

**Concerned Neighbors
Clapboard Ridge Road & Meadowcroft Lane**

Planning & Zoning Commission
101 Field Point Road
Greenwich, CT

July 26, 2020

Re: PLPZ202000100, 56 Clapboard Ridge Road

Dear Commission Members,

This letter is sent on behalf of the abutting neighbors (Blood, Brito, Coe, Ghaffari, Kidd, and Melly) of 56 Clapboard Ridge Road (“Property”). This letter will detail our rationale why we believe the Special Permit to maintain and use the existing baseball field at the referenced property should be denied.

We purchased single-family homes in a quiet neighborhood where our expectation was consistent with the Town of Greenwich Zoning Regulations (“Regulations”), which provide for a quiet, private residential neighborhood with 2-acre zoning. We did not anticipate that our quality of life would be repeatedly and negatively impacted by the increased traffic, noise and disturbances brought on by an illegally constructed and operated baseball club on an adjacent property. Yet this is precisely what has occurred since 2018 when the Applicant constructed his field.

Contrary to portrayal of the neighbors by the Applicant, the neighbors affirm there are no objections to baseball being played in the neighborhood by its residents, and there are no objections to children playing in their yards, baseball or otherwise. We fully support children engaging in healthy, outdoor fun, as we are all parents ourselves. We are objecting to repetitive use of a field in a residential area for organized, competitive, structured team sports which the applicant is requesting, regardless of his attempt to conceal the true nature of the members of the team as ‘friends and family’. Organized team sports use should only be permitted on town regulation fields, which the Applicant has been afforded. In a residential zone, regular practice should be strictly limited to use of the field to “family” as defined in § 6-5(a)(21) of the Regulations.

This is the proverbial “you know it when you see it” context. This is not a group of neighborhood children picking up a bat and leisurely playing baseball in someone’s backyard. The Applicant constructed a nearly full-sized field for an organized team, invited multiple coaches to that field, brought in bleachers and a backstop, conducted numerous practices several times a week over the course of several months, hired a professional field maintenance company, and then upon seeing the

traffic impact of his work, went even further by constructing an off-street parking lot – all **without** any approvals and **with** a pending zoning violation. Rather than sanction this blatant disregard of the Regulations, the Commission should deny this application.

Ballfield History

In evaluating the considerations required for the issuance of a special permit, the Commission must first understand the timeline associated with this field:

Oct 2018 - Ballfield is completed and play ensues
Dec 2018 - As-built survey does not include the ballfield
Mar 2019 - Certificate of Occupancy for 56 CRR issued
Apr 2019 - Baseball practices commence
Apr 2019 - ZEO contacts owner about lack of permit for current activities
Jun 2019 - ZEO issues formal violation
June – Oct 2019 – Baseball practices continue unabated (multi-hour team practices with aluminum bats, during week and on weekends)
Oct 2019 – Applicant’s attorney responds to ZEO that he will prepare an application to address violation
Apr 2020 – Zoning application submitted

As this timeline reveals, the Applicant knew he was in violation of the Regulations by no later than April 2019, yet continued to host practices and gatherings at the Property throughout the summer, and into fall, at great impact to our quiet enjoyment.

Despite the formal violation and its requested 15-day response window, the Applicant took **more than a year** to file the necessary applications, a baffling fact when he had hired counsel six months prior. One can only logically assume that he wanted the benefit of the entire summer to host practices without enduring the scrutiny of this Commission. With this background, the Commission should have a healthy skepticism of the Applicant’s ability to comply with **any** conditions it might impose.

The Application Does Not Meet the Special Permit and Site Plan Criteria and Is Inconsistent with the 2019 Plan of Conservation and Development (“POCD”)

The Applicant’s proposal, even with the conditions of approval he has recently offered, are inconsistent with the criteria established by the Regulations and the POCD. While perhaps not meeting the technical definition of a commercial activity, the type of repeated, formal team practices the Applicant has held and seeks to sanction in this application cause the same adverse impacts as a commercial activity but without the exchange of money. The Commission should not be swayed.

First, the proposal fails to satisfy important considerations in the Regulations designed to preserve and protect residential properties in Greenwich. Section 6-15(2) contains two relevant considerations: “(a) [a]dequacy of open spaces, screening and buffering between similar and dissimilar uses to assure light, air, privacy and **freedom from nuisance or other disturbance**” and “(f) [t]he design and arrangement of buildings and accessory facilities and the installation of proper shielding so as to **minimize noise levels at the property boundary.**”

Similarly, Section 6-17(d) demands that a special permit use “[n]ot materially adversely **affect adjacent areas located** within the closest proximity to the use,” “[b]e in scale with and compatible with surrounding uses, buildings, streets and open spaces,” and “not materially adversely affect residential uses, nor be **detrimental to a neighborhood or its residents**, nor alter a neighborhood's essential characteristics.” Section 6-17(d)(3), (8) & (10).

The recently updated [POCD guideline \(link here\)](#) highlights similar considerations in its Guiding Principles: Preserve our community character and sense of place. “This principle is not intended to prohibit change, but rather to enable Greenwich to make improvements that protect, reserve and enhance character elements that add to our sense of place.” (pg. 30) Zoning protects Community character (pg. 36). Objective 1.2 (g), page 38, states “prevent commercial impacts and activities from encroaching on residential zones.”

None of these factors are satisfied by the proposal before this Commission. The field is a vastly dissimilar use to a single-family home and one that has already created a nuisance and impacted our respective privacy. The proposed screening is inadequate for the one adjacent property and serves no benefit to other nearby owners. There has been no effort to ensure that the field and its repeated use would not materially adversely affect the residential use and the wider neighborhood, particularly that arising from the noise emanating from the field. These issues are particularly impactful given the size and scope of the field, which is nearly regulation size in its current configuration. As shown in the enclosed markup, a regulation sized field would extend a portion of the outfield onto the adjacent neighbor's property, but in all other respects is consistent with the field as constructed. (Attachment #1)

Furthermore, there are no precedents for the issuance of a Special Permit for the type of outdoor recreational area requested by the Applicant. This Commission and the Board of Appeals have only approved three (3) special permits for sporting facilities in RA-4 (or larger) residential areas in the last 20 years, all with limitations as to use. The special permits were exclusively for resident owners or family members and not for hosting public or private organizations or sporting events:

- The Sternlicht equestrian arena (P&Z). 2006.

- The above special permit was approved for ‘use of the facilities be limited to **family members.**’ (Attachment #2)
- The Cohen hockey rink (P&Z). 2001.
 - The above special permit states that the ‘use of the skating rink for **personal use of resident owner**, not to be used for giving of paid ice-skating lessons or other commercial purposes.’ (Attachment #3)
- The Sand sports court (Board of Appeals). 2006.
 - The above special permit was approved based on no objection from neighbors Sheindlin and that ‘the sports court shall not be used for hosting **private or public organizations** or sporting events.’ (Attachment #4)

The common theme among these applications is that they were all indoor facilities, restricted **exclusively** to family use and the lot sizes were considerably larger. The Sand facility was only approved when the abutting neighbors, the Sheindlins, agreed not to object on the basis that the Board would prohibit use of the court for any outside individual, group or organization, thereby limiting the court’s use to only the Sand family.

We note that the approval of the Cohen’s hockey rinks, are conditioned on the Zamboni ice machine emitting noise at **no more than** 55 decibels at the property boundary. IAC Acoustics describes 50 and 60 decibels at “Quiet suburb, conversation at home, large electrical transformer at 100 feet” and “Conversation in restaurant, office background music, air conditioning unit at 100 feet”, respectively. A study on baseball bat strikes, however, from *The Scientific World Journal*, March 2014 show that “... results revealed that highest recorded peak sound pressure level was recorded from the aluminum (124.6 dB) bat followed by the composite (121.2 dB) and wooden (120.0 dB) bats”.

Here, the Applicant seeks to take advantage of the undefined nature of “recreational area” in seeking his Special Permit. During this hearing, his counsel has suggested that this field is indistinguishable from a park or playground allowed as of right by § 6-93. Yet those uses are readily distinguishable as public uses for the common good – not private fields designed to compensate for public venues an individual decides to be inferior. Simply because an area **can** be used for recreation does not transform it into a suitable **use** in a residential zone. The Applicant may also have a home suitable for galas or fashion photography shoots, but that does not make it an appropriate location for those events to be held repeatedly even if without commercial profit.

As noted above, in the Special Permit context, the Commission must focus on the details and impacts of the proposed use as required by § 6-15 and § 6-17 of the Regulations. The criteria established in those sections are designed to ensure that special permit uses will not create adverse impacts on the surrounding residential properties. The Commission must therefore evaluate the impacts we have experienced – and will continue to experience – in rendering its decision.

Impact on Neighboring Property Owners

The Applicant's own testimony and the evidence presented acknowledge that the ongoing practices have created a nuisance that cannot and should not be sanctioned by a Special Permit. As Chairwoman Alban noted at the June 2, 2020 meeting, the residential use of the surrounding area must be respected, not treated as secondary to the Applicant's public desire for his so-called 'field of dreams' at the expense of our quiet enjoyment, property values, and privacy. (Attachment #5).

The owners on Clapboard Ridge Road have endured traffic issues with numerous vehicles arriving and departing from practices throughout the week. (Attachment #6). They also have to deal with the incessant maintenance of the field – conducted not by volunteer parents or coaches, but by a professional field maintenance crew (Attachment #7). Moreover, noise emanating from these practices is not mitigated at the property boundary but is in fact worsened as the sound is amplified as it travels over the pond adjacent to the Applicant's property toward his neighbors on Meadowcroft Lane. (Attachment #8 and #8.5)

Additionally, the Applicant repeatedly stated that he has held and wants to continue holding Cal Ripken team practices. (Attachment #9) Yet Cal Ripken is open to any child from the general public in Greenwich. Thus, inherent in this team sport is that it involves members of the general public who participate after being selected to a particular team – it is not limited to the Applicant's family or friends. Moreover, the Commission should be aware that each Cal Ripken team is assigned to a public ballfield in town for practice and its home field for games. It is not as if the Applicant's team has no place to practice – the Cal Ripken baseball team at issue currently has been assigned practice fields in Banksville. It is simply the Applicant's preference to host practice on this field from March to October, limiting our abilities to peacefully enjoy our backyards. (Attachment #10)

Allowing a Special Permit for organized youth team baseball practices in perpetuity is detrimental to the residential character of the immediate neighborhood. Given the Applicant has younger children (as young as 3) and organized team baseball begins at 4 ½, the neighborhood would be subjected to ongoing organized outdoor team activities, with continual influx of new teams, new families, new players and new coaches for the next decade.

The Applicant's representation during the initial hearing implied this use would be a short-term situation. We, trying to be understanding neighbors in the age of Covid, believed we could strike a compromise by allowing these practices to continue until late 2021, when the Applicant's oldest son could no longer play Cal Ripken baseball. The Applicant refused to consider this constraint, which leads us to believe he intends to utilize this field to the fullest extent possible for as long as he wishes.

Based upon the Applicant's clear history of building unapproved uses and then ignoring zoning violations, this Commission must deny the Special Permit. Imposing

conditions of approval that the Applicant could ignore would shift the burden of enforcement to us as neighboring owners. It is entirely unreasonable to expect that we become familiar with the terms and conditions of another owner's land use approval and spend our free time monitoring compliance.

Conclusion

The use of the Applicant's property for organized, public league-type recreation is inappropriate for the RA-2 Zone. These are not merely drop-off playdates or parties. These are activities suited toward public recreation venues such as parks and ballfields, not private residential property. And the usage for the special permit is ambiguous. We encourage the Commission to deny this application and if it chooses to approve, impose the conditions outlined below to protect our properties from the detrimental impacts associated with this field.

Proposed Conditions

(1) "The applicant has indicated that the baseball field is currently used only by the property owner's family", Final Staff Report, July 24, 2020. (Attachment #11). The Neighbors ask that the Applicant agree to strictly limit use of the field to "family" as offered by Applicant and defined in § 6-5(a)(21) of the Regulations ("any number of persons living together as a single housekeeping unit in a domestic relationship based on birth, marriage or other domestic bond....").

If the commission determines that this quasi-commercial use is permitted, we request that the following conditions be attached to the special permit. (Attachment 12.2 and 12.3)

(2) One (1), two-hour practice a week, on weekdays only, between 9am and 6pm Mondays to Thursdays, and on Fridays to end by 5pm. All other practices should be held at the approved field assigned to the Applicant's team.

(3) Dates: From April 15-July 15th, as per applicant previous statements at the June 2nd P&Z hearing. (Attachment #12.1 and 12.3)

(4) No games, no coaches, no umpires.

(5) All picks and drop offs and parking should be inside the property, not on the road.

(6) Wooden bats only.

(7) All maintenance on the field limited to once a week.

Sincerely yours,

Dan & Carol Blood
48 Clapboard Ridge Road

Carlos & Belinda Brito
17 Meadowcroft Lane

John & Gay Coe
57 Clapboard Ridge Road

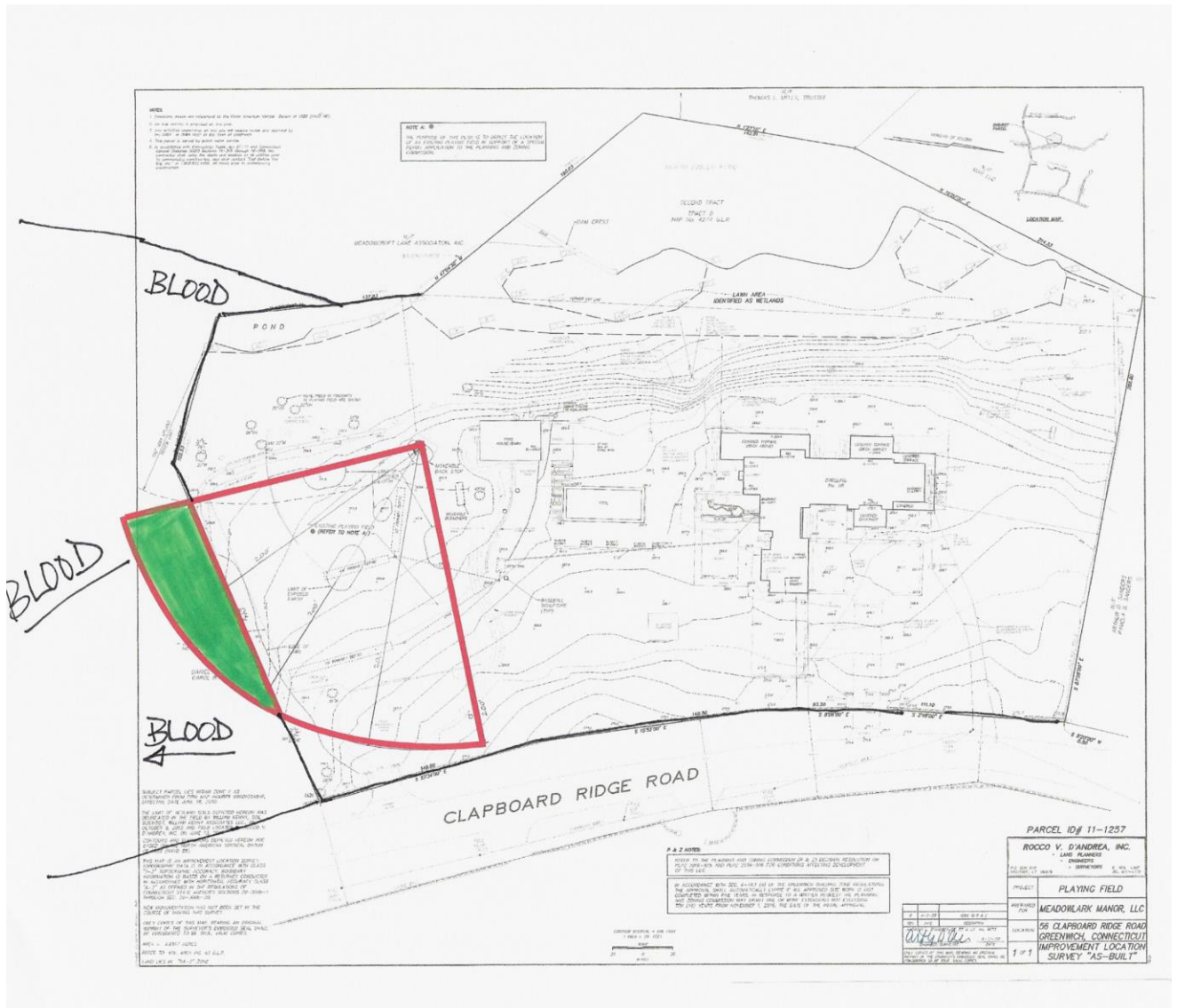
Paul & Lauren Ghaffari
61 Clapboard Ridge Road

Bill & Carla Kidd
51 Clapboard Ridge Road

Tom & Victoria Melly
25 Meadowcroft Lane

Attachments:

Attachment 1 – Little league regulation baseball field overlay on 56 Clapboard Ridge Road and 48 Clapboard Ridge Road. Large portion of right field in the Blood property.



Attachment #2: [Sternlicht link](#)
Sternlicht equestrian arena approval.

Attachment #3: [Cohen link](#)
Cohen hockey rink approval.

Attachment #4: [Sands link](#)
Sands sports court approval.

Attachment #5: [link](#)
Ray Bartoszek's Instagram.

Attachment #6: [link 1](#), [link 2](#), [link 3](#)
Link 1 shows the empty parking lot, and link 2 and 3 shows the parking lot filling up during pickup time.

Attachment #7: [link 1](#), [link 2](#), [link 3](#), [link 4](#)
Pictures of the professional sports landscaping company

Attachment #8: [link 1](#), [link 2](#), [link 3](#), [link 4](#)
Link 1 through 4 are videos showing the noise level. Bats striking balls happen 50-80 times a practice.

Attachment #8.5: [185 feet from field to Blood](#), [450 feet from field to Brito](#)

Attachment #9: [link](#)
Picture of 8 uniformed players – this is not a Family.

Attachment #10: [link 1](#), [link 2](#)
Link 1 taken October 24, 2019, showing the extent of practice season into late October, and link 2 shows that practices start as early as 7:40am on Saturday mornings.

Attachment #11: [link](#)
This shows the Applicant is requesting for a special permit only for Family use.

Attachment #12:

1. [How long? how many players? And are there coaches or not?](#),
2. [What is the use for? Friends, Family or a Team?](#),
3. [Teams or not?](#)

Copies of transcript from P&Z hearing June 2, 2020.