

**PLANNING AND ZONING COMMISSION
MINUTES
SPECIAL MEETING
PUBLIC HEARING / GENERAL MEETING
June 20, 2023**

Place: Room 119, Darien Town Hall

TIME: 7:30 P.M.

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

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

Chairman Olvany opened the meeting at 7:30 P.M. and read the first agenda item:

Continuation of Public Hearing regarding Special Permit Application #329-A / Site Plan, Town of Darien, 40 & 46 Great Island. Proposal to rent the stables and associated equestrian facilities on Great Island to an outside operator with the specialized expertise necessary to run a full-service show stable for programmed active recreational use with specific restrictions and limits. These indoor and outdoor facilities include an 18-stall granite stable and indoor heated riding arena, an outdoor sand dressage ring, and a half-size polo field as well as numerous paddocks and riding trails that comprise the facility. The operator of the facilities would be a full-service show stable offering full boarding and training of up to 23 horses, a riding lesson program, an animal therapy program, and a summer children's program. The 60.92+/- acre subject property is located on the east side of Goodwives River Road and Long Neck Point Road and consists of a total of three separate lots, identified as Map #58 Lot #1-A (13.5+/- acres); Map #58 Lot #1 (45.94+/- acres); and Map #58 Lot #1AA (1.48+/- acres) (accessway) in the R-1 Residential Zone. The subject property is accessible via a causeway at the southeastern terminus of Rings End Road from Goodwives River Road. *HEARING OPENED: 6/13/2023.*

Ms. Barsanti recused herself from this matter, and left the room.

Mr. Ginsberg noted the recent submittals that are part of the record in this matter, including submittals from Attorney Knuff; comments from the Darien Fire Marshal; photographs; and a prior Commission approval for the Ox Ridge Riding and Racquet Club.

Attorney John Knuff said that the applicant bears the burden of proof. He stated that the proposed use is not a legally non-conforming use. He argued that the new use requires new plans. He did not believe that the stable is a permitted use under Section 404d or 404e. He noted that the proposal is for two principal uses on one parcel. Mr. Knuff then read aloud from this June 20, 2023 memo. He said that the waivers granted for coastal site plan review and stormwater design were inappropriate to grant.

Professional engineer Kevin Solli of Solli Engineering said that he had submitted two memos for the record. He said that an eleven (11) foot wide driveway does not comply with the Darien Zoning Regulations. Mr. Solli said that he found deficiencies in the submitted application, and the application lacks sufficient information. He noted that there is no zoning table on the survey. He

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said that there needs more information on the septic system per the Darien Health Department's June 5, 2023 comments. He said that the horse riding ring is within the flood zone.

Mr. Knuff said that the Town needs to submit a complete application. The cul-de-sac is now owned by the Zieglers with a restriction that it can be used for no public purpose whatsoever. He said that the Zieglers now control 15 of the 20 lots nearby, including the cul-de-sac.

In response to a question, Town Administrator Kathleen Buch confirmed that horses would not be ridden in the accessway. There will be no horseback riding on that specific property.

Mr. Matt Rizzo of 3 Salem Straits then spoke. Mr. Alan Anderson of 33 Beverly Place said that he can see the existing accessway and road from his property. He noted that there is not a lot of traffic during the day, however, he had concerns about busses backing down the accessway, particularly during evening hours.

Ms. Ruth Nicodermus responded that tractor trailers must back up to the barn, and there are no beeping mechanisms on the tractor trailers. She said that on occasion, tractor trailers come and go in the 10 pm hour. Those instances are rare. Attorney Mark Santagana said that the applicant and his client are providing a service to the community. Nothing on the property is changing, there will be no physical changes to the property or to the existing building.

Mr. Olvany then confirmed that the lessons will be one half hour in length with 15 minutes between lessons. Applicant to keep a log book or appointment book with appointments. There shall be no loitering, no on-site food service, and no large events. The applicant should work with the owner of the property related to areas of use. There shall be no riding in the cul-de-sac or in the road that leads out to Ring's End Road. No trucks will come in or out after a certain hour.

