

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**September 18, 2017**

**NOTE:** These minutes are intended as a rough outline of the special proceedings of the Board of Appeals on Zoning of Ridgefield held on July 10, 2017 in the Public Meeting Room, Town Hall Annex, 66 Prospect Street, Ridgefield. Copies of recordings of the meeting may be obtained from the Administrator at cost.

The Chairman called the meeting to order at approximately 7:30 p.m. Sitting on the Board for the evening were: Glenn Smith (Chairman), Duane Barney (Vice Chairman), David Choplinski, Sky Cole, and Carson Fincham. Alternate Mark Sealy was also present but did not participate in any decisions.

**ROTATION OF ALTERNATES**

The rotation for the meeting was: first, Mr. Aposporis; second Mr. Sealy; third Mr. Stenko. Since no alternate was used for this meeting, the rotation will stay the same for the next meeting.

**NEW PETITIONS:**

**Appeal No. 17-015**

**Petition of Ridgefield Property Associates, LLC**  
**719 Danbury Road**

Property owner Steve Di Ciacco represented Ridgefield Property Associates for this petition. Mr. Di Ciacco presented photos and plans to the Board that outlined the proposed changes to the building. The building was a mixed-use property with apartments on the second level, the 1<sup>st</sup> floor was used for commercial business. Located in the B2 zone, the front setback was 30 ft. Currently the setback was 22.22 and the proposed plans decreased the setback to 25.4 ft. Currently there was a 4.10 ft. overhang in the front of the building. His plans called for the lower level to be bumped out 7 ft. for additional space making the levels of the building uniform with each other. A gable roof would be added. Mr. DiCiacco presented plans that showed the building was not straight in the front to the property line. Some of the plans were not presented to the Board prior to the hearing, so the Board reviewed the new plans and photos. Mr. Choplinski stated that most of the plans were being seen for the first time and the Board would not be able to review the overall plans.

Mr. Smith asked about hardships. Mr. Di Ciacco stated there was nowhere else on the property for an addition. The only available space would cut into the parking area. The addition was for 217 sq. ft. Mr. Di Ciacco also stated that the plans added steel columns in the front of the building that would hold up the second floor in case the building was struck by a car from Route 7. Mr. Cole stated that the location of the building on the lot, specifically to the front of the property was a hardship. Mr. Barney stated that the Board often granted variances to build up, this variance was to build down. Mr. DiCiacco presented plans that showed the building was not straight in the front to the property line. Mr. DiCiacco stated that since the building was not straight to the property line only the second floor of the building was nonconforming, the 1st floor was conforming. Mr. Smith stated the Board can grant a variance based solely on the reduction of nonconformity. Mr. Di Ciacco did not know any of the zone changes on the property since the building was built in 1955. The Board asked if a canopy shown on the

Plans would be included in the setback number. Mr. Di Ciacco replied that he was told by zoning that a canopy was not a permanent structure and not included in the setback. Mr. Choplinski stated that he would be abstaining from voting since he felt the plans were not complete. Mr. Smith asked the applicant to organize the newly presented plans and submit a complete set of plans for the record.

No one appeared to speak for or against the petition and the hearing was concluded. A decision can be found at the end of these minutes.

**Appeal No. 17-016**  
**Petition of Kausheek Nandy**  
**171 Mamasco Road**

Mr. Nandy represented himself for the petition. Mr. Nandy explained to the Board that he wanted to do an 8 ft. addition on the side of the house adding two bedrooms on the ground floor. The addition would bring the setback to 17 ft. from the property line. The setback for the RA zone was 25 ft. He listed his hardships as being unable to build in the front of the lot due to the location of the septic system, the rear of the property had steep hills and the well, the other side of the property was where the driveway was located. Mr. Nandy also stated that the lot was 0.55 acres in the RA zone.

Mr. Choplinski asked since the property was likely upzoned to RA would the applicant build the addition to the lower R20 setback of 20 ft. Mr. Smith agreed that the 20 ft. setback was reasonable and suggested eliminating 3 ft. off the proposed addition. Mr. Nandy replied that his family, along with his architect, decided on the proposed plans and he did not want to alter the plans.

Joanne Gautrau and Barbara Puppo lot owners to the rear of Mr. Nandy's property spoke against the granting of the variance. Ms. Gautrau stated that the lot was owned by their family for many years but was unbuildable. They were concerned that Mr. Nandy's plans could interfere with future plans for their property. Mr. Smith showed Ms. Gautrau the proposed plan and survey so she could see where the addition would be occurring and the distance the addition would be from her property. Barbara Hartman of the Mamasco Lakes Association also appeared. She stated as a reminder to the applicant that silt runoff was a concern for the lake and to be diligent with builders to maintain the silt fencing.

No one else appeared to speak for or against the petition and the hearing was concluded. A decision can be found at the end of these minutes.

**DECISIONS**

The Board voted the following actions:

**Appeal No. 17-015**  
**Petition of Ridgefield Property Associates, LLC**  
**719 Danbury Road**

REQUESTED: A variance of Section 5.3.E., dimensional standards, to allow construction of an addition within the minimum front yard setback; for property in the B2 zone located at 719 Danbury Road.

DATES OF HEARING: September 18, 2017  
DATE OF DECISION: September 18, 2017

VOTED: To Grant, a variance of Section 5.3.E., dimensional standards, to allow construction of an addition within the minimum front yard setback; for property in the B2 zone located at 719 Danbury Road.

VOTE:            To Grant:        4            To Deny:        0            Abstaining:    1

In favor  
Barney, Cole,  
Fincham and Smith

Opposed

Abstaining  
Choplinski

**CONDITIONS:**

This action is subject to the following conditions that are an integral and essential part of the decision. Without these conditions, the variance would not have been granted:

1. The addition shall be constructed exactly as shown on the plans and drawings, as modified by the applicant, then presented to the Board during the hearing and made part of this decision, and the plans submitted for the building application shall be the same as those submitted and approved with the variance application.
2. No variance request was made for the canopy on the structure and none was given.

The Board voted this action for the following reasons:

1. The location of the building on the lot presents an unusual hardship that justifies the granting of a variance in this case. In addition, the proposed changes to the building will result in a reduction of the nonconformity on the property.
2. The proposal is in harmony with the general scheme of development in the area and will have no negative impact on surrounding properties or on the Town's Plan of Conservation and Development.

**Appeal No. 17-016**  
**Petition of Kausheek Nandy**  
**171 Mamanasco Road**

REQUESTED:            A variance of Section 3.5.H., setbacks, to construct an addition to a single-family residence that will not meet the minimum yard setbacks; for property in the RA zone located at 177 Mamanasco Road.

DATES OF HEARING:            September 18, 2017  
DATE OF DECISION:            September 18, 2017

VOTED:            To Deny, a variance of Section 3.5.H., setbacks, to construct an addition to a single-family residence that will not meet the minimum yard setbacks; for property in the RA zone located at 177 Mamanasco Road.

VOTE:            To Grant:        0            To Deny:        5

In favor

Opposed  
Barney, Cole, Choplinski,  
Fincham and Smith

The Board voted this action for the following reason:

1. No hardships existed to justify the magnitude of the setback request.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 9:10 pm.

Respectfully submitted,

Kelly Ryan  
Administrator

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Filed with the Town Clerk on September 20, 2017

Posted on Town's website September 21, 2017 at approximately 9:00 am