

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING
Recording of Votes

SPECIAL MEETING

December 20, 2011

Present: Peter Chipouras
Joseph Fossi
Nelson Gelfman
George Hanlon
John Katz
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman

Absent: Michael Autuori

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

There were no Public Hearings held prior to the meeting.

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

PENDING ITEMS

- #2011-065-SR-AH:** Application for multi-family development under Sec. 8-30g of the Connecticut General Statutes (Affordable Housing) for construction of sixteen (16) dwelling units of which 30% shall be affordable, on property located at **7-9 North Salem Road** (Assessor lots E14-101 and E14-102) in the R-20 zone. Owner/Applicant: Eppoliti Realty Co., Inc. Received 6/21/2011. Public hearing commenced 7/19/2011. 35 days to close public hearing ends 8/23/2011. Extension granted to continue public hearing on 9/20/2011 and to October 26, 2011. Public hearing closed 10/26/2011. 65-day action period ends 12/30/2011. Discussion held and tabled 11/15/2011. Discussion held and tabled 11/22/2011. Draft Resolution of Approval requested 11/29/2011 and discussed 12/13/2011. Discussion continued to 12/20/2011. For discussion/action.

For the record, Mr. Hanlon recused himself from the discussion and the vote. Commission Counsel Thomas Beecher, Esq. was present for the discussion.

To review the Draft Resolution of Approval, Chairman Mucchetti suggested that the Commission go page by page. Note, the following corrections were brought to the Chairman's attention after the document was distributed through the mail.

Page 1, First paragraph

- Amend "...with no less than ..." to "...with not less than ...".

Page 1, Paragraph following the bullets

- The first sentence shall read: “The applicant/developer/successor and/or assigns hereinafter referred to as the applicant...”

Page 2, First bullet under “Reasons (modifications #1 and #2)”

- Amend “...parking spaces, and may provide...” to “...parking spaces, and will provide...”.

Page 4, Bullets following “This condition is satisfied”

- Delete the word “concrete” in both Item a and Item b.
- Delete the entire “Note” below Item e.

Page 5, Item 5, First sentence

- Remove the word developer so it reads “...the applicant shall provide...”.

Page 5, Last paragraph

- Amend “...neighbors immediately to the south of ...” to “neighbors immediately to the north of...”.

The above corrections were the corrections made after the document was distributed. There were no further corrections made by the Commission at this meeting.

Chairman Mucchetti then turned to the Planner’s Memorandum dated 12/20/11 addressed to the Commission which offers amended wording for the second and third paragraph under Reasons (condition #5).

Vice Chairman Walsh began by questioning if this wording was necessary for the Resolution. He states that the record is clear regarding this matter and that this type of detail and quotes for the Resolution may be unnecessary.

Chairman Mucchetti felt that it read more like minutes than a reason for the Resolution.

Mr. Katz and Attorney Beecher had no objection either way.

Mr. Mische explained his reasoning for this expanded wording. He went on to say that he felt that the Commission has been charged with protecting public health and safety and instead of deferring to CTDOT on the sightline issue, the Commission had the power to deny.

Vice Chairman Walsh asked Mr. Mische if he thought the Commission had the power to overturn a CTDOT permit.

Mr. Mische responded “yes”. That given the evidence and testimony presented, the Commission can deem the sightline issue unsafe and can deny the application.

Attorney Beecher felt this would be hard to defend. He explained that under the Commission's zoning powers, if there is overwhelming evidence that a condition is unsafe, you can deny an application. But, this Commission had reviewed all the evidence and testimony, noted that CTDOT issued a permit once and determined that it best be left to CTDOT and their State Guidelines to determine if this site will be issued a design exception.

Mr. Katz motioned, Mr. Fossi seconded to leave the wording as originally drafted. Motion carried 6-1-1. Mr. Mische voted against. Mr. Hanlon was recused.

Mr. Fossi motioned, Mr. Chipouras seconded to adopt the Resolution of Approval drafted by the Planner as amended. Motion carried 5-2-1. Mr. Mische and Mr. Katz voted against and Mr. Hanlon was recused.

Mr. Mische voted against for reasons stated above. Mr. Katz stated that he is for the project but against the procedure of there being no second Public Hearing. He feels that the modifications in the Resolution of Approval change the original application severely, that it amounts to a new application and warrants a second Public Hearing. Further, he feels that the State of Connecticut in 8-30g is side-stepping the demographic process.

2. **#2011-130-REV(SP)-VDC:** Village District Application under Section 8.3 of the Ridgefield Zoning Regulations for a decorative fence display with park bench on property located at **29 Prospect Street (Ridgefield Supply)** in the CBD zone. Owner: Louis Price. Auth. Agent: Bennett Fletcher. 35 days to receive Village District report ends 1/10/2012. VDC report received 12/14/2011. For discussion/action.

Planner Brosius explained to the Commission that the applicant needs to return to the VDC due to additional design studies and information requested.

Commission consensus was to bring this Item back to the table on January 10, 2012 with the hopes that the final resolution will be received from the VDC.

3. **#2011-134-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations to permit pillars with signage and exterior lighting on property located at **520 Ridgebury Road**, St. Elizabeth Seton Church in the RAAA zone. Owner/App.: St. Elizabeth Seton Church, Joseph A. Prince, Pastor. 65-day action period ends 2/16/2012. Received 12/13/2011 and tabled. For discussion/action.

Planner Brosius explained the two reasons for the revision to the Special Permit. One, the structures were built without permits and two, the lighting exception. Further, she asked the Commission to allow the applicant to appear before them if they wanted to change what is on the site presently.

After a brief discussion regarding the pillars and the lights and the Revision to the Special Permit requirements, Commission consensus was to bring this Item

back to the table on January 10, 2012 when the applicant will be before the Commission to discuss the topic.

4. **#2011-135-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations for signage and lighting on property located at **1 Ethan Allen Highway, Keough's Plaza** in the B-2 zone. Owner: Mark Keough. Appl.: Oak Ledge Associates. 65-day action period ends 2/16/2012. Received 12/13/2011 and tabled. For discussion/action.

Chairman Mucchetti noted that they received the AAC report. Planner Brosius explained that the applicant will be complying with all the AAC requirements except the sign height be 12' not 10' and the light source be at 14' with a goose neck slightly above.

Vice Chairman Walsh noted two lights were in Wilton. Planner Brosius stated that a referral needs to be filed with the Town of Wilton and the Resolution will exclude these two lights.

Mr. Walsh motioned, Mr. Chipouras seconded to request the Planner to draw up a Draft Resolution of Approval on the above Revision to the Special Permit with standard conditions and as amended per the Planner's December 15, 2011 Memorandum. Motion carried 8-0.

The application is scheduled to come back to the table on January 3, 2012 for a final resolution.

Hearing no further discussion, the Chairman adjourned the meeting at 8:03 PM.

Respectfully Submitted,

Lise B. Read
Recording Secretary