

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

July 8, 2008

Present: Michael Autuori
Peter Chipouras
Joseph Fossi
Nelson Gelfman
John Katz
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman
Lillian Willis

Also Present: Betty Brosius, Inland Wetlands Agent
Linda Caponetti, Recording Secretary

Planning and Zoning Commission public hearings were held prior to the meeting.

At 8:32 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2008-069-SP-SR:** Summary Ruling Application under Section 7 pursuant to Section 4.3 of the IWWR to construct tennis courts in uplands adjacent to pond, for expansion of an existing recreational facility located at **748 Danbury Road**, in the RAA zone. Owner/Applicant: RAC Realty, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *65-day action period ends 8/7/2008. Received 6/3/2008. Walked 6/8/2008. For action.*

[Note: A public hearing on the Special Permit accompanying this wetland application was held earlier by the Planning and Zoning Commission, and part of the wetlands discussion was incorporated into the public hearing.]

Dr. Autuori motioned, seconded by Mr. Fossi, to request a draft approval of the application, with conditions to include a requirement for swales, a biofilter, curtain drains and other details outlined in the letter dated June 30, 2008 from the applicant's consultant, ESM Associates. Dr. Autuori also requested an updated map showing these details.

Mrs. Willis asked for specs on the proposed biofilters, which would filter drainage from the tennis court dome cover prior to discharge into the pond.

Chairman Mucchetti confirmed that applicant Andy Bodner had stated that there would be no pilings or excavation in the wetlands.

Mr. Mische requested a construction drawing. Agent Brosius said that the construction drawings in the file would be sufficient for the purposes of the construction of the foundation, the tennis court itself and the dome. She acknowledged, however, that the description of the swales and the surrounding property are not adequate for the Board to make “a proper wetlands decision.” A site plan is needed.

There was some discussion, but, the decision was made to address any outstanding issues in the Special Permit part of the application.

Mrs. Willis added that Mr. Bodner committed to no mowing of the buffer strip.

Mr. Fossi felt that the buffer should be continued along the westerly side of Rte. 7.

Mr. Walsh discussed Sec. 10.2(a), for prudent and feasible alternatives, stating that, in his opinion, there are no alternatives. He felt the plan represented the only feasible location for the tennis courts. Mr. Walsh noted, “Unfortunately, the wetlands were obliterated quite a long time ago, and there isn’t going to be any further irretrievable damage to the wetlands.” The small portion of the court that touches the wetlands will present minimal if any impact, he felt, so long as the erosion control devices are set up and in place, as recommended by the engineer. Mr. Katz clarified that Mr. Walsh was referring to ESM Associates (environmental consultant) as the “engineer”.

Mrs. Willis questioned the possibility of implementing any possible recommendations from Mr. Brian Roach of the Aquarion Water Company should he offer any. The property lies within the Saugatuck Watershed, under the purview of the Aquarion Water Company. Agent Brosius said that this would also come up under the Special Permit application.

Mr. Katz stated that, under Sec.10-2d, this application appears to present no irretrievable impact; no impact on safety and health, and no impact on wetlands or watercourses outside the area of activity. Any potential impact has been addressed and/or mitigated by suggestions from ESM, he said. “All of the particulars of 10.2 will have been satisfied in the positive, when this application is finalized,” Mr. Katz added.

Dr. Autuori asked the Agent the following: If all the indigenous wetlands soil has been removed from the site, is this still legally considered a wetland?

Agent Brosius stated that wetlands have been identified by ESM at the edge of the pond. However, the environmental consultant noted that the quality of those wetlands presently is not the same as the original quality, she said.

Mr. Katz commented that the wetlands had been “compromised, but not obliterated.”

The motion to draft the approval passed by a vote of 9-0. The resolution and vote will be finalized on 7/15/08.

NEW ITEMS

2. **#2008-089-REF:** Referral from the Town of Wilton regarding an application for regulated activities on residential property located at 42 Weeburn Lane adjacent to the Town of Ridgefield. Owner: Joe Farhi. *For receipt/action.*

Chairman Mucchetti noted that the application was for a reserve septic system plan in the “regulated area,” referred by Wilton because the property is within 500 feet of the Ridgefield border.

Mr. Walsh motioned, seconded by Mr. Fossi, to offer no response because there is no wetlands impact. The motion passed, 9-0.

3. **#2008-091-SR:** Summary Ruling Application under Section 7 pursuant to Section 4.5 of the IWWR for activity in the upland review area in conjunction with the re-development an existing lot where a residence was lost to a fire, including driveway and grading within designated buffer area on property located at **17 Stony Hill Road** in the RAA zone. Owner/Appl.: James and Deborah Soyak. Auth. Agent: JFM Engineering, Inc. *65-day action period ends 9/11/2008. For receipt and schedule walk.*

Mr. Katz questioned why this item was on the agenda if it is merely a rebuild of what is already existing. The Agent said that this is not simply a rebuild but a completely new house development plan, and there are wetlands immediately adjacent to the driveway.

Chairman Mucchetti suggested a site walk for July 13th.

Dr. Autuori motioned, seconded by Mr. Mische, to acknowledge receipt of the application and to schedule a site walk as suggested. The motion passed, 9-0.

4. **#2008-092-SR:** Summary Ruling Application under Section 7 pursuant to Section 4.3 and Section 4.5 of the IWWR for activity and disturbance in the wetlands and upland review area to remove and replace wet well inlet culvert and wet well system and remove and replace pump house structure on property located at **439 Silver Spring Road**, Silver Spring Country Club in the RAA zone. Owner: Flat Rock Corp. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 9/11/2008. For receipt and schedule walk.*

Chairman Mucchetti suggested a site walk for July 13th. She noted having asked Agent Brosius if this item qualified as a Plenary Ruling. It was decided that a decision will be made after the site walk as to whether or not the application needs to be raised to a Plenary.

Dr. Autuori motioned, seconded by Mrs. Willis, to acknowledge receipt of the application and to schedule a site walk as suggested.

BOARD WALKS

The following site walks were scheduled for **July 13, 2008**:

- Summary Ruling, **213 High Ridge Avenue**, Sturges Bros.
[Note: The Chairman explained that a site walk is requested by the attorney for a proposed subdivision application for which a pre-application review had been completed, even though the application was not yet received. The Agent explained that a site walk is needed to evaluate the wetlands impacts and to consider the need to hire an outside consultant for peer review, and there may be no other time to schedule a walk prior to the August break. The application is expected to be in the office by 7/9/08, in time for the site walk. The Board agreed to schedule the walk.]
- **#2008-091-SR**: Summary Ruling **17 Stony Hill Road**, Soyak
- **#2008-092-SR**: Summary Ruling **439 Silver Spring Road**, Flat Rock Corp.

The following site was previously scheduled for **July 13, 2008**:

- **#2008-082-REV(SP)-SR**: Summary Ruling, **Lot #1, Bryon Avenue**, Country Club Development, LLC

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Letter from Wetlands Inspector/Agent Aimee Pardee to a homeowner on Shady Lane, re the condition of the Upper Pond Dam (north of Fox Hill Lake).
- An announcement that the Saugatuck River Watershed meeting for 7/9/08 had been canceled.
- Current Issue of "The Habitat," newsletter of CACIWC

MINUTES

Mrs. Willis motioned, seconded by Mr. Katz, to approve the minutes of June 24, 2008. The motion passed, 7-0-2, with Mr. Fossi and Mr. Chipouras abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 8:38 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

July 8, 2008

Present: Michael Autuori
Peter Chipouras
Joseph Fossi
Nelson Gelfman
John Katz
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman
Lillian Willis

Also Present: Betty Brosius, Director of Planning
Linda Caponetti, Recording Secretary

Public hearings were held prior to the meeting.

At 8:40 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2008-069-SP-SR:** Application for Special Permit under Sec. 9.2 pursuant to Section 3.2.C of the zoning regulations, to construct tennis courts for expansion of an existing recreational facility located at **748 Danbury Road**, in the RAA zone. Owner/Applicant: RAC Realty, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *65 days to commence public hearing ends 8/7/2008. Received 6/3/2008, walked 6/8/2008. Public hearing commenced 7/8/2008. 65-day action period ends 9/11/2008. For action.*

Chairman Mucchetti noted that the public hearing had been closed and asked for discussion on the application.

Mr. Katz motioned, seconded by Dr. Autuori, to request a draft resolution of approval for the application. It was noted that the Special Permit action should not take place until a final report had been issued by the Inland Wetlands Board. The main condition is that this come back to the table pursuant to the discussion and testimony during the public hearing with all the particulars referenced pertaining to the zoning portion of it. "The E&S [erosion and sedimentation] control measures have to be referenced with specificity," Mr. Katz said.

The motion for the draft approval passed, 9-0. Final action on the resolution and the application will take place on 7/15/08.

2. **#2008-070-SP:** Application for Special Permit under Sec. 9.2 pursuant to Section 3.3.D of the zoning regulations, to restore the carriage house apartment to its original size (1,383± sq. ft.) on property located at **188 Main Street** in the RA zone. Owner/Appl.: Lance C. Ballou. Auth Agent: Donnelly, McNamara and Gustafson, P.C. *65-day to commence public hearing ends 8/7/2008. Received 6/3/2008, walked 6/8/2008. Public hearing commenced 7/8/2008. 65-day action period ends 9/11/2008. For action.*

Chairman Mucchetti noted that the public hearing had been closed, and asked for discussion on the application.

Mr. Katz motioned, seconded by Mr. Fossi, to approve the application as presented.

Mr. Walsh cited the completeness of the Planner's staff report, noting the Commission's authority to consider a larger apartment size, the Historical Resource Inventory information, and the fact that the approval would preserve a significant structure and provide an affordable residence in the historic district of Main Street. The apartment has been in existence for over 50 years, and there is no physical change proposed for the exterior of the building, so it remains "in harmony" and compatible with the surrounding neighborhood. Mr. Walsh noted that this is "exactly the type of housing" that the Commission and the Town want to see on Main Street. As long as they are one bedroom apartments, the size should not be an issue, he added.

The motion to approve the application passed, 9-0. This was a final decision.

3. **#2008-071-REV(SP):** Application for Revision to the Special Permit, for parking lot and traffic circulation improvements, and modifications to existing recreational facilities, on property consisting of 16± acres, located at **90 East Ridge** (the Old High School) in the RA zone. Owner/Appl.: Town of Ridgefield. Auth. Agent: Charles R. Fisher, P.E., L.S., Town Engineer. *Received 6/3/2008. Walked 6/8/2008. Public hearing commenced, closed and draft Resolution of Approval for Phase I requested 7/1/2008. 65-day action period ends 9/4/2008. For action.*

Chairman Mucchetti pointed out the draft resolution at the table, with some revisions added by the Planner for handicapped accessible parking requirements, and preservation of the large maple trees on Prospect Ridge. She recommended that, in 8b, the pre-construction meeting be required, (use the word "shall"), rather than optional.

Dr. Autuori motioned, seconded by Mrs. Willis, to approve the resolution as drafted, with the suggested revisions. Mr. Katz asked that the condition regarding lighting at the skate park be changed to read that "at no time" shall the park be illuminated. The suggestion was incorporated into the draft. Mr. Katz questioned the issue of two-way traffic, and why it would be under consideration by the Commission if it is a Police Department issue. The Planner said that it would come before the Commission if road

widening was proposed [in an 8-24 referral from the Board of Selectmen]. It was decided to strike d from #2.

The motion to approve the revised resolution passed, 8-0-1, with Mr. Fossi abstained.

4. **#2008-084-REV(SP):** Application for Revision to the Special Permit, under Section 9.2.A.7.e of the zoning regulations for walkway enclosure at **Scotland School, 111 Barlow Mountain Road** in the RAA zone. Owner: Town of Ridgefield. Appl.: Ridgefield Public Schools. Auth. Agent: George Teri-Savage. *65-day action period ends 9/4/2008. Received 7/1/2008. Application withdrawn 7/8/2008. Acknowledge withdrawal.*

Chairman Mucchetti pointed out that the application had been withdrawn by the applicant.

Mr. Katz motioned, seconded by Mr. Chipouras, to acknowledge the withdrawal, and the motion passed, 9-0.

NEW ITEMS

5. **#2008-090-VDC:** Village District Application under Section 8.3 to install two signs on building located at **20 Prospect Street** in the CBD zone. Owner: Aron and Judy Hirt-Manheimer. Appl.: Susi Manheimer. *35 days to receive VDC report ends 8/12/2008. For receipt/refer to VDC.*

Chairman Mucchetti explained that the application is for signage at a portion of the space formerly occupied by Nature's Temptations in the Yankee Ridge plaza.

Dr. Autuori motioned, seconded by Mr. Chipouras, to acknowledge receipt of the application and to refer it to the Village District Consultant for review. The motion passed, 9-0.

COMMISSION WALKS

The following site walk was scheduled for **July 13, 2008:**

- Subdivision, **213 High Ridge Avenue**, Sturges Bros.
[Note: The Chairman explained that a site walk is requested by the attorney for a proposed subdivision application for which a pre-application review had been completed, even though the application was not yet received, because there may be no other time for a site walk prior to the August break. The Inland Wetlands Board had scheduled a site walk, to evaluate the wetlands impacts and to consider the need to hire an outside consultant for peer review. The application is expected to be in the office by 7/9/08, in time for the site walk. The Commission agreed to schedule a walk.]

The following site walks were previously scheduled for **July 13, 2008:**

- **#2008-080-SP:** Special Permit **40 Ned's Lane**, Harrison

- #2008-082-REV(SP)-SR: Revision, Lot #1, Bryon Avenue, Country Club Development, LLC

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti referenced the following correspondence:

- Letter to the First Selectmen, supporting Dr. Autuori's position on banning sodium vapor lights on town roads.
- Copy of Summons, appeal of the decision approving a major home occupation at 225 South Salem Road.
- Zoning Amendment proposed by the Town of Lewisboro, NY, to regulate cell towers.
- Photocopies of the Plan of Conservation and Development, and memo from the Planner requesting review and input on the Plan update, for the fall. A copy of the document will be provided to former Commissioner Jim McChesney because of experience on the Commission to provide valuable input, and his ongoing interest in the project.

MINUTES

Dr. Autuori motioned, seconded by Mrs. Willis, to approve the minutes of June 24, 2008. The motion passed, 7-0-2, with Mr. Fossi and Mr. Chipouras abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 8:52 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary