

Planner's Memo



Commission Members: If you will not be able to attend, please notify the Town Planner's Office at 203-594-3042.

Date: November 20, 2016

To: P&Z Commission
R. Mallozzi, First Selectman
N. Williams, Selectman (via email)
B. Jones, Selectman (via email)
I. Bloom, Town Attorney (via email)
M. Pastore, Town Engineer (via email)

From: Steve Palmer, Town Planner

Re: Meeting Memo – November 29, 2016

There are five (3) public hearing items on the December Agenda.

Public Hearing Item Number:

1. 23 Vitti Street – Special Permit – CH Vitti Street LLC

The public hearing was held open to allow for the applicant to work with the Fire Marshal to find a solution to allow for emergency access to the back of the proposed rear building. The Fire Marshal issued letter dated November 11, 2016, outlining the parameters needed to for access and the applicant has revised the plans accordingly. The applicant should explain the remedy to the Commission.

2. 137 & 143 Park Street – Special Permit – 137 Park Village LLC

ZONE:	Apartment
ACREAGE:	.526 ac. or 22,502 sf.
Existing Use:	2 Parcels of land each containing a single-family dwelling detached garage, and other improvements.

Request:

The applicant is requesting approval of a site plan and special permit to demolish all buildings on both parcels, merge the parcels into one (1) and construct four (4) detached single-family dwellings with associated site improvements.

Discussion:

A Review of the plans indicates that the proposal will conform to the regulations of the Apartment Zone for unit density, coverage, access, building setbacks, height, onsite parking, and

landscaping. There doesn't appear to be any provision for refuse collection areas on the site. The applicant should inform the Commission as to whether there will be a collective solution or if each dwelling will be individually served. If there is to be a replacement of the sidewalk on Park Street, it should be in accordance with Town guidelines and under the direction of the Public Works Department.

Each unit will contain 5 bedrooms, have finished basements and attics, two-car garages, and be equipped with elevators for handicap accessibility. The proposed architecture appears to be very attractive and in keeping with established homes in the neighborhood. Each unit is properly oriented to have the gable end of the roofs facing the street and each will be appointed with period correct window and trim detail. Front porches will also enhance their appearance from the street and promote a friendly interaction between homeowners and the walking public.

There are no wetlands on the site and the property will be connected to public water and sewer services.

3. 365 Lukes Wood Road – Special Permit Amendment – Grace Farms Foundation Inc.

ZONE:	Four Acre - Residence Zone
ACREAGE:	47.984 acres
Existing Use:	Grace Farms Church and related services and activities and Grace Farms Foundation entailing both not for profit endeavors and commercial activities.

According to the application materials, the Applicant is seeking a second Amendment to a Special Permit for authorization of an additional principle use on the Grace Farms property as a “Club and Organization” and Philanthropic or Eleemosynary Institution” for Grace Farms Foundation Inc., in addition to the Special Permit use of a “Religious Institution previously granted in 2013 and first approved as a Special Permit in 2007 and further amended in 2008. However, it can be said, based on the activities that have taken place over the past year since the facility has been in operation, the uses proposed are actually already in existence and the application essentially seeks to recognize or legalize the Grace Farms Foundation activity through the granting of the subject Special Permit application.

There is a voluminous amount of information for the Commission to consider in this application and based on the level of neighbor and town interest in this application, the Commission should take a measured approach in its consideration of the request. That said, the initial public hearing will focus on the applicant’s presentation and initial Commission comments, concerns and questions. A subsequent public hearing will allow for the public to speak on the application and allow for rebuttal and additional Commission input.

Understanding that there will be multiple hearings, this report will focus on what important and relevant conditions were outlined in the 2007, 2008 and 2013 Special Permit and subsequent Amendments as well as other important considerations.

