

**PLANNING & ZONING COMMISSION MINUTES**

**TUESDAY, OCTOBER 23, 2012**

**REGULAR MEMBERS PRESENT:**

**REGULAR MEMBERS ABSENT:**

- Mr. Papp, Chairman**
- Mrs. Grzelecki, Secretary**
- Ms. DeLuca**
- Mr. Goodwin**
- Mr. Rothballer**
- Mr. Scannell**
- Mr. Turner**
- VACANCY**

**Mr. Ward**

**ALTERNATE MEMBERS PRESENT:**

**ALTERNATE MEMBERS ABSENT:**

- Mr. Shizari**
- Mr. Radman**
- VACANCY**

Also in Attendance:

Steve Kleppin, Town Planner/Senior Enforcement Officer

**REGULAR MEETING**

Chairman Papp opened the Regular Meeting at 7:00 p.m. Mr. Radman was seated for Mr. Ward.

1. Executive Session: Discussion to update the Commission on the Jelliff Mill legal proceedings.

Upon motion of Mrs. Grzelecki and second of Mr. Goodwin, the Commission voted unanimously to go into Executive Session at 7:00 p.m. to discuss and update the Commission on the Jelliff Mill legal proceedings. Steve Kleppin, Town Planner and Ira Bloom, Town Attorney, were invited to remain for executive session. The Commission came out of executive session at 7:17 p.m. No decisions were made and no votes were taken.

**LEGAL ADVERTISEMENT**

20A NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, OCTOBER 11, 2012

TOWN OF NEW CANAAN	to expand a non-conforming	on the plans submitted herewith
PLANNING & ZONING	structure, for property in the B	in accordance with such
COMMISSION	Residence Zone at 91 Summer	existing special permit approvals.
Notice is hereby given	Street (Map T Block 75 Lot	In addition, in connection
that the Planning and Zoning	65).	with certain proposed site
Commission will hold a Public	2.Upon application of Day	lighting, the applicant seeks
Hearing on Tuesday, October	Pitney LLP, Authorized Agent,	special permit approval pursuant
23, 2012 at 7:00 p.m. in the	for Grace Property Holdings	to Section 6.11.C.3.f of
Auditorium of the Town Hall	LLC, owners, requesting,	the Regulations for ornamental
to hear and decide applications	pursuant to Section 8.2.B.6.d	up-lighting of landscape
as follows:	of the New Canaan Zoning	features, for property in the
1.Upon application of	Regulations, an amendment to	Four Acre Residence Zone at
Danny G. and Rosanna P.	the Special Permit approved	365 Lukes Wood Road (Map
Frattaroli, owners, for a	on November 27, 2007 pursuant	41 Block 38 Lot 77).
Special Permit of Sections	to Section 3.2.C.14 of the	Dated: October 5, 2012
7.1.B.3.b and 3.5.F.5 to allow	Regulations and previously	New Canaan, Connecticut
an addition to the existing	amended on May 20, 2008	Jean N. Grzelecki
residence to exceed the side	so that the proposed improvements	Secretary
yard building height, total	may be built as shown	10-11 10-18
side yard building height and		

**PUBLIC HEARING**

Chairman Papp opened the Public Hearing at 7:17 pm.

2. **Robant LLC, owners, 31 Vitti Street - Special Permit.**

Upon application of Anthony Totilo, Anthony Totilo Architects and Associates, Authorized Agent, for Robant LLC, owners, for a Special Permit of Section 6.2.E.1 to allow a 25% reduction of the parking on site: 12 spaces provided in lieu of the 17 spaces required, including one loading space and one handicap accessible space, for property at 31 Vitti Street in the Business B Zone (Map T Block 75 Lot 619A). (Continued from the August 28, 2012 and September 24, 2012 meetings).

Anthony Totilo, Anthony Totilo Architects and Associates, introduced Harris Smith of Crown Design who stated that the seating layout had been revised to decrease the number of seats from 45 to 35. As a result of the decrease in seating there would be a decrease in parking demand and 13 parking spaces would be required. The applicant is requesting a Special Permit for a 25% reduction in parking spaces. The applicant's updated traffic study indicated that peak hour trips would decrease from 14-17 per hour to 10-12 per hour due to the reduction in the number of seats. The applicant asked the Commission to consider the temporary loading space as a parking space bringing the on-site parking spaces to 12. He indicated that he had a letter of intent with the adjacent property at 43 Vitti Street to lease 5 parking spaces on that property. Chairman Papp asked for evidence that the owner of 43 Vitti Street had excess parking spaces to lease to 31 Vitti Street and understood that if he could and did so lease the spaces, he would be restricting the development rights on his property. Mrs. Grzelecki noted that although mathematically the plan provided sufficient spaces, the configuration of the on-site spaces would make it very difficult to negotiate the parking lot. Mr. Kleppin stated that a 1,550 square foot restaurant would require 16 parking spaces. Chairman Papp asked for a letter from the owner requesting a continuance, a revised site plan with revised parking layout and a legally binding letter from the owner of 43 Vitti Street indicating that he has excess parking capacity so that he can lease 5 spaces to 31 Vitti Street. Mr. Goodwin requested that the Commission hire someone to do a peer review of the applicant's parking study and comment on the layout, turning radius, and navigation through the parking lot.

Mr. Totilo introduced the owner, Florence Milano, who stated that she purchased the property for her sons. The older son will design the restaurant; the younger son will run the restaurant. In response to Chairman Papp's question, Mrs. Milano indicated that she would bear the cost of the peer review of the revised parking layout. Mr. Totilo stated that he would follow up with a letter from the owner requesting a continuance, a legally binding letter from the owner of 43 Vitti Street and a revised parking layout.

The public hearing on this matter was continued to the November 27, 2012 public hearing.

### **3. John Black Lee, owner, 160 Mill Road - two-lot resubdivision.**

Upon application of John Black Lee, owner, for a two-lot resubdivision for 2.95 acre parcel located in New Canaan and Wilton, of property in the One Acre Residence Zone at 160 Mill Road (Map 49 Block 113 Lot 2). (Not open on the August 28, 2012 meeting and continued from the September 24, 2012 meeting).

Attorney Robert Fuller, representing the applicant, stated that the property in question is located in both Wilton and New Canaan and is divided by the Silvermine River, which is the town line. Mr. Lee seeks to divide a 2.945 acre lot into two lots, a north lot and a south lot. Mr. Lee's home is currently located on the New Canaan portion of the proposed north lot. Both lots would be accessed from Mill Road. Future construction on the proposed south lot would be in New Canaan and would not interfere with the 100 year flood boundary. As proposed, both lots would meet New Canaan building coverage and setback requirements. Each lot would be approximately 1.47 acres. The south lot would have .5 acres in New Canaan. Mr. Fuller indicated that his client is willing to give the Town of Wilton a Conservation Easement over all the Wilton land but that the Town of Wilton has indicated that it might not want to be the recipient of such a Conservation Easement. Mr. Fuller stated that if Wilton does not accept a Conservation Easement, his client would record a conservation restriction on the Wilton Land Records which would dedicate the land to conservation purposes and would prohibit any building in Wilton.

No application for subdivision has been submitted to Wilton because no building would take place in Wilton. Mr. Fuller stated that he had received a letter from the Wilton Town Planner stating that Wilton would require subdivision approval but that Wilton could not

approve a subdivision because the property is in a 2 acre zone in Wilton but the applicant does not own 2 acres in Wilton. Mr. Fuller disagreed with the Wilton Town Planner. Mr. Fuller expressed his opinion that neither subdivision nor zoning approval was needed from Wilton. Mr. Fuller provided the Commission with a sketch prepared by Mr. Lee showing two possible locations for a house on the south lot that would meet all setbacks. Mr. Fuller introduced Jay Keeler of Land Engineering Associates. Mr. Keeler stated that he has performed test borings and percolation tests and has designed a fully code compliant septic system for a proposed dwelling on the south lot. The septic plan has been submitted to the New Canaan Health Department and he will try to have the Health Department's approval of the plan before the next meeting of this Commission.

Mr. Scannell raised questions about the impact of actions which Wilton might or might not take regarding this property. Mr. Fuller stated that he was of the opinion that no Wilton subdivision approval was needed if the land located in Wilton was dedicated to conservation purposes. Furthermore, he was of the opinion that land in Wilton could be used to meet New Canaan's 1 acre zone requirement and that each town could act independently. Mr. Fuller requested a continuance. Chairman Papp agreed to the continuance noting that there were numerous legal issues that needed to be discussed with Town Counsel.

Mr. Chip Critchell, representing 11 property owners within 100 feet of Mr. Lee's property, spoke in opposition to the application. He expressed three primary concerns: 1) location of septic, 2) access to proposed dwelling, and 3) location and design of the house and its impact on the Silvermine River. He also expressed a concern that if the septic plan is approved, the owner might try to revert to a prior plan to convert the barn to a dwelling.

Louise Washer, representing the Norwalk River Watershed Association and Harbor Watch, spoke in opposition to the application saying that further development of the site threatens the quality of the water in the Silvermine River.

Jack Webb spoke in opposition to the application. He noted the deterioration of the quality of the river over the last 15 years and said that the development of the proposed south lot would create irreparable erosion in a very sensitive area.

Laurent Dupont spoke in opposition to the application. He stated that adding acreage in Wilton to the ½ acre in New Canaan to meet New Canaan's 1 acre zoning requirement was not reasonable.

Mr. Keller said it is not practice to design septic systems for 100 year flood or extraordinary weather events. He indicated that he would provide more information on septic setbacks and proposed building location, and would respond to the concerns expressed by the Norwalk River Watershed Association at the next meeting.

Mr. John Black Lee addressed concerns about the frequency of flooding saying that the river has never reached his house.

Mr. Fuller addressed the four issues raised in Mr. Kleppin's Planner's Memo.

The public hearing on this matter was continued to November 27, 2012.

#### **4. Danny G. and Rosanna P. Frattaroli, owners – 91 Summer Street – Special Permit.**

Upon application of Danny G. and Rosanna P. Frattaroli, owners, for a Special Permit of Sections 7.1.B.3.b and 3.5.F.5 to allow an addition to the existing residence to exceed the side yard building height, total side yard building height and to expand a non-conforming structure, for property in the B Residence Zone at 91 Summer Street (Map T Block 75 Lot 65).

Mr. Frattaroli stated that the proposed second floor addition would not change the foot print of the building. The addition is necessary to accommodate his growing family. He indicated that he has letters from neighbors approving the application.

The public hearing on this matter was closed.

## **5. Grace Property Holdings LLC, owners, 365 Lukes Wood Road – Amendment.**

Upon application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, requesting, pursuant to Section 8.2.B.6.d of the New Canaan Zoning Regulations, an amendment to the Special Permit approved on November 27, 2007 pursuant to Section 3.2.C.14 of the Regulations and previously amended on May 20, 2008 so that the proposed improvements may be built as shown on the plans submitted herewith in accordance with such existing special permit approvals. In addition, in connection with certain proposed site lighting, the applicant seeks special permit approval pursuant to Section 6.11.C.3.f of the Regulations for ornamental up-lighting of landscape features, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77).

Attorney Joseph Hammer of Day Pitney LLP, representing the owner, reviewed the history of the project. He stated that in 2007-2008 the Commission granted a Special Permit and Amended Special Permit to use the subject property for religious purposes, including a permanent sanctuary with a capacity of 900. The Special Permit was approved with the conditions that the owner had to come back to the Commission for approval of the design of the sanctuary and that no further traffic study would be needed if the capacity of the sanctuary did not exceed 900. The Commission's approvals were appealed to the Superior Court. The Superior Court upheld the Commission's actions. The Appellate Court declined to hear a further appeal. The applicant is now before the Commission seeking approval of the design of the permanent sanctuary and adjustments and enhancements to the site plan.

Sharon Prince, President of Grace Farms Foundation and a member of the Planning Team of Grace Community Church, said they had used the past four years to crystalize their vision. She has met with neighbors who have expressed design concerns.

Jay Fielden, a member of the Planning Team of Grace Community Church, spoke of the rich history of architecture in New Canaan and how the Grace Farms Foundation embarked on a search for an architect for the project with this history in mind. He introduced Ryue Nishizawa of the Tokyo firm of Sanaa Associates who have designed the buildings for the site.

Mr. Nishizawa described the site and stated that he has designed buildings which will become part of the landscape. The structures, improvements and landscaping are all designed to have a low impact on the natural surroundings. He then showed sketches of the buildings he has designed.

Gary Handel, Executive Architect on the project, described how the buildings would be located in the center of the site and that their low height would blend with the beauty of the landscape. He stated that the project is consistent with New Canaan regulations and that when completed it will make a contribution to New Canaan's legacy of great design.

Holt McChord, professional engineer, reviewed the existing conditions of the site. He described Phases I and II of the project as originally proposed and then reviewed the revised site layout. He stated that the existing wells on the property would be used, utilities will be underground, 4 new septic systems would be built, geothermal wells would be built and low impact drainage techniques would be used to control the storm run-off. He reviewed the site grading and soil erosion control plan. He stated that the location of the main parking lot was chosen because of the flat topography. He has met with 2 of the neighbors to the south with regard to the parking lot and increasing the separation between their properties and the parking lot.

Gabe Williams of Buro Happold, lighting consultant, presented the lighting plan for the project. He described the lighting as low impact. There would be lighting at the security gate at the main entrance. The main drive would be lit only at intersections with other drives. The parking lot lighting would shine directly down from 12 foot poles. Walkway lighting would be on low bollards. Lighting in the sanctuary would be down lighting into the seats and perimeter lighting which would provide an ambient glow. The buildings would be equipped with occupancy sensors so that when they were not occupied the

lights would go off. Exterior lights on the site would come on at dusk and turn off at 11 pm. Ms. DeLuca asked how much light would be visible from the site. Mr. Williams stated that there would be no light spilling outside the site and that from Smith Ridge Road the exterior lights would look like the glow of a light in a neighbor's window in the distance.

Landscape architect Dennis McGlade described the proposed landscape design as a subtle refining of the existing landscape. It is intended to complement and blend with the characteristics of the site. The River Building (sanctuary) would recede into its setting. Twenty and a half acres of the site would be meadows which would be mowed once a year. Twelve and a half acres of lawn around the buildings and pedestrian areas would be planted with 'no mow grass' which only needs to be mowed half as often as regular grass. The only trees to be cut would be in the immediate area of construction. Additional native trees would be planted including fruit trees in the barn courtyard.

Attorney Hammer presented the Commission with a letter from Dr. Michael Clemens, land use planner, who has reviewed the plan and has opined that the plan gives appropriate consideration to the protection, preservation and enhancement of the natural resources. Attorney Hammer then responded to the questions in Mr. Kleppin's Planner's Memo. Attorney Hammer noted while some of the letters the Commission has received from the public raise issues of traffic and use, these issues have been settled by the court.

Chairman Papp noted that much information has been received by the Commission and that time is needed to review it.

Sanjit Shah of Puddin Hill Road, Lewisboro, NY stated that there has been a material change in circumstances since the 2007 traffic study in that the membership of the church has grown and the design presented is radically different from that presented in 2007 and these factors require a new traffic study and a new real estate impact study. He felt that the application before the Commission was incomplete because it does not include existing and projected traffic volume as required by the zoning regulations.

Peter Parsons, Lewisboro Supervisor, noted that traffic from the church would have a significant impact on residents of Puddin Hill Road and West Lane with a significant impact at the corner of Puddin Hill Road and Route 123. He stated that Lewisboro does not have sufficient police to dedicate to traffic control at this intersection on Sunday mornings.

Attorney Joseph Rucci, representing Anita and Paul Ostling of 1196 Smith Ridge Road, stated that his clients own property which overlooks the south parking lot and that they have issues with the location of the parking lot, its lighting and its impact on wetlands. He reserved further comment until the next meeting.

John Zaro, a New Canaan resident, said he feels that the project does a fabulous job of protecting natural areas and water on the property.

Attorney Marjorie Shansky, representing Mary Shaw, Mr. and Mrs. Max Abel, and Mr. and Mrs. Dan Cooper presented the Commission with a verified petition for intervention due to the reasonable likelihood of pollution arising from the proposed development of the site. She stated that the application before the Commission is not truly an amendment because there has been a significant change in the project and that most of the conditions of the original approval are no longer germane because the current plan is so different from the original plan. She expressed concern about the simultaneous occupancy of 4 separate places of assembly. She stated that the 2007 traffic study only took into consideration the 900 person capacity of the sanctuary and there could be significantly more people occupying the other building on the site. She questioned the soil testing that was done to locate the septic systems and the capacity and location of the septic systems. Attorney Shansky then spoke to the Special Permit criteria in Section 8.2.B.4 of the New Canaan Zoning Regulations and why this application did not meet those criteria.

Attorney William Hennessey, representing the owners of 1328 Smith Ridge Road, stated that he was in attendance at the public hearing to listen on behalf of his clients, that his client is in conversation with the applicant and the reserved the right to voice his clients' concerns at a later date.

Chairman Papp asked Attorney Hammer if he had changed his mind about not updating the traffic study after hearing the public comment. Attorney Hammer stated that his client has a vested right to use the property for religious purposes. Under the prior approval, upheld by the court, the traffic study does not have to be updated so long as the capacity of the sanctuary does not exceed 900. The only requirement of the prior approval was that the applicant come back to the Commission for approval of the sanctuary design.

The public hearing on this matter was continued to November 27, 2012.

Chairman Papp closed the Public Hearing at 11:01 p.m.

## **REGULAR MEETING**

### **6. Deliberation and any possible action on a closed public hearing item.**

#### **Discussion on Item #4 - Danny G. and Rosanna P. Frattaroli, owners – 91 Summer Street – Special Permit.**

Mrs. Grzelecki stated that she felt that the proposed addition would bring the house more into conformity with other houses on the street and would represent an improvement in the neighborhood. Mr. Goodwin noted that he was absent when the application was originally presented.

Upon motion of Mrs. Grzelecki and second of Ms. DeLuca, the Commission voted to approve the application. Mr. Goodwin abstained.

### **7. Site Grace Property Holdings LLC, owners, 365 Lukes Wood Road - Site Plan.**

Site Plan application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, Pursuant to Sections 8.2.A and 8.2.B requesting approval of improvements as shown on plans, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77).

This matter was combined with the public hearing on matter #5 above. This matter was continued to the November 27, 2012 meeting.

### **8. Proposed changes from Brooks & Falotico for a façade modification at 22 Pine Street.**

Chuck Willett summarized the proposed changes to the façade at 22 Pine Street. Commissioners asked questions about the need for a façade change and various aspects of the design presented. Chairman Papp suggested that Mr. Willett review the Commission's design guidelines and keep the design more in line with the guidelines. Mr. Turner stated that he did not feel that what was presented was a well thought out design statement.

### **9. Discussion of possible zoning amendments. (Continued from the August 28, 2012 and September 24, 2012 meetings).**

Due to the late hour, Chairman Papp continued the discussion of possible zoning amendments to the November 27, 2012 meeting.

### **10. Administrative Actions or other matters as may properly come before the Commission (Town Planner).**

- a. St. Luke's School requests approval to rent out Athletic Facilities to three groups.

Mrs. Grzelecki asked what type of groups wanted to rent out St. Luke's School Athletic Facilities. Chairman Papp and Mrs. Grzelecki indicated that they would be comfortable having the facilities rented by New Canaan groups but not by outside adult, professional groups. Mr. Kleppin will review the list of proposed users and report back to the Commission.

**11. Approve minutes of the September 24, 2012 Special Meeting.**

Upon motion of Mr. Goodwin and second of Mr. Scannell, the Commission unanimously voted to approve the minutes of the September 24, 2012 Special Meeting.

**12. Adjournment.**

Meeting was adjourned at 11:28 p.m.

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Jean Grzelecki, Secretary

**LEGAL ADVERTISEMENT**

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, NOVEMBER 1, 2012 9A

TOWN OF NEW CANAAN	copy thereof in the office of	total side yard building height
PLANNING & ZONING	the Town Clerk.	and to expand a non-conforming
COMMISSION	1.RESOLVED, that the	structure, for property in
Notice is hereby given	application of Danny G. and	the B Residence Zone at 91
that the Planning and Zoning	Rosanna P. Frattaroli, owners,	Summer Street (Map T Block
Commission at a special meeting	for a Special Permit of	75 Lot 65) is approved.
held on October 23, 2012	Sections 7.1.B.3.b and 3.5.F.5	Jean N. Grzelecki
duly adopted the following	to allow an addition to the	Secretary
resolution. Approved Special	existing residence to exceed	Dated October 26, 2012
Permit Applications become	the side yard building height,	11-1
effective upon the filing of a		

**PLANNING & ZONING COMMISSION MINUTES**

**TUESDAY, NOVEMBER 27, 2012**

**REGULAR MEMBERS PRESENT:**            **REGULAR MEMBERS ABSENT:**

**Mr. Papp, Chairman**  
**Mrs. Grzelecki, Secretary**  
**Ms. DeLuca**  
**Mr. Goodwin**  
**Mr. Rothballer**  
**Mr. Scannell**  
**Mr. Ward**  
**VACANCY**

**Mr. Turner**

**ALTERNATE MEMBERS PRESENT:**    **ALTERNATE MEMBERS ABSENT:**

**Mr. Shizari**  
**Mr. Radman (arrived at conclusion of item 3)**  
**VACANCY**

Also in Attendance:  
 Steve Kleppin, Town Planner/Senior Enforcement Officer

**PUBLIC HEARING**

Chairman Papp opened the Public Hearing at 7:02 p.m. Mr. Shizari was seated for Mr. Turner.

**LEGAL ADVERTISEMENT**

10A NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, NOVEMBER 15, 2012

TOWN OF NEW CANAAN	for property in the A	with the Site Plan application
PLANNING & ZONING	Residence Zone at 43 St. John	of Stephen A. Finn,
COMMISSION	Place (Map L Block 204 Lot	Esq., Wofsey, Rosen, Kweskin
Notice is hereby given	845).	& Kuriansky, LLP, Authorized
that the Planning and Zoning	2.Upon application of	Agent, for St. Lukes
Commission will hold a	Amy S. Zabetakis, Rucci Law	Foundation Inc., owner, pursuant
Public Hearing on Tuesday,	Group, Authorized Agent,	to Section 8.2.A requesting
November 27, 2012 at 7:00	for Joseph Hanson, contract	an addition to the main
p.m. in the Sturgess Room, N.	Purchaser (George W. and	school building and removal
C. Nature Center, 144 Oenoke	Susan K. Baker, Jr., owners),	of certain existing structures,
Ridge to hear and decide applications	for a Special Permit of Section	for property in the Four Acre
as follows:	3.7.E requesting building coverage	Residence Zone at 377 North
1.Upon application of	of 3,450 square feet in	Wilton Road (Map 40 Block
Elizabeth A. and John F.	lieu of the 2,505 square feet	105 Lot 12, 90 and 135).
Kennelly, owners, for a Special	allowed, for property in the	Dated: November 9, 2012
Permit of Sections 3.5.F.5 to	One-Third Acre Zone at 6	New Canaan, Connecticut
extend the existing roof to the	Kelley Green (Map N Block	Jean N. Grzelecki
north, within the east and west	60 Lot 670).	Secretary
reduced side yard height setbacks,	3.Public Hearing in accordance	11-15 11-22

**1. Robant LLC, owners, 31 Vitti Street – Special Permit**

Upon application of Anthony Totilo, Anthony Totilo Architects and Associates, Authorized Agent, for Robant LLC, owners, for a Special Permit of Section 6.2.E.1 to allow a 25% reduction of the parking on site: 12 spaces provided in lieu of 17 spaces required, including one loading space and one handicap accessible space, for property at 31 Vitti Street in the Business B Zone (Map T Block 75 Lot 619A). (Continued from the August 28, 2012, September 24, 2012 and October 23, 2012 meetings).

This application was withdrawn.

**2. Elizabeth A. and John F. Kennelly, owners, 43 St. John Place – Special Permit.**

Upon application of Elizabeth A. and John F. Kennelly, owners, for a Special Permit of Sections 3.5.F.5 to extend the existing roof to the north, within the east and west reduced side yard height setbacks, for property in the A Residence Zone at 43 St. John Place (Map L Block 204 Lot 845).



James Schettino, Architect, representing Elizabeth and John Kennelly, spoke about the application for a special permit to expand the roof line to the north, an extension to the east and west side of the property. Due to reduced side yard setback requirements, they are proposing to extend the current roof to the north. He presented a diagram showing height requirements and stated that it's an extension of the current roof and they are not going any higher and that the attic ratios are in compliance.

