



## TOWN OF RIDGEFIELD Planning and Zoning Commission

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

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

June 28, 2022                      Present:                      Susan Consentino  
   Elizabeth DiSalvo  
   Joseph Dowdell (Vice Chair)  
   Robert Hendrick (Chair)  
   John Katz  
   Christopher Molyneaux  
   Ben Nneji  
   Mariah Okrongly

Absent:                      Joseph Sorena

Also Present:    Alice Dew, Director of Planning & Zoning and ZEO  
   Eileen White, Recording Secretary

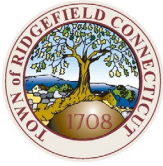
### 1. CALL TO ORDER

Chair Hendrick called the Public Hearing to Order via the Hybrid Model. A quorum was established. Ms. Okrongly attended via Zoom.

Ms. Dew acknowledged two additional pieces of correspondence to be added into the Record bringing the full correspondence for 34 Bailey Avenue (SP-22-4) to 127 documents.

The Chair stated that there would be a Special Meeting tomorrow, June 28, 2022 between the Planning and Zoning Commission (“Commission”), the Affordable Housing Committee and the Board of Selectman in tonight’s Conference Room.

Chair Hendrick gave an overview of the Agenda, which included two Public Hearings.



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

#### 1.2. Distribution/acknowledgement of correspondence

- 1.2.1. Letter from Mr. Tartaglia; Re:Cannabis (received June 20, 2022)
- 1.2.2. Staff Report from Ms. Dew; Re: Ethan Allen Highway Rezone-RZ-22-1 ( June 23, 2022)
- 1.2.3. Letter from Mr. Tartaglia Re: Rezone-RZ-22-1 ( June 24, 2022)
- 1.2.4. Draft Affordable Housing Plan-Revised June 23, 2022 by AHC ( June 24, 2022)
- 1.2.5. Email From Mr. Bryce Re:Rezone-RZ-22-1 ( June 27, 2022)
- 1.2.6. Letter from Mr. Macklin Reid Re: 34 Bailey Avenue (received June 28, 2022)
- 1.2.7. Letter from Ridgefield Parking Authority Re: 34 Bailey Avenue (received June 28, 2022)

#### 1.3. Approval of agenda

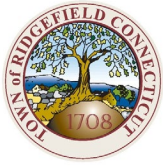
### 2. PUBLIC HEARING

- 2.1. **(Contd.) SP-22-4, 34 Bailey Avenue.** Special Permit Application per Section 9.2 and per Section 5.1.D of the Town of Ridgefield Zoning Regulations for new construction of mixed-use building with 3 commercial units on first floor and 25 residential units in the CBD zone. *35 Days to close a public hearing is June 14, 2022. Extension granted until June 29, 2022.* Owner: Bailey Rail and Granary LLC. Applicant Agent: Robert R. Jewell.

Mr. Robert Jewell stated that this is the Fourth Public Hearing for **34 Bailey Avenue** and that three consultants were present: the Project Engineer, Steve Sullivan, Architect Bill Crosskey and Landscape Architect Kate Throckmorton, all of whom were on Zoom. Mr. Sullivan had materials to present and Mr. Crosskey and Ms. Throckmorton were available to answer questions.

Attorney Jewell outlined the latest documents that had been submitted and answered the open questions from the last Public Hearing that included the car chargers, the fourth roof plan submitted and photographic evidence of the new portion of the very end of the Governor Street parking lot.

The Chair said to Mr. Jewell that the issue about the roof plan had been the screening. Mr. Jewell answered that the screening was on the site plan.



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Mr. Jewell continued that, although the details of the roof plan are not usually submitted until well down along the construction process, the architect had submitted this iteration of the roof plan showing there will be no problem with height restrictions. The construction will follow the specifications of the designed plan.

Mr. Jewell also conveyed that he had submitted the Parking Authority Map to close out the concern about shared parking and parking agreements and emphasized the photographic evidence of the new portion at the very end of the Governor Street parking lot. He stated that the Applicant is not going to make exact designs on parking at this juncture, as it is too early and that the 44 parking spaces that are in the design are within regulatory specifications and more than adequate.

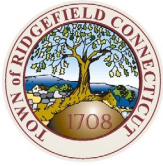
Attorney Jewell also said that the Town Highway Department and the Town Engineering Department were contacted about making improvements on Bailey Avenue. He continued that, if this project is approved, the Town will have more of an impetus to improve pedestrian access, as Bailey Avenue will now be on their radar. Construction should take 18 months.

Mr. Jewell stated that the Applicant is amenable to providing the two apartments approved by variance as affordable, with affordable being defined as 80% area median income, with an initial restriction of 20 years. This is what can be decided now with possibly more affordable units in the future. This type of housing is considered "work force," meaning teachers, firefighters, etc. Mr. Jewell said that there are failures within the affordable housing statute regarding flexibility.

Commissioner Katz asked Mr. Jewell to go over the affordable housing component again and praised the Applicant for the change of heart and attitude in bringing affordable housing into the project. Mr. Jewell contrasted the affordable housing definition with that as defined by the 8-30g statute.

Commissioner Nneji also expressed his appreciation about the Applicant's addition of affordable housing and asked about the shared parking and the Parking Authority's letter to the Commission. Mr. Jewell stated that he took the Parking Authority's Map from the Parking Authority's website. Mr. Jewell has visited the new portion at the very end of the Governor Street parking lot personally twice a day, at midday, for the last six months and he would testify that that particular portion of the Governor Street parking lot is empty. Chair Hendrick clarified that the Parking Authority's letter was about the general parking lot on Governor Street.

Commissioner DiSalvo said that the bigger issue was that none of the parking lots are shared, which makes the problem of parking availability in Town worse, not better. Mr. Jewell said that he has never once, in 25 years of working in Town, had an issue with parking. Ms. DiSalvo said that others have had in-town parking issues and Mr. Jewell should talk to them.



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Project Engineer Steve Sullivan shared via Zoom the Grading and Drainage Plan of the project. Mr. Sullivan stated that on June 3, 2022 and June 15, 2022, he met with Town Engineer Tessa Juciate (TJ Engineering) and Mr. Sullivan and Planning and Zoning Director and ZEO, Alice Dew, to go over recommendations and comments from Ms. Juciate and Ms. Dew. He said they went through two rounds of comments.

Mr. Sullivan showed, that among the alterations to the Project Plan that were made, was the re-shaping of the storm water pocket pond (northeast corner of property) and moving it ten feet off the property lines and side slopes are now 3 to 1, instead of a 2 to 1 side slope grade. He continued that they also enlarged the improved ditch plan for contractors to more easily read and construct. Mr. Sullivan said that a catch basin was added to the entry driveway that will be piped into one of the Cultec underground storage systems.

Mr. Sullivan also said that they added a Cultec system on the North end of the property to handle the Northern parking area. They increased the “island” on the North Side adjacent to Bailey Avenue was made wider for more landscaping and they added a “stubb sidewalk” on the North Side of the Exit Driveway. Mr. Sullivan furthered that, from some construction notes, some dimensions were incorporated and questions by TJ Engineering were clarified so designs were better understood and process.

Mr. Katz asked through the Chair if Ms. Dew was satisfied. Ms. Dew said she was, but that Ms. Juciate should speak as an engineer.

Ms. Juciate said that, in general, she thought the design was satisfactory. The concern Ms. Juciate has is with the ground water because there are so many wells in Ridgefield.

Mr. Nneji asked Ms. Juciate if she found the design more satisfactory than she did previously. Ms. Juciate said that the new designs were a lot more acceptable in terms of roof runoff going into the pond pocket, retention basin, and she was very happy about that, but that is just the clean water. It does not have the 3 feet separation from the Ground Water to the Retention System, as specified in the Connecticut Drainage Manual.

Chair Hendrick asked if grade can be added to the site to make the runoff more acceptable. Ms. Juciate said that raising pipes would make the runoff more acceptable. Ms. Juciate would like more detail to the pocket pond system.

Ms. Juciate also asked about 50 year storms – where does the water go and which properties are affected? Ms. Juciate said that there needs to be a more detailed infiltration system.

Ms. Juciate expressed further concerns about major storms and how the water will sheet flow, saying that there is some information in the Town that the Catch Basin is full.



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Mr. Sullivan said that he could easily accommodate Ms. Juciate's comments from this evening.

Ms. Juciate also asked about the remediation process. Mr. Jewell said that all remediation will take place, before anything else.

Commissioner Katz stated that he was satisfied that the engineers have met all the requirements.

Commissioner Consentino asked for clarification of the number of housing units and this was given.

The following members of the public offered comments and/or questions:

- Mr. John Noonan;
- Ms. Lori Mazzola, on behalf of the Affordable Housing Committee and on behalf of Ridgefield Voters United;
- Mr. Macklin Reid; and
- Ms. Andrea Beebee

Comments and questions from the public included reading sections from a Plan of Conservation and Development ("POCD") and saying that this proposed plan was not in line with certain visions of a POCD, citing testimony from the Historic District Commission from a prior Public Hearing and saying that the design is not in keeping with their recommendations and that there was no lighting plan given with a walk through.

Commissioner Katz stated that the POCD is not a regulatory document.

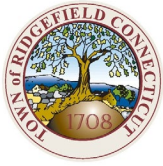
In his closing remarks, Mr. Jewell stated that this Proposed Plan checks all the boxes as deemed by Regulations and it is one-third the size allowed under this zone. He added that the most current POCD cites "pedestrianism" in its plan and this proposed plan is encouraging pedestrianism in an area that has needed to be cleaned up since 1964. He added that woods will be given back to the site and the proposed plans also help restore the Ridgefield Brook.

Commissioner Okrongly asked if the Town Engineer had seen the traffic counts. Ms. Juciate said that she saw the first traffic graphics, but not the second one and will do so.

Commissioner DiSalvo asked about residents having their own parking spot. Mr. Jewell answered that most spaces are now not reserved spaces on purpose.

The owner, Mr. Dowend, said that there would also be bike storage on site.

**The Public Hearing is closed on this Matter.**



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**2.2. (Contd.) RZ-22-1; Ethan Allen Highway (F10-0092, G10-0057, G10-0037, G10-0056 totaling 29.204 acres).** Zone change application per Section 9.2.C of the Town of Ridgefield Zoning Regulations, to change the zone from B-2 to Multi Family Development District (MFDD) for four parcels: Tax Assessor's Lots F10-0092, G10-0057, G10-0037, and a 2.782 acre portion of G10-0056. *Statutorily received on April 26, 2022. 35 days to close a Public Hearing is July 19, 2022. Owners: Ridgefield Professional Office Complex LLC and Town of Ridgefield. Applicant Agent: Robert R. Jewell.*

Ms. Dew gave a brief reading of the Legal Notice which had been formally read on June 14, 2022. She gave a report of the new Correspondence received, which had been previously stated at the beginning of the Public Hearing.

Attorney Robert Jewell gave a history of the parcels in question, stating that there is a Town parcel which is 2.782 acres, in the middle of the Applicant's property.

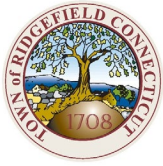
Commissioner Katz asked about the narrative, with Mr. Jewell answering that they submitted a revised narrative after the survey. Mr. Jewell said that a survey is not required for a re-zone. Mr. Jewell added that this property has long been a commercial property, including being the site for the Benrus Watch Company in 1964, where the parking lot was filled with workers.

Attorney Jewell said that the owner would not change the status of the property in any way and that the B-2 zone has had medical uses since 1969. He added that Dr. Lipton had purchased these parcels in 2005 for medical uses. It is always standard practice, Mr. Jewell said, to come before the Commission with a zone change request.

Attorney Jewell deferred to Dr. Richard Lipton, owner, to present the Application, stating that his vision had evolved over the years, from alcohol and drug dependency rehabilitation to seeing that a low-density Town House development might be the best fit.

Dr. Lipton has participated over the last 10 to 15 years in meetings on the concept of Routes 35 and 7 being a gateway for mixed uses. What has triggered his interest in developing a part of his property was the decommissioning of the sewage treatment plant and that the commercial sewer usage fee has now doubled, making the fees intolerable. Dr. Lipton added that parcel F10-0092 has been on a market for 9 years.

Chair Hendrick asked about receiving a copy of the Conservation Easement, saying that the Commission has the ability to consider contents and what the sewer capacity rights were in Dr. Lipton's contract for volume. Mr. Jewell said he would send the Conservation Easement now, if he had not already done so and Dr. Lipton answered that he had 200 units, with a bill of \$81,000 every six months, and that he was looking for clarification from the WPCA of this amount.



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Commissioner Katz stated that this is a legislative decision with this Application, not an administrative one. There are no “have to’s,” with the Applicant knowing about what this zone can do and knowing its dollar value. Dr. Lipton said he did not want to appear duplicitous, but wanted to show numbers to explain why they are asking for this zone change now.

Commissioner Katz said that he did not want more people in Ridgefield and stated that there was the Eureka property about a mile up the road that had been approved. He conveyed that there was already enough traffic congestion.

The Chair asked about access on Route 35, with possibly a curb cut. Dr. Lipton said that was feasible.

Commissioner Consentino asked about the parcel with the pond – what about the Town acquiring this as Open Space? Mr. Jewell answered that the Ridgefield Conservation Commission had been given the option of purchasing the Pond for free in 2013, with a year to decide and had declined to do so. The option had included going to Phase I with the Pond which would have cost about \$1,200.00.

Commissioner DiSalvo asked about possibly being a hotel on the site in question. Dr. Lipton said he would consider that. Mr. Jewell researched that the B2 zone would allow for a hotel.

The following members of the public offered comments and/or questions:

- Mr. Greg Giordano;
- Mr. Nick Tampo;
- Mr. Sebastian DiPinto;
- Mr. John Tartaglia; and
- Mr. Macklin Reid

Comments and questions from the public included clarification of the 100 year flood plain part of the Applicant’s map, how detailed was the traffic study, sewer rights, and what re-zoning means with its possible future impact on residents, since the intersection of Buckhill Road and Route 35 has had significant traffic accidents.

Attorney Jewell said that he submitted analyses from the former Town Planner, Karen Martin, that this project was in keeping with the POCD.

The Chair stated that Ms. Dew had already submitted her Staff Report.





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**The Public Hearing is closed on this Matter.**

Mr. Katz left the Meeting at: 10:11 p.m.

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

- 3.1. **PA 21-1 (Recreational cannabis establishments).** Update on ordinance proposed by Board of Selectmen. Discussion on next steps for PZC. % Chair.

The Chair re-stated that the Board of Selectmen (“BOS”) will have two Public Hearings: one on July 13, 2022 and one on August 17, 2022. He continued that there will be a Special Town Meeting for all registered voters to attend on September 7, 2022. The BOS have a fully-drafted ordinance and are putting it through the process. Mr. Hendrick will double check that the Commissioners may attend and vote with the public.

Mr. Kirk Carr stated that the BOS are aware of the parallel process with his Application and their process and do not seem to object to it.

- 3.2. **8-30j Affordable Housing Plan.** Update/discussion (if any) on drafting process.

The Chair stated that there would be a Special Meeting of the BOS, the Affordable Housing Committee and the Commission tomorrow evening. There is a new draft that has been sent.

- 3.3. **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. Scheduling a Public Hearing date.*

Mr. Carr stated that the Commission should have a Public Hearing on July 12 or July 26 or they would be violating their own regulations. The Chair stated that the Commission could schedule a Special Meeting as well and in discussing a Public Hearing date said that the Commission needs to discuss what referrals need to be made and/or consultants to be scheduled.

Mr. Carr and the Commissioners discussed the process, with the Chair stating that this direct communication with an Applicant should not be taking place.

No Public Hearing date was scheduled.





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#### 4. NEW BUSINESS

- 4.1. **SP-22-12, 50 Webster Road.** Special Permit Application (RZR 9.2) for construction of detached car garage in the front yard. *Owner: Rosemarie Lusher. Applicant: Luciano Lombardo. For receipt and scheduling a sitewalk and Public Hearing.*

**Mr. Nneji motioned, Mr. Dowdell seconded, to Acknowledge Receipt, Schedule a Site Walk for July 10, 2022 and a Public Hearing for July 12, 2022. Motion carried 7-0.**

- 4.2. Approval of Minutes.

- 4.2.1. Regular Meeting – June 14, 2022

Commissioner Okrongly asked about wording in the June 14, 2022 Minutes and it was decided that she would ask Mr. Katz about it.

**Mr. Dowdell motioned, Mr. Nneji seconded, to approve. Motion carried 7-0,**

- 4.2.2. Sitewalk Meeting-May 22, 2022 and June 12, 2022

The Chair said that the Site walk Meeting Minutes should not have been on the Agenda, as they were not yet distributed.

#### 5. ADJOURN

Hearing no further discussion, the Chair adjourned the meeting at: 10:34 p.m.

Respectfully Submitted,

Eileen White

#### FOOTNOTES:

RZR = Town of Ridgefield Zoning Regulations

CGS = Connecticut General Statutes