

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, April 25, 2006

REGULAR MEMBERS PRESENT:

**Mrs. Grzelecki, Acting Chairman
And Secretary**
Mr. Goodwin
Mr. Hunziker
Ms. Johnson
Mr. Scannell
Mr. Wendell

REGULAR MEMBERS ABSENT:

Mr. Papp, Chairman
Mr. Ponterotto
Mr. Rothballer

ALTERNATE MEMBERS PRESENT:

Mr. Persico
Mr. Ward
Mr. Turner

ALTERNATE MEMBERS ABSENT:

None

Also in Attendance:

Steve Kleppin, Acting Town Planner/Senior Enforcement Officer

Public Hearing

The Acting Chairman opened the public hearing at 7:00 p.m. and referenced the call. Alternates Messrs. Persico, Ward and Turner were seated for Messrs. Papp, Ponterotto and Rothballer.

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, APRIL PAGE **10C** 13, 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, April 25, 2006 at 7:00 p.m. in the Board Room of the Town Hall to hear and decide applications as follows:

1. Public hearing regarding a proposed parking lot on the south side of the YMCA building at 564 South Avenue; for property located in the One Acre Residence Zone, (Map 36 Block 232 Lot K62)
2. Discussion and consideration of Planning and Zoning Commission to amend the Subdivision and Street Regulations, June 1987, to allow a fee in lieu of open space. (Complete copy of the proposed amendment on file in the office of the Town Clerk and also the Planning and Zoning Department). Continued from

February meeting.

3. Upon application of Peter and Pamela B. Ogilvie, to allow razing and reconstruction of a detached garage for property in the Two Acre Residence Zone at 175 Laurel Road (Map 39 Block 105 lot 2).

4. Upon application of Barry and Peggy Lueders, for a Special Permit of Sections 7.1.B.2.B and 3.5.F.4 to construct first and second floor additions to a legally non-conforming single-family dwelling. The applicant is proposing to construct a second floor addition 24.7 feet from the front property line in lieu of the 30 feet required and 20.4 feet from the side property line in lieu of the 25 feet required. The applicant is also proposing to enlarge an existing garage 10.1 feet from the side property line in lieu of the 15 feet required. The property is located in the A Residence Zone at 24 Sunrise Avenue (Map K Block 10 Lot G11).

5. Upon application of Jayne Gaynor, for a Special Permit of Section 7.1.B.2.b to allow an extension of the southern side of the home encroaching on the 45 foot front setback, for property in the Two Acre Residence Zone at 181 Parish Road (Map 25 Block 11 Lot 47).

6. Upon application of Frank Chapman, Authorized Agent, for owner Christopher and Deidre Anspach, for a Special Permit of Section 7.1.B.2.b to allow expansion of a non-conforming detached garage, for property in the Two Acre Residence Zone at 948 Valley Road (Map 40 Block 105 Lot 87).

HANDICAP ACCESS

DURING MEETING:

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

Dated: April 7, 2006

New Canaan, Connecticut
Jean N. Grzelecki, Secretary
4-13

Public Hearing

1. YMCA, 564 South Avenue

Continuation of the meeting regarding a proposed parking lot on the south side of the YMCA building at 564 South Avenue; for property located in the One Acre Residence Zone, (Map 36 Block 232 Lot K62). Continued from March meeting. Note: There will be no public comment at the meeting.

After some brief comments by the Acting Chairman the Public Hearing was closed on this matter.

2. Discussion and Consideration to Amend the Subdivision and Street Regulations to Allow a Fee in Lieu of Open Space

Discussion and consideration of Planning and Zoning Commission to amend the Subdivision and Street Regulations, June 1987, to allow a fee in lieu of open space. (Complete copy of the proposed amendment on file in the office of the Town Clerk and also the Planning and Zoning Department). Continued from February and March meetings.

This matter was continued to the May meeting.

3. Peter and Pamela B. Ogilvie, 175 Laurel Road

Upon application of Peter and Pamela B. Ogilvie for a Special Permit of Section 3.4.C.1.b to allow razing and reconstruction of a detached garage to be located in a front yard for property in the Two Acre Residence Zone at 175 Laurel Road (Map 39 Block 105 lot 2).

Mr. Ogilvie presented the application. He described the project, explaining that he wants to enlarge the garage by one foot in every direction, including up. The Commission suggested that he try to angle the garage. The Public Hearing on this matter was closed.

4. Barry and Peggy Lueders, 24 Sunrise Avenue

Upon application of Barry and Peggy Lueders, for a Special Permit of Sections 7.1.B.2.B and 3.5.F.4 to construct first and second floor additions to a legally non-conforming single-family dwelling. The applicant is proposing to construct a second floor addition 24.7 feet from the front property line in lieu of the 30 feet required and 20.4 feet from the side property line in lieu of the 25 feet required. The applicant is also proposing to enlarge an existing garage 10.1 feet from the side property line in lieu of the 15 feet required. The property is located in the A Residence Zone at 24 Sunrise Avenue (Map K Block 10 Lot G11).

The Commission heard this item out of order, due to late arrival of applicant. See page 3 of these minutes for hearing information.

5. Jayne Gaynor, 181 Parish Road

Upon application of Jayne Gaynor, for a Special Permit of Section 7.1.B.2.b to allow an extension of the southern side of the home encroaching on the 45 foot front setback, for property in the Two Acre Residence Zone at 181 Parish Road (Map 25 Block 11 Lot 47).

Jeff Gaynor presented the item explaining that he wants to convert a "Florida" room into a family room. This would add four feet to the side of the house without encroaching into the side yard setback. It would increase the width of the legally non-conforming front of the house by four feet. The required notices are on file. The Public Hearing on this item was closed.

6. Frank Chapman, 948 Valley Road

Upon application of Frank Chapman, Authorized Agent, for owner Christopher and Deidre Anspach, for a Special Permit of Section 7.1.B.2.b to allow expansion of a non-conforming detached garage, for property in the Two Acre Residence Zone at 948 Valley Road (Map 40 Block 105 Lot 87).

This item was not heard and carried over until the May 23, 2006 meeting.

The Public Hearing section of the meeting was closed at 7:20 p.m.

Regular Meeting

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

Discussion on Item 3, Ogilvie, 175 Laurel Road

The Commission strongly recommended that applicant attempt to angle the garage but did not make this a condition. Upon motion of Mr. Hunziker and second of Mr. Wendell the Commission voted unanimously to grant the Special Permit with conditions.

Conditions, modifications, or restrictions are as follows:

1. Per "Map" prepared for Peter P. Ogilvie and Pamela B. Ogilvie, New Canaan, Connecticut prepared by office of Moody & O'Brien, dated June 30, 1987; Revised February 13, 2006, on file with Planning and Zoning.
2. Per sketch of proposed foundation and elevation, on file with Planning and Zoning.

Discussion on Item 5, Gaynor, 181 Parish Road

Upon motion of Mr. Wendell and second of Mr. Turner the Commission voted unanimously to grant the Special Permit, with conditions.

Conditions, modifications, or restrictions are as follows:

1. Per Zoning Location Survey prepared for Jayne E. Gaynor, New Canaan, Connecticut, prepared by RKW Land Surveying dated February 22, 2006, on file with Planning and Zoning.
2. Per Architectural drawings SP-1.0, A-1.0, A-4.0, A-4.1, A-5.0, A-6.0, A-9.0, E-1.0 and F-1.0 prepared by Andrew Jan Bergandy dated February 20, 2006, on file with Planning and Zoning.
3. There shall be no farther encroachment into the front setback
8. The Request for CGS 8-24 referral from First Selectman to consider request for approval for the installation of artificial turf at the "Water Tower" field at Waveny Park, 677 South Avenue.

After brief discussion, upon motion of Mr. Goodwin and second of Mr. Hunziker the Commission voted unanimously that installation of artificial turf is not inconsistent with the Town Plan of Development.

Upon motion duly made the Commission voted unanimously at 7:32 p.m. to close the Regular Meeting and go back into the Public Hearing in order to hear item #4.

Return to Public Hearing

4. Barry and Peggy Lueders, 24 Sunrise Avenue

Upon application of Barry and Peggy Lueders, for a Special Permit of Sections 7.1.B.2.B and 3.5.F.4 to construct first and second floor additions to a legally non-conforming single-family dwelling. The applicant is proposing to construct a second floor addition 24.7 feet from the front property line in lieu of the 30 feet required and 20.4 feet from the side property line in lieu of the 25 feet required. The applicant is also proposing to enlarge an existing garage 10.1 feet from the side property line in lieu of the 15 feet required. The property is located in the A Residence Zone at 24 Sunrise Avenue (Map K Block 10 Lot G11).

Mr. Lueders presented the application. The Commission found that the notices he had sent were not in compliance with the requirements of the regulations. The item was carried over to the May 23, 2006 meeting and not opened.

Upon motion duly made the Commission voted unanimously at 7:35 p.m. to close the Public Hearing. The Commission went back into the Regular Meeting at 7:36 p.m.

Return to Regular Meeting

9. SIGN TASK FORCE REPORT

- a. PJ's Country Cupboard, (formerly Reid's Country Cupboard), 17 Elm Street

The new owners, Joe and Polly Loughran, want to install a new sign the same size and location as the existing one, with external illumination. The Commission did not decide the issue of illumination and will address this matter at a later date.

Upon motion of Mr. Wendell and second of Ms. Johnson the Commission voted unanimously to approve the sign with no lighting.

10. Administrative Actions or other matters (Town Planner)

- a. New Canaan CARES Kitchen Tour, Thursday, May 11, 2006, annual application

Upon motion duly made the Commission unanimously approved the application, with exception to the request for a sign on Town Hall property, noting that they do not have jurisdiction over signs on Town Hall property.

- b. The Commission discussed the Town drainage policy noting that it presents a continual problem for down-hill neighbors. The Commission noted the need to prevent additional runoff for these down-hill neighbors.

11. Approval of Minutes

Minutes of February 28, 2006, March 14, 2006, March 28, 2006 and April 18, 2006.

Upon motion of Mr. Goodwin and second of Ms. Johnson the minutes of all the above meetings were unanimously approved, with administrative corrections.

12. Executive Session

None.

13. Other Matters

The Commission discussed the possibility of an appeal by the neighbors, to the Zoning Board of Appeals, of the Town Planner's refusal to issue a cease and desist order for 379 South Avenue. The disagreement giving rise to the appeal is a dispute between a

developer and contiguous neighbors and invokes Section 3.5.F.4 of the zoning regulations.

13. Adjournment

The meeting adjourned at 8:30 p.m.

Jean N. Grzelecki, Acting Chairman and Secretary

Legal Advertisement

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, MAY 4, 2006 PAGE 25A

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 April 25, 2006 duly
adopted the following resolutions,
which are effective May
5, 2006.

RESOLVED, that the application
of Peter and Pamela B.
Ogilvie for a Special Permit
of Section 3.4.C.1.b to allow

razing and reconstruction of a
detached garage to be located
in a front yard for property in
the Two Acre Residence Zone at
175 Laurel Road (Map 39 Block
105 lot 2), is hereby approved
with conditions.

RESOLVED, that the application
of Jayne Gaynor, for
a Special Permit of Section
7.1.B.2.b to allow an extension
of the southern side of the home
encroaching on the 45 foot front
setback, for property in the Two
Acre Residence Zone at 181

Parish Road (Map 25 Block 11
Lot 47), is hereby approved with
conditions.

RESOLVED, request for
CGS 8-24 referral from First
Selectman to consider request
for approval for the installation
of artificial turf at the "Water
Tower" field at Waveny Park,
677 South Avenue. This request
is hereby approved.

Jean N. Grzelecki, Secretary
Dated April 28, 2006
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