

**TOWN PLAN AND ZONING COMMISSION
TOWN OF FAIRFIELD
MINUTES OF MEETING – JUNE 26, 2012**

The Town Plan and Zoning Commission held a meeting at 7:30 p.m., on Tuesday, June 26, 2012 in McKinley Elementary School, 60 Thompson Street, Fairfield, CT.

Members Present: Bryan LeClerc, Chairman; Seth Baratz, Vice Chairman; Rich Jacobs, Secretary; Pat Jacobson, Jim Kennelly, Doug Soutar, Matt Wagner

Alternate Members Present: Gerry Alessi, Joan Neiley, Sally Parker

Town Department Members Present: James Wendt, Assistant Planning Director
Dolores Sansonetti, Clerk

Mr. LeClerc introduced Ms. Neiley as a new alternate Commissioner and the members welcomed her warmly. Ms. Neiley is replacing Mr. Valera.

Meeting Minutes Motion was made by Mr. Wagner, seconded by Mr. Baratz and the members present unanimously **VOTED TO APPROVE** the Meeting Minutes of June 12, 2012.

85 Mill Plain Road Motion was made by Mr. Jacobs, seconded by Ms. Jacobson and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Zoning Compliance application of Pond Mill, LLC to establish an indoor recreation use (boxing) with a request for reduced parking in a Des. Ind. Dist.

85 Mill Plain Road Motion was made by Mr. Jacobs, seconded by Ms. Jacobson and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Zoning Compliance application of Pond Mill, LLC to establish two “enrichment” uses (E.nobi Learning Center and Your Artist Studio) with a request for reduced parking in a Des. Ind. Dist.

1460 - 1462 Post Road Motion was made by Mr. Kennelly, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the Special Permit application of 1460 Post Road, LLC pertaining to a proposed second floor addition in the Cent. Des. Dist.

1550 North Benson Road Motion was made by Mr. Kennelly, seconded by Mr. Wagner and the members present unanimously **VOTED TO APPROVE** the Resubdivision application of Sara Cammarota for two lots in an A Zone subject to the following conditions:

1. The existing stone wall along the southerly property line is to remain intact.
2. There shall be no removal of mature trees along the property lines.
3. Compliance with any field conditions that may arise through TPZ or Engineering staff regarding grading or berm implementation.
4. Compliance with the following numbered items on the attached Subdivision Conditions of Final Approval: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 19, 21, 22, 23, 24, 25.

Zoning Regulation Amendment/206 – 214 Homeland Street Motion was made by Mr. Wagner, seconded by Mr. Kennelly and the members present unanimously **VOTED TO DISCUSS** together and **VOTE ON** separately the Zoning Regulation Amendment application of James and Brian Sakonchick proposing a new Section 7.0 “Regulations for Homelands Opportunity District” and to amend Section 5.1 making reference to the proposed new Section 7.0” and Zone Change application of James and Brian Sakonchick to establish a Homelands Opportunity District on land presently zoned Residence A.

Motion was made by Ms. Jacobson, seconded by Mr. Baratz and the members present unanimously voted to approve, for discussion purposes only, the Zoning Regulation Amendment.

For Regulation Amendment: No one
Against Amendment: Unanimous

For Zone Change: No one
Against Zone Change: Unanimous

Therefore, both the zoning regulation amendment and application for a zone change on property presently zoned Residence A failed and are denied for the following reasons:

1. The applicant has failed to demonstrate how this application advances the need to provide affordable housing.
2. The applicant’s proposed Homeland Opportunity District does not create the opportunity for more units of affordable housing on the subject property than could be created under the present zoning regulations.
3. Therefore, the proposal does not advance the interest of affordable housing.

4. If approved, no additional units of affordable housing will be built that can otherwise be built under the existing regulations.
5. Likewise, a denial does not negate the opportunity to build an affordable unit here.

In addition, the application is incomplete for the following reasons:

1. It is unclear from the applicant's testimony just what he proposes to build.
2. The size of the proposed affordable accessory apartment was changing and changed during the course of the applicant's presentation.
3. The required size of a unit is unclear from the proposed regulations and it cannot be found or determined from either the plan or testimony presented that the proposed affordable unit is in any way comparable to the market rate units.
4. It is not clear from the applicant's testimony which units of housing are included in the 8-30g calculations and whether that determination is proposed by the number or size of units.
5. It is unclear whether the proposed changes offered by the applicant were consistent with the proposed affordability plan that was presented.
6. The affordable component as presented is not comparable to the two market rate units, assuming there are, in fact, two market rate units.
7. There was no traffic study presented and no competent testimony by a properly qualified expert.
8. There was no evidence presented which would allow the Commission to determine the project's impact on traffic safety. Items such as traffic volumes and line of site distances were discussed in general by the applicant, however, no drawing, site plan, objective evidence or any written data that which could be reviewed and analyzed was provided.
9. No specific traffic counts, sight lines and other information necessary to determine impact on public health and, safety were presented.
10. The Commission has not been presented with adequate information and in some aspects absolutely no information, to make a decision that is informed, proper and in accordance with the laws of the State of Connecticut.

For these collective reasons, the Commission denied both the regulation amendment and the zone change applications.

3377 Post Road Motion was made by Mr. Jacobs, seconded by Mr. Kennelly and the members present unanimously **VOTED TO APPROVE** the Compliance application of Michael Schinella to establish a restaurant in a portion of an existing building in the Des. Comm. Dist.

PUBLIC HEARING

Zoning Regulation Amendment Application of J. Russell Jinishran Gallery, Inc., to amend Section 12.5.1 of the Zoning Regulations to include “art galleries” as a permitted use in a Neighborhood Designed District.

Atty. John Fallon presented this application to the Commission.

1899 Bronson Road Zoning Compliance application of J. Russell Jinishian Gallery, Inc., to establish a retail art gallery in an existing building. Neigh. Des. Dist.

Atty. John Fallon presented this application to the Commission.

Motion was made by Mr. Kennelly, seconded by Mr. Jacobs and the members present unanimously **VOTED TO RETURN TO PUBLIC EXECUTIVE SESSION** and voted on the following:

Zoning Regulation Amendment Motion was made by Mr. Kennelly, seconded by Mr. Baratz and the members present unanimously **VOTED TO APPROVE** the application of J. Russell Jinishran Gallery, Inc. to amend Section 12.5.1 of the Zoning Regulations to include “art galleries” as a permitted use in a Neighborhood Designed District.

1899 Bronson Road Motion was made by Mr. Kennelly, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the Zoning Compliance application of J. Russell Jinishian Gallery, Inc., to establish a retail art gallery in an existing building.

It was the consensus of the Commission to return to Public Hearing to hear the following application:

50/92 Chatham Road Resubdivision application of 50 Development, LLC and Patricia Sheehy for three (3) lots in an R-3 Zone.

Atty. James Walsh presented this application to the Commission.

(Ms. Parker left the meeting prior to public comment on this application.)

This application is continued to July 10, 2012.

This meeting adjourned at 11:04 p.m.

Richard B. Jacobs
Secretary

Dolores Sansonetti
Clerk