On November 27, 2007, the Commission approved a Special Permit **“to allow the use of the property for Grace Community Church after renovation of existing buildings and construction of a new sanctuary with related uses all as described in the Special Permit Statement and shown on the submitted plans including both Phase I and Phase II.”**

Relevant conditions of approval included:

1. *Only Phase I, as defined in the application, is approved for the Use and of the property as a Church including the construction of a sanctuary/multipurpose facility and associated parking lot per the requirements in the zoning regulations.*
2. *A police officer is required at the entrance to the property to control traffic entering the site at all Sunday services, Holidays and special events (as needed).*
3. *There shall be no renting of the facility to outside or for profit organizations.*
4. *The site shall not be used as a school, as defined in the zoning regulations, except for religious education and/or nursery (preschool) schools.*
5. *The proposed multipurpose facility shall not be rented or used by youth and/or adult sports leagues without approval of the Commission through the granting of a special permit.*

On May 20, 2008, the Commission first amended the Special Permit that allowed the construction of a permanent sanctuary with a capacity of 900 persons. Condition #4 allowed for an increased capacity of 901-1200 person subject to consideration of an updated traffic study. Condition #6 required the provision of 190-200 additional parking spaces to accommodate the use of the expanded barn.

Then on March 23, 2012, the Commission approved an Amendment to the Special Permit that approved the construction of the buildings and site improvements that exist on the property today. The Decision was lengthy and contained detailed findings and conditions of approval. Several of the conditions of the 2007 approval were continued in this resolution including:

(#11) there shall be no renting of the facilities to outside commercial or for profit organizations; **(#10)** the property shall not be used as a school;

(#13) the proposed gymnasium and athletic fields shall not be rented or used by outside organizations “without approval of the Commission.” This condition removed the requirement for a special permit approval; and

(#31) Police Officers shall be stationed at driveway on Lukes Farm Road during worship hours but now adds the intersection of Rt 123/Puddin Hill Road.

There were also additional restrictions, safeguards, and conditions including:

(#4) Any modification to the approved plans listed above, which in the opinion of the Zoning Inspector, result in a change or intensification of Use or increase vehicular traffic requires an amendment to the Special Permit.

(#5) To the extent the applicant and Curt/Bissonnette, owners of 1328 Smith Ridge Road, reach an agreement on any adjustments and additional landscaping in areas near the 1328 Smith Road, all referencing documents should be submitted to the Zoning Inspector. In the event that an agreement is not reached, the Zoning Inspector will make a final determination prior to the issuance of the Zoning Permit on the sanctuary building to determine whether additional landscaping is necessary.

(#6) To the extent the applicant and the Markatos', owners of 1218 Smith Ridge Road, reach an agreement on any adjustments and additional landscaping in areas near the 1218 Smith Road, all referencing documents should be submitted to the Zoning Inspector. In the event that an agreement is not reached, the Zoning Inspector will make a final determination prior to the issuance of the Zoning Permit on the sanctuary building to determine whether additional landscaping is necessary.

(#8) Should the Applicant conduct multiple services in one day, it shall provide appropriate time between services in order for parishioners from the first service to depart prior to parishioners arriving for the second service.

(#9) During Sunday services, major holiday worship services, or other large events, when full capacity within the sanctuary is reasonably expected, no other use of the church facility which results in any substantial traffic impact shall occur at the same time.

(#12) While the Commission acknowledges that as part of its religious mission, the Applicant, among other activities, pursues interfaith meetings and charitable initiatives, the use of the property for multi-organizational conferences and/or usage as a conference center is not part of this approval.

(#18) There shall be no deliveries of fill prior to 8:30 a.m., which corresponds to the decrease in peak hour of traffic on Puddin Hill/Lukes Wood Road as identified in the June 2007 traffic report prepared by Frederick P. Clark Associates.

(#24) Bi-annually (Spring and Fall), the Applicant shall cause all elements of the stormwater management system identified by the Applicant in the two page memo "Stormwater Facilities Maintenance Plan" to be inspected by a technically qualified individual, to check for compliance with maintenance of the system; and the inspector shall submit a report of such findings and recommendations to Grace Property Holdings LLC with a copy to the Planning and Zoning Department. To assure proper functioning of the stormwater system, any and all issues identified in the report shall be repaired/corrected within 30 days of notice to Grace Property Holdings LLC.

(#26) The Applicant shall submit to the Planning and Zoning Department a copy of the Long Term Stewardship Plan as approved by the Inland Wetlands Agent.

(#27) No buildings, as indicated on Overall Site Development Plan C-100, shall be constructed in the area between the southernmost parking lot shall and the property identified as Assessor's Map 41, Block 38, Lot 48.

(#28) The proposed plantings located between the southernmost parking lot and the property identified as Assessor's Map 41, Block 38, Lot 48 shall be maintained and replaced by the Applicant.

