

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

## **WILTON PLANNING & ZONING COMMISSION MINUTES APRIL 13, 2015 REGULAR MEETING**

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

**ABSENT:** Christopher Hulse (notified intended absence)

### **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#400, Café Ruche LLC, 101 Old Ridgefield Road, Seasonal outdoor café seating**

Ms. Poundstone, 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, Nabulsi, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Knapp read the legal notice dated March 30, 2015 and referred for the record to a 2-page Planning and Zoning Staff Report dated March 26, 2015; a 4-page "Supplement to Original Submission" received March 20, 2015, including an updated parking analysis and outdoor seating proposal; a 2-page "Response to Planning and Zoning Questions Regarding the Application for Seasonal Outdoor Seating" received April 9, 2015; a memorandum dated April 9, 2015 from Barry Bogle to Bob Nerney and Daphne White; and a letter dated April 9, 2015 from William P. McQuillan (Boylston Properties) to Robert Nerney, with 2 attachments.

Present was Sam Gardner, architect, on behalf of Barbara Chopin.

Mr. Gardner referenced a site plan and distributed photos of the site, noting that the

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proposed outdoor seating would be located in the lower courtyard at the rear of the building and would consist of 5 tables and 2 umbrellas set behind a low enclosure, similar to current outdoor seating at Wilton Pizza and Marley's in Wilton Center.

He responded point by point to the Planning and Zoning Staff Report dated March 26, 2015, noting in particular that:

- The applicant has consulted the Health Department and will comply with its recommendations;
- The applicant will continue to cooperate with the neighboring business (Kumon) and be respectful of its hours of operation and mindful of any sound leakage during those hours through the shared wall;
- A letter from Boylston Properties has been submitted granting the applicant the right to pursue the subject approval;
- Outdoor seating will be available during normal operating hours which, for summer, are 8 AM to 9 PM (or earlier based on pedestrian traffic) Monday through Saturday, and 10 AM to 5 PM on Sunday;
- The applicant does not anticipate a need for additional lighting, rooftop mechanical equipment or additional dumpsters.

In response to questions from Mr. Nabulsi, Mr. Gardner confirmed that the 122 available parking spaces includes the ancillary lot located beyond the passageway between Subway and Wilton Pizza. Mr. Nabulsi noted that the 96 parking spaces required for 101 Ridgefield Road is based on internal square footage numbers, not including outdoor seating areas of Marly's, Wilton Pizza, etc., and he thus questioned whether the parking space need may be greater during summer months to accommodate the extra patrons utilizing outdoor seating.

Mr. Gardner stated that it is hard to accurately anticipate what those patron numbers might be; he felt that the dinner period would likely attract more patrons than daytime hours. He noted, however, that the application does comply with zoning regulations.

Mr. Nerney noted that the site is over-parked by 26 spaces which, at the rate of 1 parking space per 250 square feet of gross floor area, equates to approximately 5500 [sic] square feet in excess of the interior footprints existing today. He felt that said overage was sizable and thus the incremental parking proposed for Café Ruche (even factoring in other restaurants' outdoor seating) would not significantly impact parking capacity for the area.

Addressing another issue raised by the Commission pertaining to the distance of some of the parking spaces from the subject establishment, Mr. Nerney reminded Commissioners that the intent of Wilton Center zoning regulations is to encourage pedestrian traffic in and around the Center.

Mr. Wong expressed concern about the dimensions of some of the parking spaces in the

parking lot nearest Café Ruche, specifically with respect to width, questioning whether those parking spaces are the same dimensions as everywhere else in the Center. Several other Commissioners recognized a width issue with those parking spaces as well. Mr. Nerney stated that he did not know when these spaces were last striped, and he also noted that they may be pre-existing from when the area was first developed, possibly prior to current width requirements. Ms. Poundstone asked if staff would check in any event on the width of those spaces so that the Town would at least know going forward if they are compliant with zoning regulations for the record. Mr. Nerney stated that staff would conduct some measurements but he was not sure that any noncompliance with current zoning regulations would rise to the level of an enforcement action, i.e. requiring restriping of the entire site.

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 approximately 7:38 PM the Public Hearing was closed.

## **REGULAR MEETING**

- A. Ms. Poundstone called the Regular Meeting to order at 7:38 P.M., seated members Bufano, Comiskey, Fiteni, Knapp, Nabulsi, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

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

#### **1. March 23, 2015 – Regular Meeting**

MOTION was made by Ms. Knapp, seconded by Mr. Fiteni, and carried (8-0) to approve the minutes of March 23, 2015 as amended.

### **C. SITE DEVELOPMENT PLAN REVIEW**

#### **1. SDP, Fairfield County Engineering LLC, Glen River Condominium Association, Inc., River Road, Paving and Drainage project**

Mr. Nerney briefly reviewed details of the application, noting that the applicant is planning a restoration of the driveway at Glen River, both on the west side of River Road (phase #1) and on the east side (phase #2). He stated that the intent is to improve drainage, which has become problematic during heavy rain storms which cause flooding

in garages on the site. He explained that the middle of the roadway would be shaved down and additional catch basins would be installed in an attempt to channel water more toward the center of the roadway as opposed to the sides so that homes would be better protected from flooding. Mr. Nerney stated that the application was referred, per usual procedure, to regulatory reviewing agencies in Town and a concern was raised regarding emergency access during construction given the population density of the community. As a result, the applicant was asked to meet with Fire and Police Departments to discuss precautionary measures that may need to be taken to address issues of safety during construction (e.g. requiring installation of steel plates, dry fire hoses, etc.).

Wayne D'Avanzo, engineer, was present on behalf of the applicant.

Mr. D'Avanzo stated that the applicant has a meeting scheduled for tomorrow with both Fire and Police. He explained that the contractor will be providing steel plates, thus limiting potential exposure to open trenches on the site. He noted that any Police and Fire requirements will be included by the applicant in its plans for the site.

Mr. D'Avanzo noted further that drainage issues have been a long-standing site problem which will be addressed by the proposed paving and regrading away from the buildings. He stated that there would be no increase to impervious coverage on the site.

Several Commissioners expressed concern regarding increased flow of oils, dirt, sediment, etc. into the additional catch basins that are proposed, and thus ultimately into the local watercourse. Mr. D'Avanzo stated that there would not be a large percentage increase of water flow into the existing drainage system as a result of the proposed site modifications, noting that the flow would just be moving more efficiently to its same ultimate destination.

Mr. Nerney noted that the application was referred to the Environmental Affairs Department but, due to the Commission's concerns, he would consult again with Environmental Affairs Director Pat Sesto and defer to her decision as to whether there would be any environmental implications from the application, and to discuss whether a maintenance plan might be required/advisable.

Ms. Poundstone raised concerns about safe traffic flow on River Road, with particular concern for school buses and children drop-off/pick-up in the area. Mr. D'Avanzo stated that all of these issues would be discussed in the applicant's meeting with Police/Fire tomorrow, including installation of temporary signage to warn of exiting vehicles from the site.

There being no further comments from the Commission or the public, at approximately 7:58 PM the discussion was continued until April 27, 2015.

**D. ACCEPTANCE OF NEW APPLICATIONS**

**E. PENDING APPLICATIONS**

**1. SP#400, Café Ruche LLC, 101 Old Ridgefield Road, Seasonal outdoor café seating**

The Commission reviewed draft Resolution #0415-4P and incorporated some minor modifications into the resolution.

MOTION was made by Mr. Nabulsi, seconded by Ms. Knapp, and carried unanimously (8-0) to adopt as amended Resolution **#0415-4P** for **SP#400**, effective April 16, 2015.

**WHEREAS**, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#400**) for Café Ruche, LLC from Barbara Chopin to allow the establishment of a 300 square foot outdoor dining area for property located at 101 Old Ridgefield Road, in the Wilton Center “WC” District, Assessor’s Map #73, Lot #37, consisting of 3.207 acres owned by the Town of Wilton c/o Boylston Properties/Wilton Center Development Limited Partnership and shown on the plans entitled:

Map of Property - Prepared for Wilton Center Development Associates, Prepared by Roland H. Gardner, land surveyor, dated March 7, 1991, with notes added in March 16, 2006, scale 1”=40’, no sheet #.

Site Plan for Seasonal Outdoor Seating Area - Prepared for Café Ruche, Prepared by Samuel E. Gardner, architect, dated March 2, 2015, scale 1/8”=1’, sheet #A-1.

**WHEREAS**, the Wilton Planning and Zoning Commission has conducted a public hearing on April 13, 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 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 #400 to allow the establishment of a 300 square foot outdoor dining area for Café Ruche restaurant at 101 Old Ridgefield Road, effective April 16, 2015 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 Government of the United States. 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 Site Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on April 16, 2020.
3. The applicant shall file a Land Record Information Form for Special Permit #400 with the Town Clerk (form to be provided by the Planning and Zoning Department) prior to the issuance of a zoning permit.
4. The exterior layout of the outdoor dining area, including the privacy screening, shall be consistent with those plans submitted by the applicant. Any change shall be subject to the review of the Commission's staff and/or Planning and Zoning Commission.
5. The installation of any new light fixtures shall be prohibited unless approved by the Planning and Zoning Commission.
6. The installation of any new rooftop mechanical equipment shall be prohibited unless screened and authorized by the Planning and Zoning Commission or the Commission's staff.
7. All outside furniture shall be removed during the off-season.
8. No additional dumpsters shall be allowed on the premises without the approval of either the Planning and Zoning Commission or the Commission's staff.

**Submittal of revised plans and application:**

9. 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 April 16, 2020."
- b. "For conditions of approval for Special Permit #400, see Resolution #0415-4P

-END RESOLUTION-

**F. COMMUNICATIONS**

**1. ASML US, Inc., 77 Danbury Road, Request to Town Planner for administrative approval to modify SP#396**

Mr. Nerney explained that the applicant has proposed some modifications to its recently approved plan for 3 additions and lighting improvements along the rear property line, involving a relocation and reduction in the overall scope of addition #1 and the removal of addition #2, with no changes to previously approved lighting. He referenced the submitted plans, noting that the applicant has asked that the proposed revisions be allowed to be approved administratively by the Town Planner.

In response to a request from Ms. Knapp for his opinion, Mr. Nerney stated that the proposed revisions seemed relatively small to him and, substantively, he did not see any of them as significant, and thus he was inclined to agree with the applicant's request for an administrative review/approval.

Several Commissioners raised issues with the revised parking plan, particularly with respect to the relocation of several handicapped spaces which had been the subject of particular scrutiny/review during the prior approval process, and also with some parking spaces that appeared to be hitting right up against the building with no buffer as required by zoning regulations. Mr. Nerney thought that a buffer was, in fact, proposed on the revised plans but indicated that he would review the plans and confirm. He stated further that he would work with the applicant to relocate two handicapped spaces away from the center area of the parking lot.

It was the general consensus of the Commission to grant approval for Town Planner Nerney to review, require modifications where necessary, and approve the application administratively.

**G. REPORT FROM CHAIRMAN**

**1. Reports from Committee Chairmen**

**H. REPORT FROM PLANNER**

**I. FUTURE AGENDA ITEMS**

**J. ADJOURNMENT**

MOTION was made by Mr. Nabulsi, seconded by Ms. Knapp, and carried unanimously (8-0) to adjourn at approximately 8:21 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary