

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, September 26, 2006

REGULAR MEMBERS PRESENT:

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

REGULAR MEMBERS ABSENT:

Mr. Ponterotto

ALTERNATE MEMBERS PRESENT:

Mr. Persico
Mr. Turner
Mr. Ward

ALTERNATE MEMBERS ABSENT:

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. Turner and Mr. Ward were seated.

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, SEPTEMBER 14, PAGE 26A 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, September 26, 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 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). Not opened and carried over from the August meeting.
2. Upon application of William R. Scoon and Stephanie L. Currie, owners, for a Special Permit of Sections 7.1.B.2.b and 3.5.F.4 to allow expansion of a non-conforming structure and to allow a 2 1/2 story garage addition to be 8 feet from the property line in lieu of the 25 feet required, for property

in the A Residence Zone at 331 South Avenue (Map M Block 138 Lot H-85).

3. Upon application of Ken Okamoto, Architect, Authorized Agent, for Pamela M. Randon, owner, for a Special Permit of Section 7.1.B.2.b to allow a front yard setback of 37 feet 3 inches in lieu of the 50 feet required (existing residence has a front yard setback of 17 feet 9 inches), and to allow expansion of the 3-story residence to 3 1/2 stories, for property in the Four Acre Residence Zone at 70 Barnegat Road (Map 29 Block 29 Lot 12).
4. Upon application of Attorney Edward Mellick, Authorized Agent, for Oak Park 289 LLC, for a Special Permit of Section 3.2.C.1 to allow construction of a two-family dwelling, for property in the B Residence Zone at 297 Park Street (Map K Block 10 Lot 927).
5. Upon application of Attorney Edward Mellick, Authorized Agent, for Oak Park 289 LLC, for a Special Permit of Section 3.2.C.1 to allow construction of a two-family dwelling, for property in the B Residence Zone at 291

Park Street (Map K Block 10 Lot 913).

6. Upon application of Attorney Edward Mellick, Authorized Agent, for WA LLC, for a Special Permit of Section 3.2.C.1 to allow construction of a two-family dwelling, for property in the B Residence Zone at 243 South Avenue (Map N Block 48 Lot 910).
 7. Upon application of Gil Wheless, Authorized Agent, for Jane Caldwell, owner, for a Special Permit of Section 7.1.B.2.b, to expand a non-conforming structure to be 18.7 feet from the property line in lieu of the 50 feet required for property in the Four Acre Residence Zone at 167 Deep Valley Road (Map 40 Block 105 Lot 92).
- HANDICAP ACCESS DURING MEETING:**
Please notify the Planning & Zoning office in advance if wheelchair accessibility is required.
Dated: September 8, 2006
New Canaan, Connecticut
Jean N. Grzelecki, Secretary
9-14
9-21

1. John P. Lyden, 302 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). Not opened and carried over from the August meeting. This Item was heard after Item 3.

Mr. Keith Simpson presented the matter. He explained the history of the subdivision and the maps already on file and advised that the matter was brought before the Commission in February 2006. He reasoned that moving the zone line is in keeping with the spirit of the Plan of Conservation and Development. He requested the change because the owners want to market the property at some time and also because the zone line passing through the property would cause zigzag setbacks for any construction on the property. He explained that in 1988 a variance had been granted allowing the accessway to go from a two acre parcel to serve property in a one acre zone. John Gillis, 51 Twin Pond Lane, requested additional calculations.

Mr. Simpson said there was no intent to create three lots instead of two on this parcel. The hearing was not closed, but rather continued to the October meeting so Mr. Simpson could provide the calculations.

2. William R. Scoon and Stephanie L. Currie, 331 South Avenue

Upon application of William R. Scoon and Stephanie L. Currie, owners, for a Special Permit of Sections 7.1.B.2.b and 3.5.F.4 to allow expansion of a non-conforming structure and to allow a 2 ½' story garage addition to be 8 feet from the property line in lieu of the 25 feet required, for property in the A Residence Zone at 331 South Avenue (Map M Block 138 Lot H-85).

This matter was not opened, but was continued to the October meeting.

3. Oak Park 289 LLC, 297 Park Street

Attorney Edward Mellick, Authorized Agent, for Oak Park 289 LLC, for a Special Permit of Section 3.2.C.1 to allow construction of a two-family dwelling, for property in the B Residence Zone at 297 Park Street (Map K Block 10 Lot 927).

Items 3 and 4 were combined and were presented by Peter Marschalk, the applicant. He advised that the proposal meets all zoning regulations, and that the neighbor directly across the street, Mrs. Eurice Mead, has written a letter in support. He addressed the issues of curb cuts, parking, driveways, green space provided, wetlands, attic space, building height and setbacks. Attorney Ed Mellick addressed the form of ownership to be used. Alma Vaupel and Mark Alt, residents of the Sanctuary Condos, asked about the plans for certain trees. Susan Blabey, a Sanctuary resident, asked about drainage and landscaping plans. Fran Holman requested information concerning the sidewalk. Bryan Blair, a resident of New Canaan, lauded the plan saying its effects would be positive. The Town Planner advised that the building complies with height regulations.

The Public Hearing on this matter was closed.

4. Oak Park 289 LLC, 291 Park Street

Upon application Attorney Edward Mellick, Authorized Agent, for Oak Park 289 LLC, for a Special Permit of Section 3.2.C.1 to allow construction of a two-family dwelling, for property in the B Residence Zone at 291 Park Street (Map K Block 10 Lot 913).

