



TOWN OF RIDGEFIELD PLANNING AND ZONING COMMISSION

APPROVED/REVISED MOTIONS AND MINUTES FOR PLANNING & ZONING Zoom Webinar

These minutes and motions (votes) and are a general summary of the meeting. This is not a verbatim transcription.

Wednesday, September 28, 2022

Present: Robert Hendrick (Chair)
Joseph Dowdell (Vice Chair)
John Katz (had some sound issues)
Christopher Molyneaux
Mariah Okrongly
Joseph Sorena
Ben Nneji
Susan Consentino
Elizabeth DiSalvo joined at 8:25pm

Also Present: Alice Dew, Director of Planning & Zoning

1. CALL TO ORDER

Chair Hendrick called the Planning and Zoning Commission ("PZC") meeting to order via Zoom at 7:03 pm. A quorum was established.

Commissioner Sorena inquired how/when the PZC would return to hybrid meetings (as opposed to Zoom-only). The Chair confirmed the intent was to return to hybrid at the next Regular Meeting, which is on October 11, 2022. Commissioners were encouraged to attend in-person to the extent possible.

1.1. Distribution/acknowledgement of correspondence

No new correspondence since last meeting.

1.2. Approval of agenda

No modifications to published agenda.

2. PUBLIC HEARINGS

- 2.1. **(Contd.) A-22-1: Regulation Amendment Application** (per RZR 9.2.B), proposing to prohibit all medical and adult use Cannabis Establishments in all zoning districts in the Town of Ridgefield. Applicant: Kirk Carr.

<https://ridgefieldct.viewpointcloud.com/records/87538>

This was a continued Public Hearing. Mr. Carr presented a ~46-minute video which he could not get to work (audio issues) during the initial Public Hearing. The video is uploaded to the online application file.

The Chair asked Commissioners if there were any questions for Mr. Carr. Commissioner Okrongly asked if it was accurate to recap that “the #1 reason to approve is because this is what the public voted for”; Mr. Carr responded that the #1 reason was to “fulfill your oath of office, which should certainly reflect the will of the people...”; Mr. Katz stated that “... contrary to what Mr. Carr has said, it is not the purpose of the PZC to reflect the will of the people... as has been demonstrated many times when an application gets a great deal of negative publicity, but needs to be approved based on our regulations”.

The Chair then asked Ms. Dew to provide a staff report to the Commission. Ms. Dew shared that Tom Beecher (PZC counsel) has drafted a regulation amendment which would refer to the new town ordinance, rather than attempting to graft its complete text within the zoning regulations. Mr. Carr was recognized and objected because he was not able to see anything in his file from PZC counsel or staff. The Chair pointed out that attorney-client communications are privileged, and the staff report was being delivered tonight, and would be uploaded subsequently. Ms. Dew said she uploaded it during the conversation.

The Chair then opened the floor for any public comment or questions. There was no comment or question from the public.

MOVED TO CLOSE THE PUBLIC HEARING AT 8:18pm (Maker: Katz; Second: Sorena). Motion carried - unanimous.

- 2.2. **SP-22-16; 29 Manor Road.** Special Permit Application (RZR 9.2) to approve an inground pool in the front yard. Owner: Anthony Defeo. Applicant: Nicholas Ackerman.

<https://ridgefieldct.viewpointcloud.com/records/87677>

Mr. Nicholas Ackerman (of Glengate Pools) presented on behalf of Anthony and Monika Defeo (property owners), who were also present. Commissioners discussed the definitions of “front yard” and noted that this project is plainly in the back yard, notwithstanding the technical definition in regulations. Commissioners asked about the mature height of trees planned for screening, whether the removal of one mature tree was necessary, and whether there was a net add or removal of soil for the project.

MOVED TO CLOSE PUBLIC HEARING AT 8:31pm (Maker: Sorena; Second: Nneji). Motion carried – 8 Yea, 0 Nay, 1 abstention (DiSalvo, who joined the hearing in-process).

- 2.3. **SP-22-17; 252 Bennetts Farm Road.** Special Permit Application (RZR 9.2) for installation of detached garage in the front yard. Owner/Applicant: Dylan Cathers.

<https://ridgefieldct.viewpointcloud.com/records/88272>.

Mr. Cathers presented his plans to install a pre-fabricated detached garage in his front yard. He stated that the back yard is not an option due to the slope and geology. His home is set back from the road quite a distance, and the garage will not be visible except to one immediate neighbor, who he says is supportive. Commissioner Okrongly asked if any trees would be removed for this project; Mr. Cathers stated no.

MOVED TO CLOSE PUBLIC HEARING AT 8:40pm (Maker: Sorena, Second: Okrongly). Motion carried – unanimous.

- 2.4. **SP-22-18; 6 Farmingville Road**, Revision to Special Permit Application (RZR9.2) for removal of a prior special permit condition to allow one residential unit on first and second floor in the B-3 zone. *Owner: Longo Carwash LLC. Applicant: Robert R. Jewell.*
<https://ridgefieldct.viewpointcloud.com/records/88622>

Mr. Jewell presented the application on behalf of Mr. Longo, the property owner.

Commissioners asked about the plan to designate parking for the residents. Mr. Jewell said that had been considered, and he indicated on the plans where 2-3 spaces could be striped, and not interfere with the flow of traffic around the car wash.

Commissioner Sorena asked for a clarification on ground-floor interior spaces that were not labeled. Mr. Longo stated it would be living space, and he updated his plans on-screen.

Commissioner Consentino asked about sidewalks. Discussion ensued on whether there was merit in requiring it on this site. Commissioners observed that the use changing to residential supported the sidewalk need; that an underway project will bring a “boardwalk” one parcel away along Ligi Road; that the subject property is not far from the town recreation center.

MOVED TO APPROVE WITH CONDITIONS to: (a) require a sidewalk to be installed along the length of the Farmingville Road property line, and (b) to designate 3 striped parking spaces for use by residents (Maker: Katz; Second: Sorena). Motion carried - unanimous.

3. OLD/CONTINUED BUSINESS

- 3.1. **Public Hearing is Closed: A-22-1:** Regulation Amendment Application (per RZR 9.2.B), proposing to prohibit all medical and adult use Cannabis Establishments in all zoning districts in the Town of Ridgefield. *Applicant: Kirk Carr.*
<https://ridgefieldct.viewpointcloud.com/records/87538>

The Chair asked if there was discussion. Mr. Sorena asked for an overview of the Commission’s options. The Chair reviewed the procedural options – to discuss, to approve, to deny, to table, etc. Commissioner Okrongly stated that she is uncomfortable with a regulation amendment drafted by Mr. Carr, and uncomfortable with parts of his presentation. Commissioner DiSalvo agreed with Ms. Okrongly.

MOVED TO DENY (Maker: Sorena; Second: DiSalvo). Mr. Sorena stated that the town has voted, and the ordinance is passed. Mr. Katz wished to ask Mr. Carr why he felt this belongs in the zoning regulations, now that an ordinance is in place. Mr. Hendrick stated that he was not comfortable with Mr. Carr’s regulation amendment, including his written intent and reasons, as well as his presentation.

The Chair asked if there was any further discussion. After brief remarks, the Chair called the question. The motion carried unanimously. The denial is based on the need by the Commission to create updates to the regulations to follow the ordinance that was passed by public vote. The decision was also based on opinion from Counsel for the Commission to draft their own regulation to mirror the ordinance.

- 3.2. **SP-22-13; 42 Oscaleta Road.** Special Permit Application (RZR 9.2) and per (RZR 3.2.C.5) to approve an accessway as part of First Division of property. The Public Hearing was closed at Sept. 13, 2022 meeting. 65 days to render a decision is November 17, 2022. Owner: Gerald & Linda Koren. Applicant: Robert Jewell.
<https://ridgefieldct.viewpointcloud.com/records/87850>.

MOVED TO APPROVE (Maker: Katz); not seconded. The Chair asked if there was any discussion. Commissioner Sorena asked whether the neighbor was consulted. Commissioner Sorena stated that he was “a little suspect” (about the drainage and water-ponding issues). Commissioner Consentino stated that she was also not comfortable that the drainage concerns were adequately addressed, despite much conversation during the public hearing. Members discussed whether a third-party review could be performed after the public hearing was closed. Ms. Dew (Director, PZ) will contact Mr. Beecher (PZC attorney) to inquire what may be possible at this stage. If nothing else, possibly a more detailed drainage plan could be reviewed by staff.

MOVED TO POSTPONE further discussion to October 11, 2022 (Maker: Sorena; Second: Consentino). Motion carried – unanimous.

- 3.3. **Public Hearing is Closed: SP-22-16; 29 Manor Road.** Special Permit Application (RZR 9.2) to approve an inground pool in the front yard. Owner: Anthony Defeo. Applicant: Nicholas Ackerman.
<https://ridgefieldct.viewpointcloud.com/records/87677>

MOVED TO APPROVE AS PRESENTED (Maker: Katz; Second: Nneji). Motion carried – unanimous.

- 3.4. **Public Hearing is Closed: SP-22-17; 252 Bennetts Farm Road.** Special Permit Application (RZR 9.2) for installation of detached garage in the front yard. Owner/Applicant: Dylan Cathers.
<https://ridgefieldct.viewpointcloud.com/records/88272>

MOVED TO APPROVE WITH CONDITION that no trees shall be removed, as discussed with Applicant during Public Hearing (Maker: Sorena; Second: Katz). Motion carried – 8 Yea, 0 Nay, 1 Abstention (Nneji).

- 3.5. **SP-22-18; 6 Farmingville Road,** Revision to Special Permit Application (RZR9.2) for removal of a prior special permit condition to allow one residential unit on first and second floor in the B-3 zone. Owner: Longo Carwash LLC. Applicant: Robert R. Jewell
<https://ridgefieldct.viewpointcloud.com/records/88622>

See Item 2.1. above.

- 3.6. **SP-22-15; 113 Danbury Road.** Revision to Special Permit (RZR 9.2 & RZR 7.2.E.3) to install second sign on building “Stacey’s Totally Baked”. Owner: Shirley Sampson. Applicant: Adam Sussman.
<https://ridgefieldct.viewpointcloud.com/records/88193>

MOVED TO APPROVE AS PRESENTED (Maker:Katz; Second:Okrongly). Motion carried – unanimous.

- 3.7. **VDC-22-9; 19 Governor Street.** Village District Application (RZR 9.2) per (RZR 5.1.B) for window signs – “Jill Rae designs”. Owner: Donnelly Joseph Gavin Trustee et al. Applicant: Jillian Rae.
<https://ridgefieldct.viewpointcloud.com/records/88526>

Mr. Sorena recused himself. Ms. Rae presented her application briefly, while the Chair showed the images from the online file.

MOVED TO APPROVE AS PRESENTED, and as recommended by the VDC (Maker:Katz; Second: Nneji). Motion carried – 8 Yea, 0 Nay, 1 Recused (Sorena).

3.8. SP-22-4; 34 Bailey Ave: Ratified final conditions of Approval.

The Chair and Director shared the proposed final draft resolution of approval, with conditions, including the addition of language re: bollard installation raised by Commissioner Consentino in previous meeting.

MOVED TO RATIFY the written approval with conditions (Maker:Katz; Second: Sorena). Motion carried – 8 Yea, 1 Nay (Molyneaux).

3.9. RZ-22-1; 0 Ethan Allen: Ratified Final Conditions of Denial.

The Chair and Director shared the proposed final draft resolution of denial.

MOVED TO RATIFY the written resolution of denial (Maker:Katz; Second: Molyneaux). Motion carried: 7 Yea, 2 Nays (Dowdell, Nneji).

3.10. Release of Bond

3.10.1. 8 New Street: Release of Bond for Amount \$2,200.00 posted for Erosion and Sediment control and Stormwater Management.

MOVED TO APPROVE (Maker: Katz; Second: Molyneaux). During discussion, Commissioner Consentino asked for further details concerning the appropriate length of time to hold bonds. Director Dew explained that proper times vary based on types of plantings and soil/topography/etc.; in this case it is flat grass with no significant plantings. Motion carried – unanimous.

4. NEW BUSINESS

4.1. Approval of Minutes.

4.1.1. Regular Meeting – July 26, 2022.

4.1.2. Special Meeting- August 16, 2022

4.1.3. Regular Meeting- September 13, 2022

MOVED TO APPROVE the minutes for July 26 and August 16, and to postpone the approval of minutes for September 13 (Maker:Katz; Second: Nneji). Motion carried – unanimous.

5. ADJOURN

The Chair asked if there was any further business. Hearing none, the meeting was adjourned at 9:54pm.

Minutes submitted by A. Dew, Director of Planning and Zoning

FOOTNOTES:

RZR = Town of Ridgefield Zoning Regulations

CGS = Connecticut General Statutes