

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

WILTON PLANNING & ZONING COMMISSION MINUTES MARCH 8, 2010 REGULAR MEETING

PRESENT: Chairwoman Sally Poundstone, Vice Chairman John Wilson, Secretary Doug Bayer, Commissioners Alice Ayers, Marilyn Gould, Bas Nabulsi, Eric Osterberg, and Michael Rudolph

ABSENT: Dona Pratt (notified intended absence)

ALSO

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

PUBLIC HEARINGS

- 1. REG#10319, TIAA-CREF, 10 and 20 Westport Road, To amend Sections 29-2.B, 29-7.B.2, 29-8.B of zoning regulations pertaining to Conference Center uses and parking**

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Osterberg, Poundstone, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated February 22, 2010, and he referred for the record to a letter dated March 8, 2010 from J. Casey Healy to Planning and Zoning Commission requesting a continuation of the hearing until March 22, 2010; a memorandum dated March 3, 2010 from Michael Ahern to Daphne White; and a 2-page Planning and Zoning Staff Report dated March 3, 2010, with 4 pages of attachments.

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 7:17 P.M. the Public Hearing was continued at the request of the applicant until March 22, 2010.

2. SP#216D, Wilton Wines & Spirits, LLC, 941 Danbury Road, Operation of a package store

Ms. Poundstone called the Public Hearing to order at 7:17 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Osterberg, Poundstone, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated February 22, 2010, and he referred for the record to a 3-page Planning and Zoning Staff Report dated March 2, 2010; a memorandum dated March 3, 2010 from Michael Ahern to Daphne White; and a floor plan from Wilton Wines and Spirits, LLC received March 4, 2010.

Mr. Bayer recused himself from the hearing and departed for the evening.

Present was Joe Santarsiero, applicant.

Mr. Santarsiero stated that the subject site is located in the General Business (GB) zoning district and he noted that the application meets the requirements for a package store located in a GB zone.

In response to items 2 and 3 of the Planning and Zoning Staff Report dated March 2, 2010, Mr. Santarsiero stated that two notes were added to the plan indicating that all sales and display of products shall be conducted within the approved interior building area, and that there shall be no outdoor storage of ice or storage of recycled containers in connection with the business. He distributed copies of the plan with said notes.

Addressing item 11 of the Planning and Zoning Staff Report, Mr. Nerney noted that staff met with the applicant and it was determined that HVAC equipment in connection with the subject business will not require rooftop mounting.

Referring to item 12, Mr. Nerney asked whether the applicant had obtained the proper letter of title from the owner. Mr. Santarsiero stated that he had contacted the owner's attorney and is awaiting confirmation of the owner's title to the property. Mr. Santarsiero noted that he does have a letter from the owner confirming his current ownership of the property.

Mr. Santarsiero also stated, in response to item 4 of the Staff Report, that he does not anticipate using shopping carts on the premises and if he should decide in the future to utilize such carts, they would be small and used inside the store only.

In response to other questions from Commissioners, Mr. Santarsiero indicated that 1) the store will consist of 1750 square feet; 2) he is the sole owner; 3) representatives from

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vineyards and local distributors will be available on Saturday afternoons for wine-tastings on the premises; 4) he prefers keeping the windows clear of signage to provide clear visibility of products; 5) bottle/can returns will be located behind the walk-in cooler, near the back doorway; 6) all deliveries will be conducted through the rear doorway; 7) beer delivery trucks are approximately 20 feet long and no wider than 8 ½ feet; 8) he hopes to have all deliveries arrive before noon; 9) no modifications are proposed for the exterior of the subject building; and 10) he will apply for a signage permit from Planning and Zoning as soon as he finalizes his signage plans for the store.

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

Staff was requested to prepare a draft resolution of approval for vote at the next meeting. Mr. Rudolph asked if conditions imposed upon recent package store applications could be incorporated into the subject resolution of approval. It was the consensus of the Commission to include such conditions in the draft resolution.

MOTION was made by Ms. Ayers, seconded by Mr. Wilson, and carried (7-0) to close the subject hearing.

There being no further comments from the Commission or the public, at 7:30 P.M. the Public Hearing was closed.

REGULAR MEETING

A. Ms. Poundstone called the Regular Meeting to order at 7:30 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Osterberg, Poundstone, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. February 22, 2010 – Regular Meeting

MOTION was made by Ms. Gould, seconded by Mr. Wilson, and carried (7-0) to approve the minutes of February 22, 2010 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

- 1. REG#10319, TIAA-CREF, 10 and 20 Westport Road, To amend Sections 29-2.B, 29-7.B.2, 29-8.B of zoning regulations pertaining to Conference Center uses and parking**

Tabled.

- 2. SP#216D, Wilton Wines & Spirits, LLC, 941 Danbury Road, Operation of a package store**

Staff was requested to prepare a draft resolution of approval for vote at the next meeting, with conditions as per discussion above.

F. COMMUNICATIONS

- 1. SP#284A, N. Vona Sons-In-Law, LLC, Request for 3-year extension of deadline to complete site development work at 632 Danbury Road due to economic reasons**

Mr. Nabulsi noted for the record that although he had some work done recently by the applicant, the work has since been completed and he did not believe it posed a conflict of interest.

Mr. Nerney explained that under State law, the Commission has the authority to grant up to a 5-year extension of the deadline to complete site development work. He noted that the applicant has requested a 3-year extension of said deadline for site development work at 632 Danbury Road. He stated that while the garage and some screening have been completed, due to the economy there is some additional work that still needs to be done.

Mr. Nabulsi recalled some concern that was expressed during the hearing about bringing the property into conformance, citing in particular the parcel's proximity to the river and certain items on the property that the Commission wanted cleaned up. He stated that it would be nice to know that the applicant has taken the necessary steps required by the Commission in terms of preventing a potential spillage of materials into the river.

Mr. Nerney stated that Assistant Planner White can contact the applicant and arrange to check the site to be sure the applicant is maintaining it in an orderly fashion and keeping materials contained as required.

MOTION was made by Mr. Wilson, seconded by Ms. Ayers, and carried (6-0-1) to approve the applicant's request for a 3-year extension of the deadline to complete site development work at 632 Danbury Road. Ms. Gould abstained.

2. Reappointment of PZC representative to SWRPA

Ms. Poundstone noted that Amy Harris's term as Wilton's PZC representative to SWRPA (Southwestern Regional Planning Agency) is expiring and she is up for a 2-year re-appointment. Ms. Poundstone stated that it is her understanding that Ms. Harris has been helpful to Town Planner Nerney and his staff, coming in from time to time to speak with Mr. Nerney about ongoing issues/concerns, and that she is willing to serve for another 2 years.

After a brief discussion, it was the consensus of Commissioners that they would like to have an opportunity to speak with Ms. Harris prior to re-nominating her, to better understand what her ideas are toward development and other issues addressed in the Town's recently updated Plan of Conservation and Development. The Commission indicated that it would appreciate the opportunity to speak with Board of Selectmen's appointee Bud Boucher as well.

Mr. Nerney stated that he would extend an invitation from the Commission to both Ms. Harris and Mr. Boucher for the next meeting scheduled for March 22, 2010.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

Mr. Nerney referred to an ongoing transportation study (a collaboration between SWRPA and HVCEO (Housatonic Valley Council of Elected Officials) with assistance from planning consultant Fitzgerald and Halliday), which is looking at the Route 7 corridor and ways to improve linkage along that corridor from the Grist Mill terminus up to Danbury. He explained that they are looking at ways to move traffic more efficiently (via a gap analysis), as well as areas where there might be opportunities for transportation-oriented development. One such area includes the Branchville section of Ridgefield. He noted

that the next meeting will be sometime in September and he felt that it would be important to attend.

Mr. Nabulsi offered to make copies of the transportation study document for Commissioners' reference and indicated that he would drop copies off at staff offices.

Mr. Nerney urged Commissioners to review the document prior to the next meeting when the SWRPA representative(s) will be present.

In light of the reduced PZC agenda size over the recent months, Mr. Nabulsi suggested that the Commission consider moving some of the Regulations Committee agenda items to the Planning and Zoning Commission agenda right at the outset, thus reducing the number of extra meetings scheduled for the Regulations Committee.

Mr. Rudolph felt that the floodplain regulations, discussed by the Regulations Committee earlier in the evening, were at a point where they could easily be transferred to the regular PZC agenda for review/public hearing. It was the consensus of the Commission that staff should prepare the floodplain regulations application, send the required notice(s) to the regional agencies, and plan for a public hearing to open in April.

Mr. Nabulsi elaborated further on his earlier suggestion. He noted that in the recently modified Plan of Conservation and Development, there are a series of initiatives that are tasked to the Planning and Zoning Commission to execute. He felt that the Commission needs to decide whether the first mover in that regard will be the Regulations Committee or the Commission as a whole. He suggested that those initiative items be moved to the Commission as a whole, noting that this would result in a more productive use of everyone's time since all Commissioners' voices would be able to weigh in from the outset on the issues under consideration.

Mr. Rudolph, Chairman of the Regulations Committee, did not have any objection to the suggestion, but he asked that all Commissioners be provided a copy of the synopsis of POCD recommendations so that they will have an opportunity to review them before making a final decision on this matter.

It was determined that the discussion would be continued.

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Ms. Ayers, and carried unanimously (7-0) to adjourn at 8 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary