

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

July 14, 2009

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz
James McChesney
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman

Absent: Peter Chipouras

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

*Planning and Zoning Commission public hearings were held prior to the meeting.
At 9:06 p.m. Chairman Mucchetti called the meeting to order.*

PENDING ITEMS

1. **#2009-048-SR:** Summary Ruling application under Section 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield to install septic system and add a pool on property located at **239 Mamasco Road** in the RA zone. Owner/Appl.: Ken Pereyra. Auth. Agent: Michael J. Mazzucco. *65-day action period ends 8/27/2009. Received 6/23/2009. Walked 6/28/ 2009. Preliminary Draft Resolution of Approval requested 7/7/2009. For discussion/action.*

Chairman Mucchetti recognized Michael Mazzucco, P.E. and homeowner Ken Pereyra, representing the application. She noted the draft resolution of approval prepared by Agent Aimee Pardee and confirmed that the applicant and his engineer had received copies.

Alan Pilch of the Conservation Commission read the letter of that agency into the record. Agent Brosius confirmed that Ms. Pardee has incorporated Conservation Commission comments into the draft resolution.

Mr. Katz motioned, seconded by Mr. McChesney, to adopt the resolution of approval. Mr. Katz offered some clarification for condition #6, to confirm that there would be no discharge of pool water on the site or into the watercourse. Mr. Mische asked that the homeowner be required to use “eco-friendly” treatments for the water, and no harsh chemicals. It was finally resolved through the Agent that the prohibition of discharge of pool water into the watercourse and on the site was within the Board’s

purview, to protect, the Mamasasco Lake, but that regulating the chemicals in the pool water itself was beyond the scope of the Board, and virtually unenforceable. Prohibition of discharge into the watercourse and on the site would accomplish Mr. Mische's goal to keep chemicals out of the lake.

The motion to adopt the resolution with amended #6 passed, 8-0.

BOARD WALKS

There were no site walks scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the minutes of June 30, 2009. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

July 14, 2009

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz
Phil Mische
James McChesney
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman

Absent: Peter Chipouras

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

Public hearings were held prior to the meeting.

At 9:21 p.m., Chairman Mucchetti called the meeting to order.

The Pending and New items below were handled in the following order: #9, #3, #7, #8, #1, #6, #2, #4, and #5.

PENDING ITEMS

1. **#2009-032-S-SP:** (1) Application for a 5-lot Subdivision under Section 6-1 of the Subdivision Regulations for the Town of Ridgefield on property located at **32 Hickory Lane and 164 Florida Road** consisting of 11.686 acres of land in the RAA zone and (2) Special Permit Application under Section 9.2 as required by Section 3.2.C.5 of the Ridgefield Zoning Regulations to permit an accessway off Hickory Lane to serve three new lots in conjunction with the 5-lot subdivision. Owner/Appl.: Wynmar Properties, LLC. Auth. Agent: John F. McCoy, VII, P.E. *Received 5/12/2009. Public hearing commenced 6/16/2009 and continued to 7/14/2009. 65-day action period ends 9/24/2009. For action.*

Mr. McChesney motioned, seconded by Mr. Katz, to draft a resolution of approval for the proposed subdivision, including a condition requiring compliance with the Fire Department's request for a fire cistern, in the size and location approved by the Fire Department. The motion passed, 8-0. The final vote will be addressed on 7/21/09.

2. **#2009-040-SP:** Special Permit application under Section 9.2 as required by Section 5.2 of the Ridgefield Zoning Regulations for site improvements, including increase in

retail area, upgrade exterior and interior building, and install new site signage on property located at **115 Danbury Road (BP Station)** in the B-1 zone. Owner: Mario Marcheggiani Family Limited. Appl.: Drake Petroleum, Co. Inc. Auth. Agent: Consulting and Design, LLC. *Received 6/9/2009. Walked 6/28/2009. Public hearing commenced 7/7/2009 and continued to 7/14/2009. 65- day action period ends 9/10/2009. For action.*

The Chairman noted that the Planner had drafted a resolution of approval.