(#29) Any proposed increase to the number of parking space, above the 226 spaces, expansion of paved surface, or change in parking lot configuration as indicated on the Overall Site Development Plan (C-100), requires an amendment to the Site Plan and Special Permit applications.

(#30) At no time shall parking for any event at the property occur on any Street as defined in the Regulations or roadway in the State of New York.

(#32) The Applicant or their successors shall submit annual traffic reports to the Commission for a period of five (5) years after the opening of the church for worship services. In addition, the Applicant will conduct an additional traffic report immediately

prior to the opening of the church to serve as the baseline of future analysis. The reports should include, but not be limited to, determinations of the Level of Service at the following intersections: the church driveway/Lukes Wood Road, Puddin Hill Road/Route 123, Lukes Wood Road/West Road and Lukes Wood Road/Route 124. In addition to Levels of Service, the report should also evaluate the on-site parking and attendance records obtained from the Church. The traffic report should not only include Sunday services, but also account for mid-week peak activities. The Commission may waive the requirement for the annual traffic report, should they determine that they are no longer warranted.

(#33) The Commission reserves the right to retain the assistance of its own traffic consultant to conduct an independent peer review of the traffic report, at the Applicant's expense, in accordance with section 8.1.E.2 of the Regulations. Should the subsequent traffic reports indicate that levels of service at the studied intersections have deteriorated since the initiation of church services, the Commission reserves the right to require mitigation remedies, including, but not limited to the placement of additional traffic officers in the vicinity.

(#34) There shall be no lighting of the proposed athletic field, as indicated on the approved plans.

(#35) All interior lighting in the River Building shall include motion sensors that shut off interior lighting due to inactivity.

(#36) Exterior lighting, with the exception of security lighting, shall be turned off by 11:00 p.m. when the facilities are not in use.

(#37) All exterior lighting shall comply with sections 6.11.B.1, 6.11.B.2, 6.11.B.3, 6.11.B.7 and 6.11.B.8 or as otherwise approved or referenced in this document.

(#37) All exterior up-lighting shall not exceed 20 watt, ceramic metal halide. In addition, site lighting shall be modified in accordance with the Memorandum prepared by Buro Happold date January 29, 2013.

(#38) Outdoor use of bullhorns, loudspeakers, or other noise amplifying devices is prohibited.

(#40) The existing fence shall be maintained around the perimeter of the property to delineate the applicant's property from that of its abutting neighbors.

What is apparent from the conditions is there are some common threads to the approval. It's seems clear the Commission felt it was necessary to manage the intensity of the use on the property and that alleviating concerns from neighboring property owners about traffic, landscape buffering, lighting and noise was a priority.

At site walk conducted on November 12, 2016, the Commission walked much of the property to review the present conditions taking into account issues raised by former Town Planner Steve Kleppin in a letter to Grace Farms Foundation dated June 24, 2016. The letter was issued in response to complaints that ***"some of the Uses occurring on the site exceed the bounds of the March 2016 Special Permit."***

Specifically referenced were that there were events held by the foundation that violated Condition #12 (see above), and that there "appears to be for profit connection to some of the events and activities." Additionally, there were complaints about the location of parking, and sight lighting. In my short time in the Town Planner position I have also been made aware of concerns about trucks waiting on Lukes Wood Road for deliveries

times to begin, the River building lighting, the lack of landscaping buffer between adjacent residential properties and noise from an outdoor sound display at the pond along the northern most section of the property.

The applicant provided a detailed response to Kleppin's letter which is in Enclosure II dated September 26, 2016. They contend that the use of the property for the church and the Foundation as separate entities and uses was always intended and even acknowledged by the Commission in its approval of the project.

In addition to the issues of lighting, landscaping, parking, etc. what appears to be most at issue is the degree to which the Foundation's use is prevalent and essentially a new, additional principle use on the property and whether it is appropriate.

The applicant will be presenting important information about the nature of the Church and Foundation's operations and its plans for the Uses moving forward. As this is presented, it's advisable to see if a middle ground can be established with consideration incorporating additional guidelines, restrictions, limitations or allowances to ensure the neighbors' concerns are addressed for the long term while allowing for Grace to continue providing its services in a manner that is consistent with a special permitted use in a residential zone.

END