Ms. Nicodermus said that the boarding of horses is not anything new on-site, and there have been horse-related uses on-site since 1913. Mr. Santagana said that limits could be placed within any potential lease.

Ms. Alexis Sweet of 20 Beverly Place then asked about the summer camp program. Ms. Nicodermus said that the camp is now being run on-site. It goes from 9 am to 1 pm for six weeks from June to August; Tuesday through Fridays, for ten children maximum. Mr. Olvany confirmed that there are no plans to widen the road/accessway at this time. Ms. Buch agreed.

There being no further questions from Commission members or the general public, the public hearing on this matter was then closed.

At about 8:45 p.m., Chairman Olvany read the next agenda item:

Continuation of Public Hearing regarding Coastal Site Plan Review #372, Flood Damage Prevention Application #436, Land Filling & Regrading Application #544, Mitchell & Kerry Ross, 17 Nickerson Lane. Proposal to construct a new 6-bedroom single-family dwelling on a now vacant lot, construction of a new driveway and parking court, patio and terrace areas, and a pool; and to perform

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related site development activities, including regrading of the property and installation of stormwater management. The project will establish new connections to public water and sewer. The 0.98+/- acre subject property is located on the southwest side of Nickerson Lane approximately 750 feet west of its intersection with Nearwater Lane, and is shown on Assessor's Map #52 as Lot #9; R-1 Residential Zone. *HEARING OPENED 5/23/2023.*

Mr. Reilly recused himself from this matter, and left the room.

Mr. Ginsberg summarized the application, and noted that two letters had been recently received—one from Landscape Architect Matt Popp of ELS, and the other from Attorney Amy Zabetakis of Rucci Law Group on behalf of a number of neighbors.

Professional engineer Curt Lowenstein of Landtech was present on behalf of the applicant. He explained that the EPC public hearing has been closed, and a decision is expected in July. He confirmed that they can find room for more trees. Mr. Ginsberg then referred to the June 6, 2023 memo from peer review engineer Joe Canas of Tighe & Bond.

Matt Popp of ELS said that major changes were made to the proposal. He believed that the applicant can incorporate his minor comments relative to the need for shade trees. The meadow should be cut once per year. He said that a path down to the water should be shown on the plan—it can be delineated with boulders. Mr. Popp said that it is good to have evergreens.

Mr. Lowenstein then responded that Mr. Popp's suggestion of a path down to the water was a great suggestion. There is an opportunity for evergreen and shade trees.

Attorney Amy Zabetakis of Rucci Law Group said that she represents neighbors: the Van Dijks; Thorens; and Wiggins. She said that the application still is for a large house with a lot of land disturbance. She said that the large oak tree in the front of the property is shown to be removed. A structural engineer is needed on the proposed walls. There is also a new wall shown on a shared property line. A construction phasing plan is needed.

Mr. Alec Wiggin of 14 Nickerson Lane then spoke. He asked that the applicant stake the new proposed house. He also asked that they plan to keep the old oak tree in front. Mr. Peter Van Dijk of 19 Nickerson Lane and Yvette Van Dijk voiced their concerns about the oak tree in front, hoping that it could be saved. Ms. Van Dijk had concerns about the sediment and erosion controls, and noted the need for the contractor to work his way out of the site, and to be diligent about the stockpiles.

It was noted that there should not be stockpile storage in the street, and no curbing or Belgian block in the Town right-of-way. A DPW street opening permit is required for this project. The amount of cut is estimated at 700 cubic yards, and the amount of fill required is about 190 cubic yards. Mr. Lowenstein confirmed that the applicant can stake the boundaries of the new proposed house, which will be six bedrooms, and approximately 7,000 square feet.

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

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At about 9:30 p.m., Chairman Olvany then read the next agenda item, and Mr. Reilly returned to the meeting.

GENERAL MEETING

Deliberations and possible decision regarding:

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. *HEARING CLOSED: 4/25/2023. DECISION DEADLINE: 6/29/2023.*

A potential condition regarding the closing times of the restaurant was discussed, in light of upstairs residences as well as the adjacent Clock Hill Homes. Commission members asked that staff research outdoor hours of other restaurants in the CBD zone to ensure consistency. Staff will put this on the next Commission agenda for discussion and possible decision.

At about 9:50 p.m., Chairman Olvany read the next agenda item:

Discussion and deliberations ONLY regarding

Proposed Amendments of Zoning Regulations (COZR #1-2023), Site Plan Application #310-A, Special Permit Application #324-A, Flood Damage Prevention Application #425-A, 7 Sedgewick Avenue, LLC, 7 Sedgewick Avenue. Proposal to amend Section 726(13) of the Zoning Regulations to increase the maximum floor area of dwelling units in the Central Business District (CBD) from 1,000 square feet to 1,600 square feet; Proposal to amend Section 726, Note (f) of the Zoning Regulations to allow third floor dwelling units as incentive units under the Inclusionary Zoning Regulations, and to clarify the residential parking requirements in the Central Business District (CBD); Proposal to raze the existing bank building on the site, convert and redevelop the property as multi-family residential, and to perform related site development activities within a regulated area, including regrading of the property, installation of landscaping, lighting, and stormwater management. The applicant proposes to construct a multi-family apartment building with a total of 22 one- and two-bedroom apartments on the two floors above the parking level, including 4 deed restricted affordable units. *HEARING CLOSED: 5/23/2023. DECISION DEADLINE: 7/27/2023.*

Mr. Doneit explained that the applicant has proposed 38 parking spaces. Each one bedroom unit requires 1.5 spaces per unit and each two bedroom unit requires 2.0 spaces per unit. One additional space is required for the proposed leasing office. A total of 38 parking spaces have been provided. Ms. Barsanti said that this is clearly a three story building, and no public plaza has been provided. Mr. Doneit then referred Commission members to Sections 585 and 726 of the Zoning Regulations. Ms. Barsanti noted that the applicant did not receive a positive report from the Architectural Review Board (ARB). She was also not in favor of modifying the zoning regulations to change the 1,000 square foot maximum size of unit provision in the CBD Zone. It was agreed that Darien needs more reasonable

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rents, and smaller units generally have lesser rents. Commission members did not believe that Mr. Maslan submitted sufficient evidence from the Town Plan of Conservation & Development to address this proposed text amendment.

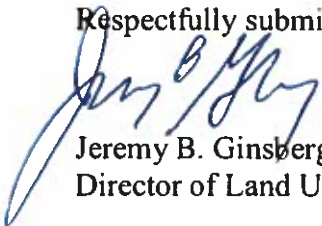
Mr. Reilly said that he did not like the design for trash pickup and removal. Mr. Olvany said that the proposed loading space should be on the subject property and not within the Town right-of-way. Mr. Nedder said that he had concerns about parked vehicles under the building during a flood event.

Mr. Olvany said that peer review engineer Joe Canas has given a positive review to the proposed stormwater design. Greg Del Rio, the Town's peer reviewer on traffic and parking also gave a positive review. Mr. Olvany then referred to the LTA comments dated February 9, 2023.

Mr. Olvany did not agree that the proposal complies with Section 1005a of the Darien Zoning Regulations. He noted that the ARB said three times that it was not in harmony with the district. At 45 units per acre, it would be the densest project in the entire Town of Darien. There is not a lot of landscaping on the property. Ms. Barsanti referred to the bottleneck in this location, near the mouth of the Goodwives River. Mr. Olvany summarized that the Darien Sewer Commission said that there is capacity for the project, but a redesign of the project would need to return to that Commission.

Mr. Nedder made a motion to adjourn the meeting. That motion was seconded by Mr. Ball and unanimously approved by a vote of 6-0. The meeting was thus adjourned at 10:22 p.m.

Respectfully submitted,



Jeremy B. Ginsberg, AICP
Director of Land Use

