

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

October 20, 2025

NOTE: These minutes are intended as a rough outline of the proceedings of the Board of Appeals on Zoning of Ridgefield held on October 20, 2025. Copies of recordings of the meeting may be obtained from the Administrator.

The Chair called the meeting to order at approximately 7:00 p.m. Sitting on the Board for the evening were: Mark Seavy, Terry Bearden-Rettger, Joseph Pastore, Robert Byrnes and Sky Cole.

ROTATION OF ALTERNATES

The rotation for this meeting was first, Mr. Byrne, second Mr. Cole; third, Mr. Stenko. Mr. Byrne was unable to attend. Mr. Lycoyannis was unable to attend, so Mr. Cole sat for him. Thus, the rotation for the next meeting will be remain the same: first, Mr. Byrne; second, Mr. Stenko, third Mr. Cole.

CONTINUED APPLICATION

Kyle Stupi
Application 25-009
16 Midrocks Road

Heather Stupi appeared again for the application. The variance request was for a side yard setback variance to build a deck 20' from the property line. The lot was undersized, .49 acres in the RA zone. Additional hardships were listed as the placement of the house on the lot, a shared driveway and the location of the septic system in the rear. Mrs. Stupi submitted new materials prior to the meeting referencing the septic system on the lot and the required setback amount suggested from the septic company and contractors for construction of a rear deck and stairs. The setback numbers suggested along with a staircase only left 7 ft for a rear deck. Various scenarios and locations of a deck were presented. The new materials also included a landscape screening plan including the plantings of trees to screen the deck from the front yard and the neighboring property.

Mr. Pastore asked if the septic system could be moved to get enough space for the deck. Ms. Stupi stated the high cost of moving it. Other Board members questioned if there was enough space on the lot to relocate it.

Neighboring properties at 19 and 22 Midrocks Road appeared against the granting of the variance. A letter was submitted by the neighboring property at 22 Midrocks Road. Concerns addressed in previous hearings were repeated including the effect of a side deck on the character of the neighborhood. Mrs. Stupi replied that 3 of the 19 houses on Midrocks Road have side yard decks visible from the road. She presented photos of 39 Midrocks road that has a deck 21 ft off the side property line.

Ms. Bearden-Rettger stated that a property survey was requested at the last hearing. Mrs. Stupi stated the cost of a survey was too high and they instead consulted septic companies and contractors. Members questioned if the septic system could be relocated to allow a rear deck.

A Decision can be found at the end of these minutes.

NEW APPLICATIONS

Matthew Fishman
Application 25-015
194 High Ridge Avenue

Matthew Fishman appeared for his application. Mr. Fishman was a new owner of the 2-family house at 194 High Ridge Avenue. The application was to covert an existing garage on the lot into a single-story accessory dwelling unit. A 1987 variance #87-059 granted the property an apartment over the existing garage but it was not built. Plans

showing what was approved in the 1987 variance and what was being proposed now were presented to the Board. The current plans do not meet the requirements for Accessory Dwelling Units including an allowing an ADU on a 2-family property, an ADU on less than .5 acres and without the owner residing on the premises. Hardships were listed as front street access to the lot, only through neighboring Abbott Avenue, the lot size and shape. Mr. Fishman also stated that with a single-story structure no trees would need to be removed and a single-story structure would be less intense than what was granted in 1987. He also noted the abutting lot contained a 5-unit property.

Ms. Bearden-Rettger stated she did not see a hardship for allowing 3-units. Mr. Fishman replied the hardships were not being able to access the property from High Ridge Avenue and the single-story structure was better for the community.

Julie Lubin of 196 High Ridge Avenue appeared. She stated she was in favor of the application as the new plans would reduce the height of the structure. Tim Rice of 200 High Ridge Avenue appeared. He expressed concerns that an increase in density on the lot would result in increased traffic and noise. Robert Jewell stated that he disagreed with the finding that the property needed variances for an accessory dwelling unit. His opinion was the current application should be for the same regulations granted in the 1987 Decision.

A continuance was granted to allow further legal consultation regarding the application.

James Edward Frankum, Jr.
Application 25-016
39 Wooster Street

Attorney Robert Jewell appeared for the applicant who was also present. Mr. Jewell submitted to the Board the as-built survey that was submitted when applying for a building permit along with photos of underground ledge and tax accessor records for the property. The variance application was to allow a deck to remain within the setback, 28.1ft from the property line in the RAA zone with a required 35ft. setback. Mr. Jewell stated the lot was 1.6 acres in the RAA zone. The original plans were to construct an accessory dwelling unit with deck outside of the required 35ft setback. During construction and excavation for the structure, ledge was discovered resulting in the foundation being pushed into the setback at 28.1ft at its closest point. The contractors did not check with the Town or surveyors before moving the foundation. Mr. Jewell asked the Board to consider if the variance for the structure would have been granted a variance if they applied prior to construction.

Ms. Bearden-Rettger asked for a condition of granting the variance that the Board recommend to the zoning enforcement officer that applicant pay a \$150 fine for an after the fact application.

Several neighboring properties sent letters prior to the hearing in support of granting the application. No one else appeared for or against the application.
A decision can be found at the end of these Minutes.

Michael and Desiree Cuniberti
Application 25-017
279 Ridgebury Road

Mr. Cuniberti appeared for his application. The application was for a setback variance to allow a 20 x 45 pool with the setback. The lot was a planned residential development in the RAAA zone with a required 50ft setback to the perimeter. The proposed pool would be 38ft. from the property line. Hardships were listed as the odd shape of the triangle shaped lot and the location of the septic system and field towards the rear of the lot. Board members asked if the pool could be built smaller or the proposed spa connected to the pool be eliminated and in turn be built fully within the setback. Mr. Cuniberti stated he did not want a smaller pool because a shorter pool length would result in a less deep pool which he preferred for child safety issues.

A neighbor at 271 Ridgebury Road appeared in favor of the application. A letter from 277 Ridgebury Road was also submitted prior to the hearing in support of the application. A continuance was granted until the next ZBA meeting so the applicant could review or possibly revised the submitted plans.

Neil Hauck Architect, agent for Michael Staab and Jennifer Holt
Application 25-018
19 Schoolhouse Place

Neil Hauck appeared for the application. The property owners were unable to attend the hearing. The application was for a side yard setback for an addition to the house, 45ft in the RAAA zone. The existing setback was 47.8ft in the required 50ft setback. The undersized lot, 1.87 acres in the RAAA zone and the odd shape of the lot were listed as hardships. The house encroaches on the setback on both sides and was likely upzoned according to Mr. Hauck. Board members questioned if the proposed addition could be altered to not encroach further than the existing setback of 47.8 ft. Board also asked for confirmation that the lot was upzoned to the RAAA zone. No one appeared for or against the application.

A continuance was granted to allow the application to review zoning history and possibly revise the submitted plans.

ADMINISTRATIVE

The Board voted for approval of the October 20, 2025 meeting minutes.

DECISIONS

Kyle Stupi
Application 25-009
16 Midrocks Road

REQUESTED: a variance of Section 3.5.H., setbacks, to allow a deck addition within the minimum yard setback; for property in the RA zone located at 16 Midrocks Road.

DATES OF HEARING: August 4, September 15, October 20, 2025
DATE OF DECISION: October 20, 2025

VOTED: To Deny, a variance of Section 3.5.H., setbacks, to allow a deck addition within the minimum yard setback; for property in the RA zone located at 16 Midrocks Road.

VOTE: To Grant: 3 To Deny: 2

In favor
Cole,
Pastore, Seavy

Deny
Bearden-Rettger
Byrnes

The board voted this action for the following reason:

1. No unusual hardship was presented that would justify the location of the proposed deck.

James Edward Frankum, Jr.
Application 25-016
39 Wooster Street

REQUESTED: a variance of Section 3.5.H., setbacks, to allow an existing deck to remain within the minimum yard setback; for property in the RAA zone located at 39 Wooster Street.

DATES OF HEARING: October 20, 2025
DATE OF DECISION: October 20, 2025

VOTED: To Grant, a variance of Section 3.5.H., setbacks, to allow an existing deck to remain within the minimum yard setback; for property in the RAA zone located at 39 Wooster Street.

VOTE: To Grant: 5 To Deny: 0

<u>In favor</u>	<u>Deny</u>
Bearden-Rettger, Byrnes, Cole	
Pastore, Seavy	

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 Board recommends the zoning enforcement officer issue a \$150 fine for not locating the structure as originally placed on the building plans.

The Board voted this action for the following reasons:

1. The topography of this property with the presence of ledge resulted in the foundation for the structure and deck being pushed into the setback during the construction phase. This along with the lot being undersized, 1.682 acres in the RAA zone, represents an unusual hardship that 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.

As there was no further business before the Board, the Chair adjourned the hearing at approximately 9:10 pm.

Respectfully submitted,

Kelly Ryan
Administrator