This matter was combined with Item 3 above.
The Public Hearing on this matter was closed

5. WA LLC, 243 South Avenue

Upon application of Attorney Edward Mellick, Authorized Agent, for WA LLC, for a Special Permit of Section 3.2.C.1 to allow construction of a two-family dwelling, for property in the B Residence Zone at 243 South Avenue (Map N Block 48 Lot 910).

The matter was not heard but carried over to the October meeting.

The Public Hearing was closed at 8:30 p.m.

Regular Meeting

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

Discussion on Items 3 and 4, Oak Park 289 LLC, 297 and 291 Park Street

The Commission addressed issues of whether the lowest level is a basement or a cellar, addressed height issues, and addressed issues regarding the proposed curb cuts and parking areas. There was extensive discussion regarding the necessity for four (4) curb cuts.

Upon motion of Mr. Wendell and second of Mrs. Grzelecki the Commission voted unanimously to grant the special permits for 297 and 291 Park Street subject to the following conditions.

Conditions, modifications, or restrictions are as follows:

1. Town Planner to confirm average grade, building height, total building height and number of stories prior to issuance of a Building Permit.
2. Per Site Development Plan SE1, for 297 Park Street, prepared by McChord Engineering Associates, Inc., dated August 28, 2006, on file with Planning and Zoning.
3. Per Architectural Drawings A-1 – A- 3, for condominiums at Oak Park 289 LLC, prepared by James Schettino Architects A.I.A., dated July 8, 2006, as revised August 16, 2006; and A-4 – A-7, for condominiums at Oak Park 289 LLC, dated July 8, 2006, as revised September 8, 2006, on file with Planning and Zoning.
4. Approved for four (4) curb cuts provided Town Engineer approves the proposed new cut at 298 Park Street. If second most northerly cut is not approved, new plans showing three (3) curb cuts shall be submitted and approved by Town Engineer.

7. Sign Task Force Report

- 7a. Request for approval of sign by New Balance, 126 Main Street: One wall sign above front door, 96” long, individual letters.
Lettering: One line, 12” high, white aluminum letters attached by screws.
Illumination: None.
- 7b. Request for approval of signs by J. Crew, 24 Elm Street: Two signs and one awning with no signage.

After brief discussion, upon motion of Mrs. Grzelecki and second of Mr. Hunziker, the Commission voted unanimously to approve both the above sign requests as submitted. Minor façade change for J. Crew was also approved.

8. Administrative Actions or other matters (Town Planner)

- a. GetAbout, Inc. Silent Auction, October 22, 2006.

- b. Young Women's League Holiday Market, November 15-16, 2006.

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

9. Approval of Minutes

Approve minutes of July 25, 2006 meeting (vote only), August 15, 2006 special meeting and August 29, 2006 meeting.

Upon motion of Mr. Hunziker and second of Mr. Ward, the minutes of the July 25, 2006 meeting were unanimously approved.

Upon motion of Mr. Goodwin and second of Mr. Ward, the minutes of the August 15, 2006 Special Meeting were unanimously approved.

Upon motion of Mr. Rothballer and second of Mr. Scannell, the minutes of the August 29, 2006 meeting were unanimously approved, with administrative corrections.

10. Executive Session

None.

11. Other Matters

The Town Planner presented and addressed the following matters:

- a. Resignation of Commissioner.
Darlene Johnson has moved and will, therefore, no longer serve on the Commission.
- b. The YMCA advised that they may not be able to pave before the asphalt plants close and request permission to use gravel temporarily.
- c. Regulations concerning retaining walls have been put on the November agenda.
- d. South School has requested permission to install a swing set.
The Commission noted that the school is exempt from zoning regulations since it is a Town entity.
- e. CVS has requested permission to allow a small area of its store to be used by a nurse practitioner.
The Commission noted that this use would be denser and would increase demand for parking spaces. Further, this use might be considered an accessory use.
- f. A house on East Maple does not meet the second story setback.
After discussion the Commission requested a strict interpretation of the regulations with regard to the house.

Mr. Goodwin raised the issue of the ruts in the roads: Public Works is cutting ruts running across the road and intersecting the existing ruts running down the road. He explained that this is very dangerous for cyclists and could lead to ice build-up. Mr. Goodwin requested the Town Planner talk to Public works about filling the gaps on Weed Street.

12. Adjournment

Upon motion duly made, the meeting adjourned at 9:30 p.m.

Jean N. 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 September 26, 2006 duly adopted the following resolutions. Approved applications become effective upon the filing of a copy thereof in the office of the Town

Clerk.
RESOLVED, that the application of Attorney Edward Mellick, Authorized Agent, for Oak Park 289 LLC, for a Special Permit of Section 3.2.C.1 to allow construction of a two-family dwelling, for property in the B Residence Zone at 297 Park Street (Map K Block 10 Lot 927) is approved with conditions.
RESOLVED, that the application

of Attorney Edward Mellick, Authorized Agent, for Oak Park 289 LLC, for a Special Permit of Section 3.2.C.1 to allow construction of a two-family dwelling, for property in the B Residence Zone at 291 Park Street (Map K Block 10 Lot 913) is approved with conditions.
Jean N. Grzelecki, Secretary
Dated September 29, 2006