



CITY OF DANBURY
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ZONING BOARD OF APPEALS
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DRAFT MINUTES – REGULAR MEETING
September 26, 2013
City Council Chambers – Third Floor
7:00 PM

ROLL CALL: Present were Acting Chairman Herb Krate, Michael Sibbitt, Alt. Anthony Rebeiro, Alt. Vincent DiGilio. Absent were Chairman Richard S. Jowdy, Joseph C. Hanna, Rodney S. Moore, Alt. Rick Roos.

Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee. Krate opened the meeting at 7:00 pm, and Rebeiro read the two petitions. Sibbitt seconded the motion. Motion carried unanimously. Krate explained the procedure for the public hearing, rebuttal, objection to the audience. Tonight we have a four man board, which means we must have a unanimous vote to approve, Krate said. Tell me now.

CONTINUED PUBLIC HEARINGS: NA

NEW BUSINESS:

13-35 – Mike Frisbie, 58 Padanaram Rd. (H09076), Sec.5.E.3.a., to reduce min. front yard setback from 20 ft. to 12 ft. for canopy; Sec. 8.E.5.a., to reduce required distance of sign from front lot line from 10 ft. to 3. ft.; Sec 5.H.1.b., eliminate required continuous landscape strip along front lot line; & Sec. 8.C.3.b.(1), eliminate required landscape islands at end of each parking stall grouping (CN-20 Zone).

Applicant discovered that additional variances are necessary so it was readvertised for the 9/26/13 meeting. Krate introduced this item and Mark Smith, engineer with To Design, and Mike Frisbie signed in. Michael Frisbie introduced this application and said I will let Mark Smith go through the design. Mark Smith, at the easel, described the planned renovations, the two pumps; the three dispensers in a single row parallel to the street, no closer to the street, and currently there is no canopy. Smith discussed the distance for the canopy. The site is long and skinny. Our wetlands application was approved last night (EIC #965). We are not supposed to build anything within that waterline easement. The additional variance we are asking for is about the landscape buffer. With a site this narrow, you just can't get a full buffer. Krate asked do you propose any buffer there? Yes, Smith said; now there is very limited planting in front. It is a State road, so we will make this a continuous planting strip of green space, but we can't get a full 20 feet. Krate asked about any provision to protect the roadway from the cars that are in there. Smith said there will be a six inch curb, bituminous or concrete. The existing ground sign is 10 feet wide; you would not be able to get around it. We propose a narrower ground sign, and ask to allow it to be 3 feet from the property line. Hearty made a comment. The regulations would require an end-island at each stall, but for the same reasons, it would really impede the traffic on the site. Krate said I have seen trucks from time to time back there. Hearty said we did do an action on that. Krate said anything is better than what we have now. Frisbie explained a new façade; the same footprint. DiGilio asked about the sign height. The overall height is approximately 18 feet. Twelve feet off the street, 18 feet up, DiGilio confirmed. Smith

described the posts for the canopy. DiGilio and Smith concurred. How is that canopy lit, Krate asked? Smith said flush mounted LED lighting, not the older offensive style lighting; more energy efficient, much less light spillage over the property line. There are condos on the back side Krate said, so can you prevent the light leaking that way? Smith said with LED style, you don't have that lens dropping down. Krate said some light leakage is inevitable. Frisbie said when the leaves are on, it will be screened. I'm the contract purchaser of the property. We'll inform you of our decision, Krate said. Is there anyone who wishes to speak for or in opposition to this proposal? Motion to close the **13-35** public hearing by DiGilio. Rebeiro seconded. Motion carried unanimously. In the voting session later, there were no questions. DiGilio motioned to **approve** 58 Padanaram Road (H09076), Sec.5.E.3.a., to reduce minimum required front yard setback from 20 ft. to 12 feet for canopy; Sec. 8.E.5.a., to reduce required distance of sign from front lot line from 10 feet to 3. ft.; Sec 5.H.1.b., to eliminate required continuous landscape strip along front lot line; and Sec. 8.C.3.b.(1), to eliminate required landscape islands at end of each parking stall grouping in the CN-20 Zone. Krate said they do show a landscape island, but it is not the 20 feet. Krate said it will not be 20 feet; it will be 5 feet, but not totally eliminated. Rebeiro seconded the motion. Motion carried unanimously at 7:26 pm.

#13-36 – Juliet Wilkins, 6 Flint Ridge Road (J04054), Sec. 4.A.3., reduce rear setback from 35 ft. to 9 feet for proposed two-car garage with covered patio above (RA-20). Juliet Wilkins signed in at 7:16 pm and identified herself at the podium. I apologize that I don't have anything to demonstrate. Krate said we have never lost an applicant; everyone always leaves here alive. Wilkins said we looked at different options. Because of the septic location, Flint Ridge is funny how they set the houses up; it's hard to tell how far you can go. If we go four feet back, it will be attached to the back of the house and we did not want it to be an eyesore. Krate said there is a problem here that I see: plans call for 11 feet from the back line, and the language says nine feet. Hearty looked at the plans. It is not wrong, Hearty said. Will it be done according to the plan, Krate said. Technically your plans are supposed to agree with your maps. Ray Batista said to put nine feet down, Wilkins said. Krate said if we approve 9 feet, but you have to come in with plans that show nine feet. Whoever told you what to put down was inaccurate, and Krate explained a lesser versus a greater distance. Nancy from CCA helped me fill out the application, Wilkins said. Krate asked is there anyone who wishes to speak for or in opposition to this variance request? Roy Steiner, from 2 Park Lawn Drive in Bethel, came forward and identified himself, stating we are the adjoining property owners. Originally I had some concerns. We have two lots there; it's really a pretty neighborhood. The shed is going away, according to this, Krate said. I am very comfortable with this, Roy Steiner said. Thank you, Steiner said. Motion to close this public hearing by Rebeiro. Second by Sibbitt. Motion carried unanimously. In the voting session later, Krate said that's a back lot. Mr. Steiner gave it his blessing. Motion to **approve** by Rebeiro to Sec. 4.A.3., to reduce rear setback from 35 ft. to 9 ft. for proposed two-car garage with covered patio above. Note that a **revised plan** will be required. We'll get a **new plan** with nine feet. Wilkins confirmed she'll get a revised plan by CCA. Second by Sibbitt. Motion carried unanimously at 7:28 pm. Motion to close the public hearing portion of the meeting by Rebeiro. Second by DiGilio. Motion carried unanimously at 7:24 pm.

ACCEPTANCE OF MINUTES:

June 13, 2013

July 11, 2013

August 8, 2013

September 12, 2013, Meetings. These meeting minutes could NOT be approved with this four-person board tonight.

ADJOURNMENT: Motion to adjourn by Vincent DiGilio. Second by Anthony Rebeiro. Motion carried unanimously at 7:29 pm.

THE NEXT REGULAR MEETING IS SCHEDULED FOR **October 10, 2013**.