

APPROVED / REVISED
SPECIAL MEETING MINUTES
PLANNING AND ZONING COMMISSION MEETING

DATE September 28, 2010

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

Absent: Phil Mische

Also Present: Betty Brosius, Director of Planning
Lise Read, Recording Secretary

At 7:30 PM Chairman Mucchetti called the meeting to order.

Chairman Mucchetti began the meeting by stating that she felt it was important to review any Planning and Zoning Regulations that might need tweaking and/or to hear any thoughts and concerns the Commissioners might have. She felt that by going around the room, each Commissioner could express what was on his or her mind.

Chairman Mucchetti started by discussing parking in the Central Business District (CBD) whereby the regulation should reflect how the residents are parking. For example, if one is shopping and they do not have a permit space, they will usually park where they are shopping first and then walk to do the remainder of their shopping. According to the regulation, store owners are required to provide parking for their customers. Chairman Mucchetti's suggestion was that the parking spaces should not belong to any particular business owner. They should belong to the CBD. She felt the regulation was fractured, that the disputes between business owners are unnecessary and ZBA seems to be waiving parking requirements and granting variances to business owners within the CBD anyway. There are 1100 parking spaces within the CBD with no other property space to create more parking. [Note: Actual number is 1500]

Mr. Katz asked if any businesses have been limited or denied due to inadequate parking spaces for their expansion? Ms. Brosius responded yes, even though Planning and Zoning has decreased parking requirements to 60% of normal requirements. Mr. Katz then played devil's advocate and asked what would be the negatives? Ms. Brosius responded that it was not a negative but a relevant fact that ZBA granted a variance to Addressi Center, and that during this variance hearing the CVS shopping center attorney argued

vehemently that Addressi's customers will be using CVS parking spaces. The ZBA granted the variance to Addressi without restrictions.

Ms. Brosius went on to say that in looking into other town regulations regarding this matter, New Canaan and parts of Greenwich have no parking or loading requirements if within certain Business District zones.

Mr. Fossi said he liked the idea but is concerned about stark differences of how requirements are met by business owners, and how the difference may be unfair.

Chairman Mucchetti reiterated that her desire is to make all parking spaces belong to the CBD and not individual business owners.

The Commission consensus was that Ms. Brosius will draw up language to amend the regulations.

Mr. Walsh stated that he had nothing to bring forward to the Commission.

Mr. Fossi went next and asked the Commission to look at the importance of asking for A-2 surveys on projects whereby a house footprint is not changing (i.e. building dormers) or property setbacks and wetlands requirements are clearly met. Requiring an A-2 survey in every case seems to be an undue burden on the residents of Ridgefield. He went on to ask the Commission if they felt that the A-2 survey requirement be at the Zoning Officer's discretion.

Chairman Mucchetti agreed and stated that at the moment an A-2 survey is being required for a shed replacement when the shed is going back on the same foundation the old shed was removed from.

Dr. Autuori stated that the Town Assessor Maps might be used to show property lines to alleviate this undue burden to the applicant.

Ms. Brosius stated that these maps really were not accurate and should not be used. Legal disputes would be a problem. Surveyors are the only licensed professionals allowed to measure and draw land lines.

Mr. Katz commented that if the applicant would sign an affidavit that all regulations have been met with regards to property setbacks, etc., the Town would be released from liability.

Chairman Mucchetti reminded everyone how the A-2 survey requirement came about. It was the Zoning Officer who had complained that he was getting inaccurate information and to assist him the requirement of an A-2 survey was added to the application. But, all of a sudden an A-2 survey was required for everything, including a shed replacement.

The Commission consensus was that Ms. Brosius will talk to Richard Baldelli, Zoning Officer to see if he is amicable to using his discretion on who is required to have an A-2 survey and who is not. The Planner will then draft language for an amendment.

Mr. Fossi also asked the Commission to put wording in the regulations that the Turner Hill neighborhood, due to it being a conservation cluster, is not suitable to allow “home office”.

The Commission consensus was to not continue with this request, and to leave the regulations as is.

Mr. McChesney asked the Commission if they thought that having a site walk on small special permit applications such as an enclosed porch was really necessary. He felt they were a waste of the Commission’s time and should be the purview of the Planning Director.

Ms. Brosius responded by saying these are generally the small special permit applications for the “140% rule” which, if the Commission would remember, was that applicants were applying for exceptions for small additions due to lot coverage and were being denied by the ZBA because they had to prove hardship. Planning and Zoning then amended the regulations so that the applicant could come to the Commission and apply for a special permit for this addition but with this, the Commission had to make site walks for small additions.

Dr. Gelfman stated he had no comments.

Dr. Autuori’s concerns were expressed next. He commented on the review of structures in the front of the home. Mr. Walsh replied that looking at all structures would be beneficial especially when ice hockey rinks are being built on front lawns. Mr. Katz commented that the Planning Director can have discretion as to what the Commission had to see.

The Commission consensus was that Ms. Brosius will move forward on an amendment to change the special permit requirement to site plan approval for applications with a structure being built in the front of the home.

Dr. Autuori went on to talk about light pollution in Ridgefield.

