

DRAFT MINUTES
ZONING BOARD OF APPEALS
MAY 8, 2014
City Council Chambers
7:00 pm

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

Absent were Rodney S. Moore, Alt. Anthony Rebeiro, Alt. Rick Roos.

Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee.

Jowdy read the legal notice into the record. Motion to hear the items listed on the Legal Notice by Herb Krate. Second by Joe Hanna. Motion carried unanimously at 7:03 pm. Jowdy explained the public hearing process and the four person board to the audience. All approval votes must be unanimous.

CONTINUATION OF PUBLIC HEARING: NA

NEW BUSINESS:

14-19 – Mark Edwards, 28-30 Candlewood Dr. (I06097, I06233), Sec.4.A.3., to reduce minimum required front yard setback from 30 ft. to 16 ft. for single-family residence (RA-20 Zone). Jowdy introduced this item at 7:04 pm. Ralph Gallagher, Jr., PE, of 39 Mill Plain Road, identified himself representing Mr. Mark Edwards. The parcel consists of four lots, Gallagher began. We have located the septic with the Health Department, and we find that working our way up through the front of the house we require a front yard setback variance on Candlewood Drive. With minimum setbacks to the house, we find we are shy of the 30-foot setback. Also you will see that Candlewood Drive, as you see on the survey, the property is on a corner along Candlewood Drive. One hardship is the required location of the septic, Gallagher said. The septic is going in the front, Joe Hanna asked. Krate interrupted stating you've got to hold off. We cannot hear this; you have to come back. You're showing a 14 foot setback on the map. And you are requesting a different distance on the application (16 feet), Krate continued. We have to re-advertise. That happens every so often, Gallagher said. Ralph Gallagher concluded that happens; it's all right. Krate made a motion to close this public hearing and continue to the next meeting. Hanna seconded the motion. Motion carried unanimously at 7:10 pm. We can re-notify the neighbors, if the survey changes to reflect the 16 feet, Hearty said. Secretary Lee clarified it will be **continue #14-19** versus a **new** application.

14-20 – Neil R. Marcus, Esq., 3-5 Sugar Hollow Road & 4 Backus Avenue(G17002), Sec.8.E.3.a.(1),(a); Sec.8.E.6.a., to allow wall signs that are not confined to that portion of the exterior building wall where the business to which the sign(s) refers is located; to allow roof signs, or to allow signs affixed to any wall of any building which project above the top of the roof of said wall (CG-20 Zone). Jowdy introduced this item to allow wall signs that are not confined to that portion of the exterior building wall where the business to which the sign(s) refers is located; to allow roof signs, or to allow signs affixed to any wall of any building which project above the top of the roof of said wall in the CG-20 Zone . At 7:11 pm, Neil Marcus, Attorney at Law, from Cohen & Wolf, PC, signed in and identified himself. The proposal before you has to do with the Phase III of The Shops at Marcus Dairy. Jowdy read the letter from the Airport Administrator, Paul Estefan, stating that "based on the documents presented", the Administrator "does not object to the building and the sign as shown on the drawing dated 02/24/2014". Marcus said this proposed building will begin next week. The rendering sent to you shows the tenant

sign. The architects are concerned that the building should have some character; a lot about aesthetics; it is a small 6000 sq.ft. building, Marcus continued. So the wall that you see that has the three tenant signs is an architectural feature; it is a wall. We don't have to put up another pole sign. I then met with Sean (Hearty), Marcus said, and even if it is a wall, the sign Danbury requirements require that the sign be on the wall itself. Jowdy remembered the Feinson building sign that was on the roof, and the building burned down. They had a billboard; this is not a billboard, Marcus said. Krate added I was there too. I had my business on Crosby Street then, Krate said. Marcus said I remember when the Marcus Dairy burned down. Hearty said why are you talking about all these fires? Marcus displayed a plan on the easel. Marcus said we want to do something a little retro. That is in fact the same sign that is proposed, using motorcycle picture on easel. This sign does not increase the signage; it just takes it off the road and attaches it to the building. The reason is three fold, Marcus said. We described the variance, on the wall. The hardship, where does this fall: we looked at the site in terms of its location. I will get shot by the Building Department if I put the building back farther and put the parking lot in front. It eliminated my ability to put in a pylon sign; the parcel is a narrow strip; put the parking in between, which is where it belongs. At the same time, people coming off of the highway will be able to see the tenants there, Marcus said. Krate had a question on the vicinity: Joseph A. Bank on the other side; Backus Avenue comes around. Marcus said that's correct: Backus Avenue does come around. Backus Avenue is between the building and the tree. The building is right up to Backus Avenue. This building is on your left. You can see it on the picture as well. Krate had a question on the 25 feet. Marcus said the 25 feet is a green space: a front yard setback, and it will be planted. So you will not be back for a drive-thru for a bank, for example, Krate asked. Marcus replied we don't want to put another sign in the green space. Krate said the ideal spot for that sign is off the back of the building. Marcus said you'd never see it. Krate and Marcus discussed the visual aspect of the sign for people driving by. Marcus explained what a driver will go through when looking for a tenant. This is it; it really is a good looking building. Jowdy asked about the back of the building on Backus Avenue. Marcus answered Jennifer (Emminger) and I agreed that when it came to designing the shop. The back of the EMS building is pretty drab. We did not focus on the architectural details of EMS. We've addressed that, and Sean can attest to it, Marcus said. Krate said the question I have is are they going to come in for signs on Backus Avenue. Yes, Marcus said. He said you gave me a variance for the silo. You were not even here then, Marcus said to Krate. Marcus said Estefan said the silo is an aviation markation. Paul and I met, Marcus said, and he was very concerned; then he looked at it. Marcus discussed the height of the mall sign. Jowdy asked how large is this sign. 14 ft. long and about 9 ft. high; not even 9 feet. Jowdy and Marcus discussed the sign size, about 9 by 14; it is not a small wall, Jowdy said. It's about the size of Marcus Dairy, on the motorcycle rendering at the easel. Krate, Jowdy and Marcus discussed the building height and the sign size. Hearty said I don't think this is to scale. Marcus, Hearty, Krate discussed the building. $218 \div 12$, Marcus said. Elevation at the foundation is 100. Elevation to top of canopy is 10'3". To the top of the parapet is 20 feet. It's 20 feet, Marcus said. It's 29 feet to the top of the sign. Hearty said we are talking about a wall, not a sign. The wall is 14 by 9 feet high, Marcus said. Hearty, Marcus and the commissioners continued with more discussion about height and size at 7:34 pm. Hanna said it's almost 21 feet. You will approve this per plan submitted, Hearty said, basically. It will be higher than a free standing sign, Hearty said; what you see in the picture is exactly how it will look. We've gotten a lot of complements about the buildings, Marcus said, except for EMS (Eastern Mountain Sports). It's an architectural wall that is part of the building. This is the best looking design, and we went over it with Sean Hearty and Jennifer Emminger. The sign is a little unique; on a pie shaped thin wedge, move the building by consent close to Backus Avenue. Jowdy and Marcus discussed the

garbage and its enclosure. Grass could be a stipulation. Hearty said it has to be screened; it will be screened, per the site plan. Jowdy voiced his concern about dumping cars back there. Hearty said what kind of screening is based on the regulations. There are no back doors, Marcus said. Krate discussed a mosaic on the back. Marcus said, okay; then we won't hang art. You don't want it to look as stark as the original rendition, Krate said. The tenants don't necessarily want windows on both ends of their units. Krate said you are aware we only have a four man board tonight. Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request at 7:41 pm. Motion to close this public hearing by Krate.

Second by Joe Hanna. Motion carried unanimously.

In the voting session at 7:47 pm, motion to **approve** by Krate to allow wall signs that are not confined to that portion of the exterior building wall where the business to which the sign(s) refers is located; to allow roof signs, or to allow signs affixed to any wall of any building which project above the top of the roof of said wall in the CG-20 Zone. Second by Joe Hanna. It does show multiple tenants, Hearty said. No access will be allowed through the rear of this building; no drive-thru per Krate. The back of the building will look the same as the front, Jowdy remarked. Hearty said to the extent that it's practical. Krate added per plan submitted. Motion carried unanimously by four.

ACCEPTANCE OF MINUTES: April 10, 2014. Motion to approve these minutes as presented by Krate. Second by Joe Hanna. Motion carried unanimously.

ADJOURNMENT: Motion to adjourn by Joe Hanna. Second by Krate. Motion carried unanimously at 7:46 pm.

NOTE: The next regular meeting of the Zoning Board of Appeals is scheduled for June 12, 2014.

Patricia Lee, Secretary