



TOWN OF RIDGEFIELD

Planning and Zoning Commission

APPROVED/REVISED
MINUTES
PLANNING AND ZONING COMMISSION
Zoom Webinar
Public Hearing

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

July 26, 2022 Present: Susan Consentino (Joined: 7:03 p.m.)
Elizabeth DiSalvo (Joined: 7:01 p.m.)
Joseph Dowdell (Vice Chair)
Robert Hendrick (Chair)
John Katz (Joined: 7:04 p.m.)
Christopher Molyneaux (Joined: 7:10 p.m.)
Ben Nneji
Mariah Okrongly (Joined: 7:02 p.m.)

Absent: Joseph Sorena

Also Present: Alice Dew, Director of Planning & Zoning and ZEO
Eileen White, Recording Secretary

1. CALL TO ORDER

Chair Hendrick called the Public Hearing to Order of the Planning and Zoning Commission (“Commission”) via Zoom at 7:04 p.m. A quorum was established.

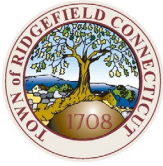
Mr. Hendrick gave an overview of the Agenda, which included one Public Hearing. The Chair stated that there were a few changes to the Agenda: a vote on the Affordable Housing Plan letter that the Chair sent to the Commissioners; and the addition of an Executive Session at the end. There were no objections to these changes.

The Chair acknowledged additional correspondence that was received, since the last Meeting. Mr. Hendrick stated that the reason the Commissioners had not received the correspondence was because the Public Hearing was closed.

1.1. Distribution of agenda & previous minutes.

1.2. Distribution/acknowledgement of correspondence

1.2.1. Email from Ms. Beaulieu; Re: Affordable Housing Plan (received July 12, 2022)



TOWN OF RIDGEFIELD

Planning and Zoning Commission

- 1.2.2. Email from Mr. Hulbert with a photograph. Re: Casagmo Rain Event (received July 19, 2022)
- 1.2.3. Casagmo event photograph (received July 19, 2022)
- 1.2.4. Letter from Mr. Tartaglia re: Cannabis A-22-1 (received July 26, 2022).

1.3. Approval of agenda

2. PUBLIC HEARINGS

- 2.1. **SP-22-12, 50 Webster Road.** Special Permit Application (RZR 9.2) for construction of detached car garage in the front yard. *Owner: Rosemarie Lusher. Applicant: Luciano Lombardo.*

The Chair stated that the Applicant decided to continue the Public Hearing because they were not ready to present their Application.

Ms. Dew read the Legal Notice. Ms. Dew said that no additional correspondence has been received regarding this Matter.

Commissioner Okrongly asked if **50 Webster Road** could be added to the Agenda of the Special Meeting of August 16, 2022. Ms. Dew responded that since the Agenda for the August 16, 2022 Special Meeting has not been published yet, this Matter could be added to the Agenda.

This Public Hearing is Continued to the Special Meeting of August 16, 2022.

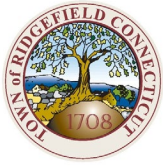
3. OLD/CONTINUED BUSINESS

- 3.1. **SP-22-12, 50 Webster Road.** Special Permit Application (RZR 9.2) for construction of detached car garage in the front yard. *Owner: Rosemarie Lusher. Applicant: Luciano Lombardo.*

This Matter is Continued to the Special Meeting of August 16, 2022.

- 3.2. **(Contd.) SP-22-4, 34 Bailey Avenue.** Special Permit Application per Section 9.2 and per Section 5.1.D of the Town of Ridgefield Zoning Regulations for new construction of mixed-use building with 3 commercial units on first floor and 25 residential units in the CBD zone. *Public Hearing closed on June 28, 2022. 65 days to render a decision is September 01, 2022. Owner: Bailey Rail and Granary LLC. Applicant Agent: Robert R. Jewell.*

Ms. Dew and Mr. Hendrick were asked at the last Meeting to draft a list of conditions to bring before Mr. Thomas Beecher, Commission Counsel. Mr. Hendrick shared his screen that showed the initial draft of conditions and said that Mr. Beecher will have to look at them.



TOWN OF RIDGEFIELD

Planning and Zoning Commission

Mr. Hendrick emphasized that the draft was intended to be a framework of the conditions for Approval. The categories included: soil remediation, affordable units, parking and lighting. The Chair went through each of the categories garnering edits to the document from each of the Commissioners.

Comments and suggestions from the Commissioners included the number of trucks going in and out of the construction site and how that will affect Town of Ridgefield traffic, deed restricting the 2 affordable units that the Applicant has put into the Proposal for 40 years, not for 20 years and discussing what the Town Regulations cite as the way to calculate the parking spaces for this particular property in the CBD Zone.

Commissioner Katz stated that the Commission should be careful with the Soil Remediation condition, as DEEP is in charge of remediation. He suggested that that particular condition be left out what will be taken to Commission Counsel. Commissioners Nneji and Hendrick agreed with Mr. Katz's comment.

The Chair commented that a forty year deed restriction condition was inviting a response that the Commissioners conditions for Approval are not reasonable.

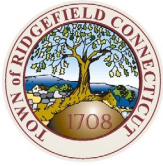
Mr. Nneji stated that the 44 parking spaces was the upper limit approved by the Inland Wetlands Board. Ms. Dew said that she had talked to the Inland Wetlands Agent, Andrew Hally, about adding parking spaces and two pervious spaces could be added.

Commissioner Katz stated his concern that the traffic not be the bugaboo with denying this Application and that the Town of Ridgefield would lose an appeal in Court and it would be expensive.

The Commissioners continued with the draft of conditions by discussing the height of the tallest proposed building. Ms. DiSalvo suggested a condition on the height and screening. The Chair replied that the Architectural Advisory Committee ("the AAC") should focus on this topic.

Ms. Okrongly said that she was not satisfied that the AAC had agreed to the project with only three members, three members being a quorum for their Committee. Mr. Katz said that the Commission did not have the right to ask the AAC to go beyond their requirement of a quorum.

The Commissioners edited specifications and made comments on the draft of conditions, which included the categories of lighting, stormwater detention, and landscaping. Commissioners expressed concern that adherence to the plans would not take place. Mr. Katz said that the Commission approves a set of plans that are spelled out and the plans must be followed.



TOWN OF RIDGEFIELD

Planning and Zoning Commission

Commissioner asked if the Inland Wetlands Agent could review the final plans, if he has any questions. The Chair stated that after the Public Hearing, it is not possible to engage any Third Party of any sort. He continued that the Inland Wetlands approval is also subject to the Plans.

Commissioner DiSalvo said she had thought thoroughly about her concerns with the massing of the project and the aesthetics and how the buildings would fit in with the surrounding neighborhood and cited the Regulations about the Commission's purview with regarding to the surrounding neighborhood and overall benefit to the Town of Ridgefield.

Commissioner DiSalvo was made Co-host and shared her screen which showed the Kent Barns in Kent, Connecticut. The Kent Barns, Ms. DiSalvo said, are all wood and blend in with the surrounding feel of Kent's historic buildings. Commissioner DiSalvo also shared photos of buildings from Crosskey Architects of former historic Mill buildings with brick facades. They are the Architects who are designing **34 Bailey Avenue**.

Commissioner DiSalvo said that the proposed buildings might fit in better with Ridgefield's aesthetic beauty if the front building was clad in wood and the back building was clad in brick. She said that these changes would have the two buildings look more like the pictures she showed and would cost a little money for the Applicant.

Commissioner Katz said that, while he agreed with everything Ms. DiSalvo had said, he did not agree that the Commission has the authority to ask for such conditions for approval. Mr. Katz said that he wanted to be secure that Counselor Beecher is fairly secure with the conditions of approval.

Commissioner Consentino conveyed much of notes from all the testimonies on this Matter and said that this was to help the Applicant.

The Commissioners discussed having alignment on the conditions, with the Chair stating he would note areas which he would discuss with Commission Counsel.

Commissioner Nneji stated he was ready to approve with conditions. Commissioner Consentino said it could wait until the next Meeting, while Commissioner Okrongly asked Ms. Consentino what she proposed regarding the parking. Commissioner Consentino said she wanted more parking.

The Chair asked for a consensus of conditions. Ms. Consentino said she thought the sidewalks were not wide enough. Commissioner Consentino said that, due to the surrounding area of the sidewalk, that there should be some kind of guardrail. Commissioner Okrongly asked about a wooden guardrail and the Chair said that these were called "Merritt Parkway Guardrails" across the country.



TOWN OF RIDGEFIELD

Planning and Zoning Commission

The Chair stated that the Commissioners were now at a point where they could advocate for exactly what they want. Commissioner Katz said that the Commission does not have the authority to decide the Sidewalk.

The Chair recapped the areas of the conditions for approval:

- Trucks and Traffic impact
- Affordable Units
- Parking
- Roof Tops
- Lighting
- Stormwater Retention
- Landscaping
- Signage
- Cladding
- Sidewalks, guardrails

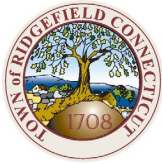
Commissioner Katz said that these conditions were “a high bar.”

Mr. Katz said he was voting no because he did not think the conditions of approval would be approved by Counsel.

Mr. Nneji motioned, Mr. Katz seconded, to Approve the Application with Conditions Subject to Draft. Mr. Katz voted nay. Motion carried 7-1.

3.3. (Contd.) RZ-22-1; Ethan Allen Highway (F10-0092, G10-0057, G10-0037, G10-0056 totaling 29.204 acres). Zone change application per Section 9.2.C of the Town of Ridgefield Zoning Regulations, to change the zone from B-2 to Multi Family Development District (MFDD) for four parcels: Tax Assessor’s Lots F10-0092, G10-0057, G10-0037, and a 2.782 acre portion of G10-0056. *Public Hearing closed on June 28, 2022. 65 days to render a decision is September 01, 2022. Owners: Ridgefield Professional Office Complex LLC and Town of Ridgefield. Applicant Agent: Robert R. Jewell.*

The Chair stated that Attorney Beecher met with the Applicant’s representatives and asked that the Applicant withdrawal the Application and come back with a Rezone Application concurrently with a Specific Development Application. The Applicant does not want to do that. The Applicant wants the Planning and Zoning Commission to take a vote on the Rezone Application.



TOWN OF RIDGEFIELD

Planning and Zoning Commission

The Chair stated that Counsel Beecher said that the Commission could not put conditions on a Rezone Application.

Each of the Commissioners commented on the Application and their concerns about Affordable Housing with respect to it and their Regulatory purview. The Commission decided to Table the Application until the Special Meeting of August 16, 2022.

Ms. DiSalvo motioned, Ms. Okrongly seconded to Table a Discussion on the Subject of Rezone Until the Special Meeting of August 16, 2022, Mr. Hendrick voted nay. Mr. Nneji voted nay. Motion carried 6-2.

- 3.4. **PA 21-1 (Recreational cannabis establishments).** Update on ordinance proposed by Board of Selectmen. Discussion on next steps for PZC. % Chair.

The Chair stated that Director Dew has done all of the referrals.

The Commission discussed the Timeline of the Moratorium and noted the September 7, 2022 Ordinance Vote. Commissioner Okrongly stated that the Town Vote is important.

Ms. Dew said that the video that the ECDC has done is a good one, showing the pro's and con's.

The Chair stated that the Applicant said he would do an extension if the Commission did not get the consultants they needed to pay. Ms. Dew said that she would delve into what consultants were needed. Commission Consentino noticed that the Board of Education was missing from the Referrals List.

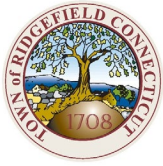
- 3.5. **8-30j Affordable Housing Plan.** Update/discussion (if any) on drafting process.

The Chair stated that the Board of Selectmen were scheduled to vote on this Plan on July 27, 2022. Mr. Katz said that he thought the letter was good at being only one page.

The Chair's letter includes the incentivizing conversion of existing housing stock.

Ms. Okrongly said that a lot of elements were still not in the Affordable Housing Plan.

Mr. Katz motioned, Ms. DiSalvo seconded, to approve the Chair's letter. Ms. Okrongly voted nay. Motion carried 7-1.



TOWN OF RIDGEFIELD

Planning and Zoning Commission

4. NEW BUSINESS

- 4.1. **A-22-2:** Regulation Amendment Application (per RZR 9.2.B), for extension of the existing moratorium for medical and adult use Cannabis Establishments in all zoning districts in the Town of Ridgefield. *Commission initiated. Scheduling a Public Hearing date.*

Ms. Dew clarified that this Regulation Amendment Application is for the Moratorium.

Mr. Katz motioned, Mr. Nneji seconded, Ms. Okrongly abstained, to Schedule a Public Hearing for August 16, 2022. Motion carried 7-0-1.

- 4.2. **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. *Owner: Gerald & Linda Koren. Applicant: Robert Jewell. For receiving and scheduling a sitewalk and public hearing.*

Mr. Katz motioned, Mr. Nneji seconded, to Acknowledge Receipt, Schedule a Site Walk for September 11, 2022 and a Public Hearing for September 13, 2022. Motion carried 8-0.

- 4.3. **SP-22-14; 19 Great Pond Road.** Special Permit Application (RZR 9.2) and per (RZR 3.4.C.1) for the approval of four (4) pickle Ball courts in the front yard at Martin Park. *Owner: Town of Ridgefield. Applicant: Dennis Dipinto; Parks & Recreation. For receiving and scheduling a sitewalk and public hearing.*

Commissioner Consentino recused herself due to her employment with Parks and Recreation.

Mr. Katz motioned, Ms. DiSalvo seconded, Ms. Consentino was recused, to Acknowledge Receipt, Schedule a Site Walk for September 11, 2022 and a Public Hearing for September 13, 2022. Motion carried 7-0-1.

- 4.4. **REF-22-3; 8-24 Referral** Application for acceptance of Aquarion Water Company easement at the intersection of North Street and Barlow Mountain Road. *To acknowledge the receipt.*

The Chair stated that this intersection is near Scotland Elementary School and it is an unpaved pull in. Mr. Hendrick also said that the Board of Selectmen is considering this and transaction and that this Referral Application does not approve any kind of construction.



TOWN OF RIDGEFIELD

Planning and Zoning Commission

Mr. Katz motioned, Mr. Nneji seconded, to Acknowledge Receipt and send a favorable referral for easement only. Motion carried 8-0.

Ms. Okrongly motioned, Mr. Katz seconded, to add to the Agenda for the Special Meeting on August 16, 2022 Discussion of an Inclusive Regulatory Amendment that Would Require All Future Developments of at Least Four Units to be 20% Affordable. Motion carried 8-0.

4.5. Approval of Minutes.

4.5.1. Regular Meeting – July 12, 2022

Mr. Katz motioned, Ms. Okrongly seconded, Mr. Dowdell abstained, to approve as amended. Motion carried 7-0-1.

Commissioner Okrongly asked, with the State House and State Senate Elections coming up, can the Commissions write a letter to whomever is elected regarding their stance on 8-30g. Mr. Katz answered the Commission could.

5. ADJOURN

Hearing no further discussion, the Chair adjourned the meeting and went into Executive Session at: 9:48 p.m.

Hearing no further discussion, the Chair adjourned the Executive Session at: 10:04 p.m.

Respectfully Submitted,

Eileen White

FOOTNOTES:

RZR = Town of Ridgefield Zoning Regulations

CGS = Connecticut General Statutes