

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, JULY 28, 2009

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

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

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

Ms. Boyd **Mr. Redman**
Ms. DeLuca

Also in Attendance:
Steve Kleppin, Town Planner/Senior Enforcement Officer
Christopher Jarboe, Town Attorney

REGULAR MEETING

Chairman Papp called the Regular Meeting to order at 7:00 p.m.

1. Discussion concerning proposed changes to determination of building heights and average grade, Sections 2.2, 3.5.F, and 8.4.A.4.

Commission members discussed the differences between pre-existing and finished grade measurements, and that the requirement should be that all average grade measurements are done off of the existing grade prior to filling. The last change in the regulations in June 2007 showed the concept of using both measurements. Another requirement could include interim as-built surveys. Mr. Kleppin will review the grading issue further. Discussion continued to the next meeting.

2. Discussion and consideration regarding the proposed Sidewalk Café Procedures.

The draft Sidewalk Café procedures have been reviewed by Attorney Jarboe and the Board of Selectmen. Commission members discussed revisions and further modifications were suggested. The Commission approved the Sidewalk Café Procedures with modifications.

PUBLIC HEARING

Chairman Papp opened the Public Hearing at 7:45 p.m.

LEGAL ADVERTISEMENT

A Legal Notice was also published in the New Canaan News Review
NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, JULY 16, 2009 21A

TOWN OF	use in the Business B zone.	Dickson DeMarche Landscape
NEW CANAAN	(Complete copies of the proposed	Architects, Authorized Agent,
PLANNING & ZONING	amendment are on file	for Thomas and Betty Yang
COMMISSION	in the offices of the Town	Cavanagh, owners, for a
Notice is hereby given	Clerk and the Planning and	Special Permit of Section 6.4.F
that the Planning and Zoning	Zoning Department as well	to allow soil disturbance of
Commission will hold a	as the Planning and Zoning	12,215 square feet, including
Public Hearing on Tuesday,	Commission and Department	Removal of trees and vegetative
July 28, 2009 at 7:00 p.m. in	Web sites).	groundcover, for property
the Auditorium of the Town	2. Upon application of	at 57 Hunter's Creek Lane in
Hall to hear and decide applications	Brooks & Falotico Associates,	the Four Acre Residence Zone
as follows:	Inc., Authorized Agent, for	(Map 28 Block 140 Lot 63).
1. Discussion and consideration	Roger C. and Heather R.	HANDICAP ACCESS
of the Planning	Harper, owners, for a Special	DURING MEETING:
and Zoning Commission to	Permit of Section 3.4.C.3	Please notify the Planning
amend the Zoning Regulations	to remodel and renovate	& Zoning office in advance
dated June 16, 2007, to allow	existing three-car garage to	if wheelchair accessibility is
changes to Sections 4.2, 4.3,	have an accessory dwelling	Required.
4.4, 4.5 and 4.6 to amend	unit, for property at 476	Dated: July 10, 2009
the regulations pertaining to	Silvermine Road in the Two	New Canaan, Connecticut
outdoor dining on municipal	Acre Residence Zone (Map 44	Jean N. Grzelecki,
sidewalks or walkways and	Block 108 Lot 28).	Secretary
private property and clarify	3. Upon application of	7-16
restaurants as a permissible	LaurelRock Company/	7-23

PUBLIC HEARING

3. Amend the Zoning Regulations to allow changes to Sections 4.2, 4.3, 4.4, 4.5 and 4.6 pertaining to outdoor dining.

Discussion and consideration of the Planning and Zoning Commission to amend the Zoning Regulations dated June 16, 2007, to allow changes to Sections 4.2, 4.3, 4.4, 4.5 and 4.6 to amend the regulations pertaining to outdoor dining on municipal sidewalks or walkways and private property. (Complete copies of the proposed amendment are on file in the offices of the Town Clerk and the Planning and Zoning Department as well as the Planning and Zoning Commission and Department web sites).

There was no public comment.

The public hearing on this matter was closed.

4. Roger C. and Heather R. Harper, owners, 476 Silvermine Road

Upon application of Brooks & Falotico Associates, Inc., Authorized Agent, for Roger C. and Heather R. Harper, owners, for a Special Permit of Section 3.4.C.3 to remodel and renovate existing three-car garage to have an accessory dwelling unit, for property at 476 Silvermine Road in the Two Acre Residence Zone (Map 44 Block 108 Lot 28).

Louise Brooks and Kasia Kudrzycka, Brooks & Falotico Associates, presented the application and reviewed the special permit requirements.

The public hearing on this matter was closed.

5. Thomas and Betty Yang Cavanagh, owners, 57 Hunter's Creek Lane

Upon application of LaurelRock Company/Dickson DeMarche Landscape Architects, Authorized Agent, for Thomas and Betty Yang Cavanagh, owners, for a Special Permit of Section 6.4.F to allow soil disturbance of 12,215 square feet, including removal of trees and vegetative groundcover, for property at 57 Hunter's Creek Lane in the Four Acre Residence Zone (Map 28 Block 140 Lot 63).

Justin Quinn, Dickson DeMarche Landscape Architects, presented the application and stated that approximately 12,000 square feet of lawn area is proposed to be installed in an area where wooded area exists. Mr. Quinn reviewed the special permit requirements and estimated that approximately 100 cubic yards of soil would be brought onto the site. An amount of between 200 and 1,000 cubic yards of material requires a zoning permit but no approval by the Commission; beyond 1,000 cubic yards requires a special permit. A grading plan will disperse water displaced by tree removal into the woodland buffer.