The public hearing on this matter was closed.

**3. Joseph Hanson, contract Purchaser (George W. and Susan K. Baker, Jr., owners), 6 Kelley Green – Special Permit.**

Upon application of Amy S. Zabetakis, Rucci Law Group, Authorized Agent, for Joseph Hanson, contract Purchaser (George W. and Susan K. Baker, Jr., owners), for a Special Permit of Section 3.7.E requesting building coverage of 3,450 square feet in lieu of the 2,505 square feet allowed, for property in the One-Third Acre Zone at 6 Kelley Green (Map N Block 60 Lot 670).

Attorney Amy Zabetakis stated that the Bakers have sold the property to the Hansons and submitted a copy of the deed for the record. She also stated that there have been no concerns from the neighbors and she submitted eight letters of support from neighbors. She also submitted a drainage proposal prepared by McChord Engineering

The public hearing on this matter was closed.

**4. John Black Lee, owner, for a two-lot resubdivision at 160 Mill Road.**

Upon application of John Black Lee, owner, for a two-lot resubdivision for 2.95 acre parcel located in New Canaan and Wilton, of property in the One Acre Residence Zone at 160 Mill Road (Map 49 Block 113 Lot 2). (Not open on the August 28, 2012 meeting and continued from the September 24, 2012 and October 23, 2012 meetings).

Attorney Robert Fuller, representing the applicant, spoke regarding concerns raised at the last meeting. He discussed the issue of inter-municipal jurisdiction between New Canaan and Wilton and stated that New Canaan only has jurisdiction in New Canaan and Wilton only has jurisdiction over land in Wilton. There will be no development on the Wilton lot. Mr. Fuller discussed an October 17, 2012 letter from Robert Nerney, Wilton Town Planner, indicating that a formal subdivision approval is required by Wilton. The applicant intends to go back to the Wilton Planning and Zoning Commission in December to hopefully resolve the issue in Wilton. He will submit a letter requesting an extension until the January 29, 2013 meeting.

He further indicated that the septic system for the south lot has been approved by the Health Department. The other issues raised such as parking on the property, contour lines, and the retaining wall on the southern property are site planning issues that they will address.

The public hearing on this matter will be continued to the January 29, 2013 meeting.

**5. Grace Property Holdings LLC, owners, 365 Lukes Wood Road – Amendment to Special Permit.**

Upon application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, requesting, pursuant to Section 8.2.B.6.d of the New Canaan Zoning Regulations, an amendment to the Special Permit approved on November 27, 2007 pursuant to Section 3.2.C.14 of the Regulations and previously amended on May 20, 2008 so that the proposed improvements may be built as shown on the plans submitted herewith in accordance with such existing special permit approvals. In addition, in connection with certain proposed site lighting, the applicant seeks special permit approval pursuant to Section 6.11.C.3.f of the Regulations for ornamental up-lighting of landscape features, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77). (Continued from the October 23, 2012 meeting.)

Attorney Joseph Hammer of Day Pitney LLP, representing the owner, reviewed the history of the project. He stated that in 2007-2008 the Commission granted a Special Permit and Amended Special Permit to use the subject property for religious purposes, including a permanent sanctuary with a capacity of 900. The Special Permit and amended Special Permit were approved with the condition that the owner had to come back to the Commission for approval of the design of the sanctuary and that no further traffic study would be needed if the capacity of the sanctuary did not exceed 900. The Commission's approvals were appealed to the Superior Court. The Superior Court upheld the Commission's actions. The Appellate Court declined to hear a further appeal. The applicant is now before the Commission seeking approval of the design of the permanent sanctuary and adjustments and enhancements to the site plan.

Attorney Hammer spoke at length confirming that the previous traffic data and determinations were still appropriate considering the court actions and that the proposed sanctuary does not exceed the 900 seat capacity and that 716 fixed seats are proposed. The prior special permit cannot be revoked. Grace Property Holdings is the owner of this permit and they are not asking to change or modify the permit. He distributed his memo dated November 27, 2012 to the Committee. He stated that Grace Church is looking to provide a permanent home for its members and that they are not asking for anything more than any other religious organization. They may hold an occasional meeting on a given Tuesday night in the sanctuary and will light up only the one room they are using. They will install motion sensors lights, security cameras and an entrance gate.

Holt McChord, McChord Engineering Associates, Inc., spoke regarding site changes that were made. The first Wetlands meeting was last Monday. He displayed his diagram of the property. They have submitted a revised parking plan, relocating the southern parking lot to the west of the barn structure to move the parking lot off of the neighbor's property. This will require the relocation of that septic system. The relocated parking lot will reduce the number of spaces to 226 cars from the previous 231 cars. They are currently working on landscape plans which will include a berm as well as extensive planting.

Michael Kline spoke regarding the "natural diversity database hit."

Chairman Papp stated that there is a lot of information to digest and stated that the Commission will have to make a determination of whether this application is an amendment to the existing Special Permit or whether a new application is required.

Attorney Hammer noted for the record that Attorney Shansky was not present.

Mr. Bloom, Town Attorney, spoke pertaining to the central issue from a legal point of view. Is it simply an amendment or does it require more than that or a new application? He reviewed a letter he received yesterday about the actual use by the church, and suggests they investigate whether or not the scope of activities have changed.

Sanjit Shah spoke pertaining to his belief that the intensity of the use will be much greater and stated that he submitted evidence that there was an excess of 900 people at the church on Easter. He spoke at length insisting that Grace Church needs to apply for a new special permit because of the change in the scope of the project and also that they need to request a special permit pursuant to §3.2.C.17 since the Grace Community Foundation is apparently operating out of this location. Mr. Scannell asked Mr. Shah if he could give concrete references to the points that require a new application and to concentrate on regular activities, not on holiday use such as Easter.

Richard Lyman, a member of the Pound Ridge Town Board, stated his concerns about possible tax implications to the people of Pound Ridge, New York. Police officers would need to be hired for all Sunday services and holidays. He stated, "our tax payers should not have to bear the burden."

Continued to the December 18, 2012 public hearing.

## **6. St. Lukes Foundation Inc., owner, 377 North Wilton Road – Public Hearing for Site Plan.**

Public Hearing in accordance with the Site Plan application of Stephen A. Finn, Esq., Wofsey, Rosen, Kweskin & Kuriansky, LLP, Authorized Agent, for St. Lukes Foundation Inc., owner, pursuant to Section 8.2.A requesting an addition to the main school building and removal of certain existing structures, for property in the Four Acre Residence Zone at 377 North Wilton Road (Map 40 Block 105 Lot 12, 90 and 135).

Stephen Finn, Esq., Wofsey Rosen, Kweskin & Kuriansky, LLP, provided a brief history of the St. Luke's School explaining that it has been around since 1940, is for grades 5 thru 12 and has 531 students. He described that for both the Middle School and the Upper School the start time is the same – 8:00 AM. This causes traffic problems during the morning rush hour. The proposed construction adds 14 additional classrooms. The school could then split the students and stagger the arrival and departure times. The split would mitigate the traffic back-ups on North Wilton Road that occur in the morning.

Holt McChord, McChord Engineering Associates, Inc., provided the plan that shows no changes to the drive network.

Mark Davis, Head of St. Luke's, spoke about the School's mission and purpose in the community. He believes that the growing strength of the School is good for New Canaan property values and the fact that there are 173 New Canaan students attending this year which represents a savings to the Town of about \$3,000,000. They allow the public to attend performances at no charge and St. Luke's serves as a secondary emergency shelter location. Mr. Davis stated that the additional classrooms would improve the quality of teaching and is not intended to increase their enrollment.

Mike Galante, Traffic Engineer from Frederick P. Clark Associates, spoke about the staggered start times and improved drop-off area and crosswalks which will get traffic off North Wilton Road faster. He then showed a diagram of intersections and traffic patterns. In addition, he reviewed peak times and benefits of the proposed split schedule.

Jim Rogers, architect for St. Luke's, spoke about the zoning regulations regarding building height and the number of stories. The whole addition wraps around the west side of the building. The addition contains two science labs and five humanities classrooms and the expansion of the library. An additional benefit brings the Art Program from a remote building back into the main building and it also improves the library.

Haik Kavookjian, 293 North Wilton Road, spoke about his concerns. The new construction site is high on a hill with two above-ground levels and two below-ground levels, adding to light production and glare. He also commented that St. Luke's has increased enrollment by 22% over the last decade and a cap on their enrollment is essential.

Eric Meyer, 270 North Wilton Road, spoke further about traffic patterns at the Laurel Road stop sign. A conclusion in their traffic study shows that the population has grown by 100 students while he has been living there but St. Luke's will not or cannot provide him with a population growth figure. This new plan will work only if school enrollment doesn't increase.

Hugh Wiley, 173 Soundview Lane, spoke concerning his fear that their cul-de-sac would someday become an entrance to the school. His property abuts St. Luke's property. He stated that the lighting can be seen high and above. From a southern exposure, he sees a 4-story building with 50 extra windows looking onto his property. He is very concerned about his property value.

Joe Sweeney, 155 Soundview Lane, spoke about the lights (that did not exist 14 years ago) and that the addition will be loaded with windows. He also spoke about the height of the building.

Wendy Brainard, 374 North Wilton Road, stated her concerns about parking and feels there is no space for additional parking. She doesn't want to see a parking lot where the Art Building currently is located. She stated that North Wilton Road is a winding country lane and excessive traffic can be dangerous.

Randy Guynn, a North Wilton Road resident, read from the zoning regulations and said that four stories is too high, it's in a four acre zone and that St. Luke's is out of character with the neighborhood.

Continued to the December 18, 2012 meeting.

## **REGULAR MEETING**

### **7. Deliberation and any possible action on a closed public hearing item.**

#### ***Discussion on Item #2 - Elizabeth A. and John F. Kennelly, owners, 43 St. John Place – Special Permit.***

Upon motion of Mrs. Grzelecki and second of Mr. Ward, the Commission voted unanimously to approve the application.

#### ***Discussion on Item #3 - Joseph Hanson, contract Purchaser (George W. and Susan K. Baker, Jr., owners), 6 Kelley Green – Special Permit.***

Upon motion of Mrs. Grzelecki and second of Mr. Goodwin, the Commission voted to approve the application with conditions.

Conditions, modifications or restrictions are as follows:

1. Per First Floor Plan (A-1), Second Floor Plan (A-2) and Building Coverage Exception Calculation, dated 10/31/12 and Elevations (A-3 & A-4) dated 11/22/12, prepared by Pogacnik Architects, on-file with the Planning and Zoning Department.
2. A restriction be placed on the Land Records in accordance with §3.7.E.1 of the zoning regulations.
3. Said restriction also placed on a map filed on the land records as well as depicted on the building footprint of the map.

### **8. Grace Property Holdings LLC, owners, 365 Lukes Wood Road – Site Plan.**

Site Plan application of Day Pitney LLP, Authorized Agent, for Grace Property Holdings LLC, owners, pursuant to Sections 8.2.A and 8.2.B requesting approval of improvements as shown on plans, for property in the Four Acre Residence Zone at 365 Lukes Wood Road (Map 41 Block 38 Lot 77). (Continued from the October 23, 2012 meeting).

Continued to the December 18, 2012 meeting.

### **9. Proposed changes from Brooks & Falotico for a façade modification at 22 Pine Street. (Continued from the October 23, 2012 meeting).**

Louise Brooks presented two pictures for approval to change the look of the building and make it more residential. The Committee felt that white was too stark and suggested the light gray with green awnings.

Upon motion of Mrs. Grzelecki and second of Mr. Ward, the Commission voted unanimously in favor of the modification.

### **10. Discussion of possible zoning amendments. (Continued from the August 28, 2012, September 24, 2012 and October 23, 2012 meetings).**

No Action was taken on this hour due to the late hour.

### **11. Sign Task Force Report.**

Upon motion of Mrs. Grzelecki and second of Mr. Ward, the Commission voted unanimously in favor of modifying the agenda to add the additional “c – f” sign applications.

- a. Dunkin' Donuts, 88 Elm Street – Recover one awning.

- b. Amy Ruth Designs, 5 Elm Street – Window sign second floor; door sign first floor.
- c. Jack Spade, 143 Elm Street – Orange awning.
- d. R R Builders, 5 Elm Street – Window signs.
- e. Bizay, 5 Burtis Avenue – Awnings.
- f. Manero’s, 17 Elm Street

Upon motion of Chairman Papp and second of Jean Grzelecki, the Commission approved items “a-e.”

Item “f” – applicant submitted a sign not in compliance with the regulations. Sign will be handled administratively.

**12. Administrative Actions or other matters as may properly come before the Commission (Town Planner).**

- a. Announcement that P&Z meeting date for January 2013 has changed from January 22, 2013 to January 29, 2013.
- b. Approve 2013 Meeting Schedule.
- c. Approval of Updated Fee Schedule

Upon motion of Chairman Papp and second of Ms. DeLuca, the Commission approved items “a-c”.

**13. Approve minutes of the October 23, 2012 Meeting.**

Upon motion of Chairman Papp and second of Mrs. Grzelecki, the Commission unanimously voted to approve the minutes of the October 23, 2012 meeting as amended.

**14. Adjournment.**

Meeting was adjourned at 11:17 p.m.

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Jean Grzelecki, Secretary

**LEGAL ADVERTISEMENT**

12A NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, DECEMBER 6, 2012

TOWN OF NEW CANAAN	3.5.F.5 to extend the existing	requesting building coverage
PLANNING & ZONING	roof to the north, within	of 3,450 square feet in lieu of
COMMISSION	the east and west reduced	the 2,505 square feet allowed,
Notice is hereby given	side yard height setbacks, for	for property in the One-Third
that the Planning and Zoning	property in the A Residence	Acre Zone at 6 Kelley Green
Commission at a special meeting	Zone at 43 St. John Place	(Map N Block 60 Lot 670) is
held on November 27,	(Map L Block 204 Lot 845) is	approved with conditions.
2012 duly adopted the following	approved.	3.RESOLVED, that the
resolutions. Approved	2.RESOLVED, that	Proposed changes from Brooks
Special Permit Applications	the application of Amy S.	& Falotico for a façade
become effective upon the filing	Zabetakis, Rucci Law Group,	modification
of a copy thereof in the	Authorized Agent, for Joseph	at 22 Pine Street were
office of the Town Clerk.	Hanson, contract Purchaser	approved as presented.
1.RESOLVED, that the	(George W. and Susan K.	Jean N. Grzelecki
application of Elizabeth A. and	Baker, Jr., owners), for a	Secretary
John F. Kennelly, owners, for	Special Permit of Section 3.7.E	Dated November 30, 2012
a Special Permit of Sections		12-6