

**PLANNING & ZONING COMMISSION MINUTES**

**TUESDAY, December 12, 2006**

**REGULAR MEMBERS PRESENT:           REGULAR MEMBERS ABSENT:**

**Mr. Papp, Chairman & Acting Secretary   Mrs. Grzelecki, Secretary**  
**Mr. Goodwin                                   Mr. Ponterotto**  
**Mr. Hunziker**  
**Mr. Rothballer**  
**Mr. Scannell**  
**Mr. Turner**  
**Mr. Wendell**

**ALTERNATE MEMBERS PRESENT:   ALTERNATE MEMBERS ABSENT:**

**Mr. Persico                                   Mr. Ward**

**Also in Attendance:**

**Steve Kleppin, Town Planner/Senior Enforcement Officer**  
**Chris Jarboe, Town Attorney**

**Public Hearing**

The Chairman opened the public hearing at 7:05 p.m. and referenced the call.

**LEGAL ADVERTISEMENT**

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, NOVEMBER 30, 2006  
PAGE 25A

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, December 12, 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 Attorney  
Elizabeth Suchy, Authorized  
Agent, for V.M.I., Inc., owner,  
for a Site Plan Application to  
allow a bank with drive-through  
windows, parking and other site  
improvements, for property in  
the Business A Zone at 272 Elm

Street (Map L Block 16 Lot 89) .  
Continued from November meeting.  
2. Upon application of Edward  
Mellick, Authorized Agent, for  
approval of a resubdivision of  
Parcels 84 and 85 at Soundview  
Lane that total 8.666 acres into  
four (4) lots for property in  
the Two Acre Residence Zone.  
Lot 84 (Map 40, Block 105) is  
owned by Pamela W. Gores and  
Gabriel S. Gilligan and Michelle  
Hubbard, Trustees. Lot 85 (Map  
40, Block 105) also known as  
33 Soundview Lane is owned  
by Andrew C. Pearson and  
Shiva Sarram. Continued from  
November meeting.  
3. Upon application of Edward

Mellick, Authorized Agent, for  
Eton Centers Co, LLC, owners,  
for a Special Permit of Section  
6.2.E.2 to allow a permanent  
25% reduction in the number  
of required parking spaces, for  
property in the Business A Zone  
at 36 Pine Street (Map L Block  
139 Lot 926).  
HANDICAP ACCESS  
DURING MEETING:  
Please notify the Planning &  
Zoning office in advance if wheelchair  
accessibility is required.  
Dated: November 22, 2006  
New Canaan, Connecticut  
Jean N. Grzelecki, Secretary  
11-30  
12-7

**1. V.M.I., Inc., 272 Elm Street**

Upon application of Attorney Elizabeth Suchy, Authorized Agent, for V.M.I., Inc., owner, for a Site Plan Application to allow a bank with drive-through windows, parking and other site improvements, for property in the Business A Zone at 272 Elm Street (Map L Block 16 Lot 89) . Continued from November meeting.

Attorney Suchy presented the Item explaining that the applicant is working on the building design and will be on the agenda for the January meeting. She asked that the hearing remain open. Frank Fillciotto of Atlantic Traffic & Design presented a traffic impact analysis whose results indicated that the bank will generate about the same amount of peak hour traffic as the existing service station. Mr. Papp asked why three

drive-up windows are necessary. He advised that if the building design is not accepted in January, the Commission will exercise its option to employ an architectural consultant.

The Public Hearing on this matter was continued to January.

**2. Pamela W. Gores and Gabriel S. Gilligan & Michelle Hubbard, Trustees, Lot 84, Soundview Lane and Andrew C. Pearson & Shiva Sarram, Lot 85, 33 Soundview Lane**

Upon application of Edward Mellick, Authorized Agent, for approval of a resubdivision of Parcels 84 and 85 at Soundview Lane that total 8.666 acres into four (4) lots for property in the Two Acre Residence Zone. Lot 84 (Map 40, Block 105) is owned by Pamela W. Gores and Gabriel S. Gilligan and Michelle Hubbard, Trustees. Lot 85 (Map 40, Block 105) also known as 33 Soundview Lane is owned by Andrew C. Pearson and Shiva Sarram. Continued from November meeting.

Attorney Mellick presented the matter explaining that Briggs Geddis and the State Health Department has approved the septic systems. Holt McChord, McChord Engineering Associates, provided a rebuttal to the report Mr. Frangione presented at the November 28, 2006 Planning and Zoning meeting. Mr. McChord addressed the issues of test holes, storm water detention, water shed maps, rooting calculations, proximity of detention systems to the house, and hi-level overflow pipes. He claimed that Mr. Frangione's assumptions were skewed. Architect William Earls, purchaser of record, explained that the area is steep, but the individual building site areas are more flat. He referenced the voluntary conservation easement and coverage restraints, then agreed to use of a third engineer to act as consultant to the Commission at the applicant's expense. John Donlon, 15 Hidden Meadow Lane, emphasized that the water from this area drains into the Silvermine River and could cause extensive pollution. James Conforti advised that he plans to speak at the January meeting. Attorney Jarboe addressed certain legal issues advising that neither the 1974 (expired) nor the 1975 (valid) variance limited the number of lots to which the variance could apply and, therefore, the existing variance would not prohibit additional lots. Mr. Papp noted that the variance was granted in response to a request involving two parcels. As to increasing the burden on the easement, Attorney Jarboe advised that this issue is not within the jurisdiction of the Commission. He addressed the issue of measuring the access way and advised that the access way can be segmented, rather than being side-by-side. Richard Troy, 428 Laurel Road, raised the issue of construction noise.

This Public Hearing on this matter was continued to the January meeting.

**3. Eton Centers Co, LLC, 36 Pine Street**

Upon application of Edward Mellick, Authorized Agent, for Eton Centers Co, LLC, owners, for a Special Permit of Section 6.2.E.2 to allow a permanent 25% reduction in the number of required parking spaces, for property in the Business A Zone at 36 Pine Street (Map L Block 139 Lot 926).

Attorney Mellick presented the matter explaining that the large space on the property will be leased to a drug store and that the owner wants to lease two restaurants as well. Under the regulations offices require 1 parking space per 200 square feet, and restaurants require 1 space per 100 feet. The regulations allow the Commission to approve a 25% reduction in the number of parking spaces required. In light of this, Attorney Mellick requested permission to build 36 fewer spaces. He discussed the traffic flow and peak traffic periods for offices and restaurants. Mr. David Brause described the restaurants being considered for the space, Cosi and Panera. Mike Galanti analyzed the traffic demands of drugstores and restaurants, "high turnover" restaurants in particular. Upon questioning, Attorney Mellick advised that if the reduction is approved but there is, in fact, not enough parking spaces, he would reopen discussion concerning the possibility of underground parking. Mr. Turner asked about on-site circulation. Kathy McShane opposed the project stating that the parking study methodology is flawed and that parking is a critical

issue. Norma Collier, 137 Park Street, explained that the property is bordered on two sides by residences, the proposed use of the site would ruin the quality of life for her in her home. Further, deliveries, traffic and noise would be a nuisance. Jeanne DeMuzio, an abutting property owner, advised that the area is inhabited by raccoons and therefore garbage removal must be well managed. Attorney Mellick responded by emphasizing that Mr. Brause wants to be a good neighbor and that adequate screening will be provided.

The Public Hearing on this matter was continued.

The Public Hearing was closed at 9:08 p.m.

### **Regular Meeting**

#### **4. Discussion and possible decision on any public hearing item.**

##### *Discussion on Item 1, V.M.I., Inc., 272 Elm Street*

Mr. Papp proposed that the Commission retain a consulting architect since the Commission also sits as an Architectural Review Board. Attorney Jarboe explained that the consultant should issue a report in context of the Village District Regulations and the Plan of Conservation and Development.

Upon motion of Mr. Hunziker and second of Mr. Rothballer the Commission voted unanimously to approve the hiring of a consulting architect and authorized Mr. Papp and Mr. Kleppin to select the architect.

##### *Discussion on Item 2, Pamela W. Gores and Gabriel S. Gilligan & Michelle Hubbard, Trustees, Lot 84, Soundview Lane and Andrew C. Pearson & Shiva Sarram, Lot 85, 33 Soundview Lane*

After brief discussion, upon motion of Mr. Turner and second of Mr. Goodwin the Commission voted unanimously to hire Rocco D'Andrea as consulting engineer to review technical issues raised by the two engineering firms.

##### *Discussion on Item 3, Eton Centers Co, LLC, 36 Pine Street*

The Commission raised the issue of the validity of the traffic projections and noted that it needs a better method for analyzing traffic. Mr. Kleppin was asked to locate a consultant to advise on parking usage. The Commission discussed the possibility of requiring a security guard and the need to research the categories of restaurants. Selectman Potts explained that the neighboring residents do need protection from commercial interests.

#### **5. Discussion of Zoning Regulation revisions.**

The Commission will meet with Glen Chalder on January 9, 2007 and then set a date for a Public Hearing regarding the zoning regulations. The Commission discussed historical overlay zones. Inasmuch as Sperry DeCew has drafted proposed regulations for this type of zone the Commission considered having him make an informal presentation.

#### **6. Request for Miles Property Bond Release of cash deposit bond - Rosebrook Road and Garibaldi Lane.**

Upon motion of Mr. Scannell and second of Mr. Rothballer the Commission voted unanimously to release the bond.

#### **7. Sign Task Force Report.**

- a. Donald Rich Interiors & Antiques, 2 Burtis Avenue – one sign, mounted above door.

Upon motion of Mr. Scannell and second of Mr. Turner the Commission voted unanimously to approve the above request.

8. Administrative Actions or other matters (Town Planner).

Mr. Kleppin raised the issue of outdoor lighting referenced on pages 120-121 of the Zoning Regulations, in particular whether the fixtures were the correct type.

He also reported that an individual wanted to have a tutoring classroom in a Business C zone office building, but there is no provision for this in the regulations. The Commission noted that such use currently exists in another building.

9. Approval of Minutes.

Approve minutes of November 28, 2006 Meeting.

Upon motion of Mr. Hunziker and second of Mr. Scannell the Minutes of November 28, 2006 meeting were unanimously approved.

10. Executive Session - None.

11. Other Matters as may properly come before the Commission.

12. Adjournment - None.

There being no further business the meeting adjourned at 9:47 p.m.

---

Laszlo Papp, Acting Secretary

### Legal Advertisement

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, DECEMBER 21, PAGE 24A 2006

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 December 12, 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 request  
that all bond funds be released for  
Rosebrook Road and Garibaldi  
Lane, Miles property, is hereby  
approved.  
Jean N. Grzelecki, Secretary  
Dated December 15, 2006  
12-21