

ZONING BOARD OF APPEALS OF RIDGEFIELD

MINUTES OF MEETING

December 9, 2019

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on December 9, 2019 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 7:00 p.m. Sitting on the Board for the evening were: Glenn Smith (Chairman), Sky Cole, Terry Bearden-Rettger, Mark Seavy. Also present were newly elected Board member Joseph Pastore and alternate Aaron Lockwood.

ROTATION OF ALTERNATES

The rotation for the meeting was: first, Mr. McNicholas; second Mr. Byrnes; third Mr. Stenko. Mr. McNicholas was no longer a member of the Board after the November 2019 election and was replaced by Aaron Lockwood. Mr. Byrnes was to continue to sit for this hearing but was unable to attend. Thus, the rotation for the next meeting will be first Mr. Lockwood, second Mr. Stenko, third Mr. Byrnes.

CONTINUED PETITIONS:

Appeal No. 19-025
Evelyn and Patrick McGrath
28 Eustis Lane

The petition was withdrawn by the applicant prior to the meeting.

Appeal No. 19-034
Speedi Sign, agent for FDG RF Propco, LLC

A continuance was granted until January 6, 2020 ZBA Meeting.

Appeal Nos 19-027 & 19-028
Louis Fusco, agent for Longo Carwash LLC
6 Farmingville Road

Louis Fusco continued to represent the applicants. Mr. Fusco stated to the Board that since the November 7 hearing, he revised the plans to act on the concerns of the Board expressed during that hearing. Revisions included the relocation of self-service vacuums from lot B to lot A. The Board expressed concerns that the placement of car wash services like the vacuums on lot B, would expand the nonconforming car wash use to that lot. The newly revised plans also showed one sign on the premises, down from two signs. The sign was one-sided and 23.8 sq. ft as allowed per the zoning regulations. A pergola was also added to the main building for shade. The old house on lot B was still to be demolished. Mr. Smith stated that since the nonconforming use was being kept on lot A (#19-027) no variance was now needed for lot B (#19-028). It was decided that the Board would vote on #19-027 and the administrator would confirm with the zoning enforcement officer that a variance was no longer needed for lot B, as only pergolas and an outdoor seating area were planned for that lot.

No one appeared to speak for or against the petition and the hearing for #19-027 was closed. A decision on #19-027 can be found at the end of these minutes. #19-028 was continued until January 7, 2020.

Appeal No. 19-030

Alan L. Pilch

11 Quail Drive

Mr. Pilch appeared again for his petition. He submitted a revised survey that showed the roof at 32.6 ft from the closest point into the side setback. The reconstructed garage was now placed at 2.4 ft into the 35 ft setback. The siding on the garage had placed it 33.9 ft into the setback, but the Board asked for a recalculation based on the roof eave.

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

Appeal No. 19-033

Salvatore and Jennifer Bagliavio

33 Twopence Road

Mr. Bagliavio appeared for the petition. His builder, Mark Repen, was also present. Mr. Bagliavio submitted a revised survey that showed the roof overhang for the proposed garage addition 19.5 ft from the setback. A 1997 variance granted a 19 ft setback for a garage, but building plans had to be exactly as approved by the Board, so a new variance was needed. Mr. Smith stated the 1-acre lot was located in the RAAA zone as a hardship.

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

NEW PETITIONS:

Appeal No. 19-024

Lyle Fishell, agent for Woodrow Peatt

202 Mamanasco Road #3

Lyle Fishell and Woodrow Peatt were present for the hearing. The proposed plans were for a second story loft addition to a small home of the lot that contains two homes and was nonconforming to setbacks. There was no increase in the rear deck or on the footprint of the house. The front door of the house was to be moved to the front side of the house for safety reasons. The lower level would now be living space with a half bathroom, the loft would contain one bedroom with a full bath. The house was already one bedroom, so increase in bedrooms. Mr. Fishell listed hardships as the odd shape of the small undersized lot, .43 acres in the RA zone. Mr. Smith stated the look of the house from the road was drastically changing with the second story addition. He asked if the roof line could be brought down to make it look smaller. Mr. Fishell replied it could go down as low as the building code allowed and they would revise the plans.

Kitty Fisher from Mamanasco Road asked if septic capacity had been reviewed. Mr. Smith replied septic issues were not under ZBA jurisdiction. But since only one bedroom was proposed, there should not be any changes or issues. Mr. Peatt replied the well and septic for this property were located across the street on property he owned. Ms. Fisher also asked where the natural setback to the lake was located. The submitted survey was reviewed which identified the wetland boundaries on the lot. Barbara Hartman of the Mamanasco Lake Association asked where the construction site and vehicles would be staged. Mr. Peatt replied likely in the designated parking area on lot or across the street on the property he owned.

The hearing was continued to the January 6, 2020 meeting to allow the applicant to revise plans for a roof reduction.

Appeal No. 19-037
Karen Donnelly
82 Soundview Road

Attorney Robert Jewell represented the applicant Karen Donnelly who was also present. Mr. Jewell detailed to the Board that the proposed plans were for an additional garage bay to house or store Mrs. Donnelly's 1970 Oldsmobile convertible. The proposed addition was 285 sq. ft and therefore would go over the allowed lot coverage by 76 sq. ft. The proposal would also go into the setback to 9.5 ft from the side lot line. House was in the RA zone with 25 ft setbacks. House was built in 1955, lot was created in 1939 as a R2, later R20 zone. By 1966 it was in the RA zone. Mr. Jewell stated that lot coverage regulations were created in 1991 long after the lot was created. Hardships included the change in the zoning regulations with the lot coverage enactment and Mr. Jewell presented case law to support that hardship. He also stated the proposed plans would still fall under the FAR regulation with the former regulation for FAR submitted to the file. Mr. Jewell stated the garage bay addition would go with the character of the neighborhood as many homes have two-car garages. Letters in support of granting the variances, including one from the closest neighbor to the setback, were submitted to the file. Mrs. Donnelly read a letter into the record stating that the Oldsmobile was a gift from her late husband and very important to her to maintain it in a garage. Mr. Smith asked if they considered only one door for the a two-car garage. This would possibly bring the setback further away from the proposed 9.5 ft closer to the R10 side setback of 12 ft. Mr. Jewell stated that could be considered. Mr. Smith also asked the hardship for lot coverage. Mr. Jewell replied the lot coverage regulation was created long after lot was formed and house built. Eileen Scott, a neighbor and sister of the applicant stated that the one-bay garage was original to the house.

No one else appeared to speak for or against the petition. The hearing was continued to the January 6, 2020 meeting to allow the applicant to revise plans the garage and doors.

Appeal No. 19-031
Hillcrest Seventeen LLC
17 Hillcrest Court

Attorney Chris Russo of Russo and Rizio, LLC represented the applicants. Mr. Russo explained to the Board that 17 Hillcrest Court was requesting a lot size reduction by swapping land with its neighboring property 21 Hillcrest Court. Both properties are owned by the same party. Specifically, a pond was located on 17 Hillcrest and the variances were a request to revise the lot lines so the pond would now be a part of 21 Hillcrest Court. A 1978 variance was submitted to the file showing the original approval for the house on 17 Hillcrest. Mr. Russo also submitted photos from the lots highlighting the differences on the two lots related to the pond. Variances for minimum lot area, non-wetland area, maximum density and lot shape requirement were also requested along with nonconforming lots and reduction. The plans if approved would make 21 Hillcrest conforming to most of the RAA zoning regulations. 17 Hillcrest would be less conforming. A chart showing existing and proposed non-conformities for both lots was submitted to the file. Also, a letter from the surveyor stating there were no wetlands or watercourses on the properties beside the pond. Mr. Russo submitted a GIS map that showed no wetlands on the property. It was concluded a wetlands variance 3.5.B., was not needed. However, the legal advertisement did not include 3.5.E., lot shape requirement, so a legal advertisement needed to be redone and the hearing would have to be continued until the January 6, 2020 meeting.

Michael Carpenter of the Land Conservatory of Ridgefield appeared and asked could another structure be built as close as the current house on 21 Hillcrest to the side setback. Land Conservatory property borders 21 Hillcrest. Mr. Smith replied that a variance for any additional building would be needed.

No one else appeared to speak for or against the petition. The hearing was continued to the January 6, 2020 meeting to allow the administrator to edit and publish a correct legal advertisement.

DECISIONS:

Appeal Nos 19-027

Louis Fusco, agent for Longo Carwash LLC

6 Farmingville Road

REQUESTED: Variances of Sections 5.4, B-3 zone, 8.1.A.3. and 8.1.A.4., nonconforming uses, to add pergolas, sitting area and relocate parking and driveway areas to a nonconforming car wash use; for property in the B-3 zone located at 6 Farmingville Road - Block A.

DATES OF HEARING: October 28 & December 9, 2019

DATE OF DECISION: December 9, 2019

VOTED: To Grant, variances of Sections 5.4, B-3 zone, 8.1.A.3. and 8.1.A.4., nonconforming uses, to add pergolas, sitting area and relocate parking and driveway areas to a nonconforming car wash use; for property in the B-3 zone located at 6 Farmingville Road - Block A.

VOTE: To Grant: 4 To Deny: 0

In favor
Bearden-Rettger, Cole
Seavy and Smith

Opposed

CONDITION:

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

1. The redevelopment of the property shall be exactly as shown on plans and drawings presented to the Board during the hearings and made part of this decision, and the plans submitted for the permit application shall be the same as those submitted and approved with the variance application.

The Board voted this action for the following reasons:

1. The property was developed as a car wash when such a use was permitted in the zone by the regulations. Subsequent changes to the zoning regulations resulted in the car wash becoming a nonconforming use. The proposed redevelopment is an intensification of the non-conforming use, not an expansion. This represents an unusual hardship and justifies the granting of a variance in this case.
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. 19-030

Alan L. Pilch

11 Quail Drive

REQUESTED: a variance of Section 3.5.H., setbacks, to allow a reconstructed garage to remain in the minimum yard setback; for property in the RAA zone located at 11 Quail Drive.

DATE OF HEARING: November 4, 2019
DATE OF DECISION: December 9, 2019

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow a reconstructed garage to remain in the minimum yard setback; for property in the RAA zone located at 11 Quail Drive.

VOTE: To Grant: 4 To Deny: 0

In favor

Bearden-Rettger, Cole,
Seavy and Smith

Opposed

The Board voted this action for the following reasons:

1. The undersized lot and the location of the house on the lot combine to create an unusual hardship that justifies the granting of a variance in this case. It is noted that the garage was rebuilt on the same foundation as it's storm-damaged predecessor, and is only closer to the lot line by a minor change to the design of the eave.
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. 19-033

Salvatore and Jennifer Bagliavio

33 Twopence Road

REQUESTED: a variance of Section 3.5.H., setbacks, to construct an addition to a residence within the minimum yard setback; for property in the RAAA zone located at 33 Twopence Road.

DATE OF HEARING: November 4, 2019
DATE OF DECISION: December 9, 2019

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to construct an addition to a residence within the minimum yard setback; for property in the RAAA zone located at 33 Twopence Road.

VOTE: To Grant: 4 To Deny: 0

In favor

Bearden-Rettger, Cole,
Seavy and Smith

Opposed

CONDITION:

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

1. The addition shall be located exactly as shown on plans and drawings presented to the Board during the hearings 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.

The Board voted this action for the following reasons:

1. The hardships listed in variance #97-045 continue to apply to this petition.

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.

ADMINISTRATIVE

Election of Chairperson and Vice Chairperson

One a motion by Mr. Cole, seconded by Ms. Bearden-Rettger and passed unanimously, Glenn Smith was elected Chair for a period of one year. One a motion by Mr. Seavy, seconded by Mr. Pastore and passed unanimously, Sky Cole, was elected Vice Chairperson for a period of one year.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 10:15 pm.

Respectfully submitted,

Kelly Ryan
Administrator