



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.

February 8, 2022 Present: Susan Consentino
Elizabeth DiSalvo (Joined at: 7:02 p.m.)
Joseph Dowdell (Vice Chair)
Robert Hendrick (Chair)
John Katz
Christopher Molyneaux
Ben Nneji
Mariah Okrongly
Joseph Sorena

Also Present: Alice Dew, Director of Planning & Zoning and ZEO
Thomas Beecher, Esq., Commission Counsel
Eileen White, Recording Secretary

I. Call to order

Chair Hendrick called the Public Hearing to Order via Zoom Webinar at 7:00 p.m. A quorum was established.

The Chair welcomed Commission Counsel, Thomas Beecher, who would speak about the Freedom of Information Act (“FOIA”) and the Special Permit process.

Chair Hendrick also stated that there had been a problem with the Commissioners obtaining Town e-mail addresses.

II: Public Hearing:

- 1. (Contd.) SP-21-22:** Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations per Section 3.4.C.2 for construction of a 3 car garage in the front yard for a property located at **209 Old Stagecoach Road**.
Owner/Applicant: Erin Caviola. Statutorily received 12/14/2021. 35 days to close a public hearing is March 01, 2022. Extension granted until March 09, 2022



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Chair Hendrick stated that, by mutual consent of the Commission and the Applicant, the Public Hearing would be continued to allow for the Applicant to return with a new survey and resolution with the out buildings.

Ms. Emily Santella, who lives adjacent to the Applicant asked if someone could represent her on March 8, 2022, as she could not attend the Public Hearing.

Chair Hendrick answered that Ms. Santella could ask someone to represent her, such as an attorney and that she could write a letter that would be read into the Record on March 8, 2022.

Ms. Santella stated that the Applicant had done a new survey and that she had more evidence of the Applicant's proposed renovations affecting her privacy and the value of her property, including a diorama showing the effects on the site lines.

The Chair furthered that Ms. Santella had the right to ask for a delay.

The Public Hearing was Continued to: March 8, 2022.

II: Discussions:

- 1. SP-21-22:** Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations per Section 3.4.C.2 for construction of a 3 car garage in the front yard for a property located at **209 Old Stagecoach Road**. *Owner/Applicant: Erin Caviola. If Public Hearing is closed.*

The Public Hearing was Continued to: March 8, 2022.

III: New Business:

1. Intro to Commission Counsel, Mr. Beecher. Discussion on FOIA and Special Permit process.

Commission Attorney Thomas Beecher gave a summary of FOIA and the Special Permit process, including the fact that most of the FOIA requests are handled by the Staff.

Mr. Beecher said that he had asked an attorney at the FOIA Commission about that Commissioners use of their personal e-mail for Planning and Zoning business and was told that the personal e-mail then becomes public information.



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The Commission and Mr. Beecher discussed why personal e-mail addresses were given out via a FOIA request, within hours of receiving new Town e-mail addresses. Mr. Beecher stated that the FOIA request had actually been made in August and that the new Town e-mail addresses had simply been given out, when they arrived.

Attorney Beecher said that due to the nature of FOIA, the Commissioners should be careful in using personal e-mail to conduct Planning and Zoning business. Commissioner Nneji asked about texting and Mr. Beecher replied that texting should be avoided, as should responding via Social Media.

Mr. Beecher's presentation included that conversations or group e-mails can constitute a legal meeting that requires an Agenda and Minutes. An e-mail communication is sound only if it is for a purely procedural conversation. He continued that the role of the Commissioners is set by Regulations and State Statute.

Attorney Beecher also said that the role of the Public Hearing is to listen, hear evidence, ask questions, but not to advocate any position. After the Public Hearing is closed, the Commissioners can advocate only amongst themselves regarding bringing facts to the Table.

With regarding to the Special Permit process, Mr. Beecher conveyed that the Commissioners were to determine if the Application satisfies the Regulations generally, but also if proper use is permitted; if the standard of the Regulations are satisfied; and if reasonable conditions are in place or could be put in place to protect the health, safety, and welfare of the public.

Section 9.2a 4 and 5 of the Regulations were cited by Mr. Beecher in describing the Commissioners purview in discerning if a project applies to Regulations and Standards.

Mr. Beecher continued that Applications are not popularity contests and the Connecticut Superior Court has cited the standard.

The Commissioners discussed furthered how to communicate with Applicants whose Applications were not in alignment with Regulations and Standards with the Chair citing that the Connecticut Case Law shows why something does not fit with Regulations.

The Chair stated that the Commissioners can contact Mr. Beecher with questions through Ms. Dew or Chair Hendrick.



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Ms. DiSalvo left the Webinar at: 7:52 p.m.

IV: New Submission:

1. **REF-22-1:** 8-24 Referral Application for acquisition of 3 Land parcels- Assessor's ID **E-04-0034, F-04-0001, F04-0009** totaling 15.4 acres at Pine Mountain Road by Conservation Commission.
2. **REF-22-2:** 8-24 Referral Application for donation of 42.6 acres Assessor's ID E03-0019 to Town of Ridgefield, Boy Scouts at Pine Mountain Road.

Conservation Commission Chair James Coyle presented the Application, which included two maps.

Mr. Coyle stated that the Board of Selectmen had approved the process two weeks ago, but the Conservation Commission was looking for the Planning and Zoning Commission's concurrence.

Mr. Katz motioned, Ms. Okrongly seconded, to make a positive referral on both Number One and Number Two Under New Submissions. Motion carried 8-0.

3. **VDC-22-1:** Village District Application per Section 8.3 and Sec.5.1.B. of the Town of Ridgefield Zoning Regulations for wall sign Botanika café located at **424 Main Street**. *Owner: Urstadt Biddle Properties Inc. Applicant: Kristina Arias. For receipt and scheduling discussion.*

Mr. Katz motioned, Mr. Nneji seconded, to Acknowledge Receipt and Schedule a Discussion for March 8, 2022. Motion carried 8-0,

4. **SP-22-2:** Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations per Section 3.4.C.2 for construction of a carport in the front yard for a property located at **36 Sawmill Road**. *Owner/Applicant: Jeremy Kawaller. For receipt and scheduling a sitewalk and Public hearing.*

Ms. Dew stated that the proper spelling of the Road, which is Saw Mill Road, would be changed for the Public Hearing and the Legal Notice of same.

Mr. Katz motioned, Ms. Consentino seconded, to Acknowledge Receipt, Schedule a Site Walk for March 6, 2022 and a Public Hearing for March 8, 2022. Motion carried 8-0.



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Commissioner Sorena asked if the Commission had to go into Executive Session as he had a complaint about a property. Commissioner Katz stated this was not necessary. The Chair explained that Executive Session was only for: employee matters, litigation and claims and Mr. Beecher verified this. Mr. Sorena is to contact Ms. Dew about the property.

IV: Approval of Minutes:

- **Regular Meeting- January 25, 2022**

Mr. Katz motioned, Mr. Molyneaux seconded, Ms. Consentino abstained, Mr. Sorena abstained, to approve as amended. Motion carried 6-0-2.

The Chair stated that all Commissioners could edit the Minutes, as it was being sent out as a Word Document.

Commissioner Dowdell asked that the final copy be sent to all the Commissioners before they voted on the Minutes. The Chair concurred.

Ms. Dew said that she had been asked about signage and whether artwork, specifically outdoor murals, constituted signage and she had not found any Town Regulations on that. She asked Mr. Beecher if he knew and he said he was not sure.

The Chair said that there has been so much Court activity on signage.

Chair Hendrick reminded the Commissioners of the list done in December by all of them. He said that he would have that list ready for the next meeting.

Mr. Beecher asked to be included on that distribution and Mr. Hendrick said Mr. Beecher would be.

Hearing no further discussion, the Chair adjourned the meeting at: 8:15 p.m.

Respectfully Submitted,

Eileen White