



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
July 9, 2020
7:00 p.m.

Public Participation Instructions Below

To view livestream on Danbury CT Planning & Zoning YouTube Channel click on
<https://www.youtube.com/channel/UC59LEpmvEgAN4B3EAyXEVTQ>

To View Application Materials, Click on Links Below the Agenda Item

ROLL CALL:

Acting Chairman Rodney Moore called the meeting to order at 7:00 p.m. Present were Joseph Hanna, Juan Rivas, Michael Sibbitt, and Alternate, Peter DeLucia. All votes will be by roll call.

Absent: Richard S. Jowdy, Anthony Rebeiro, and Richard Roos.

ACCEPTANCE OF MINUTES: May 28, 2020

Motion to accept the minutes of May 28, 2020 was made by Juan Rivas; seconded by Joseph Hanna. All in favor with Ayes. Mr. Moore stated, "Let record reflect the vote is unanimous."

The next regular meeting is scheduled for **July 23, 2020.**

OLD BUSINESS: None

NEW BUSINESS/PUBLIC HEARINGS:

Pursuant to Executive Order No.7I Section 19.c., Notices for Items #20-18 and #20-19 were delivered electronically to the Town Clerk and posted online.

Motion to hear Application Nos. 20-18 and 20-19 was made by Joseph Hanna; seconded by Peter DeLucia. All in favor with Ayes. Mr. Moore stated, "Let record reflect the vote is unanimous."

There was no one on the ZOOM meeting representing Application No. 20-18, 6 Crane Street. Mr. Moore passed Application No 20-18, and the Board heard the presentation for Application No. 20-19, 89 Newtown Road.

#20-19 Colonial Subaru, Inc., 89 Newtown Road, (M11014), CG-20 Zone

Sec. 5.A.3: Reduce side yard setback from 20' to 14' for building overhang and 15' to face of building for proposed addition.

Benjamin Doto, P.E. representing the applicant, shared his screen to show the existing Colonial Subaru site. Constructed about five or six years ago, it was the site of the former Robert Buick dealership. The proposal today is to install an 11,800 sq. ft. (5,900 sq. ft. footprint with part storage above) addition off the east side of the building – 8 service bays and storage addition. Mr. Doto indicated they need to increase their service capacity.

Mr. Doto showed a photograph of how the Robert Buick site looked like in its heyday. In 2012 the Zoning Board of Appeals (ZBA) gave them a series of variances to redevelop the site. All were to make the site less non-conforming. In 2012, the neighbor to the south appealed the decision. They worked out an agreement in 2013 and modified the side-yard setback. They want to basically maintain the side yard setback. They are asking to build at 15' at face of the building and 14' for the overhang to match what is there today and will keep in line with the already approved variances. This addition was not on the original plan previously approved by the ZBA and that is why they are here. Behind the credit union will be an auto storage area which will accommodate some of the loss of parking. They contacted the neighbor right after submitting the variance application, and they have met with them and gone over the plans. Mr. Doto indicated that their attorney said Seven Springs has no opposition to this variance. The applicant is in compliance with everything including building coverage just under 28%; this zone allows 30% coverage. They are asking to keep what they already have in place with a new plan showing the larger building.

Mr. Doto indicated if this variance is granted, they will submit a revised site plan application to the Planning & Zoning Department.

Mr. Rod Moore said that he had reviewed the minutes from the variances approved in 2012 and asked how many service bays are there now. Mr. Doto said there are 19 service bays and with the additional eight, there will be 27 service bays. Mr. Doto said the hardship is the unusual shape of the lot and the building is already there. Mr. Moore asked if the existing wood fence would remain. Mr. Doto replied, "Yes it would stay as it is." Mr. Moore said in 2012 they were looking at 21% coverage, Ben Doto said they are at about 23%. Rod Moore said that the minutes from 2012 mentioned there is a 42" storm drain. Were they ever connected to that? Ben Doto said they are connected to that storm drain and further indicated on the map where the storm drain is, and added that it takes drainage from the DOT from I-84 and Newtown Road. The original Robert Buick building was built on top of the storm drain. When the new building was constructed, they favored another direction so the building was not built over the storm drain. Runoff will not be increased.

No further questions.

There was no one in favor or opposed. Ben Doto asked permission to repeat his hardship: In the application the hardship is the irregular shape of lot combined with the shallow depth and the existing conditions.

There being nothing further, a motion to close Application No. 20-19 was made by Joseph Hanna; seconded by Juan Rivas. All in favor with Ayes. Mr. Moore stated, "Let record reflect the vote is unanimous."

#20-18 Medina Juan I. & Ramon, Florida M., 6 Crane Street, (J12049), RH-3 Zone

Sec. 8.A.2.c.4: Reduce minimum bottom edge of excavation or fill from 5' to 0.0' from property line for retaining wall.

NOTE: At 7:19 Josselin Medina joined the virtual meeting representing her parents, the owners at 6 Crane Street. Rod Moore reviewed the process for presenting the application and shared the applicant's map for the presenter.

Ms. Medina said they decided to replace the wall due to the condition and to put it on the property line. She thinks the variance will not adversely affect the neighborhood. It will be made of concrete and iron. Mr. Moore asked if this would be an upper level to the existing wall on Ylagen's property. Mr. Moore asked how high the wall would be. She said it would be three sections – one will be 8' and one will be 6' and one will be 4'. Mr. Moore began to ask another question when Ms. Medina interrupted and said the existing wall is going to fall down.

Mr. Peter DeLucia said he walked the property which is hilly with a steep edge, which explains why they would need 8'. The boundary line is the engineered wall. Mr. Moore said he also visited the property and said the existing wall is dilapidated.

No further questions from the Board. No one in favor. Dr. Victor Ylagan, the owner of 85 Osborne Street and neighbor, is opposed. Dr. Ylagan explained that Ms. Medina approached him one afternoon and advised him of her parents' plans and asked if it would be okay for a large cement truck to access his property to do the work they are requesting. Dr. Ylagan feel he is exposing his property to some risk by granting access to such a large piece of equipment. His property is on the market, and he does not want any damage. Ms. Medina said they do not have to use his property, and Mr. Moore said there could be another way to get the cement to the proposed location. Dr. Ylagan said he will not allow the truck on his property.

No other opposition and no further questions.

Motion to close Application No. 20-18 was made by Peter DeLucia; seconded by Joseph Hanna. All in favor with Ayes. Mr. Moore stated, "Let record reflect the vote is unanimous."

CONTINUATION OF PUBLIC HEARING: None

DECISIONS:

#20-18 