

1. John P. Lyden, 302 Rosebrook Road and 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). Continued from the September meeting.

Keith Simpson presented the item providing a copy of the variance that had previously been granted allowing the accessway to pass from a two acre to a one acre lot. He provided the lot calculations requested at the September meeting. He repeated his statement that the variance makes the lots more appropriately buildable. Dr. Lyden, owner, advised that there are no plans to subdivide the lots in the future. Notices were provided and there was no response from the neighbor most affected.

The Public Hearing on this matter was closed.

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

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). Not opened and carried over from the September meeting.

Stephanie Currie presented the Item explaining that her basement has started to flood, and consequently, she needs to move the recreation room and computer work station. She advised that above the garage, originally built within 5 feet of the property line, is the most appropriate location. There would be no yard left if she put the room in the back yard. The neighbor most affected, Kathy Butterich, has written a letter in support.

The Public Hearing on this matter was closed.

3. Sonia Aguirre, 53 Oak Street

Cristina Ross, Authorized Agent, for Sonia Aguirre, owner, for a Special Permit of Sections 3.5.F.4, 6.4.D.2.a and 6.5.C.2 to allow a 2 ½ story addition to an existing ranch style house 8 feet from property line at side yards, to allow for 8 foot setback on second story in lieu of the 16 foot setback, and to allow for partial retaining walls at property line to be constructed East and West side to correct driveway encroachment and to stabilize grading, for property in the B Residence Zone at 53 Oak Street (Map N Block 61 Lot 931).

Christina Ross, architect, presented the Item explaining that the property is the only ranch house in the area. The lot is a parallelogram, and the house is set at an angle, so the applicant is unable to keep the 16 foot setback at the corners. She described the retaining walls, then added that the neighbors are pleased because the walls will replace stockade fences.

The Public Hearing on this matter was closed.

5. 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).

Upon motion of Mr. Rothballer and second of Mr. Ponterotto the Commission voted unanimously to treat Item 5 as a Public Hearing matter.

The Commission noted that a Site Plan application does not require notice. Attorney Suchy stated that it also does not require a Public Hearing. She advised that the applicant intends to demolish an existing gas station and build a Commerce Bank. Craig Tompkins, Boller Engineering, described the operations, building, landscaping, lighting, and signage, then displayed samples of material types. He said there will not be a double drive-through ATM. Mrs. Grzelecki noted that the Commission seriously considers aesthetics in the Village District, that the proposed building is very modern, the lighting is intrusive, and no local banks carry corporate logos. Mr. Goodwin asked if the applicant could design something more in line with the character of other New Canaan buildings. Natalie Kortman, an adjacent property owner, spoke against the proposed building saying it does not meet town aesthetic standards. She described it as a “light box” whose light would be intrusive. The Commission advised that it may appoint a sub-committee to work with applicant.

The Public Hearing was closed at 8:40 p.m.

Regular Meeting

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

Discussion on Item 1. John P. Lyden, 302 Rosebrook Road and Rosebrook Road

The Commission discussed whether an undesirable precedent would be set, and decided the issue is one that would be handled on a case-by-case basis, per Section 1.4.B.2. Upon motion of Mr. Hunziker and second of Mr. Wendell the Commission voted unanimously to amend the Zoning Map. The amendment was granted upon condition that no lot affected is sub-divided in the future.

Conditions, modifications, or restrictions are as follows:

1. Prior to filing a revised map indicating the new zone lines you must place a restriction on the land records indicating there will be no further subdivision on Lots 107, 108 or 109. It would be helpful if a copy of the restriction was forwarded to Town Attorney Chris Jarboe for approval prior to submittal to this office.

Discussion on Item 2. William R. Scoon & Stephanie L. Currie, 331 South Avenue

The Commission discussed the loom factor created by adding height so near the property line, but realized this effect is mitigated because the building affected by the loom is the neighbor’s garage. Further, it would be odd-looking to put the addition in the back yard, and the back yard would all be used. The Town Planner advised that this is a classic case for hardship in that the regulations have changed twice. Upon motion of Mr. Scannell and second of Mr. Ponterotto the Commission voted 7-1 to grant the Special Permit with conditions. Mr. Turner voted against and Mr. Rothballer abstained. The Commission specifically found that a hardship exists; that the loom factor falls on the neighbor’s garage; that for the project proposed, it is desirable and most logical to stay within the footprint; and that the neighbor to the north knows about the project and does not object.

Conditions, modifications, or restrictions are as follows:

1. Per “Map Prepared for William R. Scoon and Stephanie L. Currie” prepared by RKW Land Surveying, dated August 18, 2005, on file with Planning and Zoning.
2. Per Architectural Plans 1-5, prepared by Lillian Wolfe - Designer, dated May 11, 2006, on file with Planning and Zoning.

Discussion on Item 3. Sonia Aguirre, 53 Oak Street

After brief discussion, it was found that the request has merit. Upon motion of Mr. Ponterotto and second of Mrs. Grzelecki the Commission voted unanimously to grant the Special Permit with conditions.

Conditions, modifications, or restrictions are as follows:

1. Per "Map Prepared for Sonia Aguirre" prepared by Office of Moody & O'Brien, LLC, dated September 13, 2006, on file with Planning and Zoning.
2. Per Site Plan/Proposed Addition, SP-2, dated September 21, 2006, on file with Planning and Zoning.
3. Per Left Elevation, A-5, dated September 21, 2006, on file with Planning and Zoning.

5. V.M.I., Inc., 272 Elm Street

The Commission treated this Item as a Public Hearing. See above for the Public Hearing discussion. During the Regular Meeting discussion of the Item the Commission appointed a sub-committee to meet with the applicant to discuss the aesthetics and overall design so that it complies with the standards of the Town. Mr. Turner, Mrs. Grzelecki and Mr. Papp were appointed to serve on the committee, however the Committee could not meet due to objection from the Town Attorney. Continued to the November meeting.

6. CVS Minute Clinic. Presented by Robinson & Cole

Attorney Sharon Tarasca presented the Item explaining that applicant wants to reconfigure interior space to set up a clinic in a 79 square foot area. She cited a traffic impact study performed for another store to the affect of the clinics impact on traffic adding that the use is an accessory use and would therefore not require additional parking spots. Mr. Papp stated that the issue is one of intensity of use requiring more parking, especially since the parking lot is already very overcrowded. Ms. Grzelecki asked if there is some way to move all employees of tenants off the lot. The Commission felt that adding the clinic would be a change of use rather than an accessory use.

7. Sign Task Force Report

- a. Request for approval of sign by Colonial Barbershop, 15 South Avenue – 1 sign; 2 barber poles.
The Commission recommended approval as submitted, except with only one pole, not two.
- b. Request for approval of sign by Papyrus, 32 Elm Street.
The Commission recommended approval for the awnings on Elm and Morse Court and further, that the logo should be dropped.
- c. Request for approval of sign by Adirondack, 90 Main Street.
The Commission recommended replacing the oval sign with cut out letters and that the letters be regulation size.

Upon motion of Ms. Grzelecki and second of Mr. Ponterotto the Commission voted unanimously to add items 7b and 7c to the agenda, and also approve the above three requests.

8. Administrative Actions or other matters (Town Planner)

- a. New Canaan Boy Scout Troop 70's Annual Tag Sale, April 28, 2007.
- b. East School - Annual Fall Fair and Tag Sale on Saturday, October 28, 2006.

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

9. Approval of Minutes

Approve minutes of September 26, 2006 Meeting and October 3, 2006 Special Meeting

Upon motion of Mr. Hunziker and second of Mr. Rothballer the Minutes of September 26, 2006 meeting were unanimously approved, with Mr. Ponterotto abstaining due to absence.

Upon motion of Mr. Scannell and second of Ms. Grzelecki, the minutes of the October 3, 2006 meeting were unanimously approved, with Messrs Turner and Ponterotto abstaining due to absence. Mr. Wendell is to make administrative changes to the minutes.

10. Executive Session - None.

11. Other Matters

The Town Planner presented and addressed the following matters:

- a. Discussion of Special Meeting with Planning and Zoning Commission on Wednesday, November 1, 2006, 6:30 p.m. in the Auditorium, to discuss proposed changes to the recently enacted Zoning Regulations. The Commissioners briefly discussed this item.
- b. Graystone Association, Inc.

The Town Planner advised that the dwelling unit owners are concerned because the street numbers and unit numbers do not match. This creates a safety issue, since town services cannot easily find a given unit. The owners request permission to give the private road a name, Graystone Circle, and give each unit a unique street number. Name change was approved.

- c. The Commission discussed the issue of drainage during constructions saying this is a continuing problem. They discussed the possibility and effectiveness of strengthening the language of the Town Drainage Certification Policy.

12. Adjournment

Upon motion of Mr. Rothballer and second of Mr. Hunziker the Commission voted at 9:50 p.m. to adjourn.

Jean N. Grzelecki, Secretary

Legal Advertisement

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, NOVEMBER 2, 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 October 24, 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 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) is approved
with conditions.

RESOLVED, that the 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) is approved with
conditions.

RESOLVED, that the application
of Cristina Ross, Authorized

Agent, for Sonia Aguirre, owner,
for a Special Permit of Sections
3.5.F.4, 6.4.D.2.a and 6.5.C.2 to
allow a 2 1/2 story addition to
an existing ranch style house 8
feet from property line at side
yards, to allow for 8 foot setback
on second story in lieu of the 16
foot setback, and to allow for
partial retaining walls at property
line to be constructed East and
West side to correct driveway
encroachment and to stabilize
grading, for property in the B
Residence Zone at 53 Oak Street
(Map N Block 61 Lot 931) is
approved with conditions.

JEAN N. GRZELECKI

Secretary

Dated October 27, 2006

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