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2015 MAY 13 P 5:02
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DRAFT MINUTES
March 12, 2015

14-25 – Michael & Christina Maruffi, 6 Mendes Road(G05027), Sec.4.A.3., front yard setback granted 7/24/14 for addition to a single family dwelling (RA-40 Zone); Sean Hearty discussed the one-foot roof overhang with the commissioners before the meeting began.

ROLL CALL: Present were Chairman Richard S. Jowdy, Herb Krate, Michael Sibbitt, Alt. Anthony Rebeiro, Joseph Hanna.

Absent were Rodney Moore, Alt. Rick Roos.

Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee. Chairman Jowdy introduced this meeting at 7:04 pm. Herb Krate motioned to hear the listed items. Second by Michael Sibbitt. Motion carried unanimously.

Jowdy discussed the procedures for public hearing for the audience. We will move **#15-06** to the first New Business, Krate said. Jowdy introduced Charles Williams.

NEW BUSINESS:

15-06 – Charles Williams, 52 Shady Lane (K05095), Sec.4.A.3., to reduce minimum required side yard setback from 6 ft. to 4 ft.; Sec.8.A.2.c.(4)., to allow bottom edge of excavation or fill to be less than 5 ft. from property line for detached accessory use/ garage (RA-20 Zone).

Jowdy introduced this item first at 7:03 pm. Charles Williams identified himself, stating I want to put a detached garage on my property. I need a two-foot variance. We built the property; it is a small lot; the driveway is already in place where the garage could go; the only place where it feasibly will fit. One neighbor, Richard Arthur Webb at 48 Shady Lane, sent a letter in your packet saying he has no objection. We propose a two-car garage with an upstairs storage area. We have no storage now. My house is built on stilts. The entrance way for us is right where the garage will be. Jowdy and Williams concurred. Looking at my house, it will go on the left, Williams said. We combined two lots, so we could stay as the last house on Shady Lane. We're putting it in there because we can't put in the front yard, our reserves are in front; the septic system is in the back, and he discussed the slope of the yard. Especially in a winter like this winter, it is a problem. We cannot put it on the far side, as that's more dangerous than what we already have. Williams described the size of the stilts. The driveway is on a grade. Krate said keep that driveway grade in mind. Williams said we will not change the driveway grade. Hanna asked how wide is the deck? The deck is 10 feet wide. The garage will come pretty much even with the peaks on the side. Krate, Williams, and Hanna discussed the lay of the property. Krate said okay. Williams said I've never done this before; please bear with me. Jowdy asked at 7:09 pm is there anyone who wishes to speak

for or in opposition to this variance request. Krate made a motion to close this public hearing. Rebeiro seconded the motion. Motion carried unanimously. In the voting session, Krate made a motion to **approve** per plan submitted to reduce minimum required side yard setback from 6 ft. to 4 ft.; and to allow the bottom edge of excavation or fill to be less than 5 feet from the property line for a detached accessory use/ garage in the RA-20 Zone. Second by Hanna. Motion carried unanimously at 11 pm.

CONTINUATION OF PUBLIC HEARINGS:

15-08 – CONTINUED: Ridge Properties Joint Venture, LLP, 193 & 195 Long Ridge Road. (J25003,J25006,J25007), Sec.4.A.4.a.(1)., to vary requirement for vehicular access to collector or arterial street; Sec.4.A.4.a.(6)., to vary requirement that Church site needs public water & sewer if in water company watershed (RA-40 Zone).

Chairman Jowdy said there are five letters in opposition and three letters in favor. Mr. Krate objected to reading all the letters, so Chairman Jowdy only read the one from the applicant's attorney, Thomas Beecher, Attorney, of Collins Hannafin, dated 2/5/15 and received 2/5/15. To address this concern we will propose the following conditions of approval (**See 1-4 below**). Beecher identified himself at the mic at 7:20 pm. Beecher listed the three opportunities provided to the neighbors to meet and listen to the neighbors and the proposal. Jowdy said there also is another letter here from the people selling the property (See Institute of Children's Literature letter received 2/17/15, signed by Prescott Kelly and Bryan Judge, stating this would be the least intensive use of the property.) Let me describe for clarification, and Attorney Beecher described the logic for the two variances, and read the stipulations again:

1. There will be no more than two masses/religious services on Sunday;
2. There will be no regular mass, religious service on Saturday;
3. There will be no more than 35 vehicles of participants for each Sunday mass/ religious service;
4. Approval is per site plan submitted showing a maximum of 49 parking spaces in compliance with the Danbury Zoning Regulations.
- 5.

We believe these conditions also protect the intent of the two regulations we seek to vary. These conditions set the limits for growth. It is less intensive than our prior business use. There are no changes to Long Ridge Road. We have been relatively good neighbors. This rural atmosphere: we will cherish it, not ruin it. A church is a permitted use in this zone. The owners have spent three years marketing the property, Beecher said. It is unlikely it will turn back into a residential use. Beecher continued, with me tonight are Ben Doto, PE, members of the church, the principals, and I want to thank the people who actually came and listened at our sessions. More importantly we listened to the people, Beecher said. I reached out to councilman Perkins. Beecher said this is approximately 18 acres in a residential zone. The principals are Bryan Judge and Prescott Kelly. And as part of the business use of this property, there is a warehouse, and they are ready to wind down this business. Over a span of 20 years, there were up to 50 cars in the lot on a Saturday morning. Beecher described the history of the nonconforming business operation. The septic is more than adequate for this proposed small church. There is plenty of room for more septic and more reserve if that need arose. This is a permitted use in the residential zone. Beecher listed the variances that this petition is asking. Robust septic facilities exist. There are no plans by the church to construct anything, to build anything at all, Beecher continued. There is no need for changes to Long Ridge Road. There is no impact to the scenic designation of Long Ridge Road. All we are looking for is to change the use from a nonconforming use, to a permitted small church use.

Attorney Beecher introduced Richard McCormack from 13 Coach Road, Danbury, who gave a brief background of the "Kyrie eleison". He also said from the outset these

services will have little impact on the area. The service is classical Latin mass predominantly, with mostly English speaking people. They chose this place for the quietude of the area, as the language of Heaven is quiet. He said many of the homeowners in this room also sought to live here for the same tranquility; a buffer of serenity. Father Gerardo Zendejas is an ordained priest in the Roman Catholic Church.

Attorney Beecher then described the uses of the warehouse and the manor house, saying that a parish hall is an acceptable accessory use. He restated the stipulations that they are offering to be put on the variances if approved. He said these are self-limiting and binding conditions that will limit the use of this site. They will be carved in stone, and the only way to change them would be to come back to this board. Beecher said this should allay the fear that some church down the road will buy this space, because that church will still be bound by these same stipulations.

Benjamin V. Doto, III, PE, then spoke in favor of this. He submitted a full size copy of the Site Plan, CO1, (designated Exhibit A) and distributed 11 X 17 copies for the board members (designated Exhibit B). Mr. Doto described the drop-off space, the parking areas, the additional parking around the rear warehouse, and the access and egress to the site. He said this site could function as a church as is without making any major changes. He said both the septic and the well are more than adequate for this use. He said if these variances are granted, they will have to go through a site plan review which will include reviews by almost all of the City departments. He said this site is also located in the Bridgeport Hydraulic Watershed, which is another layer of review. He said the watershed regulations are very strict and this site also has some wetlands. Mr. Krate asked what portion of the 18 acres are wetlands. Mr. Doto pointed out the wetlands, the stream, and said the majority of the site is high and dry. He added that the watershed limits the amount of impervious coverage that is permitted on the site. He added that the watershed regulations cannot be varied, so they serve as an additional protection to limit future development on this site. Mr. Hanna asked about the septic, and Mr. Doto said they are not planning to change anything, since they will only have activity on the site once a week.

Mr. Doto said he was quite surprised that Long Ridge Road is not considered a collector road. Mr. Doto said he had contacted a traffic engineer, not to perform a traffic study, but to render an opinion on this proposal. Doto submitted a letter from Joseph Balskus, PE, a licensed traffic engineer with CDM Smith in East Hartford, CT (designated Exhibit C). Mr. Doto summarized the opinion letter from Balskus saying that Long Ridge Road should be considered a collector roadway based on how it functions. He referred to the map attached to Mr. Balskus' letter saying that DOT classifies Long Ridge as major collector. He said churches are not major traffic generators. Doto explained that one trip in and one trip out is considered two trips. He said based on the low trip generation in Mr. Balskus's letter, this is an ideal road for a church.

Attorney Beecher said they do not want the City to re-label Long Ridge Road. Nowhere in the zoning regulations will you find a definition of a collector or arterial road. The hardship here is really that the definitions are not in the regulations, Beecher said. Churches are permitted in a residential zone and they believe there will be no real impact by this particular use. Attorney Beecher then said the hardship is also the unique size of this property. He pointed out that there is a Methodist church across the street from this site. He described some of the activities that take place there. He said they are asking for limited variances in order to do this. And it is good zoning to eliminate non-conforming uses whenever possible. Beecher said they have been good neighbors for more than forty years, but publishing is on its way out. Lastly, he pointed out again that churches are a permitted use in this zone and it is good zoning policy to change a non-conforming use into a conforming one.

Chairman Jowdy asked if there was anyone else to speak in favor of the application. Chairman Jowdy added that the board welcomes all kind of participation, but limits each speaker to 3 minutes and asks that they don't repeat what has already been said.

Anita Monteith, 189 Long Ridge Road, said she is representing Monique Wiedel and herself this evening. Mr & Mrs. Weidel created a conservation easement on their property. Mrs. Weidel understands the two variances being requested and supports them. She also urges the Board to approve the variances with the proposed conditions as a small church in this location will enhance this neighborhood. Next Ms. Monteith spoke on behalf of herself, and described the unselfish history of the Weidels, their good deeds including the public land trust. She talked about the efforts of her ex-husband, and pointed out some of the unsavory practices that neighbors, sentinels, did before this meeting. She submitted a letter in favor of this request (designated Exhibit D) preserving the wildlife and pristine woodlands. Consider the ramifications of an alternative, Monteith concluded.

Monsour Michael, 181 Long Ridge Road, spoke next. He has lived here since 1986; bought it in 1984, and is all for the new church. Michael questioned if the bridges are up to code at present. He said he has been a City Fireman, and you have to come in from three sides to get to this intersection.

David Heilbronner, 168 Long Ridge Road, said he fits the profile of someone who would be opposed to this, but he is actually in favor. He said he is a former NYC prosecutor and is used to being fooled by people not telling the truth. They put these guys' feet to the fire. There is a lot of worry about it, and I share that worry, but I've looked at the hard factual evidence, and the best I can find is a 2006 article in Ridgefield about a church. If that came to pass, they would come before you. I urge you to look hard at the evidence, not the gut feeling: not in my back yard; look with skepticism and wisdom.

Philip Bronson lives in Redding, and is member of Methodist church across the street. We have absolutely no problem with our neighbors. I know that during the week there used to be FedEx and UPS trucks. This use would only have cars on the weekend. The septic and the water, that is a topographical hardship. Bronson concluded he is in favor.

Al Badinelli, 152 Long Ridge Road, said he is in favor of the proposal for the reasons already stated. This use would only have cars on the weekend. The train station down the street does not have a great impact, and that's it.

Louise Wicks, 3 West Redding Rd., a member of the Methodist church said she is in favor of proposal. They have been wonderful, the principals, have let us use their parking lots at no charge on several occasions.

Janice Gibson, at Old Lantern Road, did not know about this until things started showing up in my mailbox. She said she is a freelance writer, knows that sometimes when people try to preserve something, they end up with something they did not want. She said she is in favor of the variances, based on everything as it is now.

Sandy Greiswold, Old Lantern Road, is also in favor of this although she had concerns as well. She likes that they are willing to put conditions on an approval, and said the watershed will also provide some kind of protection. She questioned how the City would enforce this with a small church. She asked about freedom of religion and free speech.

Attorney Beecher said in response to the question of enforcement, I suspect that there will be pictures taken every Sunday of that parking lot, and the ZEO, Mr. Hearty, will then enforce this. We volunteered to be bound by those conditions, Beecher concluded.

Krate said the fact that the church is willing to put those parameters; variances with those caveats, carries more weight, so be careful for what you wish, you might get it.

Don Wicks, 3 West Redding Road, said he developed Wicks Manor Drive. He said the applicants are of excellent character, and this is nice and tidy. He pointed out that there would be people opposed to this, but he believes they deserve approval.

Bonnie Baker, 180 Long Ridge Road, said she was also opposed originally, until she went to the neighborhood meeting. She said they will be able to enjoy the bucolic atmosphere of our neighborhood.

Chairman Jowdy then asked if there was anyone wishing to speak in opposition.

Attorney Candace Fay, 31 Old Lantern Road, said let's stop talking about a church. Let's talk about the land. Tonight you are not considering a variance for a church. You are considering a variance for this land. Your own regulations prohibit you from hearing this variance application. Section 11.B.2. states that no use variance is permitted. Krate said they are not asking for a use variance. Fay said these regulations list 7 requirements for a church, so I consider this to be a use variance. The response to what is the hardship, Attorney Beecher's letter does not state a hardship, Fay continued. No one is obligated to go by the church use, so any future owner could use this for a variety of uses, which she listed. Fay cited the supreme courts' previous takes on granting variances. Of course, the commission knows that we are here in accordance with CGS Statutes regarding an unusual hardship. An 18 acre parcel can be used for anything, and Fay listed what it could be used as, including weddings, funerals, bingo, and other uses of churches that she knows of. If you allow this parcel to not have water and sewer, and to vary the requirement for vehicular access to collector or arterial street, than you allow any homeowner to ask for a similar variance in the future. Krate again said be careful what you wish for. Fay stated a Branford court decision. There is no legally recognizable hardship that is not shared by any other property owner. There must be an exceptional and unusual hardship. Fay continued, this use is not supportable. The Methodist church was built in 1840, Fay said. An audience member said 1720. I am being corrected, Fay said. Fay stated the purpose of the Zoning Board of Appeals. If we had any more traffic on that road, Old Church Road, Long Ridge Road, there would be a bottleneck. Jowdy had questions of Fay about the traffic directions. Fay said it's far further than 270 feet. That testimony that was submitted tonight, and only tonight, so we could not respond properly; my point is that Doto addressed the manor house that would be functioning as a church. Long Ridge Road is a scenic designation. It is not similar to other roads, as Doto stated. This is not the place to change the designation of the roads. On April 15, 1993, this attained the scenic road designation, and Fay read from that decree about the environment of a scenic road, not like King Street, etc. They have said that a church is a permissible use when they meet one through seven. Krate asked Candace Fay what is the purpose of the ZBA. Fay said it's not a candy shop. Krate said it's to grant reasonable relief when the zoning regulations enforcement would result in exceptional difficulty or unreasonable hardship. Krate said I rest my case. Fay talked again about the scenic road designation that cannot be altered. Hanna and Jowdy said it is an improvement. Fay said my clients are home on Saturdays and Sundays. Jowdy said there are ruts in there from those heavy trucks. The huge trucks have not been delivering to this address. A voice from the audience said, I'm sorry; they have.

Jowdy and Fay discussed the vehicles. The audience applauded when Sibbitt asked Krate to stop interrupting Candace Fay and let her finish. They did not intend for this to be in this neighborhood, Fay continued. What has not been addressed is what if there was a fire. Maybe 140 people would be in that building with the maximum allowed number of cars, 4 people in a car, Fay continued. A fire is all manned by volunteer fire fighters here. It would probably take an hour for a large fire tanker to get out there. Fay concluded with they have not shown a hardship, and it is not appropriate in this instance. The granting of these variances would result in serious consequences and possible safety issues. Why would Mr. Doto propose a site plan if there are no changes to this footprint, Fay concluded.

She submitted a letter in opposition from Amy & Dominic Santoro; 28 Old Lantern Road (designated Exhibit G).

Attorney Neil Marcus said he is representing the Bramson's, at 155 Long Ridge Road. I did not see a traffic report, Marcus said. The Bramson's' concerns are the water and the traffic. I would ask this commission to consult with the City Engineer to make sure that this egress should not be conditioned with signs such as "No Left Turn" out of the driveway. Marcus said I received an article from 2009 that talks about Fr. Zendejas' church in Ridgefield. Long Ridge Road is being down played as a small impact. But as many as 500 people attend this Ridgefield service each Sunday, and Marcus spoke about retreats, people living there, then I really question the septic use. It's a lot different than what is presented. The proposal before you tonight has some merits, there's no question. If you see fit, try to get the septic and highway reports into this file, so that Sean Hearty can fiercely enforce this, Marcus said. I have a lot of concerns and a lot of questions. Krate said this should go to Corporation Counsel. Rebeiro asked for some free legal advice here.

John Rhodes, 209 Long Ridge Road, said he gets to see every vehicle coming and going from the Institute of Children's Literature. Trucks I have seen. As far as the one way traffic goes, no one uses that horseshoe. There is a potential for more cars on that road, and I went to the information meeting about this church. It is not reasonable to ask people to drive on the Library side of that road. I see every car, every truck, that goes past there, Rhodes continued. The fact of the matter is, nobody knows the impact; nobody knows until it's happened. Are there maximum occupancy rules to apply here? Krate said there are rules set by the Fire Marshal. Hearty said they are set by Fire Marshal and Zoning; occupancy. I appreciate this board's efforts. Rhodes concluded.

Edward Manuel, 138 Long Ridge Road, said there is an existing variance here that allows a use, so you could have a warehouse, house and retail. Krate replied no they can't. Manuel was asked by Krate to please listen. Manuel said I don't feel comfortable with that use. You are not approving a use change. Hanna and Krate said existing conditions are to remain; there are no changes to the site plan. You should say it in your conditions, Manuel said. There is no saying this is going to get approved, Krate said. I have some other remarks, Manuel said, but I think they were handled by Candace Fay. Long Ridge Road is a very scenic place and the one that respects our common heritage.

Krate said I would like to clear the air about one thing: my community abuts this area; I have a bigger stake than anyone. So if anything terrible happens, I want to be sure of what I'm hearing. Candace Fay then asked Krate to recuse himself from this application as a close neighbor to this proposal. Jowdy said they would ask Corporation Counsel.

George Kahlbaugh, 19 Wicks Manor Drive, said both he and his wife are in opposition. My concern is traffic, trucks, buses. Additional traffic on Sundays affects

me. There are lots of bicycles on the road, and with additional traffic on West Redding Road, there are additional safety factors.

Catherine Thompson Manuel, 138 Long Ridge Road, said she wanted to point out that the conditions the applicant is proposing will only apply to Sundays. Any activities that occur from Mondays through Saturday will not be affected by the conditions.

Atty. Edward Schenkel representing Caulfield & Brusiloff, came to the mic, 185 Long Ridge Road, whose property directly abuts this site. He said his clients were unable to attend this evening but are definitely opposed to this proposal. Schenkel itemized the scenic qualities of Long Ridge Road, the quiet and scenic designation, what our regulations require, and why the regulations are designed to protect; 1, 2, 3, 4, 5, 6. Schenkel said granting this for Sundays when residents are at home creates an unfair burden on the community, and (a precedent to) deal with any future requests. This is not in the interest of the welfare, health and safety; that is not protected. Increased traffic is inconsistent with this area. There are other uses allowed in this area. It's one of the only remaining truly scenic roads in Danbury. In closing, Schenkel submitted a draft of his comments (designated Exhibit F).

Kamala Naidu, 175 Long Ridge Road, said I've been here for 11 years and bought the house for the scenic and quiet of the area. The fact that so many families are here, that shows that are so many questions needing answers, further information and research. I have agreed with everything everyone has said, and I'm concerned that property values will decrease and the scenic road will be taken away, due to all the traffic zipping along Long Ridge Road.

Jennifer Sijmons, 206 Long Ridge Road, which is directly across the street from this proposal. She does not question the integrity of the buyers, but is concerned about the traffic and feels it should be looked into before any decision is made.

David Fay, 31 Old Lantern Road, said he hates to beat this to death, but is concerned with the safety of children. I have been there four years, and have seen two kids get hit by cars, and that's with the existing traffic. Put a few more cars into that neighborhood, the maybe 30 extra cars; it's too many. The applicants have children whom are grown; I am speaking for the safety of the children. I don't need a traffic report; I've seen two kids get hit. Jowdy commented. David Fay said something should have been done, and this will increase the chances of that happening again. Krate said this is going to be run by everyone it has to: Corporation Counsel, all up and down the line, before a decision is made.

George Bernard, Pickett Ridge Road, which is right off of West Redding Road. West Redding Road is now being used by people going to the mall. Bernard said the traffic has greatly increased due to the people going to the mall. He added that he has never heard of a church that didn't want to increase their membership. Bernard said he believes that the church will increase in size and so will the traffic.

At 9:36 PM, Chairman Jowdy said they would take a five minute break. The meeting was called back to order at 9:41 PM.

Fred Dielman, 8 West Redding Road, said he and his wife Patricia are against this. He said he did not want to say more because he is sure the board wants to go home.

Rob Banyai, 58 Old Lantern Road, said traffic here is a problem. How many current employees here are going to be coming and going, and travel every day to the office site? Krate said the applicant will come up and answer this later.

Duane Perkins, 22 Main Street, said some of the comments here tonight seem to have broken the limits of decorum. Mr. Perkins said he is an avid cyclist, who often takes Long Ridge Road to avoid traffic. He said a lot of what you've heard tonight are uncertainties; the applicant's attorney said what I thought he would say. Perkins continued saying that he did not expect to hear that was the hardship. In my opinion, it's a little on the manufacturing side; the bottom line is it does not meet the hardship requirements. If you were looking for a classic case study on how a city can protect neighborhoods, this is it. I urge you, Chair, members of ZBA, to not approve this variance, Perkins concluded.

Kathryn Rekos, Old Lantern Road, said she is opposed to this because of the traffic. She raised her children here but there are a lot of new people there now. She expressed concern for their safety pointing out that once they get their foot in the door, they could have a shooting range on this site.

Fred Visconti, 31 Mountainville Avenue, said everything has been said that needs to be said. Visconti said he served on St. Peter's Council, and he knows of no church that would turn people away. Visconti said he also was a City fireman for 30 years and knows it is difficult to get up here. He suggested they send this to the Health and Fire Departments for their opinion before making a decision. Visconti encouraged the commissioners to continue this in order to get departmental opinions. Chairman Jowdy said they would.

Barbara Fulton, 7 Wicks Manor Road, said she is a librarian at the Long Ridge Library. She read from Robert Altman's letter saying that Long Ridge Road is unique in Danbury; there is no other road like it.

Kathy Miville, 49 Old Lantern Road, said she agreed with everything that has been said. She added that Attorney Marcus' comment about 500 people scares her.

Bill Wicks, 199 Long Ridge Road, said he is the other Wicks. And I am against this. I would like to say I don't have the right. I am the neighbor of the Sedell's, and I have been against them for years; there are no guarantees. I was the guy that sent out every flyer, and I did not tap on any windows, and I would not tap on yours.

Paula Darlington, 59 Long Ridge Road, said she is right on the corner. She said she notices all the traffic coming in for the past 7 years. These are old carriage roads which cannot be expanded any further, so additional traffic will not be good. She said there already are 35 cars at the Methodist Church; the City would be foolhardy to allow this use on this site.

Marnie Farmer, 20 West Redding Road, said she wants to add her voice to those who have already spoken in opposition.

Romolo DeGrazia, 101 Padanaram Road, said he has concerns about this. He pointed out that on the side of Danbury (Clapboard Ridge Road), there are many churches and when they have their functions, there is never enough parking. He said that he does not know of any church that would turn away new members.

Eugene Rekos, Old Lantern Road, said he worked for the Newtown Fire Department and has concerns about the safety of this site. He pointed out that in an emergency, tankers must be brought in from Wooster Hose and the Town of Redding. He said this is an enormous building, and he wanted the board to also consider the fire service issue.

At 10:07 pm, Tom Beecher again took the mic stating that Attorney Fay said if granted this opens up the door for everyone there to ask for water and sewer, and

that's not true. This is only for a church. The last comment that Attorney Fay said implied that this is kind of a ruse. I don't know that that you need to ask every department for it's input when all we are asking is to vary a requirement for vehicular access to collector or arterial street; and to vary the requirement that a Church site needs public water and sewer if in a water company watershed. Krate objected. Beecher said I know when to move on. Everybody's going to be gone by 12:30 pm on Sundays from both churches. Beecher asked the ZBA to close this tonight.

Mr. Krate made a motion to **continue** this public hearing. Mr. Hanna seconded the motion and it was passed unanimously. Mr. Hearty said the Board is requesting additional information regarding many issues so they will need to receive that.

15-09 – CONTINUED from 2/26/15: Westconn Properties, Inc. & 237 White Street, LLC, 233 White Street (J13146, J13144, J13145, J13181), Sec.5.H.1.b., to reduce perimeter planting strip from 20 ft. to 0 ft. along Locust Avenue, to 3 ft. along White Street, and to 3 ft. along Meadow Street; Sec.5.H.2., to permit parking in a front yard along Locust Ave., White Street, & Meadow Street; Sec.8.C.1.c., to permit parking in a front yard along Locust Ave., White Street, & Meadow Street; Sec.8.C.3.b.(1)., to eliminate requirement for landscape island along western end of the 9 spaces fronting White Street; to eliminate requirement for 1 street tree every 40 ft. along Meadow Street & Locust Ave.; to eliminate requirement for 1 street tree every 40 ft. along White Street (CG-20 Zone). Krate spoke to the departing audience: Folks, we have another application; we ask that you exit quietly. Benjamin V. Doto, III, PE, gave the recent history of this application saying we met with engineering. We are basically improving on existing conditions, and there is an unusual history as to why we are here. On the easel, Doto described the proposal to take down these two houses, close the car place, and move the driveway away from this busy intersection. Traffic said we have some concerns about future widening of the road, so we withdrew this application from Planning. So what we did was, basically, Doto said, we had parking, no green space along white Street; no green space along Meadow Street; the lot is a bit of a strange shape. We redesigned the proposal. The building will be tremendously improved; the brick will remain, the garage doors are going to go, and this will accommodate future White Street widening plans. This was driven by the City traffic engineer. Doto continued this is currently a two way driveway; we will make it a one way driveway. We will add planted islands to the extent that we can, and have users of the facility to take a left. Jowdy asked about the gas station that's there. Hearty said that used to be Catholic Charities back there. As we learned last week, Doto said, the project will not be as expansive as originally thought. We will basically resubmit the application to Planning, and get rid of the 3 curb cuts on White Street. The building is going to stay the same, Krate and Doto agreed. The building will stay identical; get rid of the garage doors; the brick. We don't have a specific doctor yet; not yet, Doto said.

Romolo DeGrazia of Padanaram Road took the mic at 10:26 pm, and gave his Danbury address, and signed in. I have letters and I have some photos. Krate said we have the letters already. Romolo DeGrazia read his letter into the record. He said we oppose, we oppose, we oppose; there are no hardships on any of these lots. The owner knows what he bought when he bought the properties. The owner needs to follow the regulations that are in place. There are problems with the amount of pavement, the number of cars exiting and entering this area; there's no where to put the snow. The owner wants and wants and wants, he continued. There are major safety problems: the intersection as it exists now does produce a traffic interruption. There should be some type of fence to keep the space nice and safe. Now people are going straight across our roads; there are more and more accidents, from what I've seen throughout the years. I believe if you take the time to look, you will agree

with what I have found. All of our regulations should be followed as they are written. 3 and 5 Locust Avenue, the very next two houses, Romolo DeGrazia responded to Jowdy. Hanna stated the only things he's asking for are to improve the property. Romolo DeGrazia said there's a nice front lawn there now with the houses. This past winter has been a tough winter. Romolo DeGrazia said we will not have a break in traffic if you approve of this. Krate said he's showing in and out. Romolo DeGrazia said but he's not showing where our driveway is. I hardly ever see anyone coming into this driveway. You are shortening the distance. Krate said that's a State road. It is a disaster for myself and also my neighbor, Romolo DeGrazia said, because there is either all kinds of traffic waiting to go down; traffic is going to create issues. Krate reiterated but the road widening is by the State. He's not widening that road; it's the State. Krate added what he's doing there is better than what is there now; what's there now is a hell of a lot more dangerous. Krate said everything that he is doing is going to impact you less, and fixing the building up will only improve your property values. Why would you want all that parking, if you were not planning to expand, Romolo DeGrazia said. Krate said the hardships you describe are all being created by the State; it has nothing to do with him; so there's more room on White Street. Krate and Romolo DeGrazia and Remo DeGrazia and Hanna all discussed the traffic, the road widening, the lane that's going to be put in, and having nothing to do with the lane. All of things that you stated on # **15-09**, I tried to address in this letter, DeGrazia said. Who knows when or if the State will do this, Krate stated. The letter went out; we are doing our duty by being here; if you don't want me to be here tonight, just tell me that, DeGrazia said. Krate said you already have commercial property in a residential neighborhood. It will dress that neighborhood up so well; you don't want water pollution there. Romolo DeGrazia said I am trying to voice my opinion. Jowdy said we are letting you state your opinion. Romolo DeGrazia said the photos I took are of winter; I have 12 photos I would like to submit; I don't know whose vehicles they are; we have cars that are ending up in our front yards. I'm trying to move on and explain it all as best as I can. Romolo DeGrazia continued going back to the winter portion; we have had a pretty severe winter. Boston got a lot worse. Romolo DeGrazia described the snow accumulation problems that this winter has presented, and asked for a fence. I am trying to state something maybe unforeseen. I numbered these 1 through 12. I do feel opposed to the changes; there are a lot of changes. I don't know if there will be a continuation of this; I have heard from some other neighbors; I would like you to continue this. Romolo DeGrazia said I have a concern about the height of this building; will this grow like Danbury Hospital. Romolo DeGrazia said we do now have sunlight. Krate said we can't project that. Hanna said a two-story building; that's it. Krate enumerated the enhancements that will result. Romolo DeGrazia referred to a letter that he had found from the old owners. Romolo DeGrazia said I am seeing medical use buildings that are going vacant. I will try to contact the State, Romolo DeGrazia said, and I understand what you said. Remo DeGrazia next took the microphone and signed in at 10:53 pm. Remo DeGrazia identified himself stating my biggest complaint is that I think people should abide by the regulations that exist. You can't see the results of a variance at first. Krate again listed the enhancements that will occur. Remo DeGrazia asked why are they asking for these variances. Sibbitt explained why they are asking for these variances, since the State will be making the changes as some point. At 10:55 pm, Remo DeGrazia continued at the easel explaining what the garbage trucks will now have to do. Maybe people will come here to see a specialist. Hanna said it will be more of a problem if you close that driveway. Krate asked is there anything else you have to add. Remo DeGrazia said this will lead to unforeseen problems; a humongous building; having lived there, and knowing the traffic. Krate said so noted. Remo DeGrazia thanked the board. Motion to close # **15-09** by Krate. Hanna seconded the motion. Motion carried unanimously to close the public hearing at 10:59 pm. In the voting session at 11:01 pm, Krate made a motion to **approve # 15-09**, Sec.5.H.1.b., to reduce perimeter planting strip from 20 ft. to 0 ft. along Locust Avenue, to 3 ft. along White Street,

and to 3 ft. along Meadow Street; Sec.5.H.2., to permit parking in a front yard along Locust Ave., White Street, & Meadow Street; Sec.8.C.1.c., to permit parking in a front yard along Locust Ave., White Street, & Meadow Street; Sec.8.C.3.b.(1)., to eliminate requirement for landscape island along western end of the 9 spaces fronting White Street; to eliminate requirement for 1 street tree every 40 ft. along Meadow Street & Locust Ave.; to eliminate requirement for 1 street tree every 40 ft. along White Street in the CG-20 Zone, per plan submitted. This will not prove a detriment to the welfare, health and safety of the community. Ben, could we get extra plantings or a fence? You can't talk, Krate said to Doto. Doto asked can I talk to Sean? Hearty said (a stipulation of) **appropriate plantings** have been agreed to by the applicant. Hanna and Rebeiro seconded the motion. Motion carried unanimously at 11:04 pm.

OTHER MATTERS: NA

ACCEPTANCE OF MINUTES: The meeting minutes for January 8, 2015, and February 26, 2015, could **not** be approved by these commissioners.

ADJOURNMENT: Rebeiro made a motion to adjourn. Sibbitt seconded the motion. Motion carried unanimously at 11:05 pm.

Richard S. Jowdy, Chairman

RSJ:jvr