The public hearing on this matter was closed.

REGULAR MEETING

6. Deliberation and any possible action on a closed public hearing item.

Discussion on Item #3 - Amend the Zoning Regulations to allow changes to Sections 4.2, 4.3, 4.4, 4.5 and 4.6 pertaining to outdoor dining.

After motion of Mrs. Grzelecki and second of Mr. Rothballer to approve the amended Sidewalk Café Procedures, there followed further discussion.

Upon motion of Mrs. Grzelecki and second of Mr. Wendell, the Commission voted unanimously to approve the amendment changes per modifications.

Discussion on Item #4 - Roger C. and Heather R. Harper, owners, 476 Silvermine Road

Upon motion of Mr. Hunziker and second of Mrs. Grzelecki, the Commission voted unanimously to approve the application with conditions.

Conditions, modifications, or restrictions are as follows:

1. Per Property Survey Prepared for Roger C. Harper and Heather R. Harper dated August 21, 2008, revised through June 24, 2009, prepared by RKW Land Surveying, on-file with the Planning and Zoning Department.
2. Per Architect Drawings for Harper Residence, 476 Silvermine Road, Cover (000), Existing Conditions Plans and Elevations (EX), Floor Plans First Floor (101), Floor Plans Second Floor (102), Exterior Elevations North and East (200), Exterior Elevations South and West (201) and Upper Story Calculation (070), all dated July 28, 2009, prepared by Brooks & Falotico Associates, Inc., on-file with the Planning and Zoning Department.

Discussion on Item #5 - Thomas and Betty Yang Cavanagh, owners, 57 Hunter's Creek Lane

Upon motion of Mr. Wendell and second of Mr. Ward, the Commission voted unanimously to approve the application with conditions.

Conditions, modifications, or restrictions are as follows:

1. Inspection by Inland Wetlands agent during the project and after it is completed. Contact Inland Wetlands Agent at 203-594-3036 for inspection.
2. No more than 1,000 cubic yards of material will be imported unless a separate Special Permit is obtained.
3. Per Topographic Location Survey for 57 Hunters Creek Lane dated April 3, 2009, prepared by Stalker Land Surveying, Inc., on-file with the Planning and Zoning Department.
4. Per Site Improvement Plan Erosion and Sediment Control Plan for Cavanagh Residence dated June 24, 2009, prepared by The LaurelRock Company, Dickson DeMarche Landscape Architects, on-file with the Planning and Zoning Department.

7. Sign Task Force Report.

- a. 15 Forest Street, New Canaan Dance Academy – One wall sign.

Upon motion of Mrs. Grzelecki and second of Mr. Hunziker, the Commission approved item "a".

8. Approval of the modification of Site Plan Application fee for Signs from \$250.00 to \$50.00.

Upon motion of Mrs. Grzelecki and second of Mr. Hunziker, the Commission approved the fee modification.

9. Report on Conservation Commission – July 9, 2009 meeting canceled.

10. Downtown Subcommittee Report.

- a. Regulation Changes.
- b. Design Manual.

11. Administrative Actions or other matters as may properly come before the Commission (Town Planner).

- a. Special Permit Criteria.

There was no vote. This item will be addressed at the September 29, 2009 meeting.

12. Approve minutes of May 19, 2009 and June 23, 2009 Meetings.

Upon motion of Mrs. Grzelecki and second of Mr. Wendell, the Commission voted to approve the May 19, 2009 Regular Meeting minutes with modifications. Mr. Turner abstained.

Upon motion of Mr. Goodwin and second of Mr. Rothballer, the Commission voted to approve the June 23, 2009 Regular Meeting minutes with modifications. Mrs. Grzelecki and Mr. Ward abstained.

13. Adjournment.

Meeting was adjourned at 8:26 p.m.

Jean Grzelecki, Secretary

LEGAL ADVERTISEMENT

A Legal Notice was also published in the New Canaan News Review
8A NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, AUGUST 6, 2009

TOWN OF NEW CANAAN
PLANNING & ZONING
COMMISSION

Notice is hereby given that the Planning and Zoning Commission at a regular meeting held on July 28, 2009 duly adopted the following resolutions. Approved Special Permit Applications become effective upon the filing of a copy thereof in the office of the Town Clerk.

- 1. RESOLVED, that the Sidewalk Café Procedures are approved per modifications.
- 2. RESOLVED, that the request of the Planning and Zoning Commission to amend the Zoning Regulations dated

June 17, 2007 regarding outdoor dining on municipal sidewalks or walkways and private property, to allow changes to Sections 4.2, 4.3, 4.4, 4.5 and 4.6, is approved per modifications.

- 3. RESOLVED, that the application of Brooks & Falotico Associates, Inc., Authorized Agent, for Roger C. and Heather R. Harper, owners, for a Special Permit of Section 3.4.C.3 to remodel and renovate existing three-car garage to have an accessory dwelling unit, for property at 476 Silvermine Road in the Two Acre Residence Zone (Map 44 Block 108 Lot 28) is approved with conditions.

- 4. RESOLVED, that the application of The LaurelRock Company/Dickson DeMarche Landscape Architects, Authorized Agent, for Thomas and Betty Yang Cavanagh, owners, for a Special Permit of Section 6.4.F to allow soil disturbance of 12,215 square feet, including removal of trees and vegetative groundcover, for property at 57 Hunter's Creek Lane in the Four Acre Residence Zone (Map 28 Block 140 Lot 63) is approved with conditions.
Jean N. Grzelecki,
Secretary
Dated July 31, 2009
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