

**TOWN PLAN AND ZONING COMMISSION  
TOWN OF FAIRFIELD  
MINUTES OF MEETING – SEPTEMBER 18, 2012**

The Town Plan and Zoning Commission held a meeting at 7:30 p.m., on Tuesday, September 18, 2012 in McKinley Elementary School, 60 Thompson Street, Fairfield, CT.

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

Alternate Members Present: Gerry Alessi, Sally Parker

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

Ms. Parker sat in place for Mr. Kennelly.

**Meeting Minutes** Motion was made by Ms. Parker, seconded by Ms. Jacobson and the members present unanimously **VOTED TO APPROVE** the Meeting Minutes of September 4, 2012.

Mr. LeClerc and Mr. Wagner abstained from voting on the meeting minutes.

Motion was made by Mr. Wagner, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the Meeting Minutes of September 11, 2012.

Ms. Jacobson abstained from voting on the meeting minutes.

**5151 Park Avenue** Motion was made by Mr. Jacobs, seconded by Ms. Jacobson and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Special Exception application of Sacred Heart University for additions and renovations to the performing arts center. R-3 Zone

**Zoning Regulation Amendment – 206 Homeland Street** Motion was made by Ms. Parker, seconded by Mr. Baratz to approve for discussion purposes the two applications of James and Brian Sakonchick proposing a new Section 7.0 “Set-Aside Development” and site plan approval for a three unit residential development pursuant to CT General Statutes 8-30g.

(Ms. Jacobson listened to the 9/11 hearing and Mr. Wagner listened to the 8/28 hearing and voted on both applications.

For motion: No one

Against motion: Ms. Parker, Mr. Baratz, Mr. LeClerc, Mr. Jacobs, Ms. Jacobson, Mr. Soutar, Mr. Wagner

Therefore, this motion failed and both applications are denied for the following reasons:

### **ORIGINAL APPLICATION**

The original application included a zone change proposal for the entire 10,000 square foot parcel.

The original regulation amendment for the Homelands Opportunity District proposed to allow 5,000 square foot lots.

The original affordability plan called for the division and site plan approval for retaining the existing dwelling at 214 Homeland Street as a stand alone market rate unit and site plan approval for development of 206 Homeland Street with a new dwelling with an affordable apartment.

The reasons for denial of the original application are articulated in correspondence dated July 2, 2012.

### **MODIFIED APPLICATION REASONS FOR DENIAL**

The modified application ignores the existing dwelling at 214 Homeland Street and treats 206 Homeland Street as a pre-existing stand alone lot.

The modified affordability plan is solely for a set a-side development for 206 Homeland Street.

The modified proposal is for three (3) new dwelling units to be constructed, one of which will be an affordable unit.

The record supports a finding of merger with respect to the property referenced by the applicant is 206 and 214 Homeland Street.

This is based on prior applications and permits that indicate the intent of the previous owner and the case law in the record.

The record also includes a letter, from the son of the prior owner, confirming the prior owner's intent.

Additionally, there is a unified sprinkler system on both parcels installed by the former owner.

The existing fencing is contiguous over both lots.

Further, the applicant did not appeal the denied zoning compliance application to build a new dwelling at 206 Homeland Street, the basis of such denial being that the property is merged.

As a single property, the modified proposal includes a total of four (4) dwelling units, (one existing and three new), only one of which is an affordable unit. This does not meet the standard for Section 8-30g.

The modified regulation amendment proposed by the applicant presumes to create an exemption for existing non-conforming assessor's parcels if developed for set-a-side development.

This proposal is solely for 206 Homeland Street. The regulation amendment does not cure the remaining non-conforming lot at 214 Homeland Street if 214 Homeland is not part of a set-a-side development.

The modified proposal includes a single unit of affordable housing, no more than can be built under the present regulations as noted in the original application decision.

The applicant has based his assumption regarding the original denial on an incorrect understanding of the existing accessory apartment regulations. When corrected on the matter, no quantitative analysis was made as to the economic feasibility of the project he proposes.

The modified application does not increase the number of affordable housing units proposed under the original application.

It does however include one additional market rate unit.

This does not address the concerns articulated by the Commission on the original application and is counter to the purpose of a modified application as expressed in the state statute.

In addition, there was no proper traffic study presented by the applicant and no competent testimony by a properly qualified expert.

There was insufficient evidence presented which would allow the Commission to determine the project's impact on traffic safety. Items such as traffic volumes and line site distances were discussed in general by the applicant; however, there was no complete and adequate drawing, site plan, objective evidence or any written data that which could be reviewed and analyzed provided.

There was incomplete data, such as specific traffic counts, sight lines and other information necessary to determine impact on public health and safety presented.

The applicant claimed that he completed his traffic study after the previous denial of this Commission, which study purportedly included observation of school buses.

However, the denial of this Commission occurred on June 26, which is after school concluded for the year.

The proposed multiple driveway configuration and the likely effect on street parking and vehicle maneuvering required, as discussed by the applicant, in such proximity to the adjacent intersection is a hazard to public safety.

The fire safety hazards discussed at the hearing by a public safety expert raise significant public safety concerns.

For these collective reasons, the Commission denied the modified application.

### **PUBLIC HEARING**

**220/278 Pansy Road** Request of Ray Panigutti for 100% release of a \$7,815.00 bond pertaining to subdivision improvements in an A Zone.

No representative was here to present this application to the Commission.

**1460 – 1467 Post Road** Application of 1460 Post Road, LLC to establish a second floor outdoor dining patio with request for reduced parking in the Cent. Des. Dist.

Atty. James Walsh presented this application to the Commission.

(Mr. Kennelly arrived during this application).

This meeting adjourned at 9:44 p.m.

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Richard B. Jacobs  
Secretary

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Dolores Sansonetti  
Clerk

