

# Planner's Memo



June 19, 2014

**To: P&Z Commission**  
**R. Mallozzi, First Selectman**  
**N. Williams, Selectman (via email)**  
**B. Jones, Selectman (via email)**  
**I. Bloom, Town Attorney (via email)**  
**M. Pastore, Town Engineer (via email)**

**From: Steve Kleppin, Town Planner**

**Re: Meeting Memo – June 24, 2014**

There are six (6) Special Permit applications on the Agenda as well as final discussion and hopeful adoption of the POCD.

## **Item Number:**

### **1. Town of New Canaan, Special Permit, §5.1.E.1, 677 South Ave.**

*Zone: Waveny*

Request:

To construct an additional tennis court.

Discussion:

The enclosed materials indicate the location of the proposed court. Please note that a portion of the court crosses the property line with Waveny Care. I anticipate authorization from Waveny Care will be forthcoming. In addition, this must be approved by Inland Wetlands.

The Inland Wetlands Permit must be issued before the Commission can close the hearing and vote on this application. If the authorization from Waveny has not been received by the hearing, I would recommend that as a condition of approval, that authorization be obtained prior to construction of the new court.

*Letters For or Against:*

*None to date.*

*To date, Certificates of Mailing for this application have **not** been received.*

## **2. Burnaman Residence, Special Permit, §6.4.G, 22 Country Club Rd.**

*Zone: 2 Acre-Residence*

**Request:**

The applicant is seeking permission for grading and site disturbance activity on the eastern and southern portion of the property.

Much of the site work proposed by the applicant has already been completed. The work done was also done within Inland Wetlands and the applicant had to obtain permission from the Inland Wetlands Commission which was received on June 16. The work to be performed requires removal of the berm, installation of a drainage swale and significant planting along Smith Ridge.

I did walk the site with Steve Bury from Public Works and he has indicated that he does not require any additional information regarding drainage and that the activities conducted and proposed by the applicant will have no adverse impact on the one down-gradient neighbor. However, he did request that any change in grading as a result of this application or conditions imposed by inland wetlands require additional review by Public Works.

*Letters For or Against:*

*Letters of support were received from a couple of the neighbors. Please note the neighbor to the south has expressed concern regarding this application.*

*To date, Certificates of Mailing for this application have been received.*

## **3. Matz & Dul Residence, Special Permit, §3.6.A, 128 Marshall Ridge Rd.**

*Zone: Once Acre Residence*

**Request:**

The applicant is proposing to construct a mudroom and garage addition six (6) feet from the northerly property line in lieu of the 25 feet required. This section of the regulations was added after the 2003 POCD update in order to assist in the preservation of New Canaan's moderns. As you can see from the site survey there are many confining property line undulations that restrict where the building can be expanded. In addition the septic system is located at the eastern, widest, portion of the property further limiting expansion.

The house is a one-story structure with the new addition scaling to approximately 13 feet above grade.

*Letters For or Against:*

*See letter from Janet Lindstrom, NC Historical Society dated 5/15/14.*

*Certificates of Mailing for this application have been received.*

**4. Valente Residence, Special Permit, 7.1.B.3.b, 104 Forest St.**

Zone: B-Residence

Request:

The applicant is proposing to reconstruct and renovate the existing, legally non-conforming, rear dwelling unit and also add an addition to the structure.

The lot is legally non-conforming to have two dwelling units, let alone detached dwelling units on the property since the width is less than 100 feet. In addition, both units violate yard setbacks and the total building coverage exceeds the allowable coverage by approximately 1,000 square feet.

The applicant will be removing a portion of the detached garage, resulting in an accessory structure that will be exempt from building coverage since it does not exceed 200 square feet, has no permanent foundation and has no electrical service. The result of this reduction in coverage and the renovations to the rear unit will result in less building coverage for the site.

*Letters For or Against:*

*None to date.*

*Certificates of Mailing for this application have been received.*

**5. Groff Residence, Special Permit,** [REDACTED]

Zone: One Acre Residence

Request:

The applicant is requesting approval to allow the existing pergola to remain in the front yard. The pergola is located approximately 70 feet from [REDACTED] as opposed to the 35 feet required. The dwelling is located 89 feet from [REDACTED]

The lot is a corner lot with two front yards and two side yards. The patios area can be installed in the front yard and while the trellis is exempt from permit requirements it still cannot be located in the front yard without a Special Permit.

*Letters For or Against:*

*None to date.*

*Certificates of Mailing for this application have been received.*

**6. ESP Wexford II LLC, Special Permit, 6.2.E.1, 2 Pine St.**

*Zone:* Business A

*Request:*

The applicant is requesting approval to waive the use of two (2) underground parking spaces at the far eastern portion of the structure and use them as storage. This matter was discussed with Mrs. Greens and the Commission at the May meeting as part of a larger series of modifications to the approved Site Plan.

If you haven't already, please take a visit by the site to see the modifications made. They have installed the additional landscaping as requested, removed excess signage and painted the roof-top mechanicals a gray color to blend into the existing building.

They are proposing to construct three (3) separate storage units in the basement resulting in the loss of two (2) parking spaces. As the Commission correctly noted at the May meeting, these spaces do not have adequate backup per the regulations and practically cannot be used in a safe manner. The storage lockers were pulled back from the adjacent spaces to allow the car doors within those spaces to open.

The Fire Marshall has required that the electrical panels be caged-off and that no boxes be placed in front of them. In addition, the Health Department has also required that no other food items be placed outside of those storage areas. In addition, I would strongly recommend that as a condition of approval that there be no other storage within the parking area and that the area not be permitted to be used as an employee lounge.

From my observations it appears that the shared parking arrangement between Mrs. Greens and Oxygen Fitness is sorting itself out and that there aren't any significant parking issues on-site. While there are spikes of congestion, particularly around noon, this does not appear to be significantly different than when the Post Office was occupying the space. Going forward we will have to continue to monitor the use of the basement area as well as the loading of materials on the streets and what hours that is occurring due to the heavy use at this intersection.

The applicant is also requesting permission to modify the loading dock area in the back to accommodate truck offloading, which should remove more trucks from Pine Street.

*Letters For or Against:*

*None to date.*

*Certificates of Mailing for this application have been received.*

**9. Unimin Corporation, Façade Modification, 258 Elm St.**

*Zone:* Business C

Request:

The applicant is proposing to construct a glass awning/canopy above their entrance on Elm Street.

See the plans provided within the packet.

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END