



TOWN OF RIDGEFIELD

Planning and Zoning Commission

Ms. Martin read the Legal Notice. Ms. Martin noted that this matter was originally scheduled and advertised for the July 14, 2020 Public Hearing.

Attorney Robert Jewell presented the Application, which included the intention to re-subdivide the property into two lots with an Open Space parcel to be held by the lot owners as Private Open Space, as permitted under regulations. The Chair clarified the definition of what constitutes the RAA and RAAA zones.

Mr. Jewell continued that the applicant will form a non-stock corporation to be opened by the two lot owners to own and manage the Open Space. The Open Space contains a pond and a dam and the intention is to manage both so that the pond can be used for skating as it has been used for many years.

Mr. Michael Mazzucco, Project Engineer, was not available for the Public Hearing. Mr. Jewell read from some of Mr. Mazzucco's e-mail, which included the fact that there are existing private sewage facilities and all are up to health code.

Mr. Jewell stated there is no new driveway or access way planned as part of this application.

Mr. Jewell furthered that the Inland Wetlands Board did review the application and submitted a favorable report. There are wetlands and water courses on the property.

Attorney Jewell went through each of the 16 Regulations of Article 4's 39 Sections that apply to this Application and stated that most are not germane because there are no new roads or construction being proposed.

Mr. Jewell stated neighboring property owners, the Consentinos, filed a lawsuit citing Adverse Possession of a portion of the proposed Open Space. Mr. Jewell issued a Certificate of Title that he stands by. Mr. Jewell furthered that the Applicant has Title Insurance and that there is an easement on the property. The Open Space, Mr. Jewell said, is mostly unimproved woods.

Commissioner Katz asked for clarification of the paragraph in the Stipulated Judgement of December 2019 that states that the property shall never again be subdivided. Mr. Jewell stated that, upon looking at the property maps, at the ratio of wet and dry land and the conveyance of Open Space, would not allow a resub-division under current regulations. Commissioner Katz asked about the Stipulated Judgement first entered into in 1969 and whether it supersedes regulations. Mr. Jewell answered that it was his understanding that the Applicant had to have the 1969 Stipulated Judgement re-opened in 2019.

The Chair asked about who would be responsible for the maintenance of the dam and the spillway of the Open Space. Mr. Jewell answered that owner of the lot that contains the dam under the non-stock corporation would be responsible for the dam's maintenance.



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The Chair asked that Mr. Baldelli give his Staff Report and comment on the parameters of the Stipulated Judgement, since there were some Commission members who were not present for the last discussion and action on this property.

Mr. Baldelli's read into the Record his Staff Report, which included the restrictions of the history of Lots 65R and 66R and the Stipulated Judgement of 1969. In February 2019, the Applicant proposed to the Planning and Zoning Commission that a re-subdivision of Lot 66R into two parcels take place. The Planning & Zoning Commission supported this proposal which then allowed the Applicant to go to the Court. The Stipulated Judgement was amended to place deed restrictions on each lot and record that the lots would not be subdivided or re-subdivided. Although Open Space is not required on a Re-subdivision, the Applicant chose to create a 1.507 acre Open Space parcel. Also, the footprint for the existing buildings on lot 66B will be maintained and not expanded.

Mr. Baldelli continued that in January 2020, the Court granted the Stipulated Judgement, which is now on file with the Court and the Land Records. On June 2, 2020, the Health Department commented that they have no health issues or concerns with the proposed re-subdivision. On June 11, 2020, the Inland Wetlands Board voted to approve the Application and stated that there would be no detrimental effects on the wetlands and water courses. The Inland Wetlands Board has not offered further comment since June. The Conservation Commission did not comment on the Application.

Mr. Baldelli said that, since there is no new construction proposed for this Application, there is no need for an engineering report to take place. Also, this proposed Application would turn a non-conforming property into conforming properties, which is encouraged by the State of Connecticut.

Ms. Martin gave the Staff Report about the planning components of the Application, which included that two homes already exist on the lot and the deed restrictions will prevent further re-subdivision and limit the footprint on Lot 66B. Also, Ms. Martin stated that the proposed Open Space will contribute to the goals of the Plan of Conservation and Development, as does the overall proposal.

Questions from the Commission included whether another resubdivision can take place if this Application and whether it can be guaranteed that a non-stock corporation does not become defunct. Mr. Jewell stated that a non-stock corporation should have its own legal articles of incorporation, but in this case there are only the two owners who are members and the DEEP has the enforceable rights with the dam. Also, Mr. Jewell stated that Planning and Zoning Commissions cannot prohibit future legal actions by individuals.

The Chair stated that this Application was statutorily received on May 26, 2020.



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Before public comments and questions were noted from the following, the Chair stated that the recently filed Adverse Possession claim is a matter that will be settled by the Court and has no bearing on this proposed Application before the Commission.

The following members of the public spoke:



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Mr. Stephen Consentino
Ms. Sandra Consentino deferred to Ms. Jackie Kaufman, her attorney
Ms. Jackie Kaufman, Esq.
Ms. Lisa Lanspery, President, West Mountain Estates Homeowners Association
Ms. Sharal Signorelli
Ms. Sandra Mahoney
Ms. Lori Mazzola

Comments and questions from the public included: the Applicant not giving sufficient notice to the West Mountain Estates Homeowners Association and their neighbors; the carriage house was not meant to be a home, but a garage; and the proposed Open Space should be relocated until it is determined who owns it.

The Chair reiterated that Counsel has advised the Commissioners that the Adverse Possession suit has not been ruled and is, therefore, not part of this Application.

Clarification of actions of the Commission in 2009 with respect to this Application showed that a letter had been submitted in 2009 from the property owner as a pre-submission concept discussion, and did not proceed into an application to the Commission.

Also, an inquiry was made regarding the dam and its maintenance. Mr. Baldelli said that the DEEP has authority over the dam. When asked about the pond, Mr. Baldelli said that the Inland Wetlands Board will have jurisdiction over it. Mr. Baldelli also said that currently there is no viewshed regulations in Connecticut. Anyone can take down trees or shrubs on their property.

The Chair stated that the renovations of the garage into a carriage house would have been made through the Land Use Office and not through the Commission.

Ms. Signorelli had submitted to the Commission a letter via e-mail on September 8, 2020 that she read into the Record. She stated that the Application, if approved, will greatly affect the aesthetic appeal of her property.

Ms. Mahoney had submitted a letter to the Commission in July 2020 stating her concerns that nearby neighbors were not notified and that there was nothing to prevent future resubdivision.

Commissioner Fossi asked for and received clarification from Mr. Baldelli that both 11 Levels Road and Wild Turkey Road are Town roads and that West Mountain Road is a State Road.

Attorney Kaufman stated that the 2009 Minutes and Minutes for either 2016 or 2017 were referenced this evening and were germane to some of the questions asked this evening. She stated she would like those Minutes incorporated into the Record. Mr. Baldelli asked Ms. Kaufman to give the dates of the Minutes she would like incorporated to his e-mail address. Ms. Kaufman said she would do so.



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Public questions and comments concluded at: 8:45 p.m.

Commissioner Hendrick asked for clarification about open space as lots. Mr. Jewell said they are not. Mr. Hendrick also asked for clarification about the three ways to donate open space, which Mr. Jewell answered and the jurisdiction of the HOA.

Mr. Baldelli respectfully disagreed with Mr. Jewell and stated that this is a two lot resubdivision Application resulting in the creation of one new building lot. He also stated that Open Space parcels are not lots.

The Chair asked the Commissioners about a need to continue this Public Hearing. After some discussion about the statement from Commission Counsel that the Adverse Possession claim is independent of this Application and the concerns of Commissioners that Commission Counsel review comments from the Consentino family, the consensus was to continue the Public Hearing to a later date.

Commissioner Nneji asked for understanding about the Stipulation Judgement and resubdividing the property. The Chair answered Mr. Nneji's question with a history of the 2019 Commission findings that led to the Court decision of January 2020. The Chair said that Attorney Beecher could join the Commission at the next Public Hearing, if that would be helpful. Mr. Nneji and the other Commissioners agreed that Attorney Beecher meeting with the Commission regarding this Application and the Adverse Possession and a possible re-subdivision or the re-subdivision via the Stipulation Judgement would be helpful.

Commissioner Nneji asked Mr. Jewell if there has been a case where a Stipulated Judgement has been superseded by a Planning and Zoning Commission. The Chair stated that without a Stipulated Judgement, there would be no ability to submit this resubdivision application.

Mr. Jewell stated, among his final comments for this Public Hearing, that the Applicant pays over \$43,000 per year for taxes and had been advised that he should put on the Record the Adverse Possession claim.

Ms. Kaufman said she can speak further to Counsel Jewell off record, since the Hearing has been continued.

The Chair re-stated that Commission Counsel will attend the Public Hearing on this matter on September 22, 2020.

This Public Hearing is Continued to September 22, 2020.

The Public Hearing closed at: 9:10 p.m.



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Hearing no further discussion, the Chair adjourned the Meeting at: 9:10 p.m.

Respectfully submitted,

Eileen White



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Danbury Road in B-1 Zone. Owner/Applicant: Equity One (Copp's Hill), LLC c/o Regency Centers. Authorized Agent: Matthew Bruton.

Mr. Bruton gave a brief presentation regarding the installation of two loading docks to the rear of the building and minor alterations to the front facade.

Mr. Katz motioned, Mr. Robbins seconded to approve as presented. Motion carried 9-0. Effective Date: September 11, 2020.

3. #2020-041-VDC: Village District Application per Section 8.3 and Sec.5.1.B. of the Town of Ridgefield Zoning Regulations for a building sign "Fairway Independent Mortgage Corporation" for a property located at **17 Catoonah Street** in the CBD Zone. *Statutorily received on July 28, 2020. Owner: 15-17 Catoonah St LLC. Applicant: Fairway Independent Mortgage.*

Mr. Chelednick stated that the VDC approved the proposed modifications to the signage.

Mr. Hanlon motioned, Mr. Robbins seconded, to approve as presented. Motion carried 9-0. Effective Date: September 11, 2020.

4. Update on Subcommittee on Proposed Zoning Legislative changes.

Subcommittee Chair Martin gave an update on the Subcommittee's work, which included composing a letter signed by Chair Mucchetti on behalf of the Planning and Zoning Commission that will be reviewed by the Subcommittee at their next meeting. Once approved, the letter will be sent to Ridgefield State Legislators and the Board of Selectmen.

New Submissions

1. #2020-050-SP: Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations per Section 3.3.C.1 for major home occupation for a property located at **36 Bobby's Court** in the RAA Zone. *Statutorily received on September 01, 2020. Owner/Applicant: Robert and Jennifer Rieger. For scheduling a Public Hearing and Sitewalk.*

Mr. Katz motioned, Mr. Robbins seconded, to Receive, Schedule a Site Walk for September 20, 2020 and a Public Hearing for September 22, 2020. Motion carried 9-0.

Correspondence

- **Revised Stormwater Regulations Sections: 2, 7, 9 and 10 were distributed either via e-mail or via paper copy.**

Approval of Minutes:



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- **PZC meeting- September 01, 2020**

Mr. Fossi motioned, Mr. Katz seconded, Mr. Hendrick abstained, to approve as amended. Motion carried 8-0-1.

Hearing no further discussion, the Chair adjourned the Meeting at: 9:58 p.m.

Respectfully submitted,

Eileen White