

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

WILTON PLANNING & ZONING COMMISSION MINUTES MAY 24, 2010 REGULAR MEETING

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

ABSENT: Bas Nabulsi (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. SP#349, Olkoski, 81 Boulder Brook Road, Accessory dwelling unit

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Ayers, Bayer, Gould, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing had been continued from a previous date. Mr. Bayer referred for the record to a transmittal letter dated May 19, 2010 from Thomas S. Quinn (Peak Engineers, LLC) to Daphne White, referencing attached Site Improvement Plan; a letter dated May 2, 2010 from Thomas Sinchak to Wilton Planning & Zoning; and a memorandum dated May 20, 2010 from Michael Ahern to Daphne White.

Present was Philip Olkoski, applicant.

Mr. Olkoski noted that engineering plans indicating silt fencing/drainage details for the site were prepared by Tom Quinn of Peak Engineers and submitted to the Department of Public Works (DPW) for review. He noted that DPW accepted the plans and had no further comments.

Regarding an existing nonconforming shed on the site, Mr. Olkoski referenced Mr. Sinchak's letter (a former neighbor) confirming that the shed existed as far back as 1997, and he also displayed several photos of the shed dating back to key family events which occurred in 1997 and 2000.

Town Planner Nerney explained that if a nonconforming structure existed for at least three years, it is considered compliant per State Statutes if no corrective action has been taken by the Town during that timeframe. Regarding site drainage/water discharge, Mr. Nerney recommended that the applicant's engineer be required to take a look at the site once the proposed work is completed. Mr. Olkoski had no objection to such a condition.

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 7:20 P.M. the Public Hearing was closed.

2. SP#350, Wilton Wine Search, 28 Center Street, Operation of package store

Mr. Osterberg arrived at approximately 7:21 P.M.

Ms. Poundstone called the Public Hearing to order at 7:21 P.M., seated members Ayers, Bayer, Gould, Osterberg, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated May 11, 2010. He referred for the record to a 3-page Planning and Zoning Staff Report dated May 19, 2010, and a memorandum dated May 18, 2010 from Michael Ahern to Daphne White.

Present were Joe Tramuta, attorney; and Gezim and Lulzim Selmani, applicants.

Mr. Tramuta addressed comments/questions of the Planning and Zoning Staff Report dated May 19, 2010 as follows: 1) The proposed site coverage reduction of 427 square feet relates to a terrace that was removed, per a survey completed by Roland Gardner; 2) The applicant will hire a professional sign company to submit a professional rendition of proposed signage; 3) No substantive changes are proposed for the site, although the applicant is aware that any such changes would be subject to input from the Village District Consultant Committee; 4) Town-mandated hours of operation (Monday through Saturday 9 AM – 8 PM) will not be a problem for the applicant; 5) Deliveries are anticipated for Tuesdays and Thursdays between 12 and 3 PM and will take place in the parking spaces identified for the subject location; 6) Applicant is not anticipating a need for additional dumpsters; and 7) Applicant does not intend to use grocery carts.

Ms. Poundstone advised the applicants that if they discern a developing need for dumpsters, they should address the matter quickly.

The applicant indicated that it would have no problem if a condition were incorporated into the resolution regarding the fact that grocery carts will not be used on the premises.

A question arose as to whether parking requirements would change as a result of the use change from real estate to retail. Mr. Nerney stated that the change in use would have no impact on parking requirements for the site, and several Commissioners recalled that the building was actually used for retail approximately 4-5 years ago.

A question arose as to the applicant's plans for signage and/or use of flags, banners, pennants, etc., particularly with respect to the merchandising of beer. The Commission emphasized the significance of the location as a gateway into the center of Town. The applicant indicated that there would be no banners and no posting on windows, noting that everything would be professionally/tastefully done and in compliance with Town requirements.

In response to concerns expressed by the Commission regarding potential traffic congestion in connection with truck deliveries to the site, the applicant stated that it would ask its suppliers to deliver in the early morning hours rather than mid-afternoon. The applicant also noted that the size of delivery trucks would be compatible with the size of existing parking spaces on the site, and delivery trucks would park on the lower portion of the lot, not in front.

Mr. Tramuta confirmed that there would be no lighting changes to the 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 7:39 P.M. the Public Hearing was closed.

3. SP#332A, Polito, 490 Danbury Road, To allow professional offices for non-resident occupants and residential apartments

Ms. Poundstone called the Public Hearing to order at 7:39 P.M., seated members Ayers, Bayer, Gould, Osterberg, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated May 11, 2010. He referred for the record to a letter dated May 24, 2010 from J. Casey Healy to Planning and Zoning Commission requesting a continuation of the

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hearing; a 3-page Planning and Zoning Staff Report dated May 20, 2010; and a memorandum dated May 20, 2010 from Michael Ahern to Daphne White.

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

At 7:41 P.M., Ms. Poundstone noted that the public hearing would be continued until June 14, 2010 at the request of the applicant.

REGULAR MEETING

- A.** Ms. Poundstone called the Regular Meeting to order at 7:41 P.M., seated members Ayers, Bayer, Gould, Osterberg, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. May 10, 2010 – Regular Meeting

MOTION was made by Mr. Wilson, seconded by Mr. Bayer, and carried (8-0) to approve the minutes of May 10, 2010 as amended.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

1. SP#45P, The Lake Club, Inc., 175 and 195 Thayer Pond Road, Add lighting to tennis courts 7 and 8

MOTION was made by Ms. Poundstone, seconded by Ms. Pratt, and carried unanimously (8-0) to accept the application and set a public hearing date for June 28, 2010.

E. PENDING APPLICATIONS

1. SP#349, Olkoski, 81 Boulder Brook Road, Accessory dwelling unit

The Commission briefly reviewed draft Resolution #0510-9P.

MOTION was made by Ms. Gould, seconded by Mr. Bayer, and carried unanimously (8-0) to adopt as drafted Resolution **#0510-9P** for **SP#349**, effective May 27, 2010.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#349**) from Philip Olkoski for approval of a detached accessory dwelling unit, for property located at 81 Boulder Brook Road; in an R-2A (Single-Family Residence District), Assessor's Map#37, Lot #16-2, and 2.003 acres; owned by Philip F. Olkoski and shown on the plans entitled:

Zoning Location Survey- Prepared for Philip F. Olkoski and Margaret B. Olkoski, Prepared by Douglas R. Faulds, land surveyor, dated May 18, 2010, at a scale of 1"=30', no sheet#.

Site Improvement Plan- Prepared for Philip F. Olkoski, Prepared by Thomas S. Quinn, engineer, dated March 8, 2010, at a scale of 1"=20', no sheet#.

Site Plan- Prepared for Philip Olkoski, Prepared by Kevin B. Czarnecki, draftsman, dated December 6, 2009, not to scale, sheet#A-1.

Proposed First Floor Plan- Prepared for Philip Olkoski, Prepared by Kevin B. Czarnecki, draftsman, dated December 6, 2009, scale of 1/8"=1', sheet#A-2.

Proposed Second Floor Plan- Prepared for Philip Olkoski, Prepared by Kevin B. Czarnecki, draftsman, dated December 6, 2009, scale of 1/8"=1', sheet#A-3.

Proposed North Elevation- Prepared for Philip Olkoski, Prepared by Kevin B. Czarnecki, draftsman, dated December 6, 2009, scale of 1/8"=1', sheet#A-4.

Proposed South Elevation- Prepared for Philip Olkoski, Prepared by Kevin B. Czarnecki, draftsman, dated December 6, 2009, scale of 1/8"=1', sheet#A-5.

Proposed East Elevation- Prepared for Philip Olkoski, Prepared by Kevin B. Czarnecki, draftsman, dated December 6, 2009, scale of 1/8"=1', sheet#A-6.

Proposed West Elevation- Prepared for Philip Olkoski, Prepared by Kevin B. Czarnecki, draftsman, dated December 6, 2009, scale of 1/8"=1', sheet#A-7.

Proposed Section- Prepared for Philip Olkoski, Prepared by Kevin B. Czarnecki, draftsman, dated December 6, 2009, scale of 1/8"=1', sheet#A-8.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on April 26, 2010 and May 24, 2010 to receive comment from the public and has fully considered all evidence submitted at said 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 #349 effective May 27, 2010 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 May 27, 2015.
3. Prior to issuance of a zoning permit, the applicant shall submit documentation of approval from the Wilton Health Department concerning the adequacy of the existing septic system to accommodate both the principal residence and the proposed accessory dwelling unit.
4. Prior to issuance of a zoning permit, this resolution of approval shall be filed in the Office of Land Records (Wilton Town Clerk).
5. Prior to issuance of zoning compliance the applicant's engineer shall confirm that the improvements have been completed per plan design.
6. The owner of the property has submitted to the Planning and Zoning staff, in the form of an affidavit that the owner is in residence in one of the dwelling units on the property. Certification of owner occupancy shall subsequently be made to the Planning and Zoning Department on an annual basis.
7. Three (3) 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. "According 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 May 27, 2015."
 - b. "For conditions of approval for Special Permit #349, see **Resolution #0510-9P.**"

2. SP#350, Wilton Wine Search, 28 Center Street, Operation of Package Store

The Commission requested that staff prepare a draft resolution of approval for vote at the next meeting, including the following conditions: 1) No grocery carts to be used on the premises; 2) No additional dumpsters; 3) No parking in the front of the store; 4) No modifications to lighting; 5) All signage to be maintained in strict accordance with zoning regulations; 6) Early morning hours of delivery to be encouraged on the site to the extent possible.

3. SP#332A, Polito, 490 Danbury Road, To allow professional offices for non-resident occupants and residential apartments

Tabled.

F. COMMUNICATIONS

1. AvalonBay Communities, 116 Danbury Road, Proposed maintenance building

Mr. Nerney referred to a letter dated May 17, 2010 from Grant Jaber, Development Manager, AvalonBay Communities, Inc. He explained that the AvalonBay project is now moving forward and the applicant has requested approval of an accessory maintenance building on the site. He noted that the building would house an office with one or two on-site maintenance personnel and would be located in place of five parking spaces which would be relocated throughout the site.

In response to questions from the Commission, Mr. Jaber, who was present in the audience, explained that the resulting impact on building and site coverage would be minimal, noting that both would increase only one or two-tenths of a percentage point.

Mr. Nerney explained that per Section 29-10 of zoning regulations, minor changes/amendments to special permits may be approved administratively by staff. He explained further that building expansions encompassing up to 10,000 square feet of GFA can be considered minor amendments and are thus eligible for staff/administrative review. In that regard, he noted that the proposed maintenance building would consist of 864 square feet.

Addressing questions/concerns of the Commission, Mr. Jaber stated that the second story would be used for storage of materials, assuring the Commission that it would never be used as an apartment. Mr. Nerney noted that such a condition could be incorporated into

any resolution of approval for the proposed special permit amendment.

After some discussion, it was the consensus of the Commission that the application could be handled administratively by staff, with the understanding that if any proposed modifications were to seem excessive, staff would refer the application back to the Commission for its review.

Mr. Nerney noted for the record that an administrative approval requires a formal application, with all related backup and Form B data sheets, including proposed building and site coverages, as well as fees.

2. Clarification concerning terminology pertaining to temporary signage

Mr. Nerney explained that Wilton's Zoning Enforcement officer (ZEO) recently began a signage enforcement campaign in the Town and, as a result, a question has arisen regarding temporary signage, for which the ZEO is requesting Commission clarification/interpretation.

Mr. Nerney referred to Section 29-8.A.7.c.(2).(f) of zoning regulations which states that "only one temporary sign, whether a banner or an A-frame, shall be permitted for each applicant at each location at any one time." He explained that the issue has to do with the definition of the word "location", noting that both historically and currently it has been interpreted to mean the property itself, even if the property has more than one frontage. He noted that an applicant has questioned that interpretation, alleging that the word "location" can refer to one of many possible sites on a particular parcel.

A discussion ensued. While Commissioners were sensitive to the current difficult economic times and the need for flexibility with regard to signage/advertising, they also expressed concerns with the number of A-frame signs that have been appearing around Town, as well as safety issues in connection with the blockage of sight lines at intersections and driveways. Questions were also raised as to what constitutes "temporary", since it was noted that frequently temporary signs are left standing well beyond the maximum allowable time limit. Another issue that was raised was whether a person carrying a sign falls under the category of temporary signage or whether such a situation represents free speech.

Ms. Poundstone requested that Commissioner Rudolph, as Chairman of the Regulations Committee, report back to the Commission at its next meeting on June 14th with some recommendations on the matter.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

Ms. Poundstone reminded Commissioners that an Informational Meeting to discuss various use alternatives for the Cannondale area will be held on the evening of June 7th at 7:15 PM.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. SP#258D, Wilton Retirement Housing, 435 Danbury Road, 16 additional congregate housing units [P.H. June 14, 2010]**
- 2. SP#223E, Zackiewicz, 39 Danbury Road (Unit #11), Operation of package store [P.H. June 14, 2010]**

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Ms. Pratt, and carried unanimously (8-0) to adjourn at 8:25 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary