



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.

October 11, 2022 Present: Susan Consentino (Arrived: 10:05 p.m.)
Elizabeth DiSalvo (Arrived: 7:04 p.m.)
Joseph Dowdell (Vice Chair)
Robert Hendrick (Chair)
John Katz
Christopher Molyneaux
Ben Nneji
Mariah Okrongly
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 and in person at 7:01 p.m. A quorum was established.

The following Commissioners attended the Meeting online: Mr. Molyneaux, Mr. Nneji and Ms. Okrongly.

The Chair stated that Ms. Consentino was recused from the Public Hearing on **SP-22-14, 19 Great Pond Road** due to her employment with the Parks and Recreation Department.

1. CALL TO ORDER

1.1. Distribution of agenda & previous minutes.

1.1. Distribution/acknowledgement of correspondence

- Letter from Parks and Recreation Department



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1.2. Approval of agenda

2. PUBLIC HEARINGS

2.1. **(Contd.) 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.*

The Legal Notice had been read at the September 13, 2022 Public Hearing.

Ms. Dew stated that there had been recent correspondence received from the Parks and Recreation Department.

The Chair stated that Ms. Dew and himself had had a memo from Commission Attorney Beecher on his legal findings that had been shared with all the Commissioners.

The Chair gave a summary on the intervenor status and said that Attorney Beecher deduced that Attorney Olson has presented enough evidence to grant intervenor status for the Commission to listen to Mr. Olson's presentation and those experts presenting with him.

Attorney Pat Sullivan for the Parks and Recreation Department presented on behalf of the Applicant. Mr. Phil Kearns, Chair of the Parks and Recreation Commission, conveyed that a resubmission of the plan had been uploaded recently, which included the testimony of Sound Engineer, Carl Cascio.

Included in Mr. Kearns' presentation was the fact that the fence would still be vinyl, but that each panel would be one pound per square feet of mass. Mr. Kearns asked Mr. Cascio if this change would effect a 59-62% decibel reduction and Mr. Cascio said that it would be.

Commissioner Sorena expressed a concern that there had been no background study for sound. The Chair said that there would be opportunities for alternatives.

Mr. Kearns stated that, with the growing need for pickle ball courts, all of the Town properties at the schools were being considered, but hours of operation hindered those being used for the increasing pickle ball needs.

Attorney Sullivan reported that alternative venues for pickle ball courts were either feasible in being possible to be built or prudent in not being "off the charts" as doable.



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Attorney Olson gave a historical perspective of the land use of **19 Great Pond Road** stating that the property has never been used for recreational purposes and that the Applicant is conflating this particular parcel with that of Martin Park. Mr. Olson also said that the noise ordinance is the Town of Ridgefield's Police Department's job, not the Planning and Zoning Commission's job.

Commissioner Sorena asked if there could be some sort of compromise between the Applicant and the Town. Mr. Olson replied that the pitch was simply too loud for the Sulzinskys to endure.

Mr. Bob Unitich, an expert on pickle ball sound mitigation and an electrical engineer by training, gave a presentation on how other communities, including those in Naples, Florida, have mitigated the pickle sound issue for neighboring homes. Included in his testimony was the fact that sound travels around a line of sight and that any barrier has to have mass to be effective.

Realtor Lonnie Shapiro stated that she could speak to the reduction in value to the neighboring homes and said she could read the letter she sent to the Commission. The Chair stated that Ms. Shapiro's letter had already been entered into the Record because she had sent it to the Commission.

Attorney Sullivan asked for a Point of Order, when Attorney Olson asked Ms. Sulzinsky to play the tapes of pickle ball sounds, if these sounds were for Ridgefield pickle ball courts. Attorney Olson replied that the tapes were from pickle ball courts in Naples, Florida, but that the sound pitch was relevant to the Sulzinsky's argument.

Ms. Karen Sulzinsky stated that she had done much research on pickle ball sound mitigation, including checking with neighboring towns such as Greenwich, Darien, Danbury and Westport and each town had figured out how to mitigate the sound so as not to lower the quality of life of neighboring homes. Ms. Sulzinsky furthered that the pickle ball sound had greatly hampered her family's way of life, including no longer being able to eat on their deck. They came to Ridgefield and loved Ridgefield, Ms. Sulzinsky said, but now were greatly concerned that due diligence by the Town had not been done.

Public comments were heard from the following:

Mr. Jack Sulzinsky
Mr. Nick Kouroupas
Ms. Jeannette Kouroupas
Ms. Robin Black
Ms. Lonnie Shapiro
Ms. Alice Carboni
Ms. Siobhan Fisher



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Public comments included that taller fences and buffers only project loud sounds further to other locations; any fence at **19 Great Pond Road** would affect the aesthetic value of neighboring homes and the environment of that wooded area; the pickle ball courts are not open 8 hours a day and 12 months of the year; and the pickle ball courts at Yannity Gym have not garnered any complaints from neighbors.

Discussion ensued between the Commissioners and the Attorneys and the presenters about what conditions that could be put into place to mitigate the noise and what sources were available and to whom (the Commissioners not being allowed to Google information, but to apply the Regulations to the case) to determine how many decibels of noise were allowable to be acceptable.

Attorneys Sullivan and Olson discussed their clients' purviews with respect to Special Permit criteria and the findings of the former Zoning Enforcement Officer, Mr. Richard Baldelli's, in November of 2021. Ms. Dew stated that she had nothing to add.

This Matter is Continued Until October 25, 2022.

3. OLD/CONTINUED BUSINESS

3.1. 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 is Continued Until October 25, 2022.

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. *65 days to render a decision is November 17, 2022 Owner: Gerald & Linda Koren. Applicant: Robert Jewell.*

Commissioner Consentino entered the Meeting Room at: 10:05 p.m.

Commissioner Consentino stated that she had reviewed the audio tape of the Public Hearing and had concerns that both Attorney Jewell and Engineer Sullivan had not properly addressed the drainage issues. Ms. Consentino said that she is very familiar with Oscaleta Road and the water run off aspects, with safety being her chief concern.

Mr. Katz motioned, Ms. DiSalvo seconded to approve with the condition that a drainage plan be included. Ms. Consentino voted Nay. Mr. Hendrick voted Nay. Mr. Sorena voted Nay. Motion carried 6-3.



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4. NEW BUSINESS

- 4.1. **VDC-22-10; 409 Main Street.** Village District Application (RZR 8.3 and Sec.5.1.B.) for installing building and window signs “Deborah Ann Sweets” . *Owner: 409 Main Street LLC. Applicant: Michael Grissmer. For receipt and scheduling a discussion.*

Ms. DiSalvo motioned, Mr. Nneji seconded, to Acknowledge Receipt and Schedule a Discussion for October 25, 2022. Motion carried 9-0.

- 4.2. **SP-22-19; 409 Main Street.** Revision to Special Permit (RZR 9.2) to install second sign on the building “Deborah Ann Sweets”. *Owner: 409 Main Street LLC. Applicant: Michael Grissmer. For receipt and scheduling a discussion.*

Mr. Katz motioned, Ms. DiSalvo seconded, to Acknowledge Receipt and Schedule a Discussion for October 25, 2022. Motion carried 9-0.

- 4.3. Approval of Minutes.

- 4.3.1. Regular Meeting – September 13 and September 28, 2022

Mr. Sorena motioned, Mr. Katz seconded, to approve as modified. Motion carried 9-0.

- 4.3.2. Special Meeting- October 06, 2022

Ms. Dew stated that the Commission was still reviewing the October 6, 2022 Minutes.

5. ADJOURN

Hearing no further discussion, the Chair adjourned the Meeting at: 10:25 p.m.

Respectfully Submitted,

Eileen White

FOOTNOTES:

RZR = Town of Ridgefield Zoning Regulations

CGS = Connecticut General Statutes

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