



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.

May 24, 2022 Present: Susan Consentino
 Elizabeth DiSalvo
 Joseph Dowdell (Vice Chair)
 Robert Hendrick (Chair)
 John Katz
 Christopher Molyneaux (Arrived: 7:05 p.m.)
 Ben Nneji
 Mariah Okrongly
 Joseph Sorena

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

1. CALL TO ORDER

Due to technical difficulties, Chair Hendrick called the Public Hearing to Order at 7:01 p.m. via the Hybrid Model. A quorum was established. The Chair gave an overview of the Agenda. The Chair stated that Ms. DiSalvo said that she'd be in and out of the Public Hearing to attend the Village District Commission ("VDC") Meeting across the hall and that this would be noted in the Minutes.

1.1. Distribution of agenda & previous minutes.

1.2. Distribution/acknowledgement of correspondence

- 1.2.1. Letter from Ms. Delgiudice Re: Crosswalks (May 09, 2022)
- 1.2.2. Letter from Mr. Kirk Carr dated May 9, 2022
- 1.2.3. Letter from Deborah Francini re: SP-4-34, 34 Bailey Avenue, Received May22, 2022
- 1.2.4. Letter from Ms. Lori Mazzola, Ridgefield Voters United, Received May 23, 2022
- 1.2.5. Letter from Mr. John Tartaglia Re: Cannabis Establishments, Received May 24, 2022



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- 1.2.6. Letter from Mr. Francis Pickering, WESTCOG re: Tiny Houses, Received May 24, 2022
- 1.2.7. Letter from Mr. Daniel Wehking re: Cannabis Establishments, Received May 24, 2022
- 1.2.8. Letter from Mr. Tim Vilinkis re: Affordable Housing Plan, Received May 24, 2022

1.3. Approval of agenda

The Chair asked if there were any adjustments to the Agenda. There were none.

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. Owner: Bailey Rail and Granary LLC./Applicant: Robert R. Jewell.*

The Legal Notice had been read at the May 10, 2022 Public Hearing.

Ms. Alice Dew, Director of Planning & Zoning and ZEO, stated that the following documents had been received since the May 10, 2022 Public Hearing:

- Photo showing building height calculations;
- Site Sections and views;
- Plan LB-1, dated May 19, 2022 from Environmental Land Solutions;
- Landscaping Plan updated May 19, 2022;
- Projected demographics;
- Remediation Standards;
- List of Ridgefield properties that have been remediated;
- The DEEP list;
- E-mail from Ridgefield Voters United and attachment of the DEEP List
- E-mail from resident to Town of Ridgefield regarding Drainage Easement; and
- Traffic Counts Memo



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The Attorney for the Applicant, Mr. Robert Jewell stated that Ms. Kate Throckmorton, Landscape Architect, would only be available starting at 7:00 p.m. until 7:30 p.m. Thus, her presentation would be first.

Ms. Throckmorton gave a review of the upgraded planting plan, which included that six trees were upsized, 14 Green Giant Arbor Vitae were planned along the Southern property line and that one of the four types of landscape buffers would be basic screening that was up to 15 feet in depth. She asked that the Commissioners digest what she had presented and she would be happy to answer their questions at the next Public Hearing.

Commissioner Consentino asked if the landscape buffers were standard descriptions for landscaping.

During a spate of technical difficulties with those on zoom unable to hear from approximately 7:22 p.m. until 8:15 p.m., Ms. Throckmorton stated that she could not hear the Commissioners, but that Mr. Jewell and Ms. Dew were audible.

Ms. Dew gave a summary of her Staff Report, which included the Assessor's Number and that the proposed site has 1.29 acres and that the proposed plan meets basic standards. Ms. Dew furthered that TJ Engineering submitted a report on May 9, 2022 which would be reported this evening and that 65 days are available for extension of the time consideration.

Attorney Robert Jewell gave his presentation, which included that under the Regulations, 39 parking spaces are needed, but that the proposal has 44 parking spaces. The proposed site has 30 apartments for residents and 9 units for commercial use. Mr. Jewell cited the Regulations that state that 4.25 parking spaces are required per 1,000 square feet of commercial space.

Ms. DiSalvo left the Public Hearing at: 7:33 p.m. Ms. DiSalvo returned to the Public Hearing at: 7:47 p.m.

Commissioner Okrongly asked about restaurants using the proposed parking spaces. Mr. Jewell answered that the Parking Authority is in charge of the parking spaces allotted for the restaurant.

Attorney Jewell reported that he received texted complaints that the sound for those on Zoom was still off.

Ms. Tessa Juciate, Consultant Town Engineer, gave a summary of her report, which included that she needed clarification of the required adherence to the Connecticut Stormwater Quality Manual that asks for a storage capacity for unseasonably high water volumes. Commissioner Katz commented that it seemed that the two Engineers, Ms. Juciate and Mr. Sullivan, had not communicated with one another.



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Attorney Jewell stated that the two engineers usually talk to one another, before the Public Hearing.

Commissioner Sorena asked that Ms. Juciate elaborate on the Drainage Report. Ms. Juciate conveyed that the property could get flooded and that the plans should have more finite hydraulic calculations. Commissioner Sorena suggested that Ms. Juciate visit the site.

Commissioner Okrongly asked about the traffic and Ms. Juciate said that the traffic engineer said there would be no impact. Attorney Jewell said that supplemental traffic data had been downloaded to the website today.

Mr. John Canning of Kimley Horn presented the Traffic Report. The sound on Zoom was restored at this time.

Mr. Canning's report included that a tube was placed to measure the traffic flow on Bailey Avenue from May 11 until May 20, 2022. It measured 1,470 vehicles per day, with 191 vehicles on Bailey Avenue during the busiest hours. A parking survey was also done at midnight before the Public Hearing and on this day at noon. Prior to these calculations, no data had been collected for Bailey Avenue. It was determined by Mr. Canning that there would be little impact to having more traffic travel down Bailey Avenue, if the proposed site, with its parking spaces, was built.

The Chair stated that the Commission had sent referral requests out to various Commissions and Committees and had received responses from the Historic District Commission ("HDC"), the Historical Society of Ridgefield, the Ridgefield Parking Authority and the Economic Community Development Commission ("ECDC").

Mr. Dan O'Brien of the Historic District Commission testified that the HDC had met with the Principal of Bailey Granary LLC, Mr. Patrick Dowend, and had expressed their concerns about the overshadowing of the historic building. The HDC made two suggestions:

1. The flat roof design be eliminated on the adjacent building and be replaced with a pitch roof, which would create less of an appearance of mass; and
2. On windows and siding, to consider going with same siding and double-hung windows planned for the adjacent building as planned for the replicated building.

Mr. Jewell stated that the recommendations of the Architectural Advisory Committee ("AAC") and the VDC were followed because **34 Bailey Avenue** is in the Central Business District. He furthered that, under Statute, the HDC does not have jurisdiction, although their comments are very much appreciated.



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Mr. Dwayne Escola of the Energy Task Force stated that they had a concern with the fossil fuel equipment. Mr. Jewell said that there would be heat pumps.

The Chair summarized the Energy Task Force's letter with its six concerns that included testing the building's envelope for leakage and if there would be electric automobile charging stations.

Mr. Jewell countered that all questions would be answered in writing.

Attorney Jewell stated that the VDC's comments to the project were quite favorable and they asked when the project was getting started.

Architect Laura Crosskey of Crosskey Architects of Hartford, Connecticut presented additional viewpoints of the proposed project, which included a view from Governor Street and the plan to keep heating pumps far back.

The Chair said that a roof plan would be appreciated.

Commissioner DiSalvo asked about green roof solar panels and Mr. Jewell countered that these can be discussed.

Mr. Steve Sullivan, Engineer, said 97% of the questions raised by the Town Consulting Engineer Ms. Juciate were being answered.

Ms. Ellen Burns of the Parking Authority, who was on zoom, stated that there had been "a radio blackout," since the testimony of Ms. Throckmorton and that the projected demographics could not be heard by her and Ms. Jesse Willmot, Chair of the Parking Authority.

Mr. Jewell answered the requirements of the like-sized buildings at 543 Main Street and 613 Main Street, in calculating the parking spaces that were needed and in adhering to the Regulations that say that 4.2 spaces are needed per 1,000 square feet of space.

Commissioner Katz commented that he could not understand the Applicant not putting in, at least, some affordable housing, since the Town was owed this much. He would like to see the Applicant withdraw his Application and come back with some affordable housing and re-submit his Application with no new fees for doing so.

Ms. DiSalvo expressed a concern about the plans: "ascetic abruptness" stating that the Town has to absorb this ascetic load and that a lot of people are concerned about mass.

Attorney Jewell asked, through the Chair, about how many people were opposed to the project and said there is too much disinformation out in social media about this project. The Regulations, he conveyed, cover a much bigger building than is proposed. Mr. Jewell also said



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that his client was paying \$1 million to clean up the soil that no other developer had attempted to touch in over 50 years.

The Commissioners and Mr. Jewell discussed the tenants of the Plan of Conservation and Development (“POCD”) and how it applied to this Application.

The following members of the public commented:

- Ms. Lori Mazzola, Ridgefield Voters United;
- Mr. Matt Sokol;
- Mr. Kirk Carr; and
- Ms. Andrea Beebee

Comments included the DEEP list of properties that have been remediated, how one-bedroom apartment tenants often have two cars and a Point of Order that conversations of the Commissioners with respect to Commission business should not take place outside the Commission Room, as that is considered ex-parte communication.

Commissioner Sorena asked Mr. Canning about bollards. Mr. Canning said curbs would be sufficient to redirect vehicles. Mr. Jewell answered that the Police Commission did suggest bollards, but only opposite to Big Shop Lane.

The Chair gave an overview of the completion list from the May 10, 2022 Public Hearing and conveyed that the following still need to be addressed:

- The engineers actively meeting ongoingly;
- Roof plan and potential green roof and/or solar roof;
- Energy Task Force questions being answered;
- Parking; and
- Affordable Units.

There was unanimous consent to Continue this Public Hearing until June 14, 2022.

The Public Hearing is Continued Until June 14, 2022.

3. OLD/CONTINUED BUSINESS

- 3.1. VDC-22-3, 34 Bailey Avenue:** Village District Application per Section 8.3 and Sec.5.1.B. 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



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zone. *65 days to render a decision is June 09, 2022. Owner: Bailey Rail and Granary LLC./Applicant: Robert R. Jewell.*

Ms. Dew said that the VDC had had four meetings about this and that an extension by Mr. Jewell was necessary.

Mr. Jewell granted the extension at: 9:32 p.m.

This Matter is Continued Until June 14, 2022.

3.2. **VDC-22-4; 395 Main Street.** Village District Application per Section 8.3 and Sec.5.1.B. of the Town of Ridgefield Zoning Regulations for wall sign “Houlihan Lawrence”.*65 days to render a decision is June 30, 2022. Owner: Addressi Square LLC. Applicant: Ashlea Andrews.*

Mr. Katz motioned, Mr. Molyneaux seconded, to approve as recommended by the VDC. Motion carried 9-0.

3.3. **VDC-22-5; 426 Main Street.** Village District Application per Section 8.3 and Sec.5.1.B. of the Town of Ridgefield Zoning Regulations for awning and vinyl covering and sign for “Tablao”. *Owner: Urstadt Biddle Properties Inc. Applicant: Gerardo Flores.*

Mr. Katz motioned, Mr. Nneji seconded, to approve. Motion carried 9-0.

3.4. **SP-22-6; 125 Danbury Road.** Revision to Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations for exterior renovations to add 2 reverse vending machines in the front of the property. *Owner: Equity One (Copps Hill) Inc. Applicant: Sarah Schaffer.*

The Chair stated that this Matter does not require a Special Permit Application.

3.5. **PA 21-1 (Recreational cannabis establishments).** Discussion on BOS hearings & vote. Discussion on next steps required for PZC. % Chair.

The Chair stated that he and Ms. Dew had a couple of questions they posed to Attorney Thomas Beecher and that the upshot was that the Planning and Zoning Commission could create a regulation to update the definition, since Cannabis is a larger universe than Marijuana. The Chair stated that the Commission might want to allow the ordinance process with the Board of Selectmen to go through.



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3.6. **8-30j Affordable Housing Plan.** Update/discussion (if any) on drafting process.

The Chair stated that there would be an Affordable Housing Public Hearing tomorrow, May 25, 2022 and Mr. Goldenberg expects to modify the Draft Plan.

3.7. **2019-055-REV(SP)-SR; 353 Main St.** Applicant requests release of bond in the amount of \$192,632.44, posted for erosion and sediment control. Agent: John Kukulka, on behalf of St. Stephen's Church. *For partial release of bond.*

Ms. Dew said that she re-looked at the site and read from her report that there was still debris and that the planted trees and shrubs are growing.

Ms. Andrea Beebe commented about the site. Mr. Katz said that this was not a Public Hearing.

Mr. Jewell, who represents St. Stephen's Church, said that to retain \$50,000 for debris that was not caused by the Church is absurd.

Mr. Katz motioned, Ms. Okrongly seconded, Ms. Consentino abstained, to approve with a holding of \$50,000 of the bond until conditions are met. Motion carried 8-0-1.

3.8. ARPA Funding: To Support ECDC for funding approval.

The Chair said that the plan for the high-speed broadband went to the Board of Selectmen on May 18, 2022.

4. NEW BUSINESS

4.1 **SP-22-3; 417 Main Street.** Special Permit Application per Section 9.2 and per Section 5.1.D.4 to expand seating for more than 15 in the lower level of café. *Owner: GAJ LLC. Applicant: Heather Bellizi. For receipt and scheduling a public hearing.*

Mr. Katz motioned, Mr. Nneji seconded, to Acknowledge Receipt and Schedule a Public Hearing for June 14, 2022. Motion carried 9-0.

4.2 **VDC-22-7, 420 Main Street.** Village District Application per Section 8.3 and Sec.5.1.B. of the Town of Ridgefield Zoning Regulations for awning and sign for "Whim". *Owner: Urstadt Biddle Properties Inc. Applicant: Vivian Hoffman. For receipt and scheduling a discussion.*



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Mr. Katz motioned, Ms. DiSalvo seconded, to approve the application as submitted. Motion carried 9-0.

Ms. Dew asked to have **SP-22-9, 439 Silver Spring Road**, added to the Agenda, since Ms. Merrihew had just been to the VDC. The Consensus of the Commission was to do so.

- 4.3 **SP-22-9; 439 Silver Spring Rd.** Revision to Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations for construction of a 60'x 30' paddle court at Silver Spring Country Club. Owner: Flat Rock Corp. Applicant: Elizabeth Merrihew. *For receipt and scheduling a sitewalk and discussion.*

Mr. Katz motioned, Mr. Dowdell seconded, to approve. Motion carried 9-0.

4.4 Approval of Minutes.

4.3.1. **Regular Meeting**, May 10, 2022

4.3.2. **Sitewalk Meeting**, May 22, 2022

Mr. Katz motioned, Mr. Nneji seconded to approve all the aforementioned Minutes as amended. Motion carried 9-0.

Ms. Dew asked if there could be a discussion on surety bonds and why the Office only accepts cash or lines of credit. It was decided to adhere to the current State Statute.

Commissioner Sorena asked about going into Executive Session to discuss matters pertaining to the Commission. Mr. Carr said that Executive Session was only for three reasons: hiring and firing personnel, pending litigation and contracts.

Commissioner DiSalvo expressed a concern about knowing procedures. Mr. Dowdell said that there was now a State Law saying Commissioners had to be trained by 2023.

4. ADJOURN

Hearing no further discussion, the Chair adjourned the meeting at: 10:20 p.m.

Respectfully Submitted,

Eileen White