

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

WILTON PLANNING & ZONING COMMISSION MINUTES MAY 13, 2013 REGULAR MEETING

PRESENT: Chairman John Wilson, Vice Chairman L. Michael Rudolph, Commissioners Marilyn Gould, Bill McCalpin, and Peter Shiue

ABSENT: Commissioners Lori Bufano, John Gardiner, Chris Hulse and Bas Nabulsi

ALSO

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

The Commission delayed the start of the meeting, awaiting arrival of the applicant's attorney. At approximately 7:20 P.M. Town Planner Nerney consulted his email and noted an after-hours-submitted communication from Attorney Casey Healy advising of the applicant's desire to continue the hearing until May 28, 2013.

PUBLIC HEARINGS

1. SUB#910, DeRose, 5 Wilton Acres and Wilton Acres (0.32 acres), 2-lot subdivision

Mr. Wilson called the Public Hearing to order at 7:25 P.M., seated members Gould, McCalpin, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Wilson noted that the hearing was continued from a previous date. He referenced the applicant's desire to continue the hearing and advised the numerous neighbors present in the audience that the Commission could either accept neighbor input this evening or it could be postponed until the next meeting when the applicant would be available to respond.

Mr. Rudolph, acting as Secretary in the absence of Mr. Gardiner, referenced a 4-page letter dated May 10, 2013 to the Planning and Zoning Commission from Joshua

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Kammerman and Katherine Zalantis, with 10 pages of exhibits, two of which were cover pages; a 2-page petition dated May 9, 2013 from “The Undersigned Residents” to Commissioners, signed by 40 residents of Wilton Acres, Ridge Lane and Grumman Hill Road; and an additional page 2 of the petition signed again by Katherine Zalantis at 31 Ridge Lane, and by Heather Generes and a second indistinguishable signature (Jefferey Marshall?) at 35 Ridge Lane.

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

Lillian Damast, 9 Wilton Acres, stated that she purchased her home in 1964. She expressed frustration with the increasing development that has affected their 1-acre-zoned community over the years, including an assisted living facility, power substation and the Avalon apartments. She felt that the 0.32-acre portion of Lot 1 was never intended to become part of a 5-bedroom building lot, noting that the land is barely contiguous to the main portion of the Lot and is encumbered by two easements. She stated that the proposed subject development would increase traffic, noise and light pollution, as well as decrease property values. She cited the fact that the owners of 35 Ridge Lane were unable to sell their home after Avalon was developed and, as a result, it has since become a rental property.

Bruce Reznik, 7 Wilton Acres, referenced the eight items cited in the aforementioned petition dated May 9, 2013, including undesirable impacts of the proposed development on erosion and site density. He noted that there are currently more homes than acres in the 1-acre zone and, as a result of the proposed development, there will be 3 homes in a row very densely clustered on much less than 3 acres. He cited the extensive development (previously referenced) that has impacted the area over the past years noting, in particular, the Avalon parking lot lights that he felt are already intrusive and disturbing to the neighborhood. He also felt that combining the 0.32-acre parcel with the existing 1.8-acre parcel to create an additional building lot is not in the spirit of the Town’s 1-acre zoning laws. He noted further that the proposed development also violates a Wilton Acres restrictive covenant that requires permission from the original developer, for which the applicant has not applied.

Mr. Reznik distributed a “Daft Logic” handout (Google Maps Area Calculator Tool) identifying and providing current area and perimeter of the Wilton Acres area of Town. He also distributed photos showing views of Avalon, including lighting that is visible across the 0.32-acre parcel at night, as well as photos demonstrating ponding and density issues in the area.

Mr. Reznik noted further that approximately 25 homes and greater than 40 signatures were represented on the petition submitted. In response to questions from Mr. Rudolph, Mr. Reznik stated that there are approximately 35-36 homes in total in the Wilton Acres community, of which some homeowners were uninterested in signing the petition and

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others were unable to be reached. He concluded by noting that home values have already been negatively affected, referring in particular to the 35 Ridge Lane home (noted previously) which has now become a rental property.

Mr. Nerney noted that new plans were filed by the applicant and are available for review in the Planning and Zoning office.

In response to a question from Ms. Gould, Mr. Reznik indicated that the lights from Avalon remain on all night long. Ms. Gould asked whether homeowners have worked with the Assessor regarding the issue of depressed property values and potential impacts on taxes. Mr. Reznik indicated that he had not recently spoken with the Assessor but will look into it going forward.

Jossein Sadeghi, 39 Ridge Lane, cited the negative impacts on children of increased light, noting in particular that it affects their sleep patterns and can result in behavior/aggression issues as well as school performance problems. When questioned, Mr. Sadeghi indicated that he is a pediatric pulmonologist and had previously been a civil engineer. Noting that he was now speaking from an engineering perspective, he questioned whether the power lines in the area could be installed underground. Ms. Gould explained that CL&P did install some power lines underground farther north, but had refused to continue underground installation in this area of Town.

Kathy Zalantis, 31 Ridge Lane, referenced her letter of May 10, 2013. She specifically referenced Lot 1, formed by two parcels pieced together, which she felt creates a fiction of compliance with one-acre zoning requirements and would create a dangerous precedent for the Town going forward. She stated that Lot 1 violates zoning definitions of “yard” and “rear yard”, referring in particular to the requirement that “the line of building shall be deemed to mean a line parallel to the nearest lot line, drawn through the closest point of the building or group of buildings nearest to such lot line, and the measure shall be taken at right angles from the line of the building . . . to the nearest lot line”.

In light of the foregoing definition of “yard”, Ms. Zalantis stated that there is no possible way to extend a perpendicular line from Lot 1, Part A to any portion of Lot 1, Part B and therefore she felt that the lot does not satisfy lot requirements as set forth in zoning regulations. She noted further that this lot epitomizes a peculiar or irregular-shaped lot and therefore, per Section 29-4.B.3 of zoning regulations, the Commission has the authority to rule in such circumstances and “shall determine how such Regulations shall be applied”. She also noted that Lot 1, Part A is burdened by an easement that requires it to be developed with pavers, although Mr. Wilson noted that the Town is not bound by such private restrictions.

In summary, Ms. Zalantis stated that Lot 1 is not a compliant lot and would create a

terrible precedent for the Town by allowing developers to circumvent the Town's residential one and two-acre zoning requirements. She expressed concern that Wilton would ultimately turn into a Westchester-type town with increased housing density and greater traffic/lighting issues.

Aurora Moya, 20 Wilton Acres Road, stated that she moved to the area in 1975. She echoed the previously expressed concerns of her neighbors, noting that she wishes to maintain Wilton Acres as a nice family-oriented portion of Town. She felt that the neighbors should repeat their presentation/comments at the next meeting when the applicant will be present so that the impact on neighbors can be better understood by the applicant.

Maria Bukowski, 19 Wilton Acres, noted that she agreed with all the previous concerns expressed by her neighbors, emphasizing her concerns with erosion, ponding and lighting, which makes her feel as if she lives in a parking lot. She noted that the proposed additional felling of trees will only add to the already existing lighting issues. She stated that she purchased her home in 2005 and has researched all the deeds going back to 1972. She noted that she offered to purchase the 0.32-acre parcel (which had actually originally belonged to her lot many years ago) in order to bring her less than one-acre property up to a full acre, but the applicant refused to sell. In summary, she asked that the Commission deny the application so that density in the area will not be further increased.

Theresa Maultz, 15 Wilton Acres, recalled neighbors' similar battles some years ago when the Avalon development was proposed, noting that the neighbors had actually supported the applicant's interest at that time in connection with the proposed easement. She expressed frustration with light, noise and traffic pollution, noting that their taxes don't accurately reflect all the additional development that has occurred in the area (e.g. Avalon apartments, assisted living facility, CL&P power station). She noted that the area is also becoming a hang-out and drive-through during evening hours. She stated that the area has been exposed to a relentless pursuit of development, noting that she is at the point of saturation and "enough is enough".

Joe Criscuolo, 12 Wilton Acres, stated that he recently moved into the area, noting that he has lived previously in Darien and Rowayton. He expressed concern that approval of the application would set a bad precedent for Wilton, potentially turning it into a very densely populated area, similar to what has occurred in Rowayton. He stated that he wants to live in a natural area where the residential character of the neighborhood is preserved.

Ms. Gould encouraged neighbors to come to the next meeting when the applicant will be present.

Mr. Rudolph asked that applicant's counsel be advised regarding the issues raised this evening. He also noted again for the record that he had asked the applicant to submit a

survey of the existing property (i.e. existing conditions), with all easements noted and all the subject parcels clearly delineated.

Mr. Nerney also noted for the record that some discrepancies regarding depth of the property were recently noted by staff on one of the submitted maps, which could create a problem with meeting the minimum square requirement if true.

There being no further comments from the Commission or the public, at 8:26 P.M. the Public Hearing was continued until Tuesday, May 28, 2013.

Alison Reznik, 7 Wilton Acres, inquired about the legality of the applicant requesting a continuance after close of business on Monday. Mr. Wilson explained that the applicant has that right and could have requested a continuance right up to the opening of the hearing this evening.

2. Remand of SP#191E, Montessori Association, Inc., 34 Whipple Road, pursuant to directive of the CT Superior Court (request for postponement)

Mr. Wilson called the Public Hearing to order at 8:26 P.M., seated members Gould, McCalpin, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Acting Secretary Rudolph read the legal notice dated April 29, 2013.

Mr. McCalpin recused himself and left the meeting room.

Mr. Wilson noted that the applicant had requested a continuance of the hearing until June 10, 2013. In light of the applicant's absence, he asked if anyone in the audience still wished to speak for or against the application. Mr. Nerney noted for the record that the applicant requested that the Commission not take any testimony this evening in the applicant's absence. It was the consensus of Commissioners that such a decision is at their discretion to make and they determined that they would allow testimony if requested.

Philip Goiran, 23 Whipple Road, indicated a desire to present his alternate parking/circulation plan to the Commission. He posted the applicant's plan as well as his alternate design. He explained that the application increases enrollment from 230 to 270 students, resulting in an approximate 160 additional car trips per day. He explained that the applicant is unnecessarily proposing to add a third driveway for staff parking (including 6000+ square feet of paved, sloped access with dead-end parking), which he felt would have minimal impact on controlling traffic/parking issues since staff generally arrives earlier and leaves later than students. He noted further that the applicant's proposed parking lot would also be used for special events, which he felt would result in

clogged parking situations due to the lot's dead-end configuration.

Mr. Goiran, who noted that he is a registered architect, explained his proposed plan, noting that it is a looped plan which retains the two existing curb cuts and provides a continuous flow parking system. He felt that his plan is simpler, more efficient and safer, and also provides faster/easier ingress/egress. He noted further that his plan provides 40 parking spaces as compared to the applicant's proposed 37 spaces.

Several Commissioners were of the opinion that Mr. Goiran's plan was sensible and appeared to be preferable for both the school and the neighborhood.

Mr. Nerney noted that staff has had a problem with dead-end parking which will spill over onto adjacent lawn area. He felt that Mr. Goiran's plan addresses that issue as well as provides improved circulation. Mr. Goiran noted further that if the applicant's plan is implemented, snow plowing/removal will impact neighbors' properties across the street and there will be more cut and fill as well.

Mr. Nerney noted additional advantages of Mr. Goiran's plan, including a larger buffer area and the ability to incorporate natural plantings for screening as opposed to a stockade fence.

Mr. Goiran also noted that his plan improves the ability of the school to police the parking area, thus providing a greater degree of safety.

Mr. Wilson noted that there was no one remaining in the audience to speak for or against the application.

Mr. Rudolph referred for the record to a letter dated May 9, 2013 from Joseph P. Williams, Shipman & Goodwin, to Planning and Zoning Commission requesting a postponement of the hearing until June 10, 2013; a handwritten 2-page letter dated April 12, 2013 from Sari Lynne Weatherwax to Mr. Nerney, with cover note attached; and a letter dated May 9, 2013 from Philip D. Goiran to Planning and Zoning Commission, with attached 2-page email that was submitted to Montessori School, along with neighbors' "Proposed Parking Option with Loop Circulation" and applicant's current "Proposed Parking Plan".

There being no further comments from the Commission or the public, at approximately 8:50 P.M. the Public Hearing was continued until June 10, 2013.

Mr. McCalpin returned to the meeting room.

REGULAR MEETING

- A.** Mr. Wilson called the Regular Meeting to order at approximately 8:50 P.M., seated members Gould, McCalpin, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. April 22, 2013 – Regular Meeting

MOTION was made by Ms. Gould, seconded by Mr. Shiue, and carried (5-0) to approve the minutes of April 22, 2013 as drafted. [A minor modification was subsequently incorporated at the request of Mr. McCalpin.]

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

- 1. SUB#910, DeRose, 5 Wilton Acres and Wilton Acres (0.32 acres), 2-lot subdivision**

Tabled.

- 2. Remand of SP#191E, Montessori Association, Inc., 34 Whipple Road, pursuant to directive of the CT Superior Court**

Tabled.

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

It was the consensus of the Commission that Ms. Gould should plan to present her Adaptive Use proposal on June 10, 2013.

After a brief discussion, Ms. Gould agreed to limit her Adaptive Use proposal to the Route 7 corridor properties, and not include the Cannondale area, although she felt, and noted for the record, that the basic adaptive use formula applies equally well to both areas.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. McCalpin, seconded by Mr. Wilson, and carried unanimously (5-0) to adjourn at 9 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary