

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

WILTON PLANNING & ZONING COMMISSION MINUTES JANUARY 9, 2012 REGULAR MEETING

PRESENT: Chairman John Wilson, Vice Chairman L. Michael Rudolph, Secretary John Gardiner, Commissioners Lori Bufano, Marilyn Gould, Chris Hulse, Bill McCalpin, Dona Pratt, and John Weiss

ABSENT:

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. REG#12336, Gregory and Adams, P.C., Amendments to Sections 29-2.B and 29-5.C.1 of zoning regulations pertaining to employee housing at private membership recreation clubs as a customary and incidental accessory use**

Mr. Wilson called the Public Hearing to order at 7:15 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Pratt, Rudolph, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Gardiner read all legal notices for this evening's scheduled public hearings, dated December 27, 2011. He also read a letter dated January 9, 2012 from J. Casey Healy to Planning and Zoning Commission requesting a continuance of the subject hearing until January 23, 2012; and he referenced a 2-page Planning and Zoning Staff Report dated January 4, 2012.

Mr. Wilson 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 7:20 P.M. the Public Hearing was continued until January 23, 2012.

2. REG#12334, Town of Wilton, Amendment to Section 29-11.A.12 of zoning regulations pertaining to bond requirements

Mr. Wilson called the Public Hearing to order at approximately 7:20 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Pratt, Rudolph, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. The legal notice pertaining to the subject hearing was read by Mr. Gardiner at the beginning of the previous hearing.

Town Planner Nerney reviewed details of the application. He explained that in the past the Commission used to accept various forms of performance and maintenance bonds, including cash, passbook or statement savings accounts, certified checks and surety bonds. However, in 2001, the Commission amended its zoning regulations to eliminate surety bonds and passbook accounts since surety bonds can be problematic to call, and passbook accounts can be seized by the state after five years of inactivity. However, he noted that on October 1, 2011, a law went into effect mandating communities to accept both surety bonds and passbooks as acceptable forms of performance bonds; and also eliminating the holding of bonds beyond project completion (e.g. in the case of Wilton, some maintenance bonds are currently held beyond project completion to ensure that plantings/landscaping survive the winter).

Mr. Nerney explained that the subject application amends Wilton zoning regulations to reflect the requirements of the new law, noting that the Town's current regulations are in conflict with the new state-mandated requirements.

Mr. Nerney explained further that since the new law does provide that such bonds be in a "form suitable to the Commission", the Commission may have some latitude to require that a surety bond be issued by a Connecticut institution, and to be compensated for legal fees and costs of any necessary litigation if the Town prevails. It was the general consensus of the Commission that the aforementioned conditions should be required as part of the terms of any surety bond posted with the Town. Mr. Nerney noted that such bonds are automatically referred to Town Counsel for review.

Mr. Nerney suggested that the application be held open until the next meeting to satisfy the 30-day response time period required after submission to HVCEO and SWRPA.

Mr. Wilson 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 7:30 P.M. the Public Hearing was continued until January 23, 2012.

3. REG#12335, Town of Wilton, Amendments to Section 29-5.B.10 of zoning regulations pertaining to affordable housing in DRD, THRD and CRA-10 multi-family residential districts

Mr. Wilson called the Public Hearing to order at approximately 7:31 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Pratt, Rudolph, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. The legal notice pertaining to the subject hearing was read by Mr. Gardiner at the beginning of the first public hearing.

Prior to discussion of the application, Ms. Pratt expressed concern with the wording of proposed paragraph 10.a (Construction Quality and Size), referring in particular to the requirement that affordable units “shall be of similar construction quality, size and finish and shall contain a number of bedrooms equivalent to market-rate units within the development”. She recalled modifying that section to reflect a more flexible approach/interpretation regarding construction quality and size for affordable units. Although Mr. Nerney could not locate such a revision in his computer notes, he explained that minor modifications could still be incorporated into the document if the Commission so desired.

Present in the audience were Jerry Effren, a prior applicant; and Steven Grushkin, attorney for Jerry Effren.

Mr. Grushkin explained that Mr. Effren had submitted a proposal to the Commission about a year ago for modifications to the affordable housing regulations which resulted in the Commission drafting its own document, now the subject of this application. He expressed concerns with issues he referred to as fundamental to the affordable housing concept as currently drafted/proposed. He drew a distinction between what the Town refers to as multi-family districts (and the resulting affordable housing restrictions incorporated into such districts) and the concept of a subdivision (also a multi-family district but comprising a number of single-family homes) which is not subject to affordable housing restrictions.

Referencing the Greyrocks project on River Road, of which Jerry Effren is the principal/developer, Mr. Grushkin noted that of the 20 single family homes Mr. Effren planned to build, 20% (= 4 units) were required to be affordable. He questioned the logic/philosophy of taking 4 single-family, market-rate equivalent homes and requiring them to be earmarked as affordable units when much of the Town’s population would themselves not be able to afford such units.

Mr. Grushkin referenced paragraph 10.s, citing in particular the reference to “single family residences or attached or detached units located within a multi-family development”. He questioned the intended definition of the term “detached unit” and

whether it references a multi-family type unit or a single-family house, such as would be found in a typical subdivision, which he noted again is not bound by affordable housing regulations. He also objected to the stringency of the four minimum findings that the Commission would be required to make under paragraph 10.s, citing the consistent use of the phrase “equal to or better” when referencing acceptable off-site affordable housing options.

Mr. Grushkin stated that Mr. Effren’s desire is to build 20 market-rate units on-site (which is the number of total units originally approved for the site), but with an additional 4 affordable units provided off-site for a total of 24 units instead of 20. He felt that common sense dictates that a developer should be allowed the option of providing off-site affordable housing that represents additional housing units rather than cutting developers back on the number of market-rate units permitted. He noted the advantages of such a proposal to the Town in the form of increased tax revenue from a greater number of market-rate units, as well as a reduced reliance on taxpayers to make up for the lower revenues generated by the affordably-classified units. He respectfully requested that the Commission not go forward on the proposal as currently written.

Mr. Effren expressed frustration with affordable housing regulations and with what he perceived as inherent inequities therein, noting that a developer is not required to devote 20% of a proposed shopping center or office building for the purpose of the Town’s good/betterment, nor is a developer required to set aside 20% of units for affordable housing when building single-family homes within a standard subdivision. Yet, he noted that such a requirement is imposed if building single-family homes in a clustered or planned development such as the one he has proposed for River Road.

Mr. Effren explained that the only real alternative left to him that could minimize his losses for the River Road site (and he stressed that this was not to be interpreted as a threat) is an 8-30g development (i.e. an Avalon-type development), noting that his property has sewer, water, slope and wetlands compatibility to qualify for such a development. He noted further that if he were to switch to a 100-unit development of that type, as opposed to the 20-unit development he was originally approved for, banks would very readily offer him financing.

Mr. Rudolph reminded the applicant that the Commission had originally approved 20 units on the site, 4 of which were required to be affordable. He stated that if the Commission were to now grant the applicant’s request to permit 20 market-rate units on-site in addition to 4 affordable units off-site, the Commission would appear to be rewarding the applicant for not being able to build what he originally said he would build.

Mr. Grushkin expressed concern that the Commission seemed to be approaching the matter more from a punitive perspective, i.e. trying to extract everything possible out of a developer, as opposed to trying to stimulate and encourage development in Town. He

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added that Mr. Effren is being penalized under the affordable housing regulations because he is proposing single-family homes in a multi-family district. He felt that it does not make any sense to require million-dollar homes to be sold for \$375,000 - \$400,000 or to be rented for less than \$3,000 per month in order to comply with affordable housing guidelines.

Mr. Effren noted further that under the existing affordable housing formula/guidelines, the Avalon development would be allowed to charge more rent for its affordable units than he would be allowed to charge for his affordable single-family homes. He expressed frustration that Wilton taxpayers would be subsidizing the difference in taxes between what his market-rate units would be assessed for and what the permitted assessment would be on his affordable on-site homes.

Ms. Gould briefly reviewed the history of affordable housing regulations in the Town, noting that a fairly simple approach was first adopted by the Commission in 1980, whereby the Commission recognized a conferring of value on affordable-qualified properties and therefore required a corresponding offset of a certain number of affordable units to be held in perpetuity on such properties. In that regard, she noted that the applicant was granted 3 units per acre on his River Road site, where originally the parcel was zoned 1 unit per acre, and thus additional value was already conferred on the property.

Mr. Effren noted that the Commission-approved zone change on his parcel would actually have permitted him to develop 30 units on the site instead of the 20 for which he had applied and been approved.

Ms. Gould noted that the applicant could still submit a new application to the Commission for 25 units, if he so desired, with 5 affordable units (=20%) off-site and 20 market-rate units on-site.

Upon further discussion, it was the general consensus of the Commission that some modifications needed to be incorporated into the proposed affordable housing amendment.

The Commission also agreed that Messrs. Grushkin and Effren could submit for Commission consideration some comments/input representing their vision of how affordable housing regulations should be written. Mr. Rudolph requested that the submission be in the form of an actual mark-up of the currently proposed amendment. Messrs. Grushkin and Effren indicated that they would provide such a document for Commission review.

Mr. Wilson asked if anyone in the audience wished to speak for or against the application.

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Mr. Gardiner referred for the record to an emailed letter dated January 9, 2012 from Barbara B. Holdridge to Robert Nerney; a letter dated May 23, 2011, received January 9, 2012, from Gerald R. Holdridge to Wilton Planning & Zoning Commission; and a 2-page Planning and Zoning Staff Report dated January 4, 2012 with attached proposed amendment and existing amendment.

There being no further comments from the Commission or the public, at approximately 8:30 P.M. the Public Hearing was continued until January 23, 2012.

REGULAR MEETING

A. Mr. Wilson called the Regular Meeting to order at approximately 8:31 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Pratt, Rudolph, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. December 12, 2011 – Regular Meeting

MOTION was made by Mr. Gardiner, seconded by Mr. Rudolph, and carried (7-0-2) to approve the minutes of December 12, 2011 as drafted. Commissioners Gould and McCalpin abstained.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, Plan B Retail Design, 920 Danbury Road, Signage Modifications

Present was Shee DeLorme, NW Sign Industries, on behalf of Chase Bank and the applicant.

Ms. DeLorme distributed updated plans into the record, including “Sign Legend & Location Plan”, “Elevations/Channel Letters”, “Directionals/Drive-Thru”, and “Regulatory” signage plans.

She briefly reviewed plan modifications, noting in particular that drive-thru canopy signage facing Route 107 was reduced from a 20-inch by 13-foot letter set to a 16-inch by 9-foot+ letter set. She also noted a directional signage color change from blue to black.

Mr. Nerney noted that the ATM lane designator and clearance designator signs will be permitted to be internally illuminated, and is noted as such in the resolution of approval.

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The Commission reviewed draft Resolution #0112-1Z.

MOTION was made by Ms. Gould, seconded by Mr. Hulse, and carried (8-0-1) to adopt as drafted **Resolution #0112-1Z** for an Alternative Signage Program at 920 Danbury Road, effective January 12, 2012. Mr. McCalpin abstained.

WHEREAS, the Wilton Planning and Zoning Commission has received an application from Charles Bomely, Jr. with Plan B Retail Design, for an alternative signage program associated with an existing shopping center, located at 920 Danbury Road; in a General Business District (GB), Assessors Map #12, Lot# 98, 3.77 acres; owned by Remo Tartaglia and shown on the plans entitled:

Signage Location Plan - Prepared for Caraluzzi's Georgetown Market, Prepared by Plan B Retail Design & Project Management, LLC, designers/planners, dated October 12, 2011, revised December 6, 2011, at a scale as noted, sheet #A11.

Proposed Exterior Elevations - Prepared for Caraluzzi's Georgetown Market, Prepared by D. F. Valente, architect/planner, dated November 22, 2011, scale:3/32=1'-0", sheet #A3.3.

Cover Sheet - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 20, 2011, not to scale, no sheet #.

Sign Legend & Location Plan – Allowable Signage - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 6, 2011, sheet #2.

Sign Legend & Location Plan – Additional Approval Required - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, revised December 20, 2011, sheet #3.

Floor Plan – Allowable Signage - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 6, 2011, sheet #4.

Floor Plan – Additional Approval Required - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 20, 2011, sheet #5.

Main ID-Allowable Signage - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 20, 2011, sheet #6.

Elevations/Channel Letters-Allowable Signage - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 20, 2011, sheet #7.

Elevations/Channel Letters-Additional Approval Required - Prepared for Chase Bank, Prepared

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by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 20, 2011, sheet #8

Directional/Drive-Thru-Allowable Signage - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 20, 2011, sheet #9.

Drive-Thru-Additional Approval Required - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 20, 2011, sheet #10.

Regulatory- Allowable Signage - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 20, 2011, sheet #11.

ATM Topper/ATM Surround - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 20, 2011, sheet #12.

Due Diligence Sheet - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 20, 2011, sheet #13.

Surrounding Photos - Prepared for Chase Bank, Prepared by NW Sign Industries, signage designer, dated August 24, 2011, last revised December 20, 2011, sheet #14.

WHEREAS, the Wilton Planning and Zoning Commission reviewed the Signage Location Plan on November 14, 2011, December 12, 2011 and January 9, 2012; 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** the Alternative Signage Plan effective January 12, 2012 and 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 Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on January 12, 2017.

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3. The approved signs shall be designed and erected in accordance with the aforementioned plans, as shown on the signage plan listed above, is as follows:
 - a. The proposed free standing monument sign, shall be consistent with the signage represented on the submitted plans and shall not differ with respect to size, color, design or appearance. Said sign shall be located in the area as shown on the submitted site plan. Individual panels shall not exceed an area of 34.81 square feet. The size of the individual panels are as follows:
 1. The Caraluzzi's Georgetown Market sign shall be limited to 19.56 square feet.
 2. The Classic Cleaners sign shall be limited to 5.33 square feet.
 3. The Chase Bank sign shall be limited to 9.92 square feet.
 - b. The proposed façade signs, shall be consistent with the signage represented on the submitted plans and shall not differ with respect to size, color, design or appearance. Said sign shall be located in the area as shown on the submitted site plan. The size of the individual panels are as follows:
 1. The Caraluzzi's Georgetown Market sign shall be limited to 142.6 square feet (existing sign).
 2. The Classic Cleaners sign shall be limited to 17.5 square feet (existing sign).
 3. The Chase Bank sign shall be limited to 25.61 square feet.
 4. The Caraluzzi's Entrance sign shall be limited to 15 square feet.
 - c. The drive-thru canopy sign, shall be consistent with the signage represented on the submitted plans and shall not differ with respect to size, color, design or appearance. Said sign shall be located in the area as shown on the submitted site plan. The size of the individual panels are as follows:
 1. The drive-thru canopy sign shall be limited to 16.39 square feet.
 2. The drive-thru lane designator sign shall be limited to 3.12 square feet
 3. The ATM lane designator sign shall be limited to 3.12 square feet.
 4. The clearance designator sign shall be limited to 2.5 square feet.
 - d. The directional signs, shall be consistent with the signage represented on the submitted plans and shall not differ with respect to size, color, design or appearance. Said sign shall be located in the area as shown on the submitted site plan. The size of the individual panels are as follows:
 1. The directional signs shall be limited to 2.0 square feet.
4. The approved signs shall be either non-illuminated or externally illuminated (with the exception of the drive-thru canopy lane and clearance designator signs). Such external lighting source shall be designed and installed in such a manner as to shield filaments, light sources, reflectors and lenses from public view.

Submittal of revised plans and application prior to the issuance of a zoning permit:

5. 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. "In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Sign Plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on January 12, 2017."
 - b. "For conditions of approval for Sign Plan, see **Resolution #0112-1Z.**"

- END RESOLUTION -

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

1. **REG#12336, Gregory and Adams, P.C., Amendments to Sections 29-2.B and 29-5.C.1 of zoning regulations pertaining to employee housing at private membership recreation clubs as a customary and incidental accessory use**
Tabled.
2. **REG#12334, Town of Wilton, Amendment to Section 29-11.A.12 of zoning regulations pertaining to bond requirements**
Tabled.
3. **REG#12335, Town of Wilton, Amendments to Section 29-5.B.10 of zoning regulations pertaining to affordable housing in DRD, THRD and CRA-10 multi-family residential districts**
Tabled.

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Ms. Gould, and carried unanimously (9-0) to adjourn at approximately 8:45 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary