



BY: *M*

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**CITY OF DANBURY**  
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DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS  
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DRAFT MINUTES – ACTIONS TAKEN  
**August 26, 2010**  
COMMON COUNCIL CHAMBERS  
7:00 PM

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**ROLL CALL:** Acting Chairman Herb Krate called the meeting to order at 7:23 pm. Present were Krate, Michael Sibbitt, Joseph Hanna, Gary Dufel. Absent were Chairman Richard S. Jowdy, Alt. Rodney Moore, Alt. Rick Roos. Krate read the Legal Notice into the record.

Staff present were Sean P. Hearty, Zoning Enforcement Officer, Patricia Lee, Secretary, Airport Administrative Paul Estefan. Sibbitt motioned to hear the listed applications. Joe Hanna seconded the motion and the motion carried unanimously.

NEW BUSINESS:

**#10-35** – POSTPONED to September 23, 2010: Fernando A. & Luisa B. DeSousa, 14 Wildman St.(J13027), Sec.6.A.2., Sec.11.B.2.c., USE Variance to allow package store in IL-40 Zone.

**#10-36** – Todd Knapp, Architect, 6 Old Stadley Rough Rd. (J03119), Sec.4.A.3., to reduce front yard setback from 30 ft. to 1.1 ft.; to reduce side yard setback from 15 ft. to 9.7 ft. for res. addition (RA-20 Zone). Krate introduced this request and explained the Public Hearing procedure to the audience. We are starting tonight with a four-man board. You can choose to withdraw and come to the next meeting. Krate explained if there is one negative vote with a four man board, you will be denied. Krate introduced this item at 7:25 pm. Krate reminded the applicants to sign in. Todd Knapp, architect, representing my client, Peter Frey, came forward. We are seeking a variance on an existing nonconforming lot, a one story first floor addition, and Knapp explained the setbacks requested, to align with the existing building. The main hardship is the existing nonconforming nature of the lot; also the topography. It's difficult to add anything to the rear of the house. We are kind of pushed up toward the property line. Krate announced we do have a letter of opposition from Kathleen Morley-Lichter (dated 8/25/10) for the record. Do you have your ruler, Sean? Hearty approached the panel. Hanna asked how far is the existing house to the road now. Krate said the house with the variance will be actually 20 feet off the road. Knapp said it's now 10.2 feet/ Dufel said it doesn't look like it will scale. Krate said, oh, it's ten feet; I apologize. Dufel asked is this a City-owned road? Knapp replied as far as I know it's a City-owned road. Dufel asked isn't the hardship the existing location of the house? Knapp and Dufel discussed what exists. Hanna asked how far is it from the street now, from the property line? Knapp described where it sits, almost right on the property line. Krate said so this is not going to be further out than the present deck. Dufel asked how high above the ground is this going to sit. This is on posts, or something? Knapp showed

the photographs to the commissioners at the panel. How far above the ground? About eight or nine feet. How long have they lived in this house, Dufel asked. Since the late eighties, Knapp replied. This deck is now enclosed, Krate asked? No. Dufel described the measurements he saw on the plan. Knapp said I put 9.7 feet because I forgot the roof overhang. The 9.7 feet will be more than enough. Knapp noted there are three properties beyond on the street. Dufel said you're proposing a porch that will be essentially just as close, right on the right-of-way line. Knapp responded about the gutters and roof overhang. Hanna asked the distance from the existing deck; you show the chimney but not the existing deck. Sean Hearty said I can't say if this is City-owned. Krate discussed the dimensions to the right-of-way, probably 30 feet, which is problematic for me. Hearty said I would not assume that someone will improve it. The road stops. Krate said two vehicles can't even pass. Dufel asked where are people going to park? Knapp and Dufel discussed the parking at the panel. Krate said I think we should push this up two weeks, to see where we stand; is this a City road or not. If they choose to improve this road, where are they going to go? Hearty asked for a vicinity map. Krate concluded so we I ask that we **postpone** this so we can get more information. Dufel said one last question: is there access from Stadley Rough itself? Krate said this could basically be considered a common driveway. Knapp asked the commissioners do you want to keep the photographs? Todd Knapp left the microphone.

**#10-37** – Imageone Industries, 7 Backus Ave. (F1705), Sec.8.E.3.a.(1).(b).; Sec.8.E.6.a., to allow two wall signs to located higher than 30 ft. above ground level; to allow said signs to project above the top of the roof of the walls (CG-20 Zone) for Dick's Sporting Goods. Marcus and Krate joked about the lateness. Neil Marcus, Attorney, took the mic at 7:37 pm. The application before us consists of two separate variances. The signs appear on two facades. This is a logo sign for a national retailer. This sign appears all over the country where a Dick's Sporting Goods exist, Marcus said. He described the sign and the apostrophe. It sits against a distinctive board. You've all been familiar with the location. This is the old Filene's store. Marcus described elevation A and B. Elevation B runs along the internal roadway that is parallel to Backus Avenue. To convert the existing building, these are new entrance ways that are being installed for this use. The overall height variance is 38.5 feet. If it were just the wall of the building, the wall exists at 36.5 feet. Marcus explained what is required to affix the sign to the wall. The second variance is to allow the sign to go over the parapet. You'll see that there is a gray area behind the sign. That grey area is the top of Macy's. He explained the existing Filene's sign. Even though we are not in the airport runway landing zone, I was concerned that we were creating a height that did not exist at the Mall. The Mall has much higher elevations, and Marcus described the height of the poles, and the interior of the mall, all higher than 38.5 feet. We are certainly in a transition zone. We are protected, that is, if someone were trying to take down a Dick's Sporting Goods sign with a plane, first they would have to take off the top of Macy's. The important thing for Dick's Sporting Goods is that they have an attractive entrance, and they are investing a tremendous amount of money into the City of Danbury. They want this sign to be seen from the highway. You don't want to drive all around the mall to find Dick's Sporting Goods. Architecturally, you can take a look at this drawing too. They want the sign to be in proportion to the wall to which it is affixed. Marcus mentioned the Lord & Taylor sign. So the hardship is that we are working with an existing building, an existing parapet; it's attractive, and we don't want a major retail center in Danbury to look architecturally wrong. I have a person with me from the sign company for Dick's Sporting Goods; he does signs all over the country. This is a pretty big store: 65,000 sq.ft. of a building that has been vacant. Tom Gianni came forward and signed in at 7:46 pm. There are two basic structures that Dick's puts up, Gianni said. They are both the same overall height; they just have a different look about them. It's really nomenclature for the signs.

Gianni described the single story structure, and he described the two signs. Krate said I've seen their signs: they are like a "V". I'm not looking to destroy their logo, but a logo can be done in any size. Also, we are trying to stay as close to the regulations as possible, Krate said. Gianni said this lends itself to the proportions rendered, and he talked about massive gaps. Krate said I don't recollect the Filene's sign. They have kept their same height, Gianni said. Marcus added that's up at about 40 feet. We'll be at 38.6 feet. Dufel asked is there anyway we can get a summary of the exterior existing signs: Sears, Macy's, all these signs. Marcus and the commissioners discussed the existing signs and the mall building heights. I would like to have that information, Dufel said. Secondly, when you look at these two drawings, if you are driving on Backus; you want to see the sign. By the Sears side, I don't see the need. This sign is much above the roof, whereas the sign along Backus is not much above the roof. Marcus said to Dufel you've got it reversed. This is a billboard, Dufel said. Marcus explained what you see (A) if you approach the mall from Kenosia. I want to go to the mall to Dick's. The signs themselves are not all that big. We don't need a variance for the sign's size. They are a significant size. Dufel asked Gianni about wind loads. We've had hurricanes up here. Gianni said I could get engineering designs into your hands. We have this exact type of sign along tornado alley down in Florida, Gianni said. Krate asked will this be signed off by an engineer. Krate explained part of the reason is you have the airfield next to them; a windy alley as it is. Marcus said you could make that a condition: a sealed engineer. Dufel asked is the Sports Authority going to write a letter in support of this? (Laughter). I know Marcus Dairy will be in support of this, Marcus said. Paul Estefan, Airport Administrator, City of Danbury, signed in at 7:56 pm. Krate told Estefan to relax. Estefan submitted his recommendation letter to the Commissioners and the applicants. Estefan said, I found the following: there is no mention in the variance of Sec. 7.B.1. I find that the application makes no mention of the document, and I have no way to determine if this will affect departures and arrivals. I don't want them to mistake the sign for a runway at night. Estefan quoted what was stated on the bottom of the drawing MJM#: 100. At this time the Airport Administrator cannot render an opinion of its impact on the airport, Estefan said, and he enumerated why. In closing, I cannot support this application as presented, Estefan said. Krate asked Estefan would red lights on this sign relieve a problem that you are having. Estefan replied I can't determine the candle power. Marcus said the store hopes to open with sign up on October 14<sup>th</sup>. This is rapidly closing our window, Gianni said. Krate asked can you take a step back and be neutral on this? Can we grant this with the stipulation that it answers all the questions proposed by the Airport Administrator? Krate asked we can do that with a caveat? Dufel said I'm not comfortable with voting on this tonight. I think this is a reasonable request, Krate said. Estefan said the entire mall complex was handled by the Airport Administration, and we spent a whole day in Boston, so what we are looking at was pretty much set up in the 80's. Estefan described the store signs that were all laid out in Boston on that day, and reducing the sign heights; so all those signs were set up then. Krate and Estefan discussed the heights. Estefan said it's all predicated on the approach zones. Krate asked Paul Estefan are you comfortable with us, if we choose to go ahead, to have the final say on the approval? Unless Estefan signs off on the final proposal, not an imaginary proposal like this, if we grant that. Paul Estefan said I would be more than happy to work with the applicants. Dufel said that sounds backwards to me. It's not just the airport; it's a sign variance. They walk in here in August for a sign they want in October, Dufel said. Even if we had a five man board, you would not make it. Marcus interjected let me just address one thing on Sec. 7.B. (Airport Protection Zones), for the record: we are not seeking an airport variance. We'll address the rest of it. We can't violate the FAA regulations; we know that. Hanna said you've got to keep Paul happy. Thank you, gentlemen, Gianni said.

**#10-38** – Robert Kaplan, 2 Powell St. (I05151), Sec.4.A.3., (RA-20 Zone). Krate read the variance request into the record at 8:09 pm. Robert Kaplan introduced himself at the mic

and explained what he's asking. The main reason is basically that I'm land-locked. This house was built when the lake was built. He described where the washer and dryer are located. We'd like to put a closet and a laundry room in that space. Krate and Dufel asked Kaplan about Aqua Vista. Ernie Marshall has a huge house, which Kaplan described. Let me show you, Kaplan said to Dufel. He brought his 8 x 10 photos to the panel to show Dufel and the commissioners. This is how the hatch looks. These are the steps. Dufel and Kaplan discussed the need for a closet in a bedroom. There's no other place to put it. We can't get down to the laundry room. Dufel said to Kaplan we deal with zoning regulations. Sibbitt said he has two front yards. Dufel said we've got to read it and listen at the same time; just give me two seconds to read it. Dufel asked does your association play any roll in approving things like this. Kaplan replied unfortunately no. I have two front yards. Dufel asked why is this a hardship now, and was not 25 years ago? Kaplan described his wife's medical conditions. Dufel said I have asked all the questions I have. Krate said we'll inform you of our decision. In the voting session, Krate asked is there any discussion or a motion for #10-38, please? Sibbitt made a motion to **approve** #10-38 to reduce minimum east side yard setback from 20 ft. to 1.8 ft.; to allow increased maximum allowed building coverage from 20% to 34.3% for a residential addition in an RA-20 zone. The hardship is it's a corner lot with two front yards, and there's no where else to put it, and it does not affect the welfare, health and safety of the community. Hanna seconded the motion. The motion carried unanimously at 8:15 pm.

ACCEPTANCE OF MINUTES:

June 10, 2010, and July 22, 2010, Meetings.

Motion to accept these 6/10/10 minutes as presented by Joseph Hanna. Second by Michael Sibbitt. The motion carried unanimously.

We can't approve 7/22/10 minutes; only three commissioners are here, Krate said.

ADJOURNMENT:

Motion to adjourn by Sibbitt. Second by Hanna. The motion carried unanimously at 8:17 pm.

The next regular meeting of the ZBA is scheduled for **September 23, 2010**.



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Public Hearing Sign In Sheet

Date AUG 26 2010

<u>Name</u>	<u>Address</u>	<u>Signature</u>
#10-36 Todd Knapp	40 Laurel Hill Road Brookfield CT 06804	Todd Knapp
#10-39 W R W	150 Deer Hill Ave	
#10-37 Soph. Smith	125 Phyllis Dr Croydon, Pa 19020	
Paul D ESTEFAN #10-37	DANBURY MUNICIPAL AIRPORT	Paul D Estefan
#10-38 Rob Kaplan	2 Powell ST	Rob Kaplan