property on the upper floors. Mr. Maslan confirmed that there are no on-site parking spaces, since as part of the original development, land was donated to the Town to expand public parking. There are some tenant parking spaces. Mr. Maslan said that power lines were placed underground as part of the original development. He said that a hood and exhaust system will be installed. He said that they need ARB review and will get feedback from the Health Department, the State Liquor Commission, and the Board of Selectmen.

Ms. Sheila Quinn of Camp Avenue spoke in support of the application.

Mr. Reilly and Mr. Balgach believed that it was important to free up tables near, and in front of the fountain in the middle of the plaza, so as to allow for unencumbered public access in the evenings in the summer. Ms. Barsanti disagreed.

There being no further questions or concerns from the general public or Commission members, Mr. Nedder made a motion to close the public hearing on the matter. That motion was seconded by Ms. Barsanti, and unanimously approved.

At about 9:10 p.m., Chairman Olvany then read the next agenda item:

Business Site Plan Application #24-AD / Special Permit, Rag Stio Corporation, Emilio's Brick Oven Pizza, 25 Old King's Highway North, Goodwives Shopping Center. Proposal to establish a new 1,371+/- square foot Quick Service Restaurant in the first floor space formerly occupied by Clean Juice. The space is located within Goodwives Shopping Center, located on the south/east side of Old King's Highway North, approximately 150 feet southeast of its intersection with Brookside Road and is shown on Assessor's Map #71 as Lot #19, in the DC Zone.

Mr. Doneit said that the application has been submitted pursuant to Section 1000 and 1020 of the regulations. He noted that Clean Juice had no cooking, so the applicant will need to install a hood

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and venting system. Comments were received from the Health Department and the Fire Marshal.

Sarah and Emilio Stio explained the proposed quick service restaurant/pizzeria. They noted that the restaurant will include delivery, take-out, and sit-down indoor seating. They also expressed a desire for some limited outdoor seasonal dining. In response to a question, it was noted that delivery vehicles would take access from the back of the store. Garbage will also be taken out the back. Mr. Stio said that outside delivery services such as Grubhub and Uber Eats will be encouraged to also take access from the back, but they could park in the parking lot, but not in the fire lane.

Ms. Stephan Rapaglia of Urstadt-Biddle was present to discuss on-site parking. He explained that he and his team ensures that parking is sufficient for on-site tenants, and only has vehicles towed as a last resort. It was noted that during a recent Darien-New Canaan hockey game, towing did occur. Mr. Rapaglia said that towing would only occur in response to a complaint from a tenant and under extreme circumstances, and he receives very few complaints from his tenants. He said that Urstadt-Biddle does not want to tow, but they do so if tenants call and complain.

Ms. Stio said that she would want 18 indoor seats, which may be slightly different than the existing submitted plans. She noted that she needs to submit an application to the ARB for any outdoor seating/dining and outdoor signage.

No other members of the general public spoke on the matter.

There being no further comments or questions, Mr. Nedder made a motion to close the public hearing on the matter. That motion was seconded by Mr. Balgach, and unanimously approved.

At about 9:31 p.m., Chairman Olvany then read the next agenda item:

Coastal Site Plan Review #373, Land Filling & Regrading Application #547, Marisa Bistany-Perkins, 5 Conant Place. Proposal to construct a new additions to the southwest side of the existing residence, to construct a new retaining wall with associated regrading of the property; and to perform related site development activities within a regulated area. The 1.45+/- acre subject property is located on the east side of Conant Place at the southeastern corner formed by its intersection with Salem Straits Road, and is shown on Assessor's Map #62 as Lots #72 and #73 in the R-1 Residential Zone.

Mr. Doneit said that the application has been submitted in accordance with Section 850 and 810 of the Zoning Regulations. He said that comments were received from engineer Joe Canas on April 13, and the State of CT DEEP on April 20. It was noted that the applicant responded to Mr. Canas' comments earlier today.

Mr. Krist Dadaro of Dodaro Architects LLC said that the amount of proposed grading is minimal, and it is a "fill neutral" project. He said that they can include a level spreader in the plan, and are comfortable with the comments made by Mr. Canas. It was noted that the proposed wall would be an engineered wall. The new wall would be smaller in height than the existing wall. Mr. Balgach asked about a landscaping plan. Commission members agreed that one was not necessary in this specific instance.

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Mr. Olvany said that the Hem Kona and William Kenny submitted reports will have to be modified to correct the address of the property. No members of the general public spoke on the matter.

There being no further comments or questions, Mr. Reilly made a motion to close the public hearing on the matter. That motion was seconded by Ms. Barsanti, and unanimously approved. Mr. Olvany noted that a decision on the matter would be likely in May.

At about 9:45 p.m., Chairman Olvany then read the next agenda item:

Land Filling & Regrading Application #548, Gregory Matyszkowicz, 53 Camp Avenue.
Proposal to construct a new retaining wall with associated regrading of the property, on the southwestern portion of the property to accommodate an expansion of the driveway area; and to perform related site development activities. The 0.34+/- acre subject property is located on the south side of Camp Avenue approximately 110 feet east of its intersection with Spring Grove Street, and is shown on Assessor's Map #8 as Lots #111 and #112 in the R-1/3 Residential Zone.

Mr. Gregory Matyszkowicz explained the application. He proposes to construct a block retaining wall in order to establish a better turnaround area at the top of his driveway. This will avoid vehicles backing into Camp Avenue. The retaining wall will be about six feet tall and eight feet wide. There will be a small fence or railing (a maximum of three feet high) atop the wall. Mr. Ginsberg said that rip rap at the bottom of the wall will be installed. Mr. Matyszkowicz said that the wall will be at least twenty feet from the property line.

Ms. Patricia Leger of 10 Spring Grove Street wanted more information regarding the trees to be removed, and the drainage and water flow. She noted that there are existing drainage problems in the area. Mr. Matyszkowicz responded that there will be 1-2 trees removed, and he will plant approximately ten new trees. The wall will be six to eight feet in height.

Ms. Marie McColl of 45 Camp Avenue also voiced her concerns about water flow.

Ms. Sheila Quinn, and Mr. Filippo Pistone of 51 Camp Avenue said that as the direct downhill neighbors, they are concerned about the appearance of the wall and fences.

Mr. Matyszkowicz responded that he proposes four foot high evergreens at the base of the wall, about fifteen of them. He said that there may be an opportunity to plant at the top of the wall also.

It was agreed that the public hearing would be continued to Tuesday, May 9, 2023 at 7:30 p.m. in room 206 of Darien Town Hall, to give the applicant additional time to prepare a landscaping plan, reflecting the comments received and the applicant's representations.

At about 10:24 p.m., Chairman Olvany then read the next agenda item:

GENERAL MEETING

Discussion and Deliberations ONLY on the following:

Business Site Plan #94-B, Land Filling & Regrading Application #547, Bery Realty, LLP, 118 Old King's Highway South and 1302 Boston Post Road. Proposal, on both properties, is to expand

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the parking lot for existing veterinary office, including regrading of the property, installation of stormwater management, and to perform related site development activities.

Both Mr. Nedder and Mr. Reilly noted that they have no concerns or comments on the pending application. Staff will draft a resolution for consideration at a meeting in May.

Chairman Olvany then read the following agenda item:

Coastal Site Plan Review #367-A, Flood Damage Prevention Application #420-A, Land Filling & Regrading Application #526-A, John & Amanda Spatola, 11 Searles Road. Proposal to construct additions to the north/west and east sides of the existing single-family residence, construction of new and realigned driveways, and patio areas, and to perform related site development activities within regulated areas, including regrading of the property and installation of stormwater management and a new septic system.

Ms. Barsanti noted that during the public hearing, the applicant said that the basement may or may not be constructed, depending on the field conditions. Commission members noted the amount of ledge rock in that area of the property. Reference was also made to the comments submitted by the State of CT DEEP regarding the water table.

Mr. Ginsberg noted that the house is not in the flood zone, but the proposed house additions keep the house outside of the flood zone, but get close to the flood boundary. It would be important to stay out of the flood zone.

Mr. Balgach mentioned that hoe-ramming or blasting would be needed for the basement, and that it would likely be hoe-ramming, since blasting would be too close to the existing residence.

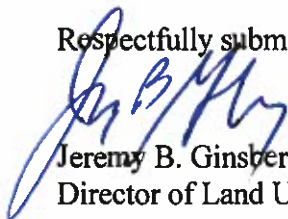
Staff will draft a resolution for the Commission's review at an upcoming May meeting.

Director's Report

Mr. Ginsberg said that the May 2, 2023 meeting would be cancelled due to lack of business, as the 7 Sedgwick Avenue application that was scheduled to occur that night, will occur on a different night in May. This will give them an opportunity to attend the ARB meeting in mid-May. It is quite possible that an additional meeting night in May will need to be scheduled on May 16 and/or May 30 to accommodate with pending application workload.

There being no other business, Mr. Nedder made a motion to adjourn the meeting. That motion was seconded by Mr. Balgach and unanimously approved. The meeting was thus adjourned at 10:30 p.m.

Respectfully submitted,



Jeremy B. Ginsberg, AICP
Director of Land Use