



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS
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MINUTES
Web-Based Meeting Hosted on ZOOM
May 28, 2020
7:00 p.m.

Livestreamed on Danbury CT Planning & Zoning YouTube Channel click on
<https://www.youtube.com/channel/UC59LEpmvEgAN4B3EAYXEVTQ>

ROLL CALL:

Acting Chairman Rodney S. Moore called the meeting to order at 7:00 p.m.

Present by roll call: Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt, and Rod Moore. Mr. Moore acknowledged staff members, Planning Director Sharon Calitro, who is hosting the meeting, Director of Permit Coordination and Zoning Enforcement Officer Sean Hearty, and Secretary Mary Larkin.

Mr. Moore announced, pursuant to Executive Order No.7I Section 19.c., notice is hereby given that Application Nos. 20-14, 20-15, and 20-16 will be heard. *Motion to hear Application Nos. 20-14, 20-15, and 20-16 made by Joseph Hanna, seconded by Michael Sibbitt. All in favor; none opposed. Let the record reflect the motion was passed unanimously.* Mr. Moore stated for the record, this is a virtual meeting and continued to explain the procedures.

ACCEPTANCE OF MINUTES: May 14, 2020

Motion to accept the minutes of May 14, 2020 was made by: Mr. Hanna; seconded by Juan Rivas. All in favor. Let the record reflect motion passed unanimously.

The next regular meeting is scheduled for **June 11, 2020.**

OLD BUSINESS: None

NEW BUSINESS/PUBLIC HEARINGS:

Pursuant to Executive Order No.71 Section 19.c., Notice for Items #20-14, #20-15, and #20-16 was delivered electronically to the Town Clerk and posted online.

#20-14 DaSilva, Joseph, Jr. 2 National Place, (I15267), C-CBD Zone

Sec. 5.F.4.d.(1) Reduce minimum lot size from 2 acres to .98 acres.

Attorney Thomas Beecher, representing property owner and applicant, Joseph DaSilva Jr. Mr. Beecher explained that this property is on the corner of White Street and National Place. Previously, the building was home to Webster Bank and Paul Mitchell School of Hair Styling and Beauty Salon. Danbury is in need of more schools and more school space. The Danbury Prospect Charter School is the prospective tenant and is not directly under the umbrella of BOE. Mr. Beecher further explained that the City of Danbury wants the school, and it is an excellent charter school program certified by the State of Connecticut and has received \$4 million in grant funding for this project. This school will be a relief valve for the school system. For each student enrolled with the Charter School, a space is freed up for the Board of Education. Over the last two months it has become clear, due to the pandemic, that school space will be even more of an issue with social distancing. This will not be paid for out of the Board of Education budget. Danbury is one of few cities in the state of Connecticut without a charter school. Twenty-three charter schools exist in the state, but none in Danbury.

Program will be for students in Grades 6 to 8, and initially it will accept 100 sixth graders to start. Mr. Beecher explained this is similar to the variance granted to the Headstart Early Learning Center at 29 Park Avenue, which was an existing building.

There are no exterior changes planned for the property, located in the central business district zone, which allows schools. This site can comply with all but one requirement: Sec. 5.F.4.d.(1) – site must be minimum of two acres. Schools are permitted in other zones with a minimum of one acre. Variance is not for any setbacks for additional building. It will not cause a detriment to this neighborhood or to the City.

Questions: Mr. Moore asked what is the expected number of students when the school is fully up and running? Mr. Beecher suggested triple the enrollment, and Mr. DaSilva did not have a number of maximum of students. He (Mr. DaSilva) anticipates 100. Mr. Moore asked about the number of classrooms. Mr. DaSilva answered, “Two downstairs, four upstairs.” Mr. Moore asked how many students would be in each classroom, and Mr. DaSilva thought between 24 & 28 in each classroom. Mr. Sibbitt asked about safety because the Still River is adjacent to the property and will there be a fence on top of the walls to keep children away from the river, given that there is no playground. Mr. DaSilva said it had not been discussed, but it is a good point. It is the City’s wall, and they would need permission from the City to add to or modify what currently exists. There is about a 4’ concrete retaining wall according to Tom Beecher and Joe DaSilva. A fence design could be discussed in the future. Mr. Moore asked if there was any place for a playground? Mr. Beecher said there is a fair amount of green space if you look at the building from White Street. Mr. Rivas asked about transportation for the students? Will drop off be on White Street or

on the property? Mr. DaSilva said that had not been discussed, and it would depend on the size of the busses and frequency. No further questions . . . Anyone in opposition?

Motion to close No. 20-14 by Joseph. Hanna; seconded by Michael Sibbitt. All in favor, none opposed. Let the record reflect the motion passed unanimously.

#20-15 West Miry Holdings LLC, 41 & 49 Miry Brook Road, (F19004), IL-40 Zone

Sec. 6.C.2.b. To allow the continuous perimeter planting strip to consist of a grassed lawn only and to eliminate the requirement that it include trees and shrubs.

Sec. 8.C.3.b.(1) To eliminate landscape island tree requirement in landscape islands. To eliminate all street tree requirements (7 total).

Ben Doto P.E., representing the applicant, illustrated the site, which has an existing hangar 10,940 sq.ft., a 10,200 sq.ft. hangar, and Building 41 is 3,400 sq.ft. industrial building. Mr. Doto explained the middle and rear buildings will be taken down to construct a 28,400 sq.ft. hangar. The property is located inside the airport fence, but it is private property. They are asking for variances to Sections 6.C.2.b and 8.C.3.b.(1) basically to eliminate perimeter planting and landscaped island tree requirement. Mr. Doto explained there will be no paving over the planting strip or the island behind the hangars. They will just be grass lawns. The elimination of the planting on the planting strip and island was approved by the FAA on April 29, 2020. Airport Administrator Michael Safranek has joined the ZOOM meeting and is in support of the project. Mr. Doto further explained a hangar use is a special exception use, and if the variances are granted, they will make an application to the Planning and Zoning Department for the hangar. Mr. Safranek read his letter of support into the record, and it is marked as "Exhibit A". There were no questions from the Board, and no one else to speak in favor or in opposition.

Motion to close No. 20-15 made by Joseph Hanna; seconded by Michael Sibbitt. All in favor, none opposed. Let the record reflect the motion passed unanimously.

#20-16 The Women's Center of Greater Danbury, Inc. (Contract Purchaser), 89, 95 Rose Hill Avenue, portion of 26 Franklin St., (Portion of H13166, H13167, H13033), RH-3 Zone

Sec. 4.D.3.a. Reduce minimum side yard from 20' to 15'.

Sec. 4.D.3.a. Reduce minimum rear yard from 25' to 20.'

Sec. 4.G.4.(a)(1) Eliminate the requirement to screen parking along the side yard between Parcel 1 and Parcel 2.

Sec. 4.G.4.(b)(1) Allow location of parking between the street and the principal building.

Sec.4.G.4.(b)(2) Eliminate building street wall requirement.

Sec.4.G.4.(b)(3) Eliminate the mean front setback requirements.

Ben Doto, P.E., shared his screen, and Attorney Peter Olson, 275 Greenwood Avenue, Bethel, Connecticut spoke on behalf of the Women's Center and introduced Eric Eggan, Chairman of the Board of Women's Center. Mr. Olson indicated that Parcel 1 and Parcel 2 are indicated on

the map. The map has been recorded, and it is officially two parcels. The Women's Center is the contract purchaser of Parcel 1. The City received the grant money for environmental remediation, and it is well underway. The intention of the Women's Center is for a transitional housing facility to better serve their clients. This special use is allowed in the zone through text amendments to RH-3 Zone. The first cut was granted through a previous variance.

Mr. Doto, Civil Engineer for the project, guided the Board through the variances. The proposal is for a 10,400 sq.ft. building about 400' back from the road. This is the old Mallory Hat Factory location.

These variances relate to the position of the building on the property due to the flood requirements. Remediation is currently in progress. The building will be in rear of property, and there is an existing driveway, across from Fairfield Processing, that will be extended to a cul-de-sac parking pattern. Mr. Doto explained these variances are driven by running the flood model and being able to comply with City of Danbury floodplain requirements and State of Connecticut, DEEP flood management certification, which has been received. Relief is requested to reduce side yard 20' to 15'. In the back, the property line reduction request from 25' to 20'. The RH-3 zone has design standards that request the building be located at the street wall. A street wall is not consistent nor defined in this neighborhood. Parking behind the building typically makes sense, but in this case the only place to put the building is at the rear of the property, leaving only the front for the parking. The parking will be 300' from the road. Mr. Doto showed a flood map indicating the Still River flows under the Fairfield Processing parking lot, water travels across the Rose Hill Avenue bridge, and there is an underground culvert, then it becomes an open channel only to go through another culvert. He outlined the 100-year floodplain, which is extensive.

They were ultimately able to comply with floodplain requirements of City, State, and FEMA. The building will be 3.5' above the 100-year floodplain; typical standard would be 1' above. Hardships were driven by being able to comply with floodplain regulations. Means of dry egress will be provided with this plan completely complying with City zoning regulations, and it was approved by the DEEP. The building coverage will be 11.5%, and site will be heavily landscaped. Part of DEEP approval was that an emergency management plan was prepared to address what would happen if a 100-year flood is coming or worse and that has been approved. The building would be evacuated. One hardship is that parking must be screened from adjacent properties. In this case there is a 5' sidewalk surrounding the parking, and there is a portion next to the City-owned property that lacks room for screening. That property will never be developed, and it currently has vegetation coverage.

Mr. Olsen added the shape of the lot creates an additional hardship. The lot line needed to be drawn to show two viable lots under zoning regulations and to keep the Still River and Still River culvert completely on the City's parcel.

There being no questions, and no one in favor or opposed, a motion to close No. 20-16 was made by Michael Sibbitt; seconded by Joseph Hanna. All in favor, none opposed. Let the record reflect the motion passed unanimously.

Motion to go to voting session was made by Joseph Hanna; seconded by Peter DeLucia. All in favor, none opposed. Let the record reflect the motion passed unanimously.

CONTINUATION OF PUBLIC HEARING: None

OTHER MATTERS: Zoning Board of Appeals Bylaws

Mr. Moore has been in touch with Chairman Richard Jowdy. Mr. Jowdy has been in touch with Robin Edwards, Corporation Counsel, who will prepare new draft incorporating minor changes.

DECISIONS:

Motion to go to voting session was made by Joseph Hanna; seconded by Peter DeLucia. All in favor, none opposed. Let the record reflect the motion passed unanimously.

#20-14 DaSilva, Joseph, Jr. 2 National Place, (I15267), C-CBD Zone

Sec. 5.F.4.d.(1) Reduce minimum lot size from 2 acres to .98 acres.

Motion to approve No. 20-14, 2 National Place, per plan submitted, was made by Joseph Hanna, because this is an existing building, and the City of Danbury needs the school space. Mr. DaSilva agreed to install a fence, if needed and with permission from the City of Danbury, toward the Still River, and this will be good for the community and City of Danbury; seconded by Peter Delucia. All in favor, none opposed. Let the record show the motion passed unanimously.

#20-15 West Miry Holdings LLC, 41 & 49 Miry Brook Road, (F19004), IL-40 Zone

Sec. 6.C.2.b. To allow the continuous perimeter planting strip to consist of a grassed lawn only and to eliminate the requirement that it include trees and shrubs.

Sec. 8.C.3.b.(1) To eliminate landscape island tree requirement in landscape islands. To eliminate all street tree requirements (7 total).

Motion to approve No. 20-15, 41 & 49 Miry Brook Road, per plan submitted was made by Joseph Hanna because the airport requires, for safety reasons, no trees or shrubs that can attract wildlife, potentially causing safety issues; seconded by Michael Sibbitt. All in favor, none opposed. Let the record reflect the motion passed unanimously.

#20-16 The Women's Center of Greater Danbury, Inc. (Contract Purchaser), 89, 95 Rose Hill Avenue, portion of 26 Franklin St., (Portion of H13166, H13167, H13033), RH-3 Zone

Sec. 4.D.3.a. Reduce minimum side yard from 20' to 15'.

Sec. 4.D.3.a. Reduce minimum rear yard from 25' to 20.'

Sec. 4.G.4.(a)(1) Eliminate the requirement to screen parking along the side yard between Parcel 1 and Parcel 2.

Sec. 4.G.4.(b)(1) Allow location of parking between the street and the principal building.

Sec.4.G.4.(b)(2) Eliminate building street wall requirement.

Sec.4.G.4.(b)(3) Eliminate the mean front setback requirements.

Motion to approve No. 20-16, 89, 95 Rose Hill Avenue and portion of 26 Franklin Street, per plan submitted, by Michael Sibbitt. The hardship is the shape of lot and its location in the 100-year flood zone. It is a well-needed building for the City of Danbury. Motion seconded by Joseph Hanna. All in favor, none opposed. Let the record reflect the motion passed unanimously.

CORRESPONDENCE: None

ADJOURNMENT:

Motion to adjourn was made by Joseph Hanna; seconded by Juan Rivas. All in favor, none opposed. Let the record reflect the motion passed unanimously at 7:59 p.m.

Respectfully submitted,

Mary S. Larkin
Recording Secretary