Mr. Katz motioned to approve a 10 ft. high, 5 ft. wide sign. The rest of the application would be “as presented.” Mr. Fossi seconded the motion.

Mr. Fossi’s understanding was that the the BP sign on the left side of drawing L2A was going to be 5 ft. wide, and the signs below were going to be 4 ft. wide. Mr. Fossi said his understanding was that the applicant was going to condense the smaller 18” signs to get the overall height of the sign down to 10 ft.

Mr. Mische’s understanding was that the signs would remain 18”, but, the applicant would remove the space between them.

Mr. McChesney felt that it should be up to the applicant to choose whichever version of the signs they wanted, as long as the overall silhouette was 10 ft. H x 5 ft. W.

The Chairman felt the left-hand version, showing open daylight area between the signs, was more appealing. “It keeps it from being one tall wall of signage,” she said.

Discussion continued. It was agreed that the applicant preferred the right-hand version.

Mr. Walsh argued for the applicant’s right to have the 12 ft. high sign, noting that the closest competitor down Rte. 35, the Shell station, has a sign of approximately 16 ft. in height. Numerous signs on the row are much higher than 10 ft. in height. He asked why this applicant was being asked to meet that height restriction.

Mr. Katz said it would set precedent. The Shell sign was erected before the regulation was in place, he added. He said that the point of revising regulations is to “try to get improvements installed where and when you can.” Mr. Katz said there was nothing compelling to the argument that an extra 2 ft. in sign height would bring more business to the station.

Mr. Walsh disagreed. He said the larger sign (on the right) “is clearly easier to read as you travel down Rte. 35,” which will surely generate more business.

More discussion ensued.

The Chairman agreed with Mr. Walsh, saying that the two extra feet in height was not objectionable. She said a safety hazard is presented when drivers take their eyes off the road to try to read the smaller signs. The Chairman felt it is important to help local businesses promote their product. She would support the application, as presented.

Mr. Mische felt that signage should be regulated to improve the look going forward. He was in favor of the 10 ft. sign.

The Planner noted that a condition of approval should state that the office space on the second floor shall be used for the administrative functions of the business, not for rental to a separate tenant. She also suggested language about preserving the 12' aisle adjoining the sidewalk, and working with the town engineer for the final location and width of the sidewalk.

The Planner suggested a vote on the height of the sign first, before the vote on the motion. More discussion followed.

Finally, the application was handled in three votes: the advanced, draft resolution of approval prepared by the Planner was adopted first, without reference to the sign. The second and third votes dealt with the height and width of the sign, with the understanding that the details would be incorporated into the resolution as an amendment to that approval. The second vote failed, and the third vote established the height and width, as noted in the record below.

Mr. Katz motioned, seconded by Dr. Autuori, to adopt the resolution of approval for the proposed improvements to the site, with a condition added by the Planner, to state that the office use was for the business only, and not for a separate tenant. This vote did not include reference to the free-standing sign. The motion passed, 8-0.

Mr. Katz spoke in favor of the 10 ft. height restriction, saying that retailers exaggerate the benefits of telling people what's in their business establishment.

Mr. Walsh felt that allowing the 12 ft. high sign would not set precedent. "That's the specific reason why we have the Special Permit..." to take a look at individual circumstances and see if they warrant exceptions. Mr. Walsh felt that the applicant presented a very good application with very good reasons for wanting the style and size sign presented. He supported the applicant's choices.

The Chairman noted how deceiving it is reviewing a sign from the confines of a meeting room. She cited the strong resistance to the size of another sign, which, when viewed on premises, seemed smaller and perfectly acceptable.

Mr. Fossi had no objection to the larger sign, and preferred the airiness of the spaces in between the individual signs.

In the second vote, **Mr. Katz** motioned, seconded by Mr. Mische, to approve the sign at a height of 10 feet and a width of 5 feet. The motion failed, 2-6, with Mr. Katz and Mr. Mische voting in favor, and all others against.

In the third vote, **Mr. Fossi** motioned, seconded by Dr. Autuori, to approve the sign according to the illustration on the left side of Sheet L-2A, dated 7/8/09 and labeled "Proposed Sign," with a height of 12 feet and a width of 4 feet, as shown. (Only the top of the sign is at 5 feet wide.) The motion passed, 6-2, with Mr. Katz and Mr. Mische voting against, and all others in favor.

3. **#2009-050-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations for signage on commercial property located at **955 Ethan Allen Highway** (John's Best Pizza, formerly Ridgefield Pizza) in the B-2 zone. Owner: Maria Gardel Trustee/Ralph Sandolo. Appl.: Signs Unlimited. Auth. Agent: Gregory F. Datelle. *Received 6/23/2009. 65-day action period end 8/27/2009. For action.*

Chairman Mucchetti recognized Gregory Datelle of Signs Unlimited, applicant and authorized agent for the property owner and the business owner. The various sign renderings provided by Mr. Datelle were reviewed.

The application had been reviewed earlier in the evening by the AAC and their comments were read into the record by Planner Brosius.

The AAC preferred the rendering including the ship's wheel as opposed to the pizza. They also requested that the sign be reduced in size from 48 sq. ft. (proposed) to a size more consistent with other free standing signs along Rte. 7 in Ridgefield. The sign on the building should also incorporate the wheel instead of the pizza, they felt. The straight sided sign was preferred over the angled sides on the free standing sign, which is to be internally illuminated through letters only. There should be no signage on the building except over the door, per AAC recommendation .

Mr. Datelle explained the origin of the ship's wheel design in the family-owned business. He said that he had convinced his client that the pizza design was much more appropriate for the business, and the client requests that design.

The Chairman asked the Planner for clarification on what the Commission was being asked to approve. The "Pizza, Games, Delivery" sign had been removed from the building. The "John's Best" (with pizza) sign was to remain on the building.

The primary concern, the Planner stated, was the size of the free standing sign, which was four times larger than the regulations allow.

Mr. Katz confirmed that the AAC recommended that the sign be smaller, but had not specified a size.

The specific dimensions of the sign were discussed.

Mr. Datelle said that many signs in Ridgefield clearly exceed 12 ft., and have received variances. The Shell gas station sign at Copp's Hill and Danbury Rd. in particular was cited. Mr. Datelle cited the speed of traffic passing the site as reasoning for a large sign, but, he agreed to decrease the sign area to 7 ft. H x 4 ft. W, (28 sq. ft.).

The Planner suggested deferring decision until the commissioners had had a chance to view the site, preferably by the following meeting.

Mr. McChesney asked that a 4 x 8 ft. piece of plywood be propped up to give a visual idea of the sign's size. That was agreed to by Mr. Datelle.

By consensus, the Commission agreed that the sign over the door, if compliant with the regulations and as modified with the recommendations of the Architectural Advisory Committee, could go forward to be installed (and does not have to be part of the Revision to the Special Permit, if it meets the requirements in the zoning regulations).

There was no vote taken on the free standing sign, which was shown on the drawings at 4 times the size allowed in the regulations. The applicant agreed to install a 4' X 8' sheet of blank plywood at the site of the proposed sign, so that the Commission could drive by individually to note the size and placement of the proposed sign relative to the size of the site, the building, and the surrounding buildings in the district. The item will return to the agenda on 7/21/09.

4. **#2009-051-SP:** Special Permit under Section 9.2 as required by Section 7.8 of the Ridgefield Zoning Regulations to provide pole lighting for tennis courts in the recreation area on property located at **126 Eleven Levels Road** in the RAA zone. Owner: West Mountain Estates Homeowner Association. Appl.: Scott Baughman. *For discussion c/o PD.*

Chairman Mucchetti noted the Planner's memo to the Commission and the recommendation from the Planner, following advice from counsel, to go forward with the public hearing on 7/21/09, as noticed, despite objections raised by an attorney for the neighboring property owner. The issues raised by the attorney could be dealt with during the hearing. There was no discussion on the item other than as noted herein.

5. **#2009-052-A:** Proposed Amendment to the Ridgefield Zoning Regulations, Sec. 8.6 (Uses Subject to Moratorium), (1) to eliminate the existing moratorium on the installation of Outdoor Woodburning Furnaces OWFs, and (2) to adopt new Section 7.12, to prohibit the installation of OWFs in all zones within the Town of Ridgefield. Commission initiated.

#2009-052-A: Proposed Amendment to the Ridgefield Zoning Regulations, Sec.

8.6.D.1 (Effective Date and Expiration for Uses Subject to Moratorium), to extend the expiration date for the moratorium on the installation of Outdoor Woodburning Furnaces (OWFs) from 7/19/09 to 7/19/2010. Commission initiated. *For action.*

Chairman Mucchetti explained that the item was on the agenda for the purpose of eliminating or extending the moratorium on OWFs.

Mr. Fossi motioned, seconded by Mr. Walsh, to adopt the first amendment that would eliminate the moratorium and establish a new Section 7.12, to prohibit the installation of Outdoor Woodburning Furnaces. Mr. Katz offered some editorial changes to the “Reasons” section of the amendment, which were then included in the motion.

The motion passed, 7-1, with Dr. Autuori voting against because he favored extending the moratorium.

The Commission took no action on the amendment to extend the moratorium, acknowledging that it was moot because of the adoption of the first amendment, which ended the moratorium and established a regulation to prohibit the OWFs in all zones within the Town of Ridgefield.

6. **#2009-057-REV(S):** Request under Section 9.2.A.7.e of the Ridgefield Zoning Regulations for revision to previously filed 3-lot subdivision at **48 Peaceable Hill Road**, changing lot lines to create two lots fronting on Peaceable Hill Road, and one rear lot to be served by the existing accessway, part of original subdivision of 34.505 acres in the RAA zone. Applicant/Owner: Suni P. & William Harford. Auth. Agent: JFM Engineering, Inc. *65-day action period ends 9/3/2009. Received 6/30/2009. Tabled 7/7/2009. For discussion/action.*

Chairman Mucchetti acknowledged John McCoy, P.E. who explained the request for revision to the subdivision layout.

Mr. McCoy said that this was originally known as the Harford subdivision, (35 acres, 3 lots). It required a fairly substantial wetland crossing, which is now completed. The Chairman asked if the crossing was a gabion bridge. Mr. McCoy said it was, and it was to serve two lots in the rear and one lot in the front of the property. Mr. McCoy said the homeowner had originally planned to build the main house in the front of the property, but had since requested a change in lot line to have the main house located in the rear and the two lots in the front. He described the proposed lot lines and explained the difficulties with septic location due to the change. Some additional testing was required on the left side of the accessway in an area that would not require tree removal.

The Planner said there is no staff report on this application, but, she reported having received word from the Health Department that they have approved the new septic locations. She also said that the Open Space has been deeded to the Town.

Conservation restrictions as shown on the original plan remain unchanged, and the requirement for screening is preserved.

Mr. Katz motioned, seconded by Dr. Autuori, to approve the request for revision, as presented. The Planner pointed out that all other applicable conditions of the original subdivision (conservation easements, screening for the neighbors to the north, etc.) would remain in effect.

The motion to approve the request passed by a vote of 8-0.

NEW ITEMS

7. **#2009-058-VDC:** Village District application under Section 8.3 of the Ridgefield Zoning Regulations for building signage and awning with signage on building located at **31 Bailey Avenue** in the CBD zone. Applicant: Sharps & Flats, LLC. Owner: PRP, Inc. *35-days to receive VDC report ends 8/18/2009. For receipt, action.*

The Chairman described the location of the building.

The applicant came forward, but, it was discovered that, through a misunderstanding, she had not attended the Village District review earlier in the evening. The Planner said it was possible that the VDC had reviewed the application and may have minutes that could be reviewed the following week. She said she would talk to the VDC and determine what had been done.

The application may be reviewed on 7/21/09, pending receipt of any comments from the VDC relative to the materials that were submitted with the application.

8. **#2009-059-VDC:** Village District application under Section 8.3 of the Ridgefield Zoning Regulations for a free-standing sign, deck and handicap-accessible ramp on property located at **32 Prospect Street**, Nature's Temptations in the CBD zone. Owner: Italian American Mutual Aid Society. Appl.: Jeffrey Konchalski. Auth. Agent: Elizabeth S. Zieman. *35-days to receive VDC report ends 8/18/2009. For receipt, action.*

[Note: Mr. Walsh recused himself from discussion and action on this item.]

Designer Elizabeth Zieman and business owner Jeffrey Konchalski were present for the application. They provided hand written minutes prepared by John Kinnear, Chairman of the Village District Consultant, where the review had been conducted earlier in the evening.

The Chairman stated that the free standing sign applied for would require a Special Permit and would have to be reviewed on another night. The discussion that evening would refer to the deck and the handicapped ramp only. The Chairman reported the VDC's comments: 1) deck to be larger by at least one third; 2) setback of 7 ft. seems

appropriate; 3) recommend installation of lattice skirting under the deck; 4) applicant will submit other design studies for the sign.

The Chairman asked why the VDC had requested that the deck be larger.

Ms. Zieman said that the building is very “imposing from the street.” The deck is to add “more retail presence on the street.” She said that the front yard setback had not been established, which hampered her ability to design the deck. The VDC felt that the proposed deck was too small for the scale of the building, she said.

The Planner addressed the setback, reading from Sec. 5.1 in the zoning regulations. “The minimum front yard setback in the CBD zone is defined as the average of the front yard setbacks of abutting principal structures or as otherwise approved by the Commission.” She said that the setbacks and the zone on either side of the property should be considered in establishing an appropriate setback.

Ms. Zeiman said she is proposing that the front of the deck be no closer to the property line than the adjacent structures, (7 ft.). She was asking permission for a 7 ft. setback, and said that the VDC thought it was appropriate. However, the VDC wanted the deck to be wider, Ms. Zeiman reported.

Mr. McChesney said that the extra width recommended by the VDC would not necessarily provide room for more tables. He saw no reason for it. The applicant also has budgetary considerations, as well, Ms. Zeiman added.

Mr. Konchalski said that they were also consulting the VDC as to how to make the deck area [or the business frontage] more “retail appealing”

Ms. Zeiman stated that the applicant has virtually no opportunity or options for changing the exterior masonry of the building, which is owned by the Italian American Club. She said the deck was the only way to “add texture and break up the massiveness of the building” and cover up some utility panels.

Mr. Fossi motioned, seconded by Dr. Gelfman, to approve the application, as presented, except with the sign to be addressed at a later date and to approve the design for the deck and handicapped ramp as recommended by the VDC, allowing the deck (outdoor seating area) to be built as much as 1/3 larger than shown on the drawings, as long as it were no closer than 7 feet from the front property line.

The Planner asked the applicants if they were in favor of making the deck larger.

Mr Konchalski said that he would like it to be larger, but they had not had the opportunity to determine cost.

The motion passed, 7-0-1, with Mr. Walsh recused. [This is a final approval.]

9. **#2009-060-VDC:** Village District application under Section 8.3 of the Ridgefield Zoning Regulations for two signs to be placed on building located at **404A Main Street**, Books on the Common, in the CBD zone. Owner: Urstadt Biddle Properties, Inc. Appl./Auth. Agent: Ellen Burns. *35-days to receive VDC report ends 8/18/2009. For receipt, action.*

Chairman Mucchetti recognized Ellen Burns, present for the application. The VDC minutes, prepared earlier in the evening by the Chairman of the VDC, John Kinnear, were given to Planner Brosius. She noted that the AAC had approved the sign and recommended the street number be mounted on the transom above the door.

The Chairman asked Ms. Burns if she agreed to that condition. She did, however, she asked that the letter “A” be dropped from the street address.

It was agreed that she would post the numbers only, without the “A”.

Mr. Katz motioned, seconded by Mr. Fossi, to approve the application as presented, with the street number (“404”) to be placed in the transom above the door. The motion passed, 8-0.

COMMISSION WALKS

There were no site walks to be scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti noted the following correspondence:

- Letter from Barbara Dobbin of the Parks and Recreation Commission, with that agency’s comments for the update to the POCD.

MINUTES

Mr. Mische motioned, seconded by Mr. Fossi, to approve the minutes of June 30, 2009. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:35 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary