

ZONING BOARD OF APPEALS OF RIDGEFIELD
MINUTES OF MEETING

June 20, 2022

NOTE: These minutes are intended as a rough outline of the web-based Zoom proceedings of the Board of Appeals on Zoning of Ridgefield held on June 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 Board for the evening were: Carson Fincham (Chair), Sky Cole, Mark Seavy, Robert Byrnes, and Joseph Pastore.

ROTATION OF ALTERNATES

The rotation for the meeting was first, Mr. Lockwood; second, Mr. Stenko; third Mr. Byrnes. Ms. Bearden-Rettger was unable to attend the hearing on May 4 and asked Mr. Byrnes to sit for her. Mr. Byrnes will continue to hear the continued application. Thus, the rotation for the next meeting will be: first, Mr. Lockwood; second, Mr. Stenko; third Mr. Brynes.

NEW APPLICATION

Application 22-014
Andreas and Cynthia Strum
49 Dowling Drive

The applicants asked for a continuance to open their hearing to a later meeting date.

CONTINUED APPLICATION

Application 22-013
Ashlea Andrews, agent for Ridgefield Station
55 Old Quarry Road

Attorney Robert Jewell appeared to represent the applicants. Mr. Jewell provided some brief background on the history of the property stating that the lot was once part of the Schlumberger property and was subdivided with what was now 35 Old Quarry. In 2017, a special permit was granted to the property to build an assisted living facility that was later bought by the corporation that owns Ridgefield Station. Mr. Jewell restated to the Board many of the difficulties Ridgefield Station claimed in the May 4 meeting, including concerns from visitors and traveling medical staff, that the building was difficult to locate and many drove past the entrance. Ridgefield Station was asking for a sign variance. Newly submitted plans revised the total square footage requested from the original application. Now 16 sq ft for each side of the sign, for a total of 32 sq ft was requested. The previous request was for 23.5 sq ft each side for a total of 47 sq ft. The sign would be 7.88 ft high. Also, the number 55 was added to the top of the sign as suggested by the Board.

Mr. Jewell stated Old Quarry was a very busy street with many municipal properties surrounding it. It also has a steep grade and difficult sight lines. Mr. Jewell stated that the fence on Old Quarry that partially blocked the view of the sign was required by the special permit as a building code requirement after a sidewalk was required. A copy of that special permit was entered into the record. Mr. Jewell stated hardships as the topography of the street and the property and the fence necessity that partially blocks the sign traveling down from Grove Street. Mr. Jewell also stated neighboring properties have larger signs than requested in this application.

Mr. Jewell also stated that the applicants would be willing to condition any variance agreeing to not install any wall sign on the building. A free standing and wall sign are permitted under the regulations.

Variances granted in 2007 to 901 Ethan Allen Highway for sign variances were reviewed by the Board. Mr. Jewell had entered those decisions into the record.

Board members asked if the fonts on the sign could be shrunk or if some of the language on the proposed sign could be removed so a variance would not be required. Also, if the sign could be placed higher, up to 10 ft., creating more visibility. Mr. Jewell stated that the applicants reviewed similar sign designs and believed a higher sign would get lost in the sky background. The Board asked Mr. Jewell about a Connecticut Superior Court case, *Colegrove v. Durham*, in which the court ruled against the awarding of a sign variance based on topography hardship. Mr. Jewell replied that a topography hardship had to be considered, as topography was often cited as a hardship in other variance decisions. He further stated that *Colegrove* was a Superior Court case, not Supreme or Appellate Court case and not binding.

Joseph and Lisa Ternullo of 66 Grove Street appeared. They along with other owners of the neighboring Tree Top condominiums previously appeared on May 4 and submitted letters opposing the application dated May 2, June 17 and June 18. Mr. & Mrs. Ternullo's objections included the absence of any police reports for accidents on Old Quarry, a report from the police department confirming no recent accidents on the road was submitted. They questioned if Ridgefield Station was truly a medical facility as described under Connecticut Law, and the lack of evidence of a true visibility issue for passing motorists. Mr. and Mrs. Ternullo also stated to the Board that they discussed the increased signage with a local real estate agent who informed them that an increase in the size of the sign could negatively affect their property value. Mr. Cole asked for more details from that realtor as to how property value would be affected. Mr. and Mrs. Ternullo replied it was only a general statement from the realtor and would discuss with the realtor if she would submit anything to the Board. Pastore asked the Ternullo's if they would ask the other owners if they would agree to a possible condition of no wall sign on the building in exchange for the granting of a larger free-standing sign.

Mr. Jewell responded to the statements of Mr. and Mrs. Ternullo. He stated he did present evidence of a hardship and further stated Ridgefield Station was indeed a medical facility. He also stated that there is no definition of hardship under the law and the decisions for the 901 Ethan Allen Hwy cases were only to show a similar situation and similar hardships to Ridgefield Station. The sign and fence have to be located where they are under the special permit granted in 2017, due to the requirement of a sidewalk. A possible see-thru plexiglass fence was not safe enough. Mr. Jewell also stated that a 4 ft larger sign than permitted, would not affect neighboring property values.

Mr. Fincham asked Mr. Jewell and the Ternullo's if they would like a continuance until the next ZBA meeting to review additional sign cases in Connecticut and for the Ternullo's to converse with other neighbors regarding the proposed condition on the variance and more information on property value.

This hearing was continued to the July 6 ZBA meeting.

As there was no further business before the Board, the Chairman adjourned the hearing at approximately 8:50 pm.

Respectfully submitted,
Kelly Ryan
Administrator