

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

These minutes are a general summary of the meeting and are not a verbatim transcription.

April 12, 2016

Present: Peter Chipouras  
Stephen Cole  
Tim Dunphy  
John Katz  
Mark Zeck  
Rebecca Mucchetti, Chairman

Absent: George Hanlon  
Di Masters  
Joseph Fossi

Also Present: Betty Brosius, Wetland Agent  
Adam Schnell, Assistant Planner  
Lise Read, Recording Secretary

*The Chairman announced a postponement of an Inland Wetlands and a Planning and Zoning combined/continued Public Hearing, prior to the meeting.*

For the record, the Planning and Zoning Commission meeting was heard first.  
At 8:40 PM Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **IF PUBLIC HEARING IS CLOSED:#2016-012-REZ-SP-SR:** Summary Ruling Application for excavation and disturbance within the upland review area of an intermittent watercourse in conjunction with a Special Permit Application and Zone Change Application for the construction of five (5) detached single-family dwelling units at **509 Main Street** in the SD-R20 Zone. *Owner/Applicant: 509 Main Street, LLC. Authorized Agent: Robert R. Jewell Esq. Statutorily Received 2/2/2016. 65 days for public hearing 4/07/2016. Public hearing held 3/22/2016 and continued on 4/12/2016. For discussion and action.*

**This Public Hearing did not close and has been postponed at the request of the applicant to 5/10/16.**

**NEW ITEMS**

2. **#2016-034-SR:** Summary Ruling under Sec. 7.5 of the Inland Wetlands and Watercourses regulations for the construction of a 27" wall and plantings at **Crescent Beach**, across from the intersection of Crescent Drive and Clearview Drive (along the bank of Rainbow Lake). *Owner: Ridgefield Lakes Association.*

*Applicant: Douglas Carroll. 65 days for a decision 6/16/2016. For receipt and schedule walk.*

**Mr. Chipouras motioned, Mr. Dunphy seconded to receive the above Summary Ruling application and to have the Commissioners visit the property as individual Commissioner drive-bys. Motion carried 6-0.**

## **BOARD WALKS**

### **Scheduled:**

- **#2016-034-SR:** Summary Ruling, intersection of Crescent Drive and Clearview Drive, *Douglas Carroll*.

**It was decided that the Commissioners would visit the property as individual Commissioner drive-bys.**

## **REQUESTS FOR BOND RELEASES/REDUCTION**

There were no requests for bond release or reduction.

## **CORRESPONDENCE**

There was no correspondence.

## **MINUTES**

### **For Approval:**

**Mr. Katz motioned, Mr. Zeck seconded to approve the Meeting Minutes for April 5, 2016 as presented. Motion carried 5-0-1. Mr. Chipouras abstained.**

### **For Distribution:**

There were no Meeting Minutes to distribute.

## **PUBLIC HEARINGS**

### **Postponed:**

- **#2016-012-REZ-SP-SR:** Summary Ruling, **509 Main Street**, *509 Main Street, LLC*.

**This continued Public Hearing has been postponed to May 10, 2016.**

### **April 19, 2016:**

- **#2016-025-SP-FP-SR:** Summary Ruling application, **4 Wooster Street**, *Lisa and Matthew Conway*

Hearing no further discussion, the Chairman adjourned the meeting at 8:43 PM.

Respectfully Submitted,

Lise B. Read  
Recording Secretary

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

These minutes are a general summary of the meeting and are not a verbatim transcription.

April 12, 2016

Present: Peter Chipouras  
Stephen Cole  
Tim Dunphy  
John Katz  
Mark Zeck  
Rebecca Mucchetti, Chairman

Absent: George Hanlon  
Di Masters  
Joseph Fossi

Also Present: Betty Brosius, Director of Planning  
Adam Schnell, Assistant Planner  
Lise Read, Recording Secretary

*An Inland Wetlands and a Planning and Zoning Public Hearing were held prior to the Inland Wetland Meeting.*

At 7:31 PM Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

- 1. IF PUBLIC HEARING IS CLOSED: :#2016-012-REZ-SP-SR:** (1) Zone Change Application under section 9.2.C pursuant to Section 4.5 (Main Street Design District-MSDD) in the Ridgefield Zoning regulations to change the underlying SD-R20 Zone to the MSDD Floating Zone, and (2) Application for Special Permit under Section 9.2 for construction of five (5) detached single-family dwelling units and related site work on .859± acres of land located at **509 Main Street** in the SD-R20 Zone. *Owner/ Applicant: 509 Main Street, LLC. Authorized Agent: Robert R. Jewell Esq. Statutorily Received 2/2/2016. 65 days for public hearing 4/07/2016. Public hearing held 3/22/2016 and continued on 4/12/2016. For discussion and action.*

**This Public Hearing did not close and has been postponed at the request of the applicant to 5/10/16.**

**NEW ITEMS**

- 2.** Tony Philips, LCSW, Director of Social Services, Municipal Agent for the Disabled and Americans with Disabilities Act Coordinator for the Town of Ridgefield, to provide a discussion on compliance with the American with Disabilities Act.

Also Present: Mr. Tony Philips, Director of Social Services  
Don Ciota, Chairman, Commission for the Disabled

Both Mr. Philips and Mr. Ciota presented to the Commission the problem of Town facilities not being ADA compliant with Federal laws and State laws. They explained that if there was an injury, suit, or complaint and if the Town was found to be not ADA compliant or not trying to become ADA compliant, the Town of Ridgefield could become open to some serious financial burdens with enforceable timetables by the Courts. If the Federal Government or State Government sees the Town is trying to comply, this would be looked at in a positive light. Mr. Ciota distributed a letter he had sent to Mr. William Reynolds, Building Department back in June 2015 which stated in part "The law is written in such a way as to encourage people within communities to seek accommodation without necessarily mandating major structural changes."

All were aware of the huge expense in becoming fully ADA complaint all at once for the Town, so both Mr. Philips and Mr. Ciota were asking to address the issue at the P&Z approval stage or at the building permit stage and were asking for support. The example used was the recently approved dugouts at the high school. Having this project reviewed for ADA compliance regarding the paved pathways before approval would have resulted in a better compliance than trying to correct the deficiencies piece-meal afterwards. Mr. Ciota suggested a required signature at the building permit stage that states that the applicant is fully aware and responsible for the entire project being ADA compliant as reasonably possible, or have a good reason as to why it was not possible. Discussion ensued as to whether the building department would then be required to enforce compliance, whether it was Mr. Charlie Fisher's, PE area to review for compliance or suggest compliance, or the sole responsibility of the applicant. There was no conclusion.

Commercial projects were included in this conversation and again to have it addressed at the P&Z stage or the building department permit stage was the suggested solution by Mr. Philips and Mr. Ciota. However, it was acknowledged that the ADA is a civil rights law and not a code over which the Commission has any authority. The building department also does not enforce federal codes.

Mr. Ciota stated that he and Mr. Philips had found a firm from Massachusetts that is reasonably priced who would be contracted to assess the entire Town for ADA compliance, so the Town would have a complete picture of needed improvements, going forward.

The Commission understood the issues raised, thanked the guests for coming and asked Planner Brosius to consult with Counsel as to the responsibility and authority of the Commission on this issue. For now, the Commission may include Mr. Philips and Mr. Ciota on the Agenda email list, if desired by these individuals. The Commission suggested that if Mr. Philips and Mr. Ciota wanted

to see changes that it would be best to come from the top, from Rudy Marconi, First Selectman to the Town Department Heads.

3. **#2016-030-SP:** Special Permit under section 3.3.D.1 of the Town of Ridgefield Zoning Regulations for the conversion of an existing ±529 s.f. office/studio into an accessory dwelling unit on ±1.022 acres at **15 Lewis Drive** in the RA zone. *Owner: Allison Brush. Applicant/Authorized Agent: Lawrence Stern. 65 days to set public hearing 06/16/2016. For receipt and set public hearing date.*

For the record, Mr. Katz was recused on this application.

**Mr. Dunphy motioned, Mr. Chipouras seconded to receive the above Special Permit application and to schedule a Public Hearing for 5/10/16. Motion carried 5-0-1. Mr. Katz was recused.**

4. **#2016-033-VDC:** Village District application under section 5.1.B of the Town of Ridgefield Zoning regulations for the removal of an existing awning, and the placement of new signage at **424 Main Street** (Johnny Gelato's) in the CBD. *Owner: Urstadt Buddle Properties, Inc.. Applicant: John Mallegol. Authorized Agent: Brian Fiore. 65 days for a decision 6/16/2016. For receipt and action.*

**Mr. Chipouras motioned, Mr. Katz seconded to approve the above Village District application as presented and approved by the VDC and as a Final Resolution with standard conditions. Motion carried 6-0.**

5. **#2016-035-VDC:** Village District application under section 5.1.B of the Town of Ridgefield Zoning regulations for the replacement of an existing awning at **416 Main Street** in the CBD. *Owner: Urstadt Buddle Properties, Inc.. Applicant: Anabela Pereira. 65 days for a decision 6/16/2016. For receipt and action.*

**Mr. Chipouras motioned, Mr. Zeck seconded to approve the above Village District application as presented and approved by the VDC and as a Final Resolution with standard conditions. Motion carried 6-0.**

6. Letter in support of Land Conservancy accreditation % PD

**Mr. Katz motioned, Mr. Dunphy seconded to approve the mailing of the draft letter in support of the Land Conservancy accreditation as amended by Planner Brosius. Motion carried 6-0.**

## **COMMISSION WALKS**

There were no Commission walks scheduled.

## **REQUESTS FOR BOND RELEASES/REDUCTION**

There were no requests for bond release or reduction.

## CORRESPONDENCE

Chairman Mucchetti noted the following pieces of correspondence.

1. 509 Main Street
  - An email from Mr. Michael Eppoliti dated 4/12/16 sent to LADA regarding the status of the JFM plans, reports and response letters.
  - An email from Mr. Michael Eppoliti dated 3/28/16 to Ms. Diana VanNess regarding the sewer line/sewer easement issue.
  - A letter dated 4/10/16 from Mr. Steve Trinkaus, PE regarding the review of the 509 Main St site plan on behalf of Casagmo Condominium Association.
2. Conservation Commission Open Space Regulations. Chairman Mucchetti explained that Ms. Beth Peyser worked on this regulation which will allow the Conservation Commission the power to cite and enforce penalties for violations which occur in these designated open space areas. These regulations will be presented to the Board of Selectman the evening of Wednesday, 4/13/16. At the moment, Ms. Beth Peyser has the authority to deal with open space violations on behalf of the Conservation Commission.
3. A memorandum dated 4/12/15 from Planner Brosius where she provides the final proposed amendment to the Accessory Apartment regulation to be presented at the Public Hearing, and her proposal for a new amendment to delete the 140% rule regulation. Both will be placed on the 4/19/16 Agenda.
4. Chairman Mucchetti read her email from Ms. Laurie Fernandez, HR to where Ms. Joanne Meder had accepted the position of Director of Planning to fill the vacancy that will be created on July 1 with the retirement of Planner Brosius.

## MINUTES

### For Approval:

**Mr. Dunphy motioned, Mr. Zeck seconded to approve the Meeting Minutes of April 5, 2016 as amended. Motion carried 5-0-1. Mr. Chipouras abstained.**

**Mr. Dunphy motioned, Mr. Zeck seconded to approve the Meeting Minutes of April 5, 2016 Executive Session as presented. Motion carried 5-0-1. Mr. Chipouras abstained.**

**Mr. Dunphy motioned, Mr. Chipouras seconded to approve the Meeting Minutes of April 7, 2016 Executive Session as presented. Motion carried 6-0.**

### For Distribution:

There were no Meeting Minutes distributed.

## PUBLIC HEARINGS

### Scheduled:

- **#2016-030-SP:** Special Permit, **15 Lewis Drive**, *Allison Brush., Lawrence Stern*

**The above Public Hearing was scheduled for May 10, 2016.**

**Postponed:**

- **#2016-012-REZ-SP-SR:** Rezone and Special Permit, **509 Main Street, 509 Main Street, LLC.**

**The above continued Public Hearing was postponed to May 10, 2016.**

**April 19, 2016:**

- **#2016-025-SP-FP-SR:** Special Permit and Flood Plain applications, **4 Wooster Street, Lisa and Matthew Conway**
- **Public Hearing Continued: #2016-014-SP:** Special Permit, **27R West Lane, JBHS Building, LLC**

**May 3, 2016:**

- **#2016-006-A:** Amendment/ Drainage Requirements and Stormwater Management
- **#2016-007-A:** Amendment/ Excavation, Filling and Grading

**May 24, 2016**

- **#2016-029-A:** Amendment/ Accessory Dwelling Unit

Hearing no further discussion, the Chairman adjourned the meeting at 8:40 PM.

Respectfully Submitted,

Lise B. Read  
Recording Secretary