

**ZONING BOARD OF APPEALS AND PLANNING AND ZONING
COMMISSION SPECIAL JOINT
APPROVED MINUTES OF MEETING**

December 20, 2022

NOTE: These minutes are intended as a rough outline of the web-based Zoom proceedings held on December 20, 2022. Copies of recordings of the meeting may be obtained from the Administrator.

The Chairman called the web-based special meeting to order at approximately 7:00 p.m. Sitting on the Zoning Board of Appeals for the evening were: Carson Fincham (Chair) Terry Bearden-Rettger, Mark Seavy, Joseph Pastore and Robert Byrnes. For the Planning and Zoning Commission were: Robert Hendrick (Chair), Joseph Dowdell, John Katz, Elizabeth DiSalvo, Ben Nneji, Mariah Okrongly, Christopher Molyneaux, Susan Consentino.

ROTATION OF ALTERNATES FOR ZBA

The rotation for the meeting was first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes. Mr. Byrnes will sit for Mr. Cole. Thus, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Stenko; third Mr. Brynes.

LEGAL SESSION

Attorney Patricia Sullivan appeared again representing the Zoning Board of Appeals and the Planning and Zoning Commission. The attorney for the Commission had a conflict and did not represent the Commission for this matter. The hearing was to discuss the Board and Commission settling two actions filed against the ZBA, *Jaber v ZBA of the Town of Ridgefield and Pierandri Realty LLC and the Giardini Limited Partnership v the ZBA of the Town of Ridgefield* and one action against the Commission, *Jaber, et al v Planning and Zoning Commission of the Town of Ridgefield, et al.* This joint meeting was scheduled after the ZBA concluded at an earlier meeting, that it was in their best interest ask the Planning and Zoning Commission for their input on any settlement since it involves changes to the site plan and landscape plan. All Board members had agreed that the revised site plan approval was not under the usual ZBA purview and the Commission would be better suited to decide these details. Attorney Meghan Miles representing Pierandri Realty LLC and the Giardini Limited Partnership appeared and gave a more in-depth description of the past history of the various litigation. A settlement agreement had been distributed by Ms. Sullivan in the afternoon prior to the meeting. It had been crafted by the Ms. Miles, and Peter Olson, attorney for Paul and Suzanne Jaber. The settlement agreement included site and landscape plan modifications. Ms. Miles shared with the members a marked-up plan of the 2007 approval and what was changed in the proposed settlement agreement. Both plans still contain 21, 2-bedroom units, but two rear buildings no longer have a planned garage, so a story was eliminated. With a garage no longer planned, the buildings are being shifted back 7' for driveway parking. Setback would now be 23' from the property line. Ms. Miles stated the closest neighbor to this setback, Wisteria Gardens, was aware of the revised plans. This setback number would normally require a variance from the ZBA. Mr. Fincham stated neighbors would be notified of the newly proposed setback before any final settlement approval from the ZBA. Ms. Sullivan stated that recent case law decided that some zoning regulations do not have to be met in a settlement agreement if it is in the public interest to settle the matter. Ms. Miles referred to the *Parker v. Town of Torrington* matter which further stated the Court will have approval over the final site plan, not the ZBA or P&Z Commission. Other matters revised in the draft agreement included individual garbage pickup for residents, no dumpster on lot, signage for parking areas, exit only driveway out onto Sunset Lane, drainage pipes, planting required for a buffer with 71 Prospect Street and the Jaber's property line.

Mr. Hendrick asked Ms. Sullivan to review details of the agreement and advise the Commission at a future meeting date. The Commission agreed neighbors on the westside of the property should be notified of the setback with the ZBA approving such number. Any additional screening for the westside neighboring Wisteria Gardens, should be reviewed as well. Confirmation of the height of the proposed buffer plantings and a proper engineering review on behalf of the Town were also to be reviewed.

Lori Mazzola of Ridgefield Voters United appeared. She stated that she received a letter from a resident of Wisteria Gardens concerned about the close setback. She also asked if any of the 21 units would be deemed affordable. Mr. Olson replied none of the units were deemed affordable in the 2007 approval. The Commission stated they will discuss this again at the January 3 Planning and Zoning Meeting.

At the conclusion of the meeting, it was agreed a full set of architecture plans will be distributed for review by all members. Any affordable units for the project would be discussed at the January 3 meeting, along with the additional information requested. Any decision or information would be passed on the ZBA who will meet in late January or early February 2023.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 9:22 pm.

Respectfully submitted,

Kelly Ryan
Administrator