

PLANNING & ZONING
COMMISSION
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TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

DRAFT
WILTON PLANNING & ZONING COMMISSION MINUTES
JULY 28, 2014 REGULAR MEETING

PRESENT: Vice Chair Sally Poundstone, Secretary Doris Knapp, Commissioners John Comiskey, Bas Nabulsi, and Peter Shiue

ABSENT: Lori Bufano, Joe Fiteni, Chris Hulse and Franklin Wong (notified intended absences)

ALSO

PRESENT: Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; Lorraine Russo, Recording Secretary; members of the press; and interested residents.

PUBLIC HEARINGS

1. SP#391, Fairfield County Bank, 190 Old Ridgefield Road, To allow a second drive-in facility (ATM)

Ms. Poundstone, acting as Chairman in the absence of Chairman Hulse, called the Public Hearing to order at approximately 7:20 P.M., seated members Comiskey, Knapp, Nabulsi, Poundstone, and Shiue, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing was continued from a previous date.

Present were J. Casey Healy, attorney; Michele Myers, architect; and Carol Johnson, Fairfield County Bank.

Mr. Healy referenced his letter of response dated July 23, 2014. Ms. Knapp referred for the record to the same letter, with attachments. Mr. Healy noted in particular that:

- The pitch of the roof was lowered and a rain diverter was added onto the ATM side of the roof, noting that a flat roof would require structural posts for snow load support. He explained the Bank's reluctance towards a flat roof because of the numerous problems experienced this past winter in connection with its existing flat roof
- The square footage of the proposed sign would be 3.3+/- square feet whereas the existing ATM wall-mounted sign is 4.5+/- square feet

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- The ATM roof color, as modified, would more closely mirror the color of the building
- Research regarding the Wilton Library drive-in window confirmed that it does conform to zoning queuing regulations. However, Mr. Healy noted that person-to-person transactions can be performed at the Library drive-up window, which makes it more similar to a drive-up teller window as opposed to a standard ATM (as proposed) which is unmanned
- Recessed lighting specifications for the ATM are shown on the submitted plan.

Ms. Myers addressed a question regarding the ATM water diverter. She explained that it is more of a built-in gutter that directs water to either end of the gutter span so as to avoid spillage onto the ATM customer/car. It was determined upon further questioning that said water would likely drain into a catch basin just south of the pedestrian walkway.

Ms. Poundstone asked if anyone in the audience wished to speak for or against the application.

There being no further comments from the Commission or the public, at 7:35 P.M. the Public Hearing was closed.

REGULAR MEETING

A. Ms. Poundstone called the Regular Meeting to order at 7:35 P.M., seated members Comiskey, Knapp, Nabulsi, Poundstone, and Shiue, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. July 14, 2014 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Mr. Shiue, and carried (4-0-1) to approve the minutes of July 14, 2014 as amended. Ms. Poundstone abstained.

C. ACCEPTANCE OF NEW APPLICATIONS

D. SITE DEVELOPMENT PLAN REVIEW

1. SDP, Troup, 84 Old Driftway, Filling of land

Mr. Nerney explained that the applicant has requested continuance of the subject application until September 8, 2014 due to some outstanding issues that still require resolution.

- 2. SDP, Wilton Historical Society, 140-150 Danbury Road, Signage Plan,**
- 3. SDP, Wilton Historical Society, 224 Danbury Road, Signage Plan, and**
- 4. SDP, Wilton Historical Society, 414 Olmstead Hill Road, Signage Plan**

Present were Bob Faesy and Pamela Hovland, on behalf of the Wilton Historical Society.

Mr. Faesy explained that proposed signage for the above three locations has been in the works for a number of years. He emphasized the applicant's efforts to graphically identify, and provide appropriately acceptable and readable, signage for each property.

Ms. Hovland reviewed proposed signage, addressing color, typographical and materials palettes in detail. She noted that the proposed signage attempts to speak to both the historical aspects of the organization and to its vital and contemporary place in the present-day community as well. She highlighted the silhouette theme and the consistency and compatibility of the signage throughout.

Ms. Hovland also reviewed the applicant's proposal for replacing existing sandwich board signage with either façade or armature-mounted banners on the sides of the Blackmar house, depending upon the activity/exhibition going on at the time. She felt that such an approach would be a nice alternative to what she referred to as the current sandwich board "visual pollution". She also highlighted the porous nature of the proposed banner material, noting that the mesh-like material would be a vast improvement over standard vinyl banners.

Mr. Faesy submitted into the record "Responses to Planning & Zoning Staff Report, Comments & Questions".

In response to a question from Mr. Shiue regarding the categorization/treatment of such signage as permanent or temporary, Mr. Nerney felt that it would become impractical from an administrative standpoint to treat such signage as temporary, noting that the idea is to maintain support apparatus in place so that the banners can be changed easily throughout the year.

Mr. Nerney referenced the Planning and Zoning Staff Report of July 24, 2014, noting that two of the properties appear to qualify under the Alternative Signage regulations [Section 29-8.A.8 of zoning regulations], but the Cannon Corner property at 414 Olmstead Hill Road appears to fall short of the minimum 10,000 square feet of gross floor area required per such regulations. He explained further that, absent qualifying for the Alternative Signage program, regular signage regulations would restrict a freestanding sign to 12 square feet plus an additional 2 square feet per tenant, up to a maximum 18 square feet in total.

In response to a request from Mr. Nabulsi for clarification regarding the actual size of

signage being proposed, Mr. Nerney noted that total proposed sign area for 224 Danbury Road is 27.4 square feet (per submitted plan “S6”); for 140-150 Danbury Road is 86.8 square feet (per plan “S8”); and for 414 Olmstead Hill Road is 25 square feet (per plan “S7”), where a maximum of only 18 square feet for 3 tenants is permitted.

Ms. Poundstone observed that some tenant descriptions included an additional line of text, which she felt resulted in an almost cluttered looking appearance on the sign.

In light of the ongoing discussion, Mr. Nerney suggested that the applicant might wish to continue the application so as to have additional time to digest the aforementioned issues and to provide feedback addressing said issues.

Mr. Nabulsi also noted for the record that on the two sites that appear to qualify under the Alternative Signage Program, the Commission needs to understand the totality of the signage being proposed. He explained that every sign on each of the sites must be incorporated into the application and needs to be evaluated and approved, noting that if there are any other signs which are not part of the subject application, then they would not be considered approved. Ms. Hovland stated that no other signs are being proposed. Mr. Nabulsi emphasized that even pre-existing signs must be included so that every sign on the site becomes incorporated into the Alternative Signage application.

Mr. Nerney suggested that an inventory of signage be compiled and perhaps some photos taken to properly acknowledge all signs on the sites. He also suggested that mock-up signs could be made available prior to the next meeting so that the Commission might have a better visual understanding of what is being proposed.

Ms. White called the applicant’s attention to the fact that a response was not provided for item #2 in its response memo and she requested that the applicant take another look at that.

In response to a question from the Commission, Ms. Hovland noted that existing signage locations are being utilized for the proposed signage.

Mr. Shiue asked whether the applicant could design a sign for the Cannon Corner property that would comply with standard signage regulations. Ms. Hovland stated that she would take a look at that.

Mr. Nerney advised the applicant that a letter is needed confirming the applicant’s agreement to extend the date by which the Commission must render a decision on the application. Mr. Faesy agreed.

At approximately 8:34 P.M. the discussion was continued until September 8, 2014.

E. PENDING APPLICATIONS

1. **SP#391, Fairfield County Bank, 190 Old Ridgefield Road, To allow a second drive-in facility (ATM)**

The Commission reviewed Draft resolution #0714-7P. A minor modification was incorporated into the resolution.

MOTION was made by Mr. Nabulsi, seconded by Ms. Knapp, and carried (4-0-1) to adopt as amended Resolution #0714-7P for SP#391, effective July 31, 2014. Ms. Poundstone abstained.

WHEREAS, the Wilton Planning and Zoning Commission has received Special Permit application (**SP#391**) from the Fairfield County Bank to add a second drive-in facility for a drive through ATM with a canopy roof structure, 190 Old Ridgefield Road (a/k/a Assessor's Map 73, Lot 23, unit #1 and Assessor's Map 73, Lot 23, unit #2), 1.398 acres, owned by Fairfield County Bank and MCL 180 LLC, respectively, and located in a Wilton Center "WC" District; as shown on the plans entitled:

Vicinity Sketch-Prepared for Fairfield County Bank & MCL 180 LLC, Prepared by Roland Gardner, land surveyor, dated May 20, 1997, scale 1"=100'.

Map of Property-Prepared for Fairfield County Bank & MCL 180 LLC, Prepared by Roland Gardner, land surveyor, dated September 16, 1997, revised April 2014, scale 1"=30'.

Plans & Elevations-Prepared for Fairfield County Bank, Prepared by John M. Doyle, architect, dated June 2, 2014, scale 1/4"=1'-0", sheet#SK.1.

Plans & Elevations (reduced size of plan)-Prepared for Fairfield County Bank, Prepared by Doyle/Coffin architecture, architects, dated June 2, 2014, last revised July 23, 2014, scale as shown, sheet#SK.1.

Elevation plan (western and southerly views)-Prepared for Fairfield County Bank, Prepared by Doyle/Coffin architecture, architects, dated July 23, 2014.

Partial plan of the drive-thru pick up window at the Wilton Library-submitted to P&Z department July 23, 2014.

Site Layout Plan (reduced size of plan)-Prepared for Wilton Library, Prepared by Hold McChord, engineer, dated August 8, 2003, revised November 10, 2003, scale 1"=20', sheet#C1.1

Photo rendering of proposed ATM (with ATM with blue & white colors)-Prepared for Fairfield County Bank, Prepared by Doyle/Coffin architecture, architects, dated June, 2014.

Photo rendering of proposed ATM (with ATM with grey color)-Prepared for Fairfield County Bank, Prepared by Doyle/Coffin architecture, architects, dated June, 2014.

Drive-Thru ATM Concept Traffic Operations Plan-Prepared for Fairfield County Bank, Prepared by Tighe & Bond, engineers, dated April 23, 2014, revised July 10, 2014, scale 1"=20'.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on July 14, 2014 and July 28, 2014 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the Village District Consultant Committee has reviewed architectural renderings of the proposed ATM equipment and roof shelter and has recommended color changes and modifications to the roof design of said structure; changes which have been satisfactorily incorporated into the design plans; and

WHEREAS, the Commission has determined that the proposed drive-up automatic teller machine does not constitute a drive-up "window"; hence is not subject to the requirement of five off-street waiting spaces for approaching vehicles based on testimony provided by the applicant's traffic engineer, which reveals an average ATM wait time of 1 minute, 30 seconds as opposed a window wait time of 2 minutes and 30 seconds; and

WHEREAS, the Commission has determined that the proposed application meets the applicable regulatory provisions of the Wilton Zoning Regulations.

NOW THEREFORE BE IT RESOLVED effective July 31, 2014 that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #391 to add a drive-up ATM facility with a canopy roof structure, subject to the following conditions:

1. This Resolution does not replace requirements for the applicant to obtain any other permits or licenses required by law or regulation by the Town of Wilton, such as, but not limited to: Zoning Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or the United States Government. Obtaining such permits or licenses is the responsibility of the applicant.
2. In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work or physical improvements required and/or authorized by the approved Special Permit site plan shall be complete within five years of the effective date of this resolution. This five-year period shall expire on July 31, 2019.
3. The color of the canopy shall be consistent with the revised rendering as submitted, which reflects the color of the bank building, as shown in the elevation plan prepared for Fairfield County Bank, prepared by Doyle/Coffin architecture, dated July 23, 2014. In addition, the color of the ATM machine shall match the grey color represented on the

above mentioned elevation plan.

4. The proposed ATM shall not be internally illuminated.
5. All lighting shall be designed so as comply with shielding requirements provided Section 29-9.E of the Zoning Regulations.
6. The applicant shall remove bank identification signage over the existing walk-up ATM unit. Any replacement identification signage on the proposed drive-up ATM unit shall be limited to a size no larger than that presently utilized at the existing walk-up ATM facility.
7. The existing trees located near the ATM machine are to remain.

Submittal of revised plans and application:

8. Two (2) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner prior to receiving a zoning permit. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it. Said plans shall include the following notes:
 - a. "According to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this site plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on July 28, 2019."
 - b. "For conditions of approval for Special Permit #391, see Resolution #0714-7P."

Prior to a Zoning Compliance Certificate:

9. Prior to the issuance of zoning compliance, the applicant shall submit an as-built survey denoting the front yard setback of the canopy and ATM facility.

- END RESOLUTION -

F. COMMUNICATIONS

1. The Calitri Revocable Trust, 46 Danbury Road, Review of correspondence pertaining to the pre-existing nonconforming status of property, and determination with respect to proposed site modifications

Present were J. Casey Healy, attorney; Larry Webster, engineer; and John Burke, representing the Calitri Trust.

Mr. Nerney referenced a letter dated July 10, 2014 from J. Casey Healy to Planning and Zoning Commission detailing the current legal nonconforming status of the .61-acre parcel, and requesting confirmation of said status with respect to proposed modifications on the site.

It was noted that underground storage tanks serving the gas pumps and service bays are required by DEEP to be replaced in a few years and, in connection with said replacement, Mr. Burke is considering additional modifications on the site. Such modifications were reviewed, including razing the rear building, removing the existing garage bays, expanding the existing convenience store, enlarging a customer parking area in the rear, and realigning the driveway to better accommodate tanker trucks on the site.

Mr. Healy explained that the applicant is seeking acknowledgement from the Commission that the property is legally nonconforming and, as long as no expansion is proposed with respect to use and/or setbacks, the applicant could come back before the Commission at a future date with a fully engineered plan detailing the aforementioned site modifications. He noted for the record that the gas station use was approved by the ZBA in the early 1960s and the concept plan as currently proposed removes/reduces a lot of existing nonconformities on the site, including some nonconforming parking setbacks, removal of the rear building, and reduction of site coverage which is currently at almost 100%. He asked for guidance as to what, if anything, further the Commission would need to receive from the applicant to make the decision that the site is legally nonconforming and that the renovations proposed would be permitted under Section 29-4.F.5 of zoning regulations.

Mr. Healy stated that retail use (i.e. the convenience store) is considered an accessory use to the gas station, acknowledging that a food service establishment would not be allowed as a primary use in the zone. He noted that the proposed site configuration would be similar to the gas station at the intersection of Routes 33 and 7 near the railroad station, explaining that there would be parking and a back door in the rear so that vehicles would not have to park in front.

Mr. Nabulsi noted that current permitted DE-5 uses do not include convenience stores. He therefore questioned whether expansion of the existing convenience store into the

garage bays area would represent an expansion of an existing nonconforming use and thus violate Section 29-4.F.3 of zoning regulations. He compared it to a hypothetical proposal to convert the rear building into another convenience store, which he felt would clearly represent an expansion of an existing nonconformity.

Mr. Nerney agreed that the hypothetical proposal would likely represent an expansion of an existing nonconforming use. However, as regards the convenience store expansion contemplated by the applicant, he cited the changing nature of the gasoline sales industry. He felt that the convenience store expansion, as proposed, is more representative of such industry changes whereby the sale of certain convenience products is not uncommon, but where the primary overarching use is still a gas station.

Mr. Healy noted further that the applicant is not working under the confines/restrictions of the DE-5 zone. He explained that the gas station was permitted as a nonconforming use via ZBA variance many years ago, and the convenience store is an inherent ancillary use to the gas station; it is not itself the nonconforming use and therefore its proposed expansion should not be viewed as an enlargement of an existing nonconformity.

Ms. Poundstone asked for clarification regarding the proportion of the total service area that the new convenience store would occupy. Mr. Healy stated that the applicant could provide that information.

Mr. Nabulsi questioned the amount of parking that will be necessary on the site. Mr. Healy indicated that the concept plan is probably showing more parking than will actually be required. Mr. Nerney noted that a large paved area already exists in the rear.

It was the consensus of the Commission that Mr. Nerney should consult Assistant Town Counsel Pat Sullivan for further guidance on the matter, and to aid the Commission in providing some direction to the applicant in connection with the concept plan submitted.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. SP#392, Jackson, 111 Highfield Road, Accessory Dwelling Unit
[P.H. – September 8, 2014]**

J. ADJOURNMENT

MOTION was made by Ms. Knapp, seconded by Mr. Nabulsi, and carried unanimously (5-0) to adjourn at 9:10 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary