

**ZONING BOARD OF APPEALS OF RIDGEFIELD**

**MINUTES OF MEETING**

**September 16, 2019**

**NOTE:** These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on September 16, 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 special meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Glenn Smith (Chairman), Terry Bearden-Rettger, Sky Cole, Mark Seavy and Robert Byrnes.

**ROTATION OF ALTERNATES**

The rotation for the meeting was: first, Mr. McNicholas; second Mr. Byrnes; third Mr. Stenko. Mr. Carson had to recuse himself from the hearing and asked Mr. Byrnes to sit of his behalf. Thus, the rotation for the next meeting will be: first, Mr. McNicholas; second Mr. Stenko; third Mr. Byrnes.

**CONTINUED PETITION**

**Appeal No. 19-021**

**Gary Doski, agent for Adam and Abby Thompson**  
**11 Ivy Hill Road**

Applicants withdrew the petition prior to the start of the hearing.

**NEW PETITION**

**Appeal No. 19-018**

**William & Patricia Garland & PTD Properties LLC**  
**352 West Lane**

Peter Olson represented the appellants. The appellants, abutting neighbors to 352 West Lane, were asking to reverse the issuance of a zoning permit for a farming structure. A ZBA reversal was issued for an earlier zoning permit in variance #19-003. Paul Demirjian, owner of PTD Properties was unable to attend and submitted a letter to the Board. Mr. & Mrs. Garland were present but did not speak. Mr. Olson submitted to the file documents primarily consisting of zoning regulations to be discussed at the hearing and within their application for reversal. He asked that photos previously entered in petition, #19-003, be entered again. Mr. Olson stated to the Board that the current application for the permit did not make any of the suggestions by the Board in the reversed permit. Arguments made in that hearing were still valid. Mr. Olson stated his clients did not oppose growing of crops of the lot, only the storage container used for growing crops inside. Mr. Olson questioned if the container was the principal structure and therefore if the permit was correctly issued. He further stated that the previous decision of the ZBA in 19-003, relied heavily upon section 3.1 in the zoning regulations which stated the container was not in character with the neighborhood and hurt property values. Mr. Olson stated that submitted photos in the permit application show only minor cosmetic changes to the container, therefore section 3.1 still apply. Mr. Olson also stated that specific parking at the site, including number of spots along with loading and unloading areas, were not listed on the issued permit. Under regulation 7.3, parking, the permit must use 7.3.B.20, unlisted uses, which states parking shall be determined by

Commission or staff. Mr. Olson stated to the Board that the lack of parking listed in the permit was a reason the container for farming should be decided by special permit, not a zoning permit. Mr. Olson further stated that additional containers to the lot could be added as long as they met other zoning regulations. Ridgefield real estate broker, Chip Neuman stated to the Board that the location of the farming storage container decreased the property values of the neighboring lots and was not in character with the neighborhood. Mr. Neuman also stated he had observed damage in the Garland's driveway from trucks for the farm turning around.

Attorney Tom Beecher responded to the application for reversal along with zoning enforcement officer and director of planning, Richard Baldelli who issued the permit. Mr. Beecher stated to the Board that farming was an allowed use under the regulations and the storage container was used as a farm outbuilding as permitted under 3.4.B.1. Mr. Beecher stated that farm outbuildings are often on separate lots than homes and other structures. Photos of the structure were entered into the record. Mr. Beecher stated the ZBA cannot decide what looks good and cannot reverse a zoning permit on appearance. Mr. Beecher said one of the ZBA's reasons for reversing the permit in 19-003 was section 3.1, but that section was about uses not structures. Farming structures are allowed including chicken coops and horse barns. A June 17, 2019 letter regarding that earlier decision, to the ZBA from Mr. Beecher, was submitted to the file. Mr. Beecher further stated that the parking listed in the permit was sufficient, as there were only 1-2 employees likely on the lot as one time but with room for more parking if needed in the future, as a semi-circular driveway was planned. Mr. Beecher stated the permit was issued by Mr. Baldelli based on what was presented, not by any future growth on the business on the lot. All information needed for permit was supplied. Also, any legal issues involving the accessway between the lot owner and the Garland's were to be handled in civil litigation. Mr. Beecher saw no reason why this application should be for a special permit.

Mr. Baldelli stated to the Board that the farming structure was a permitted use and a permitted accessory structure and met all other zoning regulations like setbacks and lot coverage. Mr. Baldelli stated that when issuing permits he cannot take into consideration future plans for the property. He further stated that there was more than enough parking, for up to 1-12 cars on the lot. Mr. Smith asked under what regulation he determined parking for the lot. Mr. Baldelli replied under 7.3.B.20. Mr. Smith asked how that determination was made. Mr. Baldelli replied by approximately how many people were working on the lot on a particular day and by walking the lot to determine parking was adequate. Mr. Olson asked Mr. Baldelli if a determination of the size of the parking spots was done. Mr. Baldelli replied the number was spots was based on residential regulations. Further, parking can be easily increased if needed and he personally exited the property with no issues.

The owner of 352 West Lane, John Papa spoke to the Board, along with his attorney Christopher Rooney. He stated he purchased the property, along with 358 West Lane, currently owned by the Garland's and property bordering them in New York State in 2001. During the 1950's the whole area was a 1000-acre farm. In 1999 the parcels were carved up including 350, 352 and 358 West Lane. He moved into the house built at 358 West Lane in 2002. and later bought the surrounding properties in New York and 352 West Lane for privacy. When he wanted to sell the West Lane properties, 352 and 358 were marketed together, but the Garland's chose not to purchase 352 West Lane, only 358 in 2016. Mr. Papa stated that since 352 was not sold he decided to make the property productive and wished to keep the farming history alive in the area by converting the land at 352 West Lane into a farm. Mr. Papa stated he contacted a friend, Joe Alvarez to do farming on the lot that was healthy and good for the community. He further stated he met with all Town agencies prior to applying for a permit. The container was to be used for growing certain crops indoors. Photos showing the street view of the container and the inside were entered into the file. No farm stand was planned, so no issues with increased traffic. Mr. Papa said the farm would generate less traffic than a home and the farming container cannot be seen from the road or Mr. Demirjian's home. Further, Mr. Papa stated there has not been any parking on the accessway in months and any changes to the lot in the future would go thru the proper channels within the Town. Mr. Papa was asked about a submitted photo with the zoning application that does not appear to look

like the current property. Mr. Papa stated it the photos was an idea of what the lot could look like in the future and the farming container no longer looks just like a container. Joe Alvarez, who was doing the farm work within the container of 352 West Lane spoke to the Board. He stated the farming in the container contained crops grown in water, not soil, year-round. Nothing was currently growing outside. No farm stand was planned. Mr. Alvarez stated to the Board that most days he was the only worker at the site and drove his truck there. There were not frequent deliveries and no visitors were planned since crops would be sold off site. At this time, he further stated, no additional containers were planned.

Seven people spoke in favor of allowing the farming container to remain. Including 6 residents of Ridgefield and one from South Salem, New York.

Mr. Olson responded to the testimony of the others who appeared. He stated that Mr. Papa's application in 19-003 stated a farm stand was planned. He stated that aesthetics of a property does affect the property value of neighboring properties. Further, Mr. Olson replied that Mr. Baldelli claim that parking was sufficient was not described as so on the permit. No specific parking spots were outlined on the lot and shown on the submitted plans. Mr. Olson said a special permit application and hearing should occur since farming use in a building was not specifically listed as a use in the regulations.

Ms. Bearden-Rettger asked if the permit was issued under 3.4.B.1, it states the outbuilding cannot be located in the front yard. The farming container was the only structure on the lot. Mr. Baldelli replied that the container was considered the principal building on the lot and allowed in front yard.

The Board continued the hearing until the next ZBA meeting. It will remain open to public comments.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 9:00 pm.

Respectfully submitted,

Kelly Ryan  
Administrator