

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

July 21, 2009

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

Absent: Peter Chipouras

Also Present: Betty Brosius, Inland Wetlands Agent
Public hearings were held prior to the meeting. The Planning and Zoning Commission meeting was held prior to the Inland Wetlands Board meeting.

At 10:04 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2009-046-A(IW):** Proposed Amendment to the Inland Wetlands & Watercourses Regulations for the Town of Ridgefield as required by Section 14 to include new **Sections 7.11.3, 10.8 and 10.9** requiring applicants to notify holders of Conservation and Preservation easements on properties where regulated activities are proposed. Board Initiated. *Public hearing commenced and closed 7/21/2009. For action.*

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

Dr. Autuori felt that the added notification requirement would be seen as a potential burden to property owners with Conservation Easements, and developers would be hesitant to create lots with easement restrictions. The regulation would discourage conservation easements.

Mr. Fossi asked what would happen if the certified mail notification was mailed out, but no one signed for it. All agreed that the proof of mailing the certified letter would satisfy the property owner's responsibility for the notification. Mr. Fossi said that he was not in favor of the new regulation because of the extra burden to the property owner, and agreed with Dr. Autuori that this would discourage the offering of future conservation easements. There was general agreement on the Board that the new regulations were an added burden to the property owner.

The Agent assured the Board that both the Zoning Enforcement Officer and the Wetlands Inspector / Agent, in reviewing plans for any type of development, are careful to note easements on properties where permits are requested, and it is unlikely that there would be violations of easement restrictions, even without the new regulation.

Mr. Katz motioned, seconded by Mr. Walsh, to approve the amendment as drafted. Mr. Walsh noted, as pointed out by the Agent during the hearing, that property owners are subject to the requirements of the State law, regardless of local regulations.

The motion to adopt the amendment passed by a vote of 6-2-0, with Dr. Autuori and Mr. Fossi opposed.

2. **#2009-047-PR:** Plenary Ruling application as required by Section 7.6 of the Inland Wetlands & Watercourses Regulations for the Town of Ridgefield for regulated activities within the wetlands and upland review areas for piping and reconstruction of watercourses in conjunction with the development of a single family residence on property located on **Second and Third Lanes** in the RA zone. Owner: Wayne E. Wood and The Estate of Charles F. Dean, Jr. Auth. Agent: John F. McCoy, VII, P.E. *Received 6/16/2009. Public hearing commenced 7/21/2009. 35-day period to close public hearing ends 8/25/09. Extension granted to continue hearing through 9/22/09.*

Chairman Mucchetti noted that the hearing had been continued to 9/1/09, and there was no discussion.

NEW ITEMS

3. **#2009-062-PR:** Plenary Ruling Application required by Section 7.6 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for regulated activities within the upland review area in conjunction with site development for a single family residence and septic system on property located at **Water's Edge Way** in the RA zone. Owner/App.: Hearing and Hearing, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-days to commence public hearing ends 9/24/2009. For receipt, schedule walk and public hearing.*

Chairman Mucchetti pointed out that the same property had been reviewed by the Board within the past two years, but the application was withdrawn. This is a re-submission, with a revised plan. She suggested 9/13/09 for a site walk, and 9/15/09 for a public hearing. The Agent also asked for authorization to retain an expert (consultant) for technical and environmental review of the plans, with fees to be charged to the applicant.

Mr. Katz motioned, seconded by Mr. Mische, to received the application, to schedule the site walk and public hearing as suggested, and to authorize the Agent to retain the services of a consultant. The motion passed, 8-0.

BOARD WALKS

The following item was scheduled for site walk on **September 13, 2009**:

- **#2009-062-PR:** Plenary Ruling **Water's Edge Way**, Hearing and Hearing, Inc.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

Mr. Mische motioned, seconded by Mr. Fossi, to approve the minutes of July 7, 2009. The motion passed, 6-0-1, with Dr. Autuori abstained.

Dr. Autuori motioned, seconded by Mr. Fossi, to approve the minutes of July 14, 2009. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:07 p.m.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

July 21, 2009

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

Absent: Peter Chipouras

Also Present: Betty Brosius, Director of Planning

Public hearings were held prior to the meeting. Item #3 was handled first, to accommodate the applicant.

At 9: 50 p.m. Chairman Mucchetti called the meeting to order.

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/Apl.: 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. Public hearing closed and draft Resolution of Approval requested 7/14/2009. 65-day action period ends 9/24/2009. For action.*

Chairman Mucchetti pointed out the two draft resolutions prepared by staff, the first for the Special Permit for the accessway, and the second for the subdivision.

Mr. Katz motioned, seconded by Mr. Walsh, to adopt the resolution for the accessway, as drafted. The motion passed, 8-0.

Mr. Katz motioned, seconded by Mr. Walsh, to adopt the resolution for the subdivision, as drafted. The motion passed, 8-0.

Mr. Katz noted that the applicant's engineer had made several revisions to the original drawings and greatly improved the plans and the design of the subdivision, to respond to requests by the Commission, and to address the concerns of neighbors. He complimented the engineer on the quality of the work, and his comments were supported by all.

2. **#2009-049-SP:** Special Permit under Section 9.2 as required by Section 7.2 of the Ridgefield Zoning Regulations to install signage on commercial property located at **59 Ethan Allen Highway** (Little Pub Restaurant) in the B-1 zone. Owner: Club Ched LLC. Appl./Auth. Agent: Kevin McHugh. *Received 6/23/2009. Public hearing commenced and closed on 7/21/2009. 65-day action period ends 9/24/2009. For action.*

Mr. Katz motioned, seconded by Mr. Fossi, to approve the signs as presented by the applicant (painted sign on the chimney, and a hanging sign on the front of the building). The motion passed, 8-0.

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. Tabled for additional information, 7/14/2009. 65-day action period ends 8/27/2009. For action.*

Chairman Mucchetti recognized Mr. Gregory Datelle, who was present for the application. Mr. Datelle distributed new drawings, incorporating changes in the size and shape of the sign, and showing a mock-up of the location for the sign on the site. It was noted that the applicant had installed a 4-foot X 8-foot blank sheet of plywood at the proposed sign location at the end of the previous week, allowing Commissioners to visit the site individually, for observation and orientation relative to the streetscape and signs on neighboring properties.

The Planner pointed out that the applicant would be required to survey the front property line, to prove that the sign location was outside of the State highway right-of-way and within the boundaries of the property.

Mr. McChesney said he had visited the site, and he drove up and down Route 7 in the vicinity, to observe this location and signs on other neighboring properties. He measured the sign at the medical facility to the south, and said that this sign is comparable in size. The sign at the Pond's Edge facility, however, is on posts with a space between the sign and the ground. The John's Best sign is solid. He also noted that the competing restaurant immediately to the north of John's Best has a sign that is 3 feet wide by 6 feet tall, mounted on posts that bring it to a height of 10 feet.

Mr. Fossi said he had observed the site and the plywood mock-up, and he felt that the proposed sign was appropriate in size.

Mr. Katz expressed distaste for the large pizza on the sign. He also stated that this sign should not be compared to the medical center sign, because Pond's Edge is a very large facility and the buildings are much bigger in proportion to the pizza restaurant. A larger sign is appropriate for that site. The bulk comparison of the sign sizes between the smaller restaurant and the larger medical buildings is not valid. He said that the John's Best sign is much too big for the lot.

Mr. Mische noted that he generally disapproves of larger signs, but in this case the proposed size seems appropriate on Route 7.

Dr. Autuori said the comparison of sign sizes between the smaller and the bigger building may seem appropriate from an aesthetic viewpoint, but it does not represent fairness to the applicant. He would support the proposed design.

Dr. Autuori motioned, seconded by Mr. Fossi, to approve the sign as presented. The motion passed, 7-1, with Mr. Katz opposed.

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. *Received 6/23/2009. Walked 6/28/2009. Public hearing commenced 7/21/2009. 35 days to compete public hearing ends 8/25/09. Extension granted to continue hearing through 9/22/09.*

Chairman Mucchetti noted that the hearing had been continued to 9/8/09, and there was no discussion.

5. **#2009-055-SP:** Special Permit application under Section 9.2 as required by Section 3.6.C.1 of the Ridgefield Zoning Regulations to convert an existing deck into an enclosed sunroom on the residence located at **7 Whitewood Hollow Court** in the RAA zone. Owners: Gerald and Sharon Garavel. Auth. Agent: Benjamin v. Doto, III, P.E. *Received 6/30/2009. Walked 7/12/2009. Public hearing commenced and closed on 7/21/2009. 65-day action period ends 9/24/2009. For action.*

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

Mr. McChesney motioned, seconded by Dr. Autuori, to approve the plans as submitted. The addition is small and at the back of the house, where it has no impact on neighboring properties. The Planner said that the standard conditions, as with previous, similar applications using this Special Permit regulation, would apply.

The motion to approve the plans passed, 8-0.

6. **#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. Received 7/14/2009. VDC report received 7/15/2009. For discussion/action.*

Chairman Mucchetti pointed out that minutes had been received from the AAC, for review of the awning. The AAC recommended approval of the plans as submitted. The Chairman also noted that the sign had not been presented to the AAC for review (due to the applicant's misunderstanding about attending the meeting), but the AAC Chairman had commented on the 18" X 18" sign, following receipt of a copy of the drawing. There was no objection to the small sign.

Mr. Mische motioned, seconded by Mr. Fossi, to approve the awning and signage as presented, and as reviewed by the AAC and its Chairman. The motion passed, 8-0.

COMMISSION WALKS

There were no site walks to be scheduled.

REQUESTS FOR BOND RELEASE / REDUCTION

- **#2006-115-SP:** Request for release of \$5,000 bond, **300 West Lane SP**, Marshall Odeen. *P.D. recommends full release.*

Mr. Fossi motioned, seconded by Mr. Katz, to approve the release of the bond as recommended by the Planner. Several of the Commissioners confirmed that they had seen the historic house renovated as an accessory apartment, and were complimentary of the work and the success of the restoration.

The motion to release the bond passed, 8-0.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Update to contact information for the Commissioners.
- Memo from Planimetrics, a document outlining the work to be accomplished at the work session scheduled for 7/28/09.
- Copy of Chapter 6 of the current Plan of Conservation and Development (Open Space), showing edits and changes to the information, provided by Dr. Oko of the Conservation Commission.

MINUTES

Mr. Mische motioned, seconded by Mr. Fossi, to approve the minutes of July 7, 2009. The motion passed, 6-0-2, with Dr. Autuori abstained. Mr. Katz was out of the room during the vote.

Mr. Mische motioned, seconded by Mr. Fossi, to approve the minutes of the Executive Session of July 8, 2009. The motion passed, 6-0-2, with Dr. Gelfman abstained. Mr. Katz was out of the room during the vote.

Mr. Fossi motioned, seconded by Mr. Mische, to approve the minutes of July 14, 2009. The motion passed, 7-0-1. Mr. Katz was out of the room during the vote.

EXECUTIVE SESSION – Personnel matters. [The Planner was not present for this session. Mr. Katz returned for the Executive Session.]

At this point in the meeting, at 10:03 p.m., the Chairman temporarily adjourned the meeting to convene the Inland Wetlands Board meeting. The Planning and Zoning Commission re-convened at 10:08 for the Executive Session. The Planner left the meeting prior to the Executive Session, and the motions and minutes were provided by the Chairman.

Chairman Mucchetti asked for a motion to convene the Executive Session, for discussion of personnel matters.

Mr. Walsh motioned, seconded by Mr. Fossi, to open the Executive Session. The motion passed, 8-0.

At 10:20 p.m., **Mr. Walsh** motioned, seconded by Mr. Fossi, to end the Executive Session. The motion passed, 8-0.

There were no actions or decisions taken during the Executive Session.

Hearing no further discussion, the Chairman adjourned the meeting at 10:21 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning