

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, August 29, 2006

REGULAR MEMBERS PRESENT:

Mr. Papp, Chairman
Mrs. Grzelecki, Secretary
Mr. Goodwin
Mr. Hunziker
Mr. Rothballer
Mr. Scannell
VACANCY

REGULAR MEMBERS ABSENT:

Mr. Ponterotto
Mr. Wendell

ALTERNATE MEMBERS PRESENT:

Mr. Persico

ALTERNATE MEMBERS ABSENT:

Mr. Turner
Mr. Ward

Also in Attendance:

Steve Kleppin, Town Planner/Senior Enforcement Officer

Public Hearing

The Chairman opened the public hearing at 7:00 p.m. and referenced the call. Mr. Persico was seated for Mr. Ponterotto.

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, AUGUST 17, 2006

STATE OF CONNECTICUT TOWN OF NEW CANAAN PLANNING & ZONING COMMISSION

Notice is hereby given that the Planning and Zoning Commission will hold a Public Hearing on Tuesday, August 29, 2006 at 7:00 p.m. in the Board Room of the Town Hall to hear and decide applications as follows:

1. Upon application of Kai Uwe Young, owner, for a Special Permit of Section 3.5.F.4 to allow a proposed 2 1/2 story single family dwelling with a building height of approximately 26 feet and a total building height of approximately 32 feet with a side yard setback of 17 feet in lieu of the 25 feet required, for property in the One-Third Acre Residence Zone at 503 Main Street (Map M Block 233, Lot M45). Not opened and carried over from the July meeting.
2. Upon application of John P. Lyden, owner, for Amendment to Zoning Map, moving the one acre zone line to the eastern property line, making it all One Acre Residence Zoning, for properties in both the One and Two

Acre Residence Zones at 302 Rosebrook Road (Map 33 Block 39 Lot 108) and Rosebrook Road (Map 33 Block 39 Lots 107 and 109).

3. Upon application of Joseph V. and Jacquelyn M. Lenihan, owners, for a Special Permit of Sections 3.6.D.1.a, 6.4.D.2 and 6.5.C.2 to allow construction of a 5 foot high by 35 foot long retaining wall along the rear lot line and to allow grading within 5 feet of the property line and the placement of a new driveway within 3 feet of the property line for property in the B Residence Zone at 45 Seminary Street (Map L Block 19 Lot 811).
4. Upon application of James and Karen Healey, owners, for a Special Permit of Section 3.5.F.4 to allow a two story addition with an 8 foot setback in lieu of the 16 feet required, for property in the B Residence Zone at 111 Richmond Hill Road (Map K Block 16 Lot G2).
5. Upon application of Kevin Quinlan, Authorized Agent, for Robert A. and Colleen B. Maruster, owners, for a Special Permit of Section 7.1.B.2.b to

allow a second floor addition with a 29.5 foot front yard setback in lieu of the required 30 feet, for property in the A Residence Zone at 17 Fairty Drive (Map M Block 138 Lot H81D).

6. Upon application of Michael J. Sweeney and Jacqueline N. Olschan, Authorized Agents, for Silver Hill Hospital Inc., owner, for a Special Permit of Article 7 Section 7.1.A.5 to allow the demolition of the existing Klingenstein House building of Silver Hill Hospital and the replacement of same so that the facility is compliant with existing federal, state, and local code requirements, for property in the Two Acre Residence Zone at 208 Valley Drive (Map 44 Block 108 Lot 120).

HANDICAP ACCESS

DURING MEETING:

Please notify the Planning & Zoning office in advance if wheelchair accessibility is required.

Dated: August 11, 2006

New Canaan, Connecticut
Jean N. Grzelecki, Secretary

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1. Executive Session

The Chairman announced that executive session would be the last item on the agenda.

2. Kai Uwe Young, owner, 503 Main Street

Upon application of Kai Uwe Young, owner, for a Special Permit of Section 3.5.F.4 to allow a proposed 2 ½ story single family dwelling with a building height of approximately 26 feet and a total building height of approximately 32 feet with a side yard setback of 17 feet in lieu of the 25 feet required, for property in the One-Third Acre Residence Zone at 503 Main Street (Map M Block 233, Lot M45). Not opened and carried over from the July meeting.

This matter was heard after item 7. Attorney Paul Nakian presented the item saying that originally the applicant wanted to tie into the Town sewer, but now has revised the project so no tie-in is necessary. Matt Stichnoth of 137 Elm Street, Kevin Taylor of 129 Elm Place, and Michael Belmonte of 513 Main Street, all contiguous neighbors, opposed the project on the grounds that it would not be in keeping with other houses in the area, and that the changes would overwhelm the lot. Mr. Belmonte said there are other, more acceptable, ways for applicant to modify the dwelling.

The Public Hearing on this matter was closed.

3. John P. Lyden, owner, 302 Rosebrook Road and Rosebrook Road

Upon application of John P. Lyden, owner, for Amendment to Zoning Map, moving the one acre zone line to the eastern property line, making it all One Acre Residence Zoning, for properties in both the One and Two Acre Residence Zones at 302 Rosebrook Road (Map 33 Block 39 Lot 108) and Rosebrook Road (Map 33 Block 39 Lots 107 and 109).

The proposed amendment to the zoning map was not heard because of deficiencies in the notification process. Not opened, and carried over until the next meeting.

4. Joseph V. and Jacquelyn M. Lenihan, 45 Seminary Street

Upon application of Joseph V. and Jacquelyn M. Lenihan, owners, for a Special Permit of Sections 3.6.D.1.a, 6.4.D.2 and 6.5.C.2 to allow construction of a 5 foot high by 35 foot long retaining wall along the rear lot line and to allow grading within 5 feet of the property line and the placement of a new driveway within 3 feet of the property line for property in the B Residence Zone at 45 Seminary Street (Map L Block 19 Lot 811).

Dick Bergmann, Architect, presented the item explaining that the parking area is extremely small. To exit, a car must back down a 20% slope, and in the winter risk sliding into Seminary Street. He proposed reducing the steepness of the driveway and building a retaining wall to remedy the problem. He further advised that the neighbors do not object.

The Public Hearing on this matter was closed.

5. James and Karen Healey, 111 Richmond Hill Road

Upon application of James and Karen Healey, owners, for a Special Permit of Section 3.5.F.4 to allow a two story addition with an 8 foot setback in lieu of the 16 feet required, for property in the B Residence Zone at 111 Richmond Hill Road (Map K Block 16 Lot G2).

James Healey presented the item explaining that the house was built in 1911 on a narrow lot. He proposed adding 1000 square feet per floor, and said that the three contiguous neighbors do not object.

The Public Hearing on this matter was closed.

6. Robert A. and Colleen B. Maruster, owners, 17 Fairty Drive

Upon application of Kevin Quinlan, Authorized Agent, for Robert A. and Colleen B. Maruster, owners, for a Special Permit of Section 7.1.B.2.b to allow a second floor addition with a 29.5 foot front yard setback in lieu of the required 30 feet, for property in the A Residence Zone at 17 Fairty Drive (Map M Block 138 Lot H81D).

Kevin Quinlan presented the item explaining that the project is in compliance except for a “sliver” of the second floor. He added that the second floor addition is to be added directly above the existing first floor, and if the “sliver” is removed then a shear factor would result.

The Public Hearing on this matter was closed.

7. Silver Hill Hospital Inc., 208 Valley Drive

Upon application of Michael J. Sweeney and Jacqueline N. Olschan, Authorized Agents, for Silver Hill Hospital Inc., owner, for a Special Permit of Article 7 Section 7.1.A.5 to allow the demolition of the existing Klingenstein House building of Silver Hill Hospital and the replacement of same so that the facility is compliant with existing federal, state, and local code requirements, for property in the Two Acre Residence Zone at 208 Valley Drive (Map 44 Block 108 Lot 120).

Attorney Sweeney advised that the State of Connecticut Public Health Code requires a minimum square footage per patient. The existing building does not have this minimum, and the existing foundation cannot support the addition that would be required. The curb cut, parking, and utilities would not be altered. The 2600 square foot addition complies with all zoning regulations, and the neighbors have been notified. He advised that some sewer upgrade may be required. Bob Washburn, architect, provided the design history and discussed the site location. Gary Conway, a neighbor, spoke saying he is not opposed. The Commission discussed the issue of “grandfathering” as related to the project.

The Public Hearing on this matter was closed.

The Public Hearing section of the meeting was closed, and the regular meeting commenced, at 8:12 p.m.

Regular Meeting

8. Discussion and possible decision on any public hearing item.

Discussion on Item 2, Kai Uwe Young, 503 Main Street

1. Upon motion of Mrs. Grzelecki and second of Mr. Hunziker, the Commission voted unanimously to deny the special permit. The Commission felt that the applicant and information provided was not complete and the applicant had not thoroughly explored development potential on the property that wouldn't require a Special Permit.

Discussion on Item 4, Joseph V. and Jacquelyn M. Lenihan, 45 Seminary Street

Upon motion of Mr. Rothballer and second of Mr. Goodwin the Commission voted unanimously to grant the special permit with conditions.

Conditions, modifications, or restrictions are as follows:

1. Per Topographic Map prepared by office of Moody & O'Brien, LLC dated June 9, 2006, on file with Planning and Zoning.
2. Per Revised Driveway Plan, Section Thru Site, prepared by Richard Bergman Architects, dated July 14, 2006, on file with Planning and Zoning.
3. Per Revised Driveway Plan prepared by Richard Bergman Architects, dated July 10, 2006, on file with Planning and Zoning.
4. Per Revised Driveway Plan "Exhibit 1" prepared by Richard Bergman Architects, dated July 10, 2006, on file with Planning and Zoning.

Discussion on **Item 5, James and Karen Healey, 111 Richmond Hill Road**

Upon motion of Mr. Hunziker and second of Mr. Rothballer the Commission voted unanimously to grant the special permit with conditions.

Conditions, modifications, or restrictions are as follows:

1. Per Zoning Location Survey prepared by Redniss & Mead dated July 25, 2006, on file with Planning and Zoning.
2. Per Architectural Drawings No. 2 dated July 25, 2006 and Drawings Nos. 1-15 dated March 13, 2006, on file with Planning and Zoning.

Discussion on **Item 6, Robert A. & Colleen B. Maruster, owners, 17 Fairty Drive**

Upon motion of Mr. Scannell and second of Mr. Goodwin the Commission voted unanimously to grant the special permit with conditions.

Conditions, modifications, or restrictions are as follows:

1. Per Zoning Location Survey prepared by RKW Land Surveying dated June 14, 2006, on file with Planning and Zoning.
1. Per Architectural Drawings D 1-4 and A 1-4 prepared by Kevin Quinlan Architect LLC, dated April 26, 2006, as revised July 31, 2006, on file with Planning and Zoning.

Discussion on **Item 7, Silver Hill Hospital Inc., 208 Valley Drive**

The Commission determined that a letter from Briggs Geddis would be a condition, and noted that only a small part of a large complex would be altered. Upon motion of Mr. Hunziker and second of Mrs. Grzelecki, the Commission voted unanimously to grant the special permit with conditions.

Conditions, modifications, or restrictions are as follows:

1. No Zoning Permit will be issued until an engineer has reviewed the septic capacity for the hospital site on the West Campus.
2. In addition, no Zoning Permit will be issued until all other requirements of the Environmental Health Department are met.
3. Per Zoning Location and Topographic Survey prepared by William W. Seymour & Associates, P.C., dated May 1, 2005, as revised July 24, 2006, on file with Planning and Zoning.
4. Per Proposed Floor Plans Z1 and Exterior Elevations Z2, both dated July 28, 2006; First Floor Plan A1, Second Floor Plan A2, Third Floor and Low Roof Plan A3, High Roof Plan A4, and Basement Plan AO (all dated May 3, 2006), and First Floor Plan A2 and Second Floor Plan A3, both dated July 25, 2006, prepared by Albis Turlington Architects LLC, on file with Planning and Zoning.

9. Sign Task Force Report

- a. 33 East Avenue, Fitness Together: One wall sign, 94” long, 20” high, aluminum.
Modification: bottom of sign to be a maximum of 4 feet above top of door.
- b. 3 Forest Street, The Summer House: Corner lot – Six retractable awnings one side, 3 awnings other side. 9’ x 2’. Replace current sign at rear entrance with same size or smaller sign.
Modification: Lettering only allowed on one awning on each street, additional “FH” lettering not allowed.
- c. 175 Elm Street, Citibank: Two identical signs, 11 feet x 24 inches. Channel letters mounted to fascia sign. Re-cover 4 existing awnings, blue, no lettering.
Modification: Lettering height maximum of 12 inches; no “logo” permitted; sign height maximum 20 inches.

Upon motion of Mrs. Grzelecki and second of Mr. Goodwin, the Commission voted unanimously to approve each of the three items, each with modifications.

10. Administrative Actions or other matters (Town Planner)

- a. Annual Woodridge/Wellesley/Stonehenge Block Party – September 17, 2006.
- b. Block Party, Green Avenue – September 23, 2006.
- c. Garden Center of New Canaan - Biennial Festival of Trees – November 29, 2006 through December 2, 2006 – Permission to Display Signs.

The Town Planner advised that he had no issues regarding the items listed above.

11. Approval of Minutes

Minutes of July 25, 2006. No action was taken on the minutes, and the Item was continued to the September meeting.

12. Other Matters

The Commission acknowledged, with appreciation, the work done by former members Robert McKay and Gouverneur (Nick) Nichols, both of whom are recently deceased.

1. Executive Session

Upon motion of Mr. Rothballer and second of Mr. Goodwin the Commission went into executive session at 8:32 p.m. to discuss personnel matters. No decisions were made and no votes were taken. The Commission came out of executive session at 9:44 p.m.

13. Adjournment

Upon motion duly made the meeting adjourned at 9:45 p.m.

Mrs. Grzelecki, Secretary

Legal Advertisement

STATE OF CONNECTICUT
TOWN OF NEW CANAAN
PLANNING & ZONING
COMMISSION

Notice is hereby given that the Planning and Zoning Commission at a regular meeting held on August 29, 2006 duly adopted the following resolutions, which are effective September 8, 2006. RESOLVED, that the application of Kai Uwe Young, owner, for a Special Permit of Section 3.5.F.4 to allow a proposed 2 1/2 story single family dwelling with a building height of approximately 26 feet and a total building height of approximately 32 feet with a side yard setback of 17 feet in lieu of the 25 feet required, for property in the One-Third Acre Residence Zone at 503 Main Street (Map M Block 233, Lot M45), is hereby denied. RESOLVED, that the application of Joseph V. and Jacquelyn M. Lenihan, owners, for a Special Permit of Sections 3.6.D.1.a, 6.4.D.2 and 6.5.C.2 to allow construction of a 5 foot high by 35

foot long retaining wall along the rear lot line and to allow grading within 5 feet of the property line and the placement of a new driveway within 3 feet of the property line for property in the B Residence Zone at 45 Seminary Street (Map L Block 19 Lot 811) as shown on submitted maps, plans and materials, is hereby approved with conditions. RESOLVED, that the application of James and Karen Healey, owners, for a Special Permit of Section 3.5.F.4 to allow a two story addition with an 8 foot setback in lieu of the 16 feet required, for property in the B Residence Zone at 111 Richmond Hill Road (Map K Block 16 Lot G2) as shown on submitted maps, plans and materials, is hereby approved with conditions. RESOLVED, that the application of Kevin Quinlan, Authorized Agent, for Robert A. and Colleen B. Maruster, owners, for a Special Permit of Section 7.1.B.2.b to allow a second

floor addition with a 29.5 foot front yard setback in lieu of the required 30 feet, for property in the A Residence Zone at 17 Fairty Drive (Map M Block 138 Lot H81D) as shown on submitted maps, plans and materials, is hereby approved with conditions. RESOLVED, that the application of Michael J. Sweeney and Jacqueline N. Olschan, Authorized Agents, for Silver Hill Hospital Inc., owner, for a Special Permit of Article 7 Section 7.1.A.5 to allow the demolition of the existing Klingenstein House building of Silver Hill Hospital and the replacement of same so that the facility is compliant with existing federal, state, and local code requirements, for property in the Two Acre Residence Zone at 208 Valley Drive (Map 44 Block 108 Lot 120) as shown on submitted maps, plans and materials, is hereby approved with conditions. Jean N. Grzelecki, Secretary
Dated September 1, 2006
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