

DRAFT MINUTES – REGULAR MEETING
ZONING BOARD OF APPEALS
August 14, 2014
Room 3C
7:00 pm

Present were Acting Chairman Herb Krate, Michael Sibbitt, Joseph Hanna, Rodney S. Moore, Alt. Anthony Rebeiro. Absent were Chairman Richard S. Jowdy, Alt. Rick Roos.

Staff present were Timothy Rosati, Assistant Zoning Enforcement Officer, Secretary Patricia Lee.

Acting Chairman Krate called the meeting to order at 7:00 pm. Herb Krate read the legal notice at 7 pm. Moore made a motion to hear tonight's two items. Second by Hanna. I explained how we are going to work, Krate said.

CONTINUATION OF PUBLIC HEARING:

#14-23 – CONTINUED from 6/12/14: Mark Edwards, 28-30 Candlewood Dr. (I06097 & I06233), Sec. 4.A.3., reduce front setback from 30 ft. to 14 ft. for SF residence (RA-20 Zone). Krate introduced this continuance, but no one was present to represent the petition. Mr. Edwards will have to wait till the end of the meeting, Krate said.

When we go into the voting session, we will deny without prejudice. Krate explained what deny without prejudice entails, which allows them to come back and reapply, if they choose to. A new application must be given to us with new advertisements.

Let's go into the voting session at 7:50 pm, Krate said. Moore made a motion to **deny without prejudice**; we will exceed the 60-day stature. Second by Rebeiro. Motion carried unanimously at 7:51 pm.

NEW BUSINESS:

14-34 – Connecticut Institute for Communities, Inc., 29 Park Ave. (H15135), Sec.4.C.3., to increase maximum permitted building coverage from 30% to 34.8%; Sec.4.C.3., to reduce minimum req'd. front yard setback from 20 ft. to 9.2 ft.; Sec.4.C.4.c.(1)., to reduce minimum req'd. lot area from 1 ac. to 0.646 ac. for school; Sec.4.C.4.c.(2)., to reduce minimum req'd. side yard setback existing building from 25 ft. to 2.0 ft. and proposed addition 25 ft. to 9.5 feet; Sec.4.C.4.c.(4).; Sec.8.D.1., to permit a stockade fence and existing building northerly wall be considered as a screen rather than an opaque solid masonry wall or evergreen hedge; Sec.4.C.4.c.(6)., to eliminate compliance with all provisions of Sec.4.G.4., site design standards; Sec.9.C.2.(b)., to permit expansion of a non-conforming structure; Sec.8.C.3.b.(1)., to eliminate landscaped island required adjacent to parking stall 1; to reduce landscaped island width from 8 ft. to 5 ft. adjacent to parking stall 9, for nursery school (R-3 Zone). Attorney Tom Beecher identified himself, from Collins Hannafin, 148 Deer Hill Avenue, and handed out some floor plans for the proposed neighborhood nursery school. Krate said am I reading this right? The main entrance will now be from the parking lot, towards the rear, which is technically a side yard, Beecher said. With me tonight is Jim Maloney, president of Connecticut Institute for Communities, and Paul Fagan with Surveying Associates. This is for a non-profit nursery school in the R-3 Zone. There are special zoning regulations that apply. Beecher continued it's a .646 acre lot is legally conforming in the R-3 Zone, but not for a school. It was the old Park Cadillac dealership, and then it was Waterworks retail and wholesale store. One major positive is this would convert this property to a permitted use in this zone, Beecher

said. The only building changes are the awnings, and **we are withdrawing those awning requests**. Krate said the front is Park Avenue. There are actually two front yards on this lot, Beecher said. We propose to add a small 320 sq.ft. addition all the way back opposite Park Avenue; this little section here, in the back. Krate had questions about what will remain there. I will go through the variances that we are requesting after Jim Maloney talks, Beecher said. At 7:04 pm, Jim Maloney of Connecticut Institute for Communities, Inc., from 15 Wooster Heights, identified himself as the president of the Institute. Thank you for your time and attention, Maloney said. The Institute is a community development corporation, a non-profit, and accommodates the physical needs for those services, and he listed a variety of programs that the Institute sponsors, and where they are located. This project is a neighborhood nursery school, and he put the blow-up of the rendering on the easel. Maloney reiterated the history of the Cadillac dealership, then a plumbing retailer, wholesaler, via an old variance about 20 years ago. We have deliberately configured this building to be as residential as possible. I live nearby, Maloney continued. My kids went to Park Avenue School. We want this to be an asset to the neighborhood. There are two changes to the footprint to the building, Maloney described; it will be very similar to many residential structures in Danbury: a Craftsman's Style front door. The other is a bump-out for the multi-purpose room, to make it large enough under State daycare regulations for twenty kids. Seven classrooms are proposed, and each has 20 children, the legal maximum under Connecticut childcare laws. There will be also office space, a nurses' station, a warming station, not a kitchen, adult rest rooms, and each classroom has one bath facility. Maloney continued to describe the interior, including the security vestibule. Krate asked has this been run by the fire constable? Maloney said that's not the sequence. He explained the exits for Herb Krate. The driveway is currently here, but it is moved as far this way as possible, and there's half of a blind spot. The second benefit allows a stacking lane all around here. He described the path of the student drop-off, pick-up, and we stagger the class times by 30 minutes, so you can accommodate that, Maloney said. There will be room for about 25 cars to stack in this circle. I took it upon myself; I wrote a note to all of the abutters, and Maloney read this letter to the commissioners at 7:18 pm. Drop-off and pick up will occur in the parking area, not right on Park Avenue. With one exception, no abutter called, except one who asked us to do a demonstration. Maloney talked about the United Way saying this is fantastic news, and read their letter. Secretary Lee asked for copy of that letter. There was a question from a neighbor about what kids can use this. Maloney explained Care for Kids and School Readiness. We do offer a variety of child care all the way from 6 weeks of age. This is pre-school care: 3 and 4 year olds. Krate said is there any plan to gate that off, the parking lot when not in use? Maloney said we are certainly open to that. It is a good idea. This recreation yard is all fenced. It's very carefully screened, Maloney said. Beecher said regarding gating it off; the facility might be made available for neighborhood use. Maloney said yes, there will also be a multi-purpose room. Beecher next listed each of the variances requested at 7:24 pm: the reason for the addition, the two withdrawn awnings, the heightened requirement for schools only for the lot size variance. It is a good sized lot in this zone. Beecher continued about the side yard requirement, with Paul Fagan at the easel, who pointed it out on the plan. This addition is technically expanding a nonconforming building, although are separate variances, and many are inter-related. We are also asking for a variance for the side yard screening requirement, which Paul Fagan will point out. Paul Fagan, LLS, showed how there is no room for green screening. Krate asked why couldn't you put screening there? Krate said technically you don't have a rear yard. Krate asked why couldn't those two areas be planted? Fagan and Beecher said this is a playground. Trees never hurt kids, Krate said. Maloney said that's okay. Krate said you could just cut holes in there and plant; once you are beyond the building. Maloney said I'm probably not supposed to do that. There is also a four-foot high concrete wall there already, Maloney said. Krate said move along.

Beecher next explained the Section 4.G.4. requirements. Krate said this is going to be a sidewalk. You could, without those awnings, plant along here, Krate added. Fagan said that will be shown when we go to the Planning Commission. Krate asked for a corrected plan showing the plantings. Paul Fagan and Beecher agreed with Krate that more plantings will be added. Beecher next talked about the sidewalks; their width. Krate said there is no problem with that. Beecher said there are small ways we can comply with Section 4.G.4. Fagan explained the island issues at the easel. We have a valid legal nonconforming lot; two front yards, the size and shape of the lot and the pre-existing building on the lot are all existing. I would ask you to approve the application for specifically a non-profit school use. If you grant these variances, say generally per plan submitted, subject to any changes proposed by Planning. Beecher said we ask you to agree with us: make the property a conforming use in this neighborhood. Moore said I have a question. Moore said you can see on the architectural rendering; is that what you had in mind, Moore asked Krate. Krate asked is there anyone who wishes to speak for or in opposition to this variance request? Paul Rotello of 13 Linden Place, Danbury, came forward and signed in, stating he is representing a couple of contiguous land owners, both on the east side. I grew up in that neighborhood. I think that was an old Packard dealership. We had a good time as kids playing around there. Rotello gave some history of the parking getting out of hand. They changed the zone, so Bob Kaufman could put Waterworks in there. We did not want another auto mall. We all knew Bob and we supported that. I am supporting a nursery school in this building rather than another retail use; we don't want to see a convenience store, a self storage, a liquor store, a clothing store; so I am in full support, Rotella said. My only issue is that variances go with the land, Rotello said. The worst of all possibilities is that Maloney decides not to go in there. Then that would completely satisfy me. Krate asked is there anyone else who wishes to speak for or in opposition to this request. I asked that first, who is in favor, Krate reiterated. Several audience members said they are in favor. George Chaber, from 40 Pleasant Street, in favor, signed in. Maloney said we will file a corrected plan. We will clean up the site so it is exactly as planned. Krate asked again if there was anyone in favor or opposition. Krate asked are there any questions from the board. Moore made a motion to close the public hearing. Hanna seconded the motion. Motion carried unanimously.

In the voting session, Krate asked for a motion or questions. Tony Rebeiro motioned to **approve** the variances listed, omitting the request for awning variances, adding the planting: Sec.4.C.3., to increase maximum permitted building coverage from 30% to 34.8%; Sec.4.C.4.c.(1)., to reduce minimum req'd. lot area from 1 ac. to 0.646 ac. for school; Sec.4.C.4.c.(2)., to reduce minimum req'd. side yard setback from 25 ft. to 2.0 ft. for existing building; Sec.4.C.4.c.(2)., to reduce minimum req'd. side yard setback from 25 ft. to 9.5 ft. for proposed addition; Sec.4.C.4.c.(4).; Sec.8.D.1., to permit a stockade fence and existing building northerly wall be considered as a screen rather than an opaque solid masonry wall or evergreen hedge; Sec.4.C.4.c.(6)., to eliminate compliance with all provisions of Sec.4.G.4., site design standards; Sec.9.C.2.(b)., to permit expansion of a non-conforming structure; Sec.8.C.3.b.(1)., to eliminate landscaped island required adjacent to parking stall 1; to reduce landscaped island width from 8 ft. to 5 ft. adjacent to parking stall 9, for nursery school in the R-3 Zone.

Beecher said I think you missed one. The plan given us tonight does not include the changes discussed tonight. Beecher added the side yard setback, Section 4.C.4.c.(2)., number four. It's per plan submitted, Krate said. Moore said it's per USE submitted, specific to a nonprofit nursery school, per revised plan (to be) submitted. Hanna seconded the motion. Motion carried unanimously at 7:55 pm.

ACCEPTANCE OF MINUTES: June 12, 2014 and July 24, 2014.
Motion to accept the June 12 minutes as presented by Moore. Second by Sibbitt.
Motion carried unanimously. Motion to accept the July 24 minutes as presented by
Hanna. Second by Moore. Motion carried unanimously.

ADJOURNMENT: Motion to adjourn by Hanna. Second by Sibbitt. Motion carried
unanimously at 8:00 pm.

NOTE: The next regular meeting of the Zoning Board of Appeals is scheduled for
September 11, 2014.