



**CITY OF DANBURY**  
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ZONING BOARD OF APPEALS  
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DRAFT MINUTES  
**August 22, 2013**  
CITY COUNCIL CHAMBERS  
7:00 PM

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Present were Chairman Richard S. Jowdy, Herb Krate, Rodney S. Moore, Alt. Vincent DiGilio. Absent were Joseph Hanna, Michael Sibbitt, Alt. Rick Roos, Alt. Anthony Rebeiro. Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee. Chairman Jowdy opened the meeting at 7:05 pm and said the first item **13-31** is postponed. Krate made a motion to hear tonight's agenda. Second by Moore. Motion carried unanimously. This is a four-man board, Jowdy said.

CONTINUANCE POSTPONED to September 12, 2013:

# **13-31** – Alan N. Potter, 13 Cedar Dr. (J03129), Sec.4.A.3., to reduce east side yard setback from 15 ft. to 1.6 ft.; to reduce west side yard setback from 15 ft. to 7.6 ft.; to increase max. allowed building coverage from 20% to 22.14 % for single-family residence (RA-20 Zone). Application to be **re-advertised** with amended distances, per Surveying Associates, PC.

NEW BUSINESS:

# **13-32** – Neil R. Marcus, Esq., 155 South St. & 2-12 Main St.(J15045, J15046, J15048) Sec.8.E.4.a.(3)., to allow 2 free-standing signs each of which exceeds 12 sq.ft. per sign within 50 ft. of a public right-of-way; to increase allowed height of 2 signs to 19 ft. (C-CBD Zone). Chairman Jowdy introduced this application at 7:06 pm and Attorney Neil P. Marcus took the microphone, stating he is representing the applicant, E.W. Batista. You are familiar with the site that is the subject of the variance request. Currently, Marcus continued, there's the doctors' building and the Dunkin Donuts is under construction, entering and exiting on both Main Street and South Street. Jowdy asked for clarification: entrance on Main Street, and exit on South Street? Marcus said we have all of our approvals for the construction. The City has a streetscape plan, which required the buildings to be close to the street. The problem is the streetscape plan conflicts with the sign regulations, Marcus said. He cited the regulation that must be varied, and said you can't see it from the street, so it becomes apparent that we must move it closer to the street. It's the northeastern corner of the site, 10 feet back from the property line and approximately 15 feet from the travel lane. Jowdy and Krate asked for a site plan. There are no site plans, Marcus said; that's not a good thing, and Krate and Marcus agreed. Marcus provided the site plan to the commissioners. Jowdy asked the distance from the property line. About 20 feet back from the travel lane of the street, Marcus said. Jowdy asked how about the sidewalk. We are 10 feet off the sidewalk; about 20 feet to the curb. Marcus discussed the reason that the sign has been placed there, so that cars can see it on Main Street. The commissioners examined

the regulations for the signs sheet in the file. Krate asked is there a height restriction? Marcus said I don't think we needed a variance on that. Krate said there is a height restriction, so you're not asking for a height variance. Marcus said we are exceeding 12 sq. ft. per sign because we are combining all three tenants on one sign: Dunkin Donuts, Food Mart, and Doctors' Express, Marcus said. Hearty explained the sign regulation regarding 50 feet from the right-of-way. All three signs together are 8 feet in height, and 9 feet wide, 108 inches wide. The problem with moving it back is it puts it back behind the building. Krate asked why does it have to be 72 sq.ft.? Hearty explained; Hearty said you always go *Per Side*. Marcus and Krate discussed the reasons for the sign placement. Krate said I am not personally happy with 72 sq.ft. from 12 sq.ft., so somewhere we have to have a meeting of the minds. Marcus said this is a good-looking sign; this is the sign we'd like. Hearty said if you both agree, you can reduce the size. Marcus said the sign as presented is proportionate to the site. They will all be back-lit signs; they are boxes. Jowdy talked about the illumination. Marcus said it's 8 feet by 9 feet; the reason for that is to be proportionate. Krate said to Marcus let me tell you what we did with CVS. They had to put a small sign up in brick. We don't want to make it sign heaven. We are supposed to grant you the minimum variance in order to make it visible. The mart will probably be in the Dunkin Donuts. It's a well-known logo, Krate continued. If he could live with what he's had at (117) South Street. You are on (155) South Street; you have private homes, and signs will light up those private homes. Krate said I would like you to stay as close to the regulations as you can, not 72 square feet. Moore asked Krate there are three businesses in this zone? Moore asked what is the height restriction? Hearty said 20 feet. DiGilio said they are 19 feet. Krate said let them re-adjust it. I don't want to see triple the size. Krate said the Dunkin Donuts logo is so well known in this area of the country that nobody will even read it. Why don't you let the sign man do it, Krate said, and certainly get closer to 25 feet than 50 feet. I would love to see them lower the height on South Street, Krate said. DiGilio asked about signs on both South and Main Street, and Marcus replied yes. Is South Street an exit only, Hearty and the commissioners discussed this. I'm just kicking it out there, Hearty said. I don't see the traffic flow, Krate said, and nothing that says *Exit Only* on South Street. I want a big *Do Not Enter* sign on South Street, and it's good that it's next to Doctor's Express. Krate made a motion to **continue**. Rod Moore seconded the motion. Motion carried unanimously at 7:29 pm. Secretary Lee said this will probably be on September 12, 2013.

**# 13-33** – Toll CT III Limited Partnership & The Reserve Master Assoc., Inc., Saw Mill Rd. (Multiple lots) Sec. 8.E.2.b., to increase max. size of sign at a vehicular entrance to a development on a lot containing more than 4 dwelling units from 24 sq.ft. to 50 sq.ft. (S-4); Sec.8.E.2.b., to increase maximum height of sign at a vehicular entrance to a development on a lot containing more than 4 dwelling units from 6 ft. in height to 8 ft. in height (S-4); Sec.8.E.3.a.(3)., to increase max. height of 2 free-standing signs from 20 ft. to 22 ft. (P-1); Sec.8.E.3.a.(3)., to increase max. size of 2 free-standing signs from 75 sq.ft. per side to 110 sq.ft. per side (P-1); Sec.8.E.3.a.(3)., to permit 2 free-standing signs to be closer than 300 ft. from one another on a lot (P-1); Sec.8.E.6.b., to permit 2 off-premises advertising signs (P-1 and P-2) (PND Zone). Jowdy introduced this item at 7:30 pm and read the variance requests. Neil R. Marcus, Attorney, remained at the microphone, and said we have some handouts that we are about to give you. Krate joked about what is represented on the easel, a "memorial". Marcus handed out the plans, "Rivington Master Sign Plan", dated 8/1/13. We still have a four-person board, Jowdy said. Marcus said we'll go through the whole thing; Mr. Chairman, may we proceed? Joining me this evening is Hannah Mazzaccaro, AICP, who is working for ESE, an engineering group. This is a Toll Brothers project; the former Union Carbide property, Rivington, Marcus said. We just discussed the

signs identifying business (ZBA #13-32). We've developed an architectural plan for signs for a community, to identify what we consider an upscale residential community; it is more landscaping than anything else. Signs will allow people to identify from their car the entrances; all emanate from the same theme. Again none of these are outlandish as Hannah Mazzaccaro will explain, and Marcus enumerated the variances requested, the last one being off-premise signs for the Matrix; the last variance. Marcus said this is 545 acres developed as a Planned Neighborhood Development. We realized the City sign regulations really deal with businesses. Marcus described signs designed for high speed traffic. These signs are designed to be commensurate with the development. These are hardly business signs, and I'm going to let Hannah Mazzaccaro take over now. Hannah Mazzaccaro said, "Let me know if you can't hear me", and she described her firm ESE, and said we've helped Toll develop a sign package for the community. Matt Matteson, Senior Project Manager, is here from Toll Brothers We are talking about a really big property, a large master-planned community. Matrix is surrounded by the residential portions. It's currently a private road. It's internal to our site. The property spans from Saw Mill Road all the way to Ridgebury Road, with multiple entrances coming from different directions, Mazzaccaro continued. The Hills portion is already under construction and occupied. There will likely be a couple of other phases that will come later. The signs are all along Reserve Road. The majority of these do meet sign requirements, except for those for the entrances to the clubhouse and two of the neighborhoods. If I break it down for you, we have three tiers of signage. These are entrance features, the identity, so you know you've arrived at Rivington. They will be real stone walls: a V-shaped wall that tucks in behind the hill, the main entrance to the community right now, Mazzaccaro said. Our road, Reserve Road, also cuts through a hill. We are asking for a height variance for the tower in the middle, so you can really see it as you come around that curve. She described the entrances: P-1, P-2, S-4. Krate asked why did it have to be that high? What about the scale of man? It's not going to get lost if it's five feet shorter, Krate said. Matt Matteson from Toll Brothers, Senior Project Manager, identified himself. Krate said it's the monument; the overall height is what we always did. Hearty said it's a structure; more a structure than a pylon. You are putting a sign on a permitted structure, Krate said. Matteson said the sign would be lost. Krate said Saw Mill Road has a 25 mph speed limit. Hannah Mazzaccaro said the height of this was calibrated, but there also was a sight distance element. DiGilio asked about the sign permits; so if building permits go through, it is in essence kind of a hybrid variance, putting a sign on a structure. Most of this is considered, like I said, landscaping, Hearty reiterated. DiGilio said if you have been up there, you never know where you are. Hearty and Krate agreed. Building has not approved yet. Marcus said there was some debate about if these were building signs versus pylon signs, so your hybrid description is accurate. Hannah Mazzaccaro has got the correct idea: when you come around Saw Mill Road, it's the engineering; a two-foot variance. Mazzaccaro said I want to go over the overall concept. Most of our signs don't require variances; just these three. Hannah Mazzaccaro described the entrances and what is planned for the other neighborhoods; and S-4 is a unique secondary entrance. This portion of the road is actually closed now; there is a future development area, a large clubhouse, trails coming out, and we wanted that to really have a grand entrance. There will be more landscaping, tiered walls, and a water feature. Krate asked how are the signs on the road illuminated? Matteson replied probably lighting shining up onto the signs. Marcus said we've reviewed these with the traffic engineer Abdul Mohammed, and he is going to approve them. The whole sign package is complete; one feature deals with the other. Mazzaccaro said there's an entire way-finding system throughout the site, and color coordinated so that all sign faces will be red with gold lettering, and way-finding signs will be tan and black with wrought iron posts. Krate asked will there be any sign on Ridgebury Road? No, Mazzaccaro said. Is the hospice facility identified there, Krate asked? Hannah Mazzaccaro said yes. She described that. Matteson

discussed the Matrix panel sign, and said they appear to be happy with it. Krate said I don't want you to have to come back to us for Matrix. Matteson said I gave everybody equal opportunity to comment on the signs proposed. Krate said one of those tenants will be back before us. Marcus and Krate discussed "too small"; the proper sign for that location. They are not advertising Union Carbide; it is a facility; not their modus operandi. Krate said I don't get them not wanting better identity; the guy coming in from California or Chicago will not know. DiGilio said they could have spoken in opposition. Krate discussed the property owner; it's going to be Toll Brothers coming back to us; I know you put a lot of work into this. Hearty said people from the City did reach out to the Matrix; you can't control what's down the road, Herb. Toll Brothers did make the effort. They are self-managed, Marcus said. DiGilio said, to clarify all of these monuments, the badging area is much smaller than the structures; they are not encompassing the whole structure. Sean Hearty said the whole idea is thought out; hashed out by the City; the big picture. Krate said I think it's in good taste; I don't want a mistake to be made, that's all. Hannah Mazzaccaro and Marcus talked about the off-premise signs. Krate said so there is identification and discussed identity on Old Ridgebury Road. DiGilio said that's all landscaped and everything. Jowdy and Hannah Mazzaccaro discussed the housing. Matteson said they are all attached housing. Hearty added some will be apartments; BLT; it's a big site. Mazzaccaro said I have other boards, but I don't think we need to spend time on it; but engineering-wise and traffic safety standards of the City of Danbury we are reviewing with the City. Marcus said the thing that is important is the location of these signs, spelled out in the Master Sign Plan. P-1 is not internal, Krate said; quit while you are winning. Marcus said they are not meant to be flashy to attract people. Krate mentioned the Marcus silo. Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request? Regina Ofiero and two friends, Patricia and husband Fred Greco, all spoke in favor of the application. The board will inform you of its decision, Jowdy said. Rod Moore made a motion to close this public hearing. Krate seconded the motion. We are a four-man board. Are you comfortable with that, Krate said to Marcus. Marcus replied yes.

Jowdy said we'll go in to the first proposal. Krate said that is continued (13-32).

In the voting session, Jowdy re-introduced item # 13-33 briefly. Krate made a motion to **approve** the sign variances requested for Toll CT III, which he enumerated, and Marcus clarified. Moore said read the parenthetical stuff. Krate continued reading the requests. What are those? Hearty replied Matrix. Krate asked about the hospice's signs. Krate said this is per plan submitted. It's in keeping with the development on that side of town, and will not be a detriment to the welfare, health and safety of the community. Second by Moore. Motion carried unanimously.

ACCEPTANCE OF MINUTES: 8/8/13 Meeting. Commissioners determined that they could not vote on the minutes with this four-person board tonight.

ADJOURNMENT: Motion to adjourn by Krate. Second by DiGilio. Motion carried unanimously at 8:12 pm.

NOTE: THE NEXT REGULAR MEETING IS SCHEDULED FOR SEPTEMBER 12, 2013.