



CITY OF DANBURY
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MINUTES
March 22, 2007 - 7:00 PM
COMMON COUNCIL CHAMBERS

ROLL CALL: Acting Chairman Krate called the meeting to order at 7:05 pm, and read legal notice. Sibbitt made a motion to hear all issues on tonight's agenda. Hanna seconded the motion, and it carried unanimously. Krate explained to the audience the procedure for Public Hearing: state your hardship and your reason for application. I will ask if there is anyone in favor or in opposition who wishes to speak. Krate said the voting session is at end of meeting, and four positive votes are required to approve or deny a request.

Present were Krate, Sibbitt, Hanna, Dufel and Alt. Villodas. Absent were Chairman Jowdy and Alternates Roos and Moore.

CONTINUATION OF PUBLIC HEARINGS:

#07-14 – Gus Spranzman, 16-18 Boulder Ridge Road (I05100, I05101), Sec.3.H.3. & Sec.4.A.3., to reduce required minimum lot width of lot 9R from 50 ft. to 38.3 ft.; and to reduce required minimum lot width of lot 10R from 50 ft. to 36.0 ft. to existing nonconforming lots to permit installation of septic systems (RA-20 Zone). Andrew Jesser identified himself and signed in. I have the new prints that you asked for with the well on it and the distances of the well. Krate said, for the record we will replace the blueprints with these new sets (Drawing No. 05083-10-R4, dated 10/12/05 and revised 2/14/06, 8/7/06, 1/8/07 and 3/15/07, prepared by R.J.Gallagher, Jr., and Associates). Jesser said I have also a letter from Mr. Gallagher. Krate said I will update these plans received 3/22/07. Jesser said this is a copy of a letter from Mr. Gallagher about the well. Jesser read the variance request again, to permit the installation of the septic system on 9R. Krate said Sean Hearty has informed us that Peter Dunn has looked at the plans and gone over them with Mr. Gallagher; the systems will work, and it is the only way they could be configured on the lot. Sean Hearty identified himself at the mic. Hearty explained that the sanitarian said what the initial design for repair would take, and he explained about the lot that's open right now, so it is required for current health code to redraw the lots. Krate asked Jesser if he had any further comments. Jesser said we're just looking for the lot lines to be, um....Krate interjected I have just one question: the water supply from the community well, your setbacks are all there. Dufel clarified the distance from a personal well, if one were required. Krate said I see this, referring to Mr. Gallagher's letter of 3/14/07, he's saying that the community well is less than 10 gallons per minute (gpm), and I don't know how that could be right for a community well. It may not be, in fact, so I'm putting this in the minutes. Gallagher's letter states that the community well is located more than 135 feet from the proposed septic tank, if that be the right setback, and I would not want to make an assumption that it is. That's something that the State Health Department would have to

take up at a later date. Dufel said this is a true lot line adjustment, is it not? I want to also be satisfied, Dufel said, that it does not unduly affect lot 10R, and he had questions about driveways and parking for 10R. That's off the property line. Dufel asked, does that matter to us? Commissioners discussed this with each other. Dufel said the association itself spoke out against this. For the record, Dufel said I read the minutes from the last meeting; I want to keep going on the last question. Dufel asked about this being subject to the applicant getting water from the community well. Before they can get a permit, they have to show that they can get water, Dufel said. Krate said we're not going to get into that, and I'll tell you why. That could wind up being a court case and it's not our purview. They must have a potable water source, so it's clearly not our problem. Dufel countered, I just want to make sure that it's within the welfare, health and safety of the community. I'm aware that a lot of these lots around the Lake are paper lots, Dufel said. Krate said we have the maps from the original subdivision. Krate, Villodas, Hanna & Sibbitt talked to each other at the platform. Jesser held the plans out for Dufel to see and explained lots 9R and 10R. The map is from 1929, Jesser said. Krate said that was three weeks before I was born. Dufel said I share the Chairman's concerns about the water system capacity, and that it is not accurately portrayed, and at some point someone is going to run into a problem. Krate said that's not our problem; that's between the State Health Department and the courts. Dufel said which do you put first; its' an interesting argument. Krate replied ours becomes first. How do I explain it? Krate continue, it's a land swap, in order to make the septic system fit. The sanitarian requirements have been satisfied. Once it goes beyond this, it becomes mute, Krate said. Dufel said I have a question for Staff, and Hearty stood up. You have to do test pits; how are we to look at something? Hearty said it's not your issue. Hanna said it has nothing to do with the rest. Krate said I 'm not going to second guess the sanitarian's job. We can pass on all of this, and the sanitarian may say, no, you can't do it, Krate said. Hearty said the sanitarian said it will meet his code; the rest of it's up to you. Dufel said I know it doesn't meet State code, it does not have the test, I happen to know that. Hearty said then you're more knowledgeable than me. Krate asked if there was any members of the audience who wish to speak for or in opposition to this request. Greg Lounds from the Boulder Ridge Association, signed in saying I'm the president. I'm opposed. There was a lot that's been said, Lounds said. Krate said we're not going to get involved with that. Lounds said, unfortunately, these guys have never even talked to me and I'm in charge of the system. We have 11 homes and the capacity for 19 homes. I'm a little nervous. Regarding parking on the road, Lounds said, the community minutes mention the welfare, health and safety of the neighborhood. Krate asked Lounds do you folks have a set of bylaws? Rules and regulations? This is all stuff that you're going to have to handle on an association level. I'm quite familiar with those regulations, Krate said. First everyone has to meet the City code. Then yours would kick in, Krate continued, and it depends if your bylaws are written up correctly. Lounds said our old president Jack died. Krate asked does your association have an attorney? Krate said that's where you go then. Lounds asked can I see Gallagher's latest plans? Krate said there are certain things that I'm suspect of, and some of them are not our purview tonight. Krate discussed the water pumping rate, the gallons per minute; you must do the background work; it's incumbent upon to you to understand the bylaws. Even though you may not come under Public Utilities, you do come under State rules and regulations. Lounds and Krate discussed capacity, and the State regulations. You're going to have to supply him with water, Krate said. Dufel commented on the water supply. Krate said what we do here tonight is nothing more than allowing the transfer of property to allow the installation of a septic system. Sean's not going to issue a building permit unless he's got a legal water source. Hanna, Lounds, Dufel, and Krate discussed the well head distances, if he's far enough away, the old capped well, and the new well in Gene's front yard. Krate said then you're saying this is wrong. Lounds confirmed I'm saying this is wrong. Krate said if that well is less than 75 feet from the proposed septic tank, he's not doing anything. What does an individual house pump, Krate asked? Lounds sat down. Krate

and Hearty discussed the gallons per minute. Is there any one else opposed, Krate asked? Jesser said we're all set. Pat, make a note to pass on to the sanitarian, please, that the president of the Boulder Ridge Road Association has indicated that the well Gallagher showed is a capped well and not in service.

That's two lots where septic systems are required, Krate said. Dufel said from what I'm hearing there are concerns with the water system, the parking on the road, which is probably not our issue; even if this were approved, the applicant still has homework to do. Krate added, "Tons". Dufel said I could use some guidance and some thoughts from other people. A person has a right to develop a legal lot, but does he have the right to gerrymander a lot line? Krate said, based on our charge, I'd have to say yes. Hanna said he's improving the septic that's there. Krate said he's got to get to code, and in order to get to code, he is going to have to do a whole lot of work, and I saw Mr. Hearty taking notes on this. And if they fail to get community water, they have to go back to the drawing board. Krate said there are two legal building lots; they are not creating a new lot. Hanna made a motion to **approve** the requests. Villodas seconded the motion. The motion carried by four (Hanna, Krate, Sibbitt, Villodas), with one opposed (Dufel).

NEW BUSINESS:

#07-19 - Geoffrey & Marcy Cooke, 18 Saddle Rock Road (E09039), Sec.4.A.3., to reduce minimum side yard setback from 25 ft. to 15 ft. for residential addition (RA-40 Zone.) Krate introduce this item at 7:34 pm. Mr. and Mrs. Cooke came forward, signed in and identified themselves. Krate said go ahead. Mr. Cooke said we'd like to reduce the side yard setback, and we're limited as the lot was upzoned. Krate noted that the addition they are proposing is in direct line with the house. Dufel said I have a question. Before I ask the question, I want to read something, which he did. So your hardship is the rezoning. Have you looked at other options that would not require a variance, Dufel asked? And why is that option not being pursued? Geoff Cooke explained that the location of septic system precludes putting it elsewhere. Secretary Lee asked Cooke to talk louder. I have letters showing there is no opposition, Cooke said, which he handed to Krate. Krate said I have two letters here stating there is no opposition. Marcy Cooke explained the layout of the house, saying we have an interesting porch. Dufel said I asked my question; thank you for the answer. Okay. During the voting session, Krate reread the request at 8:03 pm. They are simply adding an addition in line with the house. Hanna made a motion to **approve** the request, and he read it. Hanna said the new addition does not expand the existing setback; this is per plan submitted. Sibbitt seconded the motion, and it carried unanimously.

#07-20 – Putnam Properties, LLC, 16 Plumtrees Road (L13144), Sec.6.B.3.a., to reduce minimum lot width from 200 ft. to 90 ft. to provide access to existing rear lot for transfer station (IG-80 Zone). Joe Putnam signed in as Krate read the variance request into the record. Good evening, Putnam said, I'm the applicant and the owner of the property at 16 Plumtrees Road. It's the rear parcel of the property and it's a flag lot. The ninety feet is right here, and Putnam pointed to his map. Krate asked you own both lots? Dufel asked so you're subdividing? Putnam said it's already subdivided; I just need access to the back lot. Krate and Dufel discussed it. Krate asked is there any members of the audience who wish to speak for or in opposition to this request? Lynn Waller came forward, and Joe Putnam showed her his plan and explained the request to her. Waller asked a question, and said you did a good job with my car. At the mic, Waller said I'm very concerned about another trash transfer station in Danbury. It seems to me, Waller continued, it's not enough of a hardship when we're going to end up with another transfer place. I'm concerned about the automobiles, the large trucks; he does not have access to rail; you're going to have to bring

stuff in and take stuff out, and that concerns me, Waller said. Putnam replied I understand Mrs. Waller's concerns, and we are going to make a plant that is one of the best in the country. Dufel questioned, is this the old emissions station? Putnam clarified and explained the kind of debris that will be brought in. Dufel thanked Putnam. Putnam thanked the Commissioners. In the voting session, Dufel said I have one question; I might have looked at this upside down. The variance is to reduce the property width? Krate explained that the variance is just on that piece; it's only that 90 feet. Hanna motion to **approve** this, in the IG-80 Zone, per plan submitted. The hardship is to provide to accessway to the rear lot, Hanna said. Sibbitt said it's a flag lot. Sibbitt seconded the motion, and it carried unanimously.

#07-21 – Zattam Sayegh, 5 Blueberry Lane (E16022), Sec.4.A.3., to reduce minimum front yard setback from 40 ft. to 16 ft.; to increase maximum building coverage from 15% to 17% for residential addition (RA-40 Zone). Herb Krate tried to pronounce and introduce the applicant's name. Sayegh said good evening, and he explained what variances he's requesting. Dufel said the Chairman runs a fast meeting; I'm used to big drawings. Krate asked this is an existing residence? Sayegh replied, in fact, I did have a variance for this in the past, but I did not ask for coverage. Krate asked it's a single family? Dufel said so you need a variance for that structure, and a variance for coverage, and Mr. Sayegh explained his intent to Dufel. Dufel asked the existing residence is nonconforming? Krate asked Hearty when was this upzoned from an RA-20? GD, ZS, discussed the prev. variance, and need for coverage variance. GD: can you do something not to need that variance. Thinner walls. Krate said to Dufel you must be tough to live with. HK: any in F or O. We'll inform you. HK: reread this request at 8:06 pm for res. Addition. Reason why he has the situation he was upzoned. Discussion or motion? Hanna made a motion to **approve** the setback and coverage requests per plan submitted, the hardship being that the area was upzoned. Villodas seconded the motion, and it carried unanimously.

#07-22 – **POSTPONED** to 4/12/07: Elmer Palma, 22-24 Padanaram Road (H10124, H10125), Sec.8.E.5.a., to reduce required setback from front property line from 10 ft. to 1.5 ft. for free-standing sign (CN-20 Zone). [Variance application rec'd. 2/27/07. Phone clarification 3/8/07. Staff notified by letter rec'd. 3/20/07 that Attorney Neil Marcus will be on vacation 3/22/07.]

#07-23 – Safet Sadiku, 7 Hillandale Road (F08100), Sec.4.A.3., to reduce side yard setback from 15 ft. to 6 ft.; & to reduce rear yard setback from 20 ft. to 6 ft. for detached accessory use (RA-40 Zone). Krate said I'll call one more if they don't show up. **No one here** to represent application after all others have been heard. We're going to deny without prejudice. Dufel made a motion to **deny without prejudice** on the grounds that they did not come in and make their presentation. Hanna seconded the motion and it carried unanimously.

#07-24 – Waldimar Alarkon, 7 Clapboard Ridge Road (H11069), Sec.3.G.3.b., to increase maximum height of detached accessory use from 15 ft. to 24 ft. (RA-20 Zone). John Andros came forward, representing Waldimar Alarkon who wishes to put a 2nd story on a two-car garage. The lady is retired and does a lot of potting and planting, Andros said. Note the location of the septic. Andros said I have papers signed by neighbors stating they are not in opposition. The cellar is only accessible by a hatchway, and the attic is out of the question for storage. Here are the three letters from the attached neighbors. They all approved it. There's not a problem with the neighbors, Andros said. Krate asked why do you need the second story. Andros replied storage. Krate asked you're building on an existing concrete pad? Krate asked do you have a rendering of what it will look like? Andros said no, not with

me. Hanna asked why do you need so much height then? Andros explained because of the pitch of the house, a 10 pitch, to make it look nice. No plumbing or heating; electricity only, with nothing finished off on the inside. Hanna said I do have a question: you need 8 feet for the garage, right? If there's no sheetrock, you don't need that much height, Hanna said. Andros said it's up to the collar ties. Hearty said it's the midpoint between the peak and the eaves. Krate said the problem is we don't have a drawing. Hanna said but there's tremendous storage if you lower the second floor down a little bit. Andros found and presented an elevation to show Krate. Dufel said he had a question. The Commissioners discussed the rendering, dropping it 6 feet, that's what we have to decide; it's a two story garage, then a roof. "We're understanding", Dufel said. There'll be no plumbing, Krate said. Krate asked if there were any other questions. At 7:58 pm, Krate asked if there was any members of the audience who wish to speak for or in opposition to this request. In the voting session, Krate reviewed the variance request. Hanna said I have a question: here, with all the garages we approve, I understand the storage situation, but they don't need that much storage. Dufel said I feel the same way. Krate said someone make a motion. Dufel made a motion to **deny without prejudice** based on the fact that the plan shows the second story is larger than it reasonably needs to be. Sibbitt seconded the motion. The motion to deny without prejudice carried by four (Sibbitt, Hanna, Dufel, Villodas). Krate said I vote to approve.

ACCEPTANCE OF MINUTES: February 8, 2007 & March 8, 2007 Meetings. Sibbitt made a motion to approve. Jack Villodas seconded the motion, and it carried unanimously.

ADJOURNMENT: Motion to adjourn was made by Sibbitt, and seconded by Jack Villodas. The motion carried unanimously at 8:08 pm.

Denied appl. Had questions. SH: come and see me.

Thank you very much gentlemen.

NOTE: THE NEXT REGULAR MEETING IS SCHEDULED FOR **4/12/07**.

Herbert Krate, Acting Chairman

Respectfully Submitted,

Patricia M. Lee, Secretary