The Commission consensus was that the times are catching up with light pollution at least commercially. Residentially, lighting fixtures that shine down like the commercial lighting are not available, but are on the horizon.

Mr. Chipouras stated his concern of the A-2 surveys has been discussed already.

Chairman Mucchetti then shifted the meeting to the correspondence from Richard Baldelli, Zoning Officer. She commented that many residents think that both the Zoning

Officer and the Fire Marshal are patrolling for violations. Richard has included in his report the source of complainants who reported violations to the Zoning Officer. As one can see, it appears it is usually a neighbor who has filed a complaint. She went on to say that the Citation Ordinance has been very helpful but the Hearing Officer has not always responded promptly.

Chairman Mucchetti then mentioned Ms. Brosuis's suggestions for the Commission to review. She distributed a memorandum entitled, "Proposed Amendments to the Zoning Regulations." See below for discussions and consensus agreements.

For Consideration:

PROPOSED AMENDMENTS TO THE ZONING REGULATIONS

CORRECTIONS NEEDED:

- Conflicting language in "Story" Related Terms, page 2-27,
- Definition of required location of "driveway" (7.9.B)

Ms. Brosius stated the "Story" related terms matter is before the ZBA now because of a language discrepancy in the zoning regulations and she would very much like to move forward on this item. **The Commission agreed to go forward with these changes.**

STANDARDS FOR STORMWATER MANAGEMENT & EROSION CONTROL

- Establish a standard for design according to a certain "storm event"
- Require detailed drawings for development projects
- Specify "Minimum Acceptable Standards"
- Update checklists so that applicants know what is required
- Create a new Section in the regulations to define stormwater management standards

Chairman Mucchetti stated that if the Commission is going to require certain stormwater management criteria from an applicant, it should be spelled out in the regulations.

Ms. Brosius stated that over the summer she studied stormwater management regulations in other towns and has proposed a new section 7.13 to accompany the standard erosion control, etc. section. **She passed out the wording for the Commission to review, for possible future action.**

SIGNS

Consider allowing more and larger temporary signs in some cases (more than one tenant, larger signs at locations like the high school, allowing temporary signs more times per year, etc.)

Ms. Brosius commented that due to economic times, there has been pressure from the business community wanting to put up temporary signs to draw customers. Dr. Autuori commented that all temporary signs must be esthetically pleasing and match all other of Ridgefield's standards. Mr. Katz stated the psychology that signs help the business

owners, but sometimes Ridgefield has looked sloppy. He warns that if we allow Business A and Business B to have a temporary sign but when it came to Business C we denied it because it would make the street look too sloppy and crowded, we could have a liability problem. Mr. Walsh agreed with all and feels for the business owners along with the Commission. Ms. Brosius warned an application to increase the allowable time for a temporary sign is coming up on a Commission agenda soon.

The Commission consensus was to take sign matters on an individual basis.

HOME OCCUPATIONS

Do we need better standards for “Major Home Occupations,” so that we don’t get applications for inappropriate businesses in residential zones? **The Commission consensus was to take each application on an individual basis.**

DOWNTOWN PARKING

Should we do away with requirements for parking in the CBD zone or portions thereof? **This item has been previously addressed, with consensus to amend the regulations.**

BED & BREAKFAST ESTABLISHMENTS

Should a maximum number of rooms be established? **There has only been one application before the Commission, which caused questions, but on the whole it was not a reason to change the zoning language.**

“140% RULE”

Dilemma: Applicants needing setback variances from the ZBA have run into a snag – ZBA won’t give setback variances without knowing if the PZC will grant the excess coverage, and Applicant can’t apply to PZC under the 140% rule when the application does not meet all other zoning requirements. Applicant is stuck in the middle (happens mostly on the smaller lots). **The Commission wanted no changes now.**

OUTDOOR DINING / SEATING

PZC does not regulate outdoor dining. BUT, the Building Department has standards requiring male/female bathrooms for establishments of 15 seats or more. PZC allows “food retail” for 14 or fewer seats, but if the owner puts tables outside, then two full bathrooms are required. Health Department also has standards based on numbers of seats. “Terra Sole” restaurant essentially doubled its seating capacity with outside tables, but has an under-sized kitchen to serve the double occupancy load. Question: Should outdoor dining be regulated? If yes, then regulation would have to be a team approach without making PZC the lead agency. There will be criticism from the business community.

Chairman Mucchetti brought up restaurant outdoor dining exemplified. Ms. Brosius expanded this thought that restaurant owners with expanded seating, and asked if they are meeting the kitchen, parking, sewage etc. requirements? Mr. Walsh believes outdoor

seating adds character to the community and is seasonal only. **There was no consensus to regulate outdoor dining.**

LIMITED RETAIL ON ROUTE 7

The EDC Task Force is likely to make a recommendation for allowing limited retail on portions of Route 7. **The consensus was to wait for completion of the Route 7 Study, and receipt of EDC input.**

Dr. Gelfman concluded the meeting by mentioning the taking down of the big red oak at Quail Ridge, as reported in the Press. He felt this tree should have been saved. Consensus was that due to liability, it had to come down.

Hearing no further discussion, the Chairman adjourned the meeting at 9:50 PM.

Respectfully Submitted,

Lise B. Read
Recording Secretary