



## TOWN OF RIDGEFIELD Planning and Zoning Commission

### APPROVED/REVISED MINUTES PLANNING AND ZONING COMMISSION Zoom Webinar

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

September 13, 2022                      Present:            Susan Consentino (Joined at: 7:02 p.m.)  
   Elizabeth DiSalvo  
   Joseph Dowdell (Vice Chair)  
   Robert Hendrick (Chair)  
   John Katz  
   Christopher Molyneaux  
   Mariah Okrongly  
   Joseph Sorena

Absent:            Ben Nneji

Also Present:    Alice Dew, Director of Planning & Zoning  
                                 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 7:01 p.m. A quorum was established.

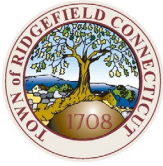
The Chair stated that there were 23 new letters from the public, mostly about the Martin Park Pickle Ball Matter.

#### **1. CALL TO ORDER**

##### **1.1. Distribution of agenda & previous minutes.**

##### **1.2. Distribution/acknowledgement of correspondence**

- 1.2.1. Letters/Emails from Residents/Patrons; Re:Martin Park Pickle Ball (SP-22-14)
- 1.2.2. Letter from Karen and Gerry Ragone re: SP-22-14.
- 1.2.3. Letter from K. Knapp re: SP-22-14.



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#### 1.3. Approval of agenda

### 2. PUBLIC HEARINGS

- 2.1. **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.*

Ms. Dew read the Legal Notice, which had been published in the Ridgefield Press on September 1 and September 8, 2022. She stated that the Application had been received on July 12, 2022.

Attorney Robert Jewell presented the Application, which included that the accessway being proposed was on 7.9 acres in the R3A Zone, which allows for only single family residences. Mr. Jewell said that, under the Regulations, this property was eligible for a first subdivision.

The submitted First Division Map was screenshared. Ms. Dew cited the two additional letters of correspondence from the Ragones and Ms. Knapp that were being added into the Record.

Attorney Jewell conveyed that there were two options: a titled accessway which would include a strip with travel way in it or an easement.

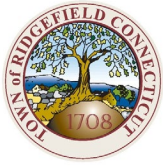
Project Engineer Steve Sullivan presented that the site lines were good for a pretty flat accessway that would not require much earth to be moved.

Questions from the Commissioners included the drainage requirement and how the proposed accessway would affect adjacent properties. Engineer Sullivan said that, since the draining of water was to the back of the property, the threshold requirement would easily be met. Attorney Jewell stated that this part of Oscaleta was the flattest part of the road and this Application was pretty straightforward with most of the runoff heading into the Wetlands.

Commissioner Katz stated that it did not seem logical that the Commission would spend 45 minutes on this simple Application.

Public Comments were heard from the following:

Mr. Gordon Knapp  
Mr. William Goins  
Mr. Daniel Levine  
Mr. Joseph Fremont



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Ms. Lonnie Shapiro  
Mr. Kevin O'Sullivan  
Mr. Bill Gross

Concerns included how much water already accumulates on this section of Oscaleta Road, especially the unsafe conditions during cold weather, how the accessway will affect the Knapps property and whether or not a single family home was being planned if the proposed accessway was approved and whether a single family home would be built in the future.

Under Public comment, it was stated that a single family home was being speculated on the proposed new subdivision. The Chair stated that this is speculation and not necessarily fact, since no contract has been signed.

It was verified that the proposed two lots would be one of at least 3 acres in size and 1 just shy of 3 acres.

**Mr. Katz motioned, Mr. Sorena seconded, to reopen the Public Hearing. The Chair stated, without objection, so ordered.**

Mr. Jerry Ragone gave his public comment.

**Ms. Okrongly motioned, Mr. Katz seconded, to close the Public Hearing. The Chair stated, without objection, so ordered.**

**This Matter has been Continued to September 28, 2022.**

- 2.2. **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.*

Commissioner Consentino was recused from the Zoom Meeting at: 8:49 p.m. due to her employment with the Parks and Recreation Department.

The Chair stated that a verified intervention from Attorney Peter Olson had been received on behalf of the Sulzinsky's and clarified that 18 letters had actually been received, not the 23 stated earlier and most were in favor of adding the Pickel Ball Courts.



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Parks and Recreation Director, Mr. Dennis Dipinto stated that Mr. Phil Kearns, Chair of the Parks and Recreation Commission, would be presenting the Application. He also said that Attorneys Pat Sullivan and Wilson Carroll of Cohen and Wolf were there to present for the Town.

In the interest of time, Mr. Kearns truncated the planned presentation, which included a survey and stating that the Parks and Recreation Commission had met several times with the Zelenskys and that the two parcels in question were one at 9.4 acres including a portion of the beach and the other at 20 acres with 18.96 of that parcel being the lake. The proposed Pickle Ball Courts would, Mr. Kearns said, be movable like guard stands.

Mr. Kearns continued that Ridgefield has over 200 Ridgefield players who are residents and the demand is growing in Ridgefield, as it is nationwide. Mr. Kearns said that Parks and Recreation adjusted the hours of pickle ball operation to satisfy the neighbors.

Attorney Pat Sullivan presented the Application which included that the legal status of a verified intervention is part of Connecticut Law, when an environmental damage has been shown. She said that there has been no verification of an environmental impact.

Ms. Dew left the Public Hearing at: 9:18 p.m.

Questions from the Commissioners included how many cars come to Martin Park during the peak summer season and how using parking spaces for pickle ball will impact the other recreational activities and why a sound negation plan was not brought to the table this evening.

After discussion with the Commissioners and the Parks and Recreation Department, it was found that an acoustical fence might be a good remedy for the noise concern.

Mr. Kearns emphasized that the Parks and Recreation Department objected to the legal status of intervention under which Attorney Olson was representing the Sulzinsky.

Public Comments were heard from the following:

Ms. Marian Carlton  
Mr. Willian Garofalo  
Mr. Jon Haddon attempted to speak, but was not audible.  
Mr. John Ragazzini  
Ms. Andrea Beebee  
Ms. Alice Carboni



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Concerns included that this Matter was not given Special Meeting status, given the over 80 people on the Zoom Meeting to show their support for more pickle ball courts and the lateness of the hour and how the noise was being determined. Under Public Comment, it was suggested that determining how the noise decibels were being examined would drive the decision.

The Chair cited Noise Ordinance 250 that prohibits any noise above 55 dba in residential zones.

The Chair asked that any further public comments be limited to three minutes. Attorney Olson objected and said that a look at Connecticut case law showed that an initial comment could be limited to three minutes, but with an opportunity to follow up with additional minutes.

Given the late hour, Attorney Olson asked the Commission if he should present his one hour presentation. After discussion, it was determined that the Public Hearing should be continued to September 28, 2022. Attorney Sullivan asked for more time beyond the September 28, 2022 date and this was granted to October 11, 2022.

Attorney Peter Olson asked that, in the future, the survey show setback lines.

Commissioner Consentino rejoined the Zoom Meeting at: 10:35 p.m.

**This Matter has been Continued to October 11, 2022.**

**By Consensus, the Commission set the Meeting to end at 11:00 p.m.**

- 2.3. **(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.*

After discussion with Mr. Carr, including the update of the Town Ordinance being passed on September 7, 2022 prohibiting Cannabis establishments, this Matter was continued. Mr. Carr agreed to grant the extension to the PH until 09/28/ 2022.

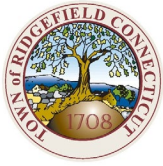
**This Matter has been Continued to September 28, 2022.**

### **3. OLD/CONTINUED BUSINESS**

- 3.1. **If Public Hearing is Closed: 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.*

**PH is closed.**

**This Matter has been Continued to September 28, 2022.**



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- 3.2. If Public Hearing is Closed: 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.*

**This Matter has been Continued to October 11, 2022.**

Commissioner Consentino rejoined the Zoom Meeting at: 10:35 p.m.

- 3.3. If 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.*

**This Matter has been Continued to September 28, 2022.**

- 3.4. PA 21-1 (Recreational cannabis establishments).** Update on ordinance approved by Town vote. % Chair.

**This Matter has been Continued to September 28, 2022.**

- 3.5. 34 Bailey Ave, Final conditions of Approval.**

The Commission discussed their concerns about Attorney Beecher's comments on the Final conditions of Approval for this Matter that they discussed in July and their understanding of the VDC approval of the proposed buildings' exterior.

The Chair stated that Mr. Beecher's advice was for the Commission to be proactive. The Chair asked that Commissioners send their objections to Ms. Dew, Director of Planning and Zoning.

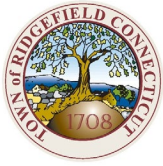
Commissioner Sorena stated that there had been a lot of wins with this Application, including the addition of Affordable Housing.

- 3.6. 0 Ethan Allen: Final Conditions of Denial.**

**This Matter has been Continued to September 28, 2022.**

- 3.7. [Pending ID]; Inclusionary Zoning Regulation Amendment (RZR 9.2.B).** For discussion and potentially scheduling a Public Hearing (suggest September 28, 2022). c/o Chair.

The Chair stated that this Matter would be on the Agenda at the September 28, 2022 Commission Meeting.



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#### 4. NEW BUSINESS

- 4.1. **Public Act 21-1 – “Opt-Out(s)”**. If desired by Commission, must be initiated by two-thirds of PZC, followed by Public Hearing, and then ratified by BOS before January 1, 2023. For discussion, and possible motion to schedule a Public Hearing (suggest September 28, 2022). % Director P&Z.

**This Matter has been Continued to September 28, 2022.**

- 4.2. **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. For receipt and scheduling a discussion (suggest September 28, 2022).*

**Mr. Katz motioned, Ms. Okrongly seconded, to Acknowledge Receipt, and Schedule a Discussion for September 28, 2022. Motion carried 8-0.**

- 4.3. **SP-22-16; 29 Manor Road**. Special Permit Application (RZR 9.2) to approve an inground pool in the front yard. *Owner: Anthony Defoe. Applicant: Nicholas Ackerman. For receipt, scheduling a sitewalk (suggest XXX), and scheduling a Public Hearing (suggest XXX).*

**Mr. Katz motioned, Ms. Okrongly seconded, to Acknowledge Receipt, Schedule a Site Walk for September 25, 2022 and a Public Hearing for September 28, 2022. Motion carried 8-0.**

- 4.4. **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. For receipt and scheduling a sitewalk and public hearing.*

**Mr. Katz motioned, Ms. Okrongly seconded, to Acknowledge Receipt, Schedule a Site Walk for September 25, 2022 and a Public Hearing for September 28, 2022. Motion carried 8-0.**

- 4.5. **VDC-22-9; 19 Governor Street**. Village District Application (RZR 9.2) per (RZR 5.1.B) for a window signs –“Jill Rae designs”. *Owner: Donnelly Joseph Gavin Trustee EtAl. Applicant: Jillian Rae. For receipt and scheduling a discussion.*





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- 4.6. **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. For receipt and scheduling a discussion.*

**Mr. Katz motioned, Ms. Okrongly seconded, to Acknowledge Receipt and Schedule a Public Hearing for September 28, 2022. Motion carried 8-0.**

- 4.7. Pre-Submission Concept (per 9.2.E) at **901 Ethan Allen Highway**. % Dr. Lipton

The Chair conveyed his apologies to Dr. Lipton in not being able to have this Matter discussed this evening.

This Matter will be placed on the September 28, 2022 Meeting Agenda.

- 4.8. **Pre-Submission Concept (per 9.2.E) for Main Street signage**. c/o Glori Norwitt, ECDC.

This Matter will be placed on the September 28, 2022 Meeting Agenda.

- 4.9. **[Pending ID]; Regulation Amendment re: signage update (RZR 9.2.B & RZR 7.2).** *For discussion and scheduling a Public Hearing (suggest October 11, 2022).* c/o Chair.

This Matter will be placed on the September 28, 2022 Meeting Agenda.

- 4.10. Release of Bond

- 4.10.1. **8 New Street**: Release of Bond for Amount \$2,200.00 posted for Erosion and Sediment control and Stormwater Management.

This Matter will be placed on the September 28, 2022 Meeting Agenda.

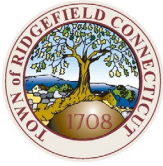
- 4.11. Approval of Minutes.

- 4.11.1. Regular Meeting – July 26, 2022

This Matter will be placed on the September 28, 2022 Meeting Agenda.

- 4.11.2. Special Meeting- August 16, 2022

This Matter will be placed on the September 28, 2022 Meeting Agenda.



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Commissioner Katz suggested that future Meetings start at 6:30 p.m., given the amount of items on the Agenda.

#### **1. ADJOURN**

Hearing no further discussion, the Chair adjourned the Meeting at: 11:02 p.m.

Respectfully Submitted,

Eileen White

#### **FOOTNOTES:**

RZR = Town of Ridgefield Zoning Regulations

CGS = Connecticut General Statutes