

DRAFT MINUTES – REGULAR MEETING
Zoning Board of Appeals
April 10, 2014
City Council Chambers

Chairman Richard S. Jowdy called the meeting to order at 7:05 pm. Present were Jowdy, Joseph Hanna, Michael Sibbitt, Rodney S. Moore, Anthony Rebeiro, Alt. Herb Krate, who arrived later.

Absent was Alt. Rick Roos.

Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee. Rod Moore made a motion to hear the listed applications. Joe Hanna seconded the motion. Motion carried unanimously.

CONTINUATION OF PUBLIC HEARING:

14-08 – Patricia Marsalisi, 68 Aunt Hack Rd.(C11019), Sec.3.G.3.a., to permit detached accessory building in required minimum front yard; Sec.4.A.3., to reduce minimum front yard setback from 40 ft. to 4.2 ft. for shed (RA-40 Zone). Tony Rebeiro has read the minutes; Tony feels comfortable voting tonight, Jowdy said. Patricia Marsalisi introduced herself and said this shed was built where the previous shed stood. I don't know how much larger this is, but you have the specs in front of you. The commissioners determined the shed size; the new one is larger. Moore gave the aerial view of the old shed. There's a scale on there; I don't know how accurate, Moore said. The commissioners looked at the aerial shot. It's a very old shed, Patricia Marsalisi said. Hearty said it does not look substantially smaller. Patricia Marsalisi said you could drive a lawn mower in to it. Moore asked about the second photo; it gives a little better idea; maybe 12 feet. The old one had a double door, Marsalisi said, in response to Jowdy. We are asking for a variance based on the hardships: it is a corner lot with two front yards, and it's the most level spot on the property. We've been there 13½ years. The other shed will be disposed of, Patricia Marsalisi said to Hanna. Jowdy asked how old was the old shed there, and Marsalisi said she did not know. It is larger, Jowdy and Marsalisi agreed. We had no idea that we had two front yards, and she discussed what she sees as she looks out a window. Moore said it's a lovely building; I drove by there. Patricia said thank you. It's two front yards, but two lot lines there, well defined. I parked next to the shed, and it's well hidden, Moore continued. It is well manicured and maintained. Somewhere didn't you think you needed a permit? We did not think about zoning, Marsalisi replied, because it was always there. We are more than willing to plant more trees, do more landscaping, and I always thought it was my back yard. I don't think it takes from Aunt Hack or my property. Moore again discussed having it so close; it is a pretty substantial structure. I am looking to accept the hardship, Moore said. Krate arrived at 7:19 pm. Jowdy said I know your husband is in the construction business. It looks like a house, Jowdy said, from this side here. Herb Krate is here now, Jowdy said. Herb Krate said, okay, sorry. Our discussion was that the shed is in violation, and has been in violation for the last 20 or 25 years. Krate said I was not questioning intent at the last meeting: I don't think anything was done intentionally. It's not a small piece of property; it's in one of the nicer private communities in the City of Danbury. The commissioners discussed the size. Hanna asked that other shed on the property will be taken down? Krate said why can't it be placed somewhere else on the property? Patricia Marsalisi said we'd be happy to plant more trees to hide it. Jowdy said the trees would have to be ten feet high. Jowdy and Krate talked about the location; the other shed must be large. Patricia Marsalisi said you are also looking at pictures that were taken in the fall, without foliage. If you look at the whole aspect of my property, and she discussed all the plantings, the stone wall, and other improvements she had made. It is a hardship; I have three sons; we did the best that we could, and I apologize, Marsalisi

said. Krate again said her husband is a contractor and they store scaffolding in there. Okay, I won't store scaffolding there, Marsalisi said. It's for my motorcycles, and my quad. At 7:26 Jowdy asked is there anyone who wishes to speak for or in opposition to this proposal. Motion to close this public hearing by Krate. Joe Hanna seconded the motion. Motion carried unanimously.

Later in the voting session, Jowdy described the petition; the larger shed size. Jowdy said open for discussion. No questions, Joe Hanna asked? It is 300 square feet, Sibbitt said. Joe Hanna said I think it's bigger than that. Krate added it really should have been located somewhere else on that big piece of property. Hearty discussed when a footing is required. Hanna made a motion to **approve** to permit detached accessory building in required minimum front yard; to reduce minimum front yard setback from 40 ft. to 4.2 ft. for a shed in the RA-40 Zone. And put a **stipulation** that she plant some evergreens, which she agreed to do, and how high, Krate stated. Moore and Krate and Jowdy discussed the plantings. Hanna said plant the trees 8 to 10 feet high, to meet with the approval of the Zoning Enforcement Officer; it's a very minor footage increase, as per plan submitted. Second by Krate. Motion carried unanimously at 7:57 pm.

NEW BUSINESS:

14-16 – Rebecca Michele Russo-Brown, 31 Robinhood Rd.(C06073), Sec.4.A.3., to reduce minimum required front yard setback from 40 ft. to 35.1 ft. for proposed covered porch with overhang (RA-40 Zone). Stacy Keaney introduced herself as the landscape architect. As you can see on the survey prepared by Mr. Rapp, we are asking for a single family dwelling on a cul de sac to add a 7 foot porch. Rebecca said it's 20 years that we have been in the house. The rear yard is steep. Her (daughter's) play area is therefore out front, and it's nice to see her play and ride her bike. We are going to be remodeling. All the neighbors signed letters; our three neighbors, which Rebecca Russo-Brown listed. The shed will go away. Keaney said we are planning to build a garage, but that's away from the setback. Jowdy said we have your neighbors' letters and they are all in favor. We will put that in the record, and Jowdy said this is open for discussion. There were no further questions. Jowdy asked is there anyone who wishes to speak for or in opposition to this application at 7:31 pm. Motion to close this public hearing by Krate. Sibbitt seconded the motion. Motion carried unanimously. Jowdy reintroduced this item in the voting session and there were no questions. Krate made a motion to **approve # 14-16** to reduce minimum required front yard setback from 40 ft. to 35.1 ft. for a proposed covered porch with overhang, per plan submitted. It will not present any danger to the character of neighborhood. Second by Moore. Motion carried unanimously at 7:59 pm.

14-17 - Gregory McKenna, DMD, 138 Deer Hill Ave.(I15118), Sec.4.D.3.a., to reduce minimum req'd. lot width from 125 ft. to 81 ft.; to reduce minimum side yard setback from 20 ft. to 4.9 ft.; Sec.8.A.2.c.(4)., to reduce bottom edge of excavation or fill from 5 ft. to 1 ft. northerly & southerly for dental offices & 2 garden apartments in the RH-3 Zone. Michael Mazzucco, PE, and Paul Jaber, Attorney at Law, and two others came forward. Jaber introduced himself saying he is representing Dr. Greg McKenna, an orthodontist, along with Civil Engineer Michael Mazzucco. Dr. McKenna is currently at 131 Deer Hill Avenue. He's buying 138 Deer Hill Avenue, almost across the street, Jaber said. We have been here several times for the Norman Buzaid house, and those previous plans did not financially work, so he put the property up for sale. Both Dr. McKenna and Mike Mazzucco want to rehabilitate it, and put a small addition on back for his waiting room. The proposal is to move his office there, as well as two apartments on the second floor. Jaber pulled the easel closer. The three variances we are requesting, Jaber described, and he

discussed that variance that was previously approved. There are no one, two or three family houses left in this section of Deer Hill Avenue. Jaber discussed the apartments and condos that are in this vicinity now. So that proposed use is more fitting with the area. The second variance for bottom edge of excavation or fill from 5 feet to 1 foot was also granted for Mr. Buzaid's previous applications; it needs to be done. The third variance is for the extension of the rear of the building along the same line as the existing building, which has been existing in the side yard for maybe 50 years, Jaber said. Mr. Mazzucco has prepared a landscape plan to block this from the Deer Hill Arms. I will let Mr. Mazzucco get up and show you the fill and setback. Jaber showed the commissioners on the easel a copy of the site plan map. The adjoining area here is all parking. Krate asked is there a problem extending the planting through the parking area. There is not a problem to extend the planting, Mazzucco said. Krate added just a screening for the Deer Hill Arms occupants. I understand what plantings you have, Krate said to Mazzucco; I'd like to see it to the end of the parking area. Michael Mazzucco discussed extending the parking down; the same general layout we had for the previous six units. Certainly we can put an evergreen screening all along there, Mazzucco said. Krate asked the height of the screen. Mazzucco replied 5 to 6 feet. Krate said that's fine, and he reiterated giving the condominium occupants a screen. Mazzucco reiterated extend it to the whole line of the parking. Krate that's the only concern I have. Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request at 7:44 pm. Krate made a motion to close the public hearing. Rod Moore seconded the motion. Motion carried unanimously to close the public hearing. Buzaid said good night, guys. Chairman Jowdy introduced this again at 8 pm for a dental office and two garden apartments. They are asking for approval again; a new application. Any discussion? Joe Hanna made a motion to **approve #14-17** to reduce the minimum required lot width from 125 ft. to 81 ft.; to reduce minimum side yard setback from 20 ft. to 4.9 feet; Sec.8.A.2.c.(4)., to reduce bottom edge of excavation or fill from 5 ft. to 1 foot northerly & southerly for dental offices & two garden apartments, per plan submitted. Krate seconded the motion. Motion carried unanimously at 8:01 pm.

14-18 - City of Danbury, Danbury High School, 43 Clapboard Ridge Rd.(G10099), Sec.8.E.2.e., to allow a directly illuminated sign; Sec.8.E.2.g., to allow a double-faced school sign in residential district to exceed a total of 32 sq.ft. in sign face (RA-40 Zone). Good evening, Gary Bocaccio, principal of DHS, began, and he identified himself and the three people with him, Nicholas Goetz, Richard Jalbert and Lisa Frese. Bocaccio said the president of the student body, Nicholas Goetz, campaigned successfully for this petition, and Bocaccio discussed getting the funds, the money allowing us to erect a sign. We want people to be able to see the sign, and we think the larger sign would actually slow traffic down so they could read the sign. In response to Herb Krate, Bocaccio said it would only change once per day. He showed a picture of the sign; it will match the building. Nick Goetz, president of student body, next signed in and stated we worked very hard to get this sign. We have a very little sign, and we want to better identify the school. Rod Moore said I have some specific questions, on the sign itself: how bright is the sign, will it dim on cloudy nights? We have some LED (light emitting diode) lit signs in Brookfield. If we approve this, is there still a sign permit? Hearty replied a sign permit and a building permit. Hearty discussed that this is not as obtrusive as the other signs. Hearty said direct illumination is less obtrusive. Jowdy asked how big is the sign? Bocaccio replied with the size of the LED cabinet. Jowdy asked are there any questions from the board. A neighbor, Joseph Zatkovich, said I need to ask some questions. Joseph Zatkovich signed in, from 16 Eastwood Road. He said we are lucky enough to hear the band when they practice. I would like to mention my concern because I get the lights from the high school in my back yard. The other thing is you have to enforce

the ONE WAY on that street, Zatkovich added. All agreed. Jowdy asked is there anyone else wishing to speak in favor or in opposition. Krate made a motion to close item **14-18**. Joe Hanna seconded the motion. Motion carried unanimously. Motion to go into the voting session by Krate. Joe Hanna seconded the motion. Motion carried unanimously. Jowdy reintroduced this, and Krate motioned to **approve #14-18**, Sec.8.E.2.e., to allow a directly illuminated sign; Sec.8.E.2.g., to allow a double-faced school sign in a residential district to exceed a total of 32 square feet in sign face. This is going to be a back-lit LED sign, and will not be a changing sign now or in the future, per plan submitted, Krate added. Sibbitt seconded the motion. Motion carried unanimously at 8:02 pm.

ACCEPTANCE OF MINUTES: March 27, 2014, Meeting. Motion to accept these meeting minutes as presented by Krate. Second by Joe Hanna and Rod Moore. Motion carried unanimously.

ADJOURNMENT:

Motion to adjourn by Joseph Hanna. Second by Rod Moore. Motion carried unanimously at 8:04 pm.

Respectfully submitted,

Patricia Lee, Secretary