

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

## WILTON PLANNING & ZONING COMMISSION MINUTES JANUARY 12, 2015 REGULAR MEETING

**PRESENT:** Secretary Doris Knapp, Commissioners Lori Bufano, John Comiskey, Joe Fiteni, Bas Nabulsi, Peter Shiue, and Franklin Wong

**ABSENT:** Christopher Hulse and Sally Poundstone (both 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#395, Wilton GSE, LLC, 372 Danbury Road, To reduce the number of parking spaces required on the site per Section 29-8.B.2.c of zoning regulations**

Ms. Knapp, acting as Chairwoman in the absence of Chairman Hulse, called the Public Hearing to order at 7:15 P.M., seated members Bufano, Comiskey, Fiteni, Knapp, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the application was continued from a previous date.

Present were J. Casey Healy, attorney; and Craig D. Yannes, engineer, Tighe & Bond, Inc., on behalf of Wilton GSE, LLC.

Mr. Healy addressed issues that were raised at the last hearing.

He distributed copies of a Tenant List for the site, noting that all current tenants are general office uses except for one possible quasi-medical use (i.e. Vein Clinics of America).

He noted that the vacancy rate is approximately 18%-19%, which he explained was taken

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into account in the Parking Statement prepared by Tighe & Bond, dated October 22, 2014 and was reviewed with the Commission by Mr. Yannes at the last hearing.

He explained that the floor area of the building that is considered common space is a little over 10,000 square feet, but he noted that all such space was included in the gross square footage of the building, which is approximately 83,000 square feet.

He next addressed a question regarding handicapped parking spaces, explaining that such spaces are not based on use but on the number of parking spaces on the site. He noted that the subject site has 274 parking spaces which would, per current code, require 7 handicapped spaces, where 5 are currently available. He stated that 2 existing standard spaces can be restriped into handicapped spaces, thus maintaining the current 274 total parking spaces on the site.

Mr. Nabulsi arrived and was seated at 7:19 P.M.

Mr. Healy stated that no additional outside space will be required for disposal of medical waste or debris. If there is any medical waste, he explained that it will be located in a sterile room within the building and will be removed by a qualified vendor.

Ms. Knapp 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 7:21 P.M. the Public Hearing was closed.

**2. SP#396, ASML US, Inc., 77 Danbury Road, Proposed improvements including 3 building additions, additional lighting and restriping of parking area**

Ms. Knapp called the Public Hearing to order at 7:21 P.M., seated members Bufano, Comiskey, Fiteni, Knapp, Nabulsi, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She referenced a letter dated December 15, 2014 from Arthur H. Howland & Associates, P.C. to Christopher Hulse, with lighting documentation and maps attached. She noted that the hearing was continued from a previous date.

Present was Jeremy Oskandy, Arthur H. Howland & Associates, P.C.

Mr. Oskandy addressed the issue of handicapped parking spaces, noting that the applicant originally proposed removal of 3 such spaces. However, he explained that they were subsequently able to reconfigure the striping and fit all 6 handicapped spaces on the site; all strategically located close to the building. He noted additionally that they were able to

make all of them conforming where currently only 2 are conforming.

Addressing lighting, he stated that they have submitted additional materials showing that shields were added on the back of the pole light fixtures and a note was added to the plans to that effect as well. He also noted that he was able to obtain confirmation from CL&P that they are currently reviewing the subject plans pertaining to the area that is within CL&P's right-of-way.

In response to a question from Mr. Nabulsi, Mr. Oskandy felt that there would be adequate room for cars parked in the handicapped spaces to navigate the parking lot area properly without impeding/obstructing the adjacent walkway.

Mr. Oskandy submitted for the record a revised Form B to reflect proper treatment of coverage in connection with the cantilevered canopy, and he also submitted for the record a copy of the second floor architectural plan.

Regarding storm water management, he noted that there would be no increase in impervious areas on the site and, in fact, there would be a reduction in pavement since some pavement would be replaced with building, which he indicated would result in improved water quality. He noted further that there would be no increase to peak flows as a result of any proposed improvements on the site.

Ms. White noted for the record that she recently spoke with a Building Department official regarding the wheelchair-accessible parking area and no problems/issues were raised.

Ms. Knapp 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 7:32 P.M. the Public Hearing was closed.

## **REGULAR MEETING**

**A.** Ms. Knapp called the Regular Meeting to order at 7:32 P.M., seated members Bufano, Comiskey, Fiteni, Knapp, Nabulsi, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

### **B. APPROVAL OF MINUTES**

#### **1. December 8, 2014 – Regular Meeting**

**MOTION** was made by Mr. Nabulsi, seconded by Ms. Bufano, and carried (7-0) to approve the minutes of December 8, 2014 as drafted.

**C. SITE DEVELOPMENT PLAN REVIEW**

- 1. SDP, Kimco Realty, Wilton River Park Shopping Center, 5 River Road, Alternative Signage Program**
- 2. SDP, Kimco Realty, Wilton Executive Campus, 15 & 21 River Road, Alternative Signage Program**
- 3. SDP, Kimco Realty, Bright Horizons property, 7 Godfrey Place, Alternative Signage Program**

Present were J. Casey Healy, attorney; and Chris Ciminiello, representing Kimco Realty.

Mr. Healy requested that the 3 applications be consolidated into one application for purposes of presentation.

He referenced posted site plans of the three properties purchased in 2013, consisting of restaurants, retail space, offices, a movie and a child daycare center. He explained that only 6 new signs are being proposed, consisting primarily of awareness and entrance/exit signage, noting that the other signs included in the submission are just being refurbished/refaced with no changes to their existing sizes.

Mr. Healy stated that the application was referred to the Design Advisory Committee for comment, as required for Wilton Center properties, and he is currently awaiting feedback from the Committee in response to recent email interchanges among them.

Mr. Nerney noted that the Committee's initial response was not too favorable and thus the applicant is in the process of addressing some of the concerns expressed. Mr. Healy noted that the originally proposed entrance/exit signs at Bright Horizons Daycare have since been eliminated and replaced with one awareness sign (per the Committee's recommendation), which reduced the number of proposed new signs from 7 to 6, as previously indicated. He stated that part of the issue was that the Committee did not fully understand the nature of the application initially and was under the impression that all the signage included in the application was new to the site, whereas only 6 signs are actually new and the remainder are just being refaced with a different color background.

In response to a question raised by Mr. Nabulsi, Mr. Healy confirmed that existing signage that is just being refaced will remain the same square footage, i.e. will not be increased in overall size. Mr. Nabulsi also expressed concern that the Kimco logo which is represented on all of the proposed signage is a form of advertising for the company. He was unable to recall any other such signage in Town and felt it could be problematic from the perspective of setting an undesirable precedent. Mr. Healy acknowledged the

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advertising perspective but explained that the company is known for its high quality shopping centers throughout the country and just wants to express its pride in that regard.

Mr. Healy stated that the Design Advisory Committee had a similar comment with respect to the branding issue, but he indicated that this could be discussed further at the next meeting.

Mr. Ciminiello noted that the Kimco logo serves another goal, that being to present a sort of synergy between the 3 separate parcels.

Mr. Fiteni stated that he shared Mr. Nabulsi's concern, questioning in particular whether it is necessary to include the logo on entrance/exit signs.

In response to further questions from the Commission, Mr. Healy stated that he would provide additional documentation prior to the next meeting, including a picture and dimensions of the existing pylon sign and the proposed awareness sign at Bright Horizons. Ms. White indicated that it would also be helpful if the applicant could provide a list of signs identified by name and clearly tied into/identified on the site plan, as well as square footage numbers for each sign.

A question also arose as to the need for an awareness sign at the Bright Horizons location since there is no traffic connection between the Stop and Shop/Wilton River Park Shopping Center and Bright Horizons. It was suggested that perhaps it be replaced with a 'Welcome to Bright Horizons' sign instead.

It was the consensus of the Commission at approximately 8 P.M. to continue discussion of these matters until the next meeting.

**D. ACCEPTANCE OF NEW APPLICATIONS**

None.

**E. PENDING APPLICATIONS**

- 1. SP#395, Wilton GSE, LLC, 372 Danbury Road, To reduce the number of parking spaces required on the site per Section 29-8.B.2.c of zoning regulations**

The Commission requested that staff prepare a draft resolution of approval for vote at the next meeting.

**2. SP#396, ASML US, Inc., 77 Danbury Road, Proposed improvements including 3 building additions, additional lighting and restriping of parking area**

The Commission briefly reviewed draft resolution #0115-1P.

MOTION was made by Mr. Nabulsi, seconded by Ms. Knapp, and carried (6-0-1) to adopt as drafted Resolution **#0115-1P** for **SP#396**, effective January 15, 2015. Mr. Wong abstained.

**WHEREAS**, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#396**) from ASML US, Incorporated to allow the construction of three building additions, totaling 2,978 square feet, additional lighting and parking re-striping, for property located at 77 Danbury Road, in a Design Enterprise “DE-10” District, Assessor’s Map #69, Lot #18, consisting of 29.23 acres owned by ASML US, Incorporated and shown on the plans entitled:

Location Map, Vicinity Sketch & Watershed Map - Prepared for ASML US, Inc., Prepared by Paul Syzmanski Jr. for Arthur H. Howland & Associates, engineer, dated August 14, 2014, scale: as noted, sheet #A.1.

Existing Conditions Map - Prepared for ASML US, Inc., Prepared by Paul Syzmanski Jr. for Arthur H. Howland & Associates, engineer, dated August 14, 2014, revised October 29, 2014, scale 1”=50’, sheet #EC.1.

Overall Site Development Plan- Prepared for ASML US, Inc., Prepared by Paul Syzmanski Jr. for Arthur H. Howland & Associates, engineer, dated August 14, 2014, revised December 15, 2014, scale 1”=50’, sheet #OSD.1.

Enlarged Site Development Plan and Sedimentation & Erosion Control Plan - Prepared for ASML US, Inc., Prepared by Paul Syzmanski Jr. for Arthur H. Howland & Associates, engineer, dated August 14, 2014, revised December 15, 2014, scale 1”=20’, sheet #SD.1.

Enlarged Site Development Plan (Showing Proposed Curb) - Prepared for ASML US, Inc., Prepared by Paul Syzmanski Jr. for Arthur H. Howland & Associates, engineer, dated June 19, 2014, revised October 29, 2014, scale 1”=30’, sheet #SD.1a.

Existing Lighting Plan - Prepared for ASML US, Inc., Prepared by Paul Syzmanski Jr. for Arthur H. Howland & Associates, engineer, dated August 14, 2014, scale 1”=50’, sheet #ILL.1.

Existing Lighting Plan - Prepared for ASML US, Inc., Prepared by Paul Syzmanski Jr. for Arthur H. Howland & Associates, engineer, dated June 19, 2014, revised October 29, 2014, scale 1”=30’, sheet #ILL.1a.

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Proposed Supplemental Lighting Plan - Prepared for ASML US, Inc., Prepared by Paul Syzmanski Jr. for Arthur H. Howland & Associates, engineer, dated August 14, 2014, revised December 15, 2014, scale 1"=50', sheet #ILL.2.

Standard Details - Prepared for ASML US, Inc., Prepared by Paul Syzmanski Jr. for Arthur H. Howland & Associates, engineer, dated August 14, 2014, revised December 15, 2014, scale as noted, sheet #D.1.

Zoning Location Survey - Prepared for ASML US, Inc., Prepared by Robert L. Liddel Jr. for Rocco V. D'Andrea, Inc., surveyor, dated August 24, 2012, scale 1"=60', no sheet #.

First Floor Plan- Prepared for ASML, Prepared by H&R Design, facilities planners, dated August 29, 2014, scale 3/16"=1'-0", sheet #A100.1.

Proposed Elevations- Prepared for ASML, Prepared by H&R Design, facilities planners, dated August 29, 2014, scale 3/16"=1'-0", sheet #A201.

Second Floor Plan- Prepared for ASML, Prepared by H&R Design, facilities planners, dated August 29, 2014, scale 3/16"=1'-0", sheet #A100.2.

**WHEREAS**, the Wilton Planning and Zoning Commission has conducted a public hearing on December 8, 2014 and January 12, 2015 to receive comment from the applicant and the public and has fully considered all evidence submitted at the hearing; and

**WHEREAS**, the Wilton Planning and Zoning Commission acknowledges that the applicant's site coverage will not increase; and

**WHEREAS**, the Wilton Planning and Zoning Commission has determined that the application is in substantial compliance with the Wilton Zoning Regulations;

**NOW THEREFORE BE IT RESOLVED** that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #396 to allow the construction of three building additions, totaling 2,978 square feet, additional lighting and parking re-striping at 77 Danbury Road, effective January 15, 2015 subject to the following conditions:

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 Government of the United States. Obtaining such permits or licenses is the responsibility of the applicant.

In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work or physical improvements required and/or authorized by the approved Site Plan shall be completed

within

five years of the effective date of this resolution. This five-year period shall expire on January 15, 2020.

The applicant shall file a Land Record Information Form for this Special Permit approval with the Town Clerk (form to be provided by the Planning and Zoning Department) prior to the issuance of a zoning permit.

A bond estimate for all site work shall be provided by the applicant to the Commission's staff, which shall be limited to soil and erosion control measures, specifically silt sacks and a 10% contingency. Such amount shall be approved by the Commission's staff. The bond shall be in a form and amount with proper surety satisfactory to the Commission's Land Use Counsel and shall be submitted prior to the issuance of a zoning permit.

In order to reduce light spillage the applicant shall install the lighting as reviewed by the Planning and Zoning Commission which shall include light cut-offs along the western property line. Such improvements shall be completed in accordance with submitted cut sheets and final lighting plans.

Hours of construction shall be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturday between the hours of 8:00 a.m. and 5:00 p.m. No construction shall be permitted on Sunday or legal holidays. Said condition shall not apply to any construction activity occurring within the fully-enclosed interior of the building.

### **Submittal of revised plans and application:**

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. 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. "Pursuant to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on January 15, 2020."

b. "For conditions of approval for Special Permit #396, see Resolution #0115-1P

### **Prior to the issuance of a certificate of zoning compliance:**

The applicant shall submit an as-built photometric plan and shall submit documentation verifying the installation of the approved light fixtures, prior to the issuance of zoning compliance.

Prior to the issuance of a Zoning Certificate of Compliance, the applicant shall furnish the Planning and Zoning Department with an as-built survey of the property. Said survey shall depict the location of all buildings/structures and parking areas and shall include building and site coverage calculations.

-END RESOLUTION-



**F. COMMUNICATIONS**

Mr. Nerney referenced a letter dated January 5, 2015 from Nick Davatzes to Chairman Hulse requesting that the Planning and Zoning Commission take a look at its existing home business regulations. Mr. Nerney explained that there have been instances over the past several years where some home occupations have become problematic, referencing, in particular, construction trades with commercial vehicle and/or storage of materials issues, or when permits are issued for work on a homeowner's personal property but the work becomes protracted over a 2-3 year period, and materials (possibly related to other construction job sites) are stored on the residential property. He recommended that the Commission and staff take a look at these regulations in the new year, noting that home occupations already in place would remain unaffected but new businesses would be required to abide by any new zoning regulations.

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Mr. Nerney also referenced an issue of signage that has arisen in Town. He explained that some business owners have approached the Board of Selectmen regarding the matter and, at the invitation of First Selectman Bill Brennan, Chairman Hulse and he attended the Board of Selectmen meeting last week to discuss the matter in more detail. He referenced a summary package dated January 5, 2015 that he compiled and distributed to the Commission comparing Wilton's signage regulations to those of Darien, Greenwich, New Canaan, Ridgefield, Weston and Westport. He felt that, upon analysis of the respective signage regulations, Wilton falls somewhere in the middle of the surrounding Towns, with its temporary signage regulations being more lenient than some of the others. He stated that Chairman Hulse and he felt that this is a topic about which the Commission might wish to solicit additional input from the public, thus providing an opportunity for the public to raise concerns and offer suggestions. He stated further that the Chamber of Commerce has graciously agreed to orchestrate that portion of the process, noting that the Commission could delve into the matter in more detail in the coming year.

**G. REPORT FROM CHAIRMAN**

**1. Reports from Committee Chairmen**

**H. REPORT FROM PLANNER**

**I. FUTURE AGENDA ITEMS**

**J. ADJOURNMENT**

MOTION was made by Mr. Fiteni, seconded by Ms. Bufano, and carried unanimously (7-0) to adjourn at 8:26 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary