

**PLANNING & ZONING COMMISSION MINUTES
ADDITIONAL PUBLIC HEARING
TUESDAY, March 10, 2009**

REGULAR MEMBERS PRESENT:

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

REGULAR MEMBERS ABSENT:

Mr. Turner

ALTERNATE MEMBERS PRESENT: ALTERNATE MEMBERS ABSENT:

Ms. Boyd
Mr. Redman
VACANCY

Also in Attendance:

Steve Kleppin, Town Planner/Senior Enforcement Officer

Chris Jarboe, Town Attorney

Public Hearing

Chairman Papp opened the Public Hearing at 7:00 p.m., and explained the process of this meeting. The Downtown Subcommittee of the Planning and Zoning Commission and the Town Planner will present the amendment changes. After the amendment changes are accepted by the Commission, the hearing will be opened to the public.

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, FEBRUARY 26, 2009 7A

STATE OF CONNECTICUT
TOWN OF NEW CANAAN
PLANNING & ZONING
COMMISSION
ADDITIONAL PUBLIC
HEARING
Notice is hereby given
that the Planning and Zoning
Commission will hold a Public
Hearing on Tuesday, March
10, 2009 at 7:00 p.m. in the
Auditorium of the Town Hall
to hear and decide applications
as follows:
1. Discussion and consideration
of Planning and Zoning
Commission to amend the
Zoning Map dated June 18,
2005 to add the proposed
Business D zone. (Complete
copy of the proposed map
change is on file in the office
of the Town Clerk and also
the Planning and Zoning
Department). (Continued from
December 16, 2008 meeting
and no action taken at January
27, 2009 meeting).
2. Discussion and consideration
of Planning and Zoning
Commission to amend the
Zoning Regulations dated
June 17, 2007, to add the proposed
Business D zone and

modify Section 4.7 (Area and
Dimensional Requirements)
as indicated. (Complete copy
of the proposed text amendment
is on file in the office
of the Town Clerk and also
the Planning and Zoning
Department). (Continued from
December 16, 2008 and no
action taken at January 27,
2009 meeting).
3. Discussion and consideration
of Planning and Zoning
Commission to amend the
Zoning Regulations dated
June 17, 2007, to modify
Section 4.2 (Retail A Zone),
Section 4.3 (Retail B Zone),
Section 4.4 (Business A Zone)
and Section 4.5 (Business B
Zone) as indicated. (Complete
copy of the proposed text
amendment is on file in the
office of the Town Clerk and
also the Planning and Zoning
Department).
4. Discussion and consideration
of Planning and Zoning
Commission to amend the
Zoning Regulations dated June
17, 2007, to modify Section
2.2 (Defined Terms) as indicated.
(Complete copy of the
Proposed text amendment is on

file in the office of the Town
Clerk and also the Planning
and Zoning Department).
5. Discussion and consideration
of Planning and Zoning
Commission to amend the
Zoning Regulations dated June
17, 2007, to allow changes
to Section 6.2.E.4 - Fee-in-lieu
of Parking and Section
8.3.A.2.d - Zoning Board of
Appeals Procedures - Powers
and Duties. (Complete copy of
the proposed amendments on
file in the office of the Town
Clerk and also the Planning
and Zoning Department).
(Continued from September
30, 2008 and October 28, 2008
meetings. No action taken
at December 16, 2008 nor
January 27, 2009 meetings).
**HANDICAP ACCESS
DURING MEETING:**
Please notify the Planning
& Zoning office in advance
if wheelchair accessibility is
required.
Dated: February 20, 2009
New Canaan, Connecticut
Jean N. Grzelecki,
Secretary
2-26
3-5

The first four items will be discussed at the same time. Chairman Papp stated that Item 5, Fee-in-lieu Parking, would not be adopted until the Commission has the assurance of the Town that the monies collected in the process will result in actual parking spaces provided, rather than the indefinite accumulation of funds.

1. Amend the Zoning Map dated June 18, 2005 to add the proposed Business D Zone

Discussion and consideration of Planning and Zoning Commission to amend the Zoning Map dated June 18, 2005 to add the proposed Business D zone. (Complete copy of the proposed map change is on file in the office of the Town Clerk and also the Planning and Zoning Department). (Continued from December 16, 2008, and no action taken at January 27, 2009 and February 24, 2009 meetings).

2. Amend the Zoning Regulations to Add the Proposed Business D Zone and Modify Section 4.7 (Area and Dimensional Requirements)

Discussion and consideration of Planning and Zoning Commission to amend the Zoning Regulations dated June 17, 2007, to add the proposed Business D zone and modify Section 4.7 (Area and Dimensional Requirements) as indicated. (Complete copy of the proposed text amendment is on file in the office of the Town Clerk and also the Planning and Zoning Department). (Continued from December 16, 2008, and no action taken at January 27, 2009 and February 24, 2009 meetings).

3. Amend the Zoning Regulations to Modify Section 4.2 (Retail A Zone), Section 4.3 (Retail B Zone), Section 4.4 (Business A Zone) and Section 4.5 (Business B Zone)

Discussion and consideration of Planning and Zoning Commission to amend the Zoning Regulations dated June 17, 2007, to modify Section 4.2 (Retail A Zone), Section 4.3 (Retail B Zone), Section 4.4 (Business A Zone) and Section 4.5 (Business B Zone) as indicated. (Complete copy of the proposed text amendment is on file in the office of the Town Clerk and also the Planning and Zoning Department).

4. Amend the Zoning Regulations to Modify Section 2.2 (Defined Terms)

Discussion and consideration of Planning and Zoning Commission to amend the Zoning Regulations dated June 17, 2007, to modify Section 2.2 (Defined Terms) as indicated. (Complete copy of the proposed text amendment is on file in the office of the Town Clerk and also the Planning and Zoning Department).

Steve Kleppin, Town Planner, presented the Downtown Zoning proposals. He began by giving a brief history of the project beginning in 2003 when the Plan of Conservation and Development (POCD) was completed. In 2007 the Downtown Plan was completed, and in April 2008 the Subcommittee was formed. A public hearing with the Planning and Zoning Commission, Board of Selectmen and the Town Council, was held on June 19, 2008 and provided a large amount of resident input as to what the problems were in the Downtown area and suggested solutions.

Review by the Subcommittee included determining appropriate locations for banks, making recommendations for a study, looking into grants and reviewing business zones as to allowed uses, interacting with other zones, and focusing on the Business D and B zones.

Recommendations included a stronger Village District, the addition of building size limits, façade improvement programs, a market demand study, adding parking aesthetics to Zoning, adoption of the fee-in-lieu program, adding zoning requirements for parking and creating parking-related incentives as well as construction of a parking garage. Market analysis would determine the impact of increased development, the effect on traffic of a potential parking structure and how business trends would be affected. Transit Oriented Development (TOD) and market analysis would focus on the area of 45 Grove Street, the Lumber Yard, Merritt Apartments and Cross and Vitti Streets.

Proposed changes in the Business D regulations, with regard to permitted use, would include:

- A single building not exceeding a gross floor area of twenty five thousand square feet
- Supermarkets

- Medical office buildings containing a gross floor area of not more than twenty five thousand square feet
- Veterinary clinics, provided there is no overnight boarding

Other changes will focus on reduction of mass and usage. Uses requiring special permits will include that no dwelling unit shall contain more than 1,500 square feet.

There are no changes in the recommended floor area ratios from Business B Zone. Proposed plans for Zone D include a mixed use configuration, involving alternative retail and craftsperson shops. Housing alternatives and service establishments are also included in the plan, as well as food stores and restaurants as permitted in Zone A.

5. Amend the Zoning Regulations to allow changes to Section 6.2.E.4 – Fee-in-lieu of Parking and Section 8.3.A.2.d – Zoning Board of Appeals Procedures – Powers and Duties

Discussion and consideration of Planning and Zoning Commission to amend the Zoning Regulations dated June 17, 2007, to allow changes to Section 6.2.E.4 – Fee-in-lieu of Parking and Section 8.3.A.2.d – Zoning Board of Appeals Procedures – Powers and Duties. (Complete copy of the proposed amendments on file in the office of the Town Clerk and also the Planning and Zoning Department). (Continued from September 30, 2008 and October 28, 2008 meetings. No action taken at December 16, 2008, January 27, 2009 or February 24, 2009 meetings).

Mr. Kleppin explained that, after consideration of the initial proposed fee, it was determined that an amount of \$15,000 per parking space would be fair. Building construction involving greener methods could reduce the fee to \$10,000, thus offering an incentive to use greener methods on a more frequent basis. The fee-in-lieu of parking program would benefit from operating as a partnership between the Town and the business owners. Mr. Kleppin pointed out that development was slow right now and that this is a good point at which to re-examine all issues. Comments from the Commission included the detriment of antique dealers moving out of the Retail A Zone and the consideration of an underground parking garage.

Comments from the public:

- 1) Jack Trifero, 1006 Silvermine Road, owner of the Gramophone Shop, read a petition into the record regarding the negative impact of fee-in-lieu of parking on downtown business owners.
- 2) Pauline Doa, owner of Design Solutions, suggested limiting the size of retailers and recommended 5,000 square feet instead of 25,000 square feet for both B and D Zones.
- 3) Dick Bergmann, 63 Park Street, pointed out the lack of residential space in the downtown area and suggested adding a continuing care facility for elder residents.
- 4) Terry Spring, 24 Gerrish Lane discussed the cap on the 25,000 square foot limit.
- 5) Pamela Ogilvie, 175 Laurel Road, New Canaan Chamber of Commerce, commended the Commission and Mr. Kleppin on their efforts and asked that consideration be given to maintaining the downtown village area.
- 6) Doug Zumbach, owner of Zumbach's Gourmet Coffee, 77 Pine Street, stated his support of Zone D. He felt that the size of retail spaces in Retail A should be limited to 5,000 square feet or less.
- 7) Skip Hobbs, 181 Mariomi Road stated his opposition to fee-in-lieu of parking explaining that it would increase traffic, supported the idea of an underground parking facility, and suggested that if a medical group is allowed that size should be limited.
- 8) Jack Pugliese, 115 Richmond Hill, presented a petition of 140 signatures against proposed Zone D stating concerns including building size and the need for an impact study.
- 9) Tanya Bickley, 249 Old Stamford Road, stated support of underground parking and suggested adding to the allowable buildings in Zone D with elder housing units.
- 10) Patrick Burke, 88 Richmond Hill, expressed concern over the impact on traffic of a medical facility.
- 11) Kit Devereaux, 43 St. John Place, was in favor of underground parking and asked that more statistics be provided, and questioned what the visual impact of maximum

development would be as she was concerned about the potential negative impact of these proposed changes.

12) Mimi Findlay, 10 Father Peters Lane, agreed with the idea of a presentation of the maximum size of buildings in Zone D. Mixed use could be positive in that retail could be integrated with residential areas. Ms. Findlay suggested that a cultural center could be considered as a mixed use building and she encouraged that more antique stores would promote more commerce.

13) Michael Franco, Franco & Associates, expressed opposition to Zone D and was concerned over the size of a 25,000 square foot medical building and the possibility of combining smaller lots to form a large lot.

14) Christine Hussey, 325 Main Street, expressed concern over preserving the village area of downtown.

15) Tucker Murphy, 130 Gerrish Lane, supported preservation of the village area downtown.

16) Troy Bailey, Rucci, Burnham, Carta, Carello & Reilly, LLP, asked for clarification of the fee-in-lieu of parking and asked that there be clear definitions of new construction, remodeling and renovation with regard to fees.

17) Cristina Ross, commented on traffic patterns, the need for a traffic study and building size.

18) George Cody, 241 Main Street, stated that the D Zone will cause a traffic problem, especially with the close proximity of the train tracks. Mr. Cody also discussed fee-in-lieu-of parking.

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

7. Adjournment.

Meeting was adjourned at 9:54 p.m.

Jean Grzelecki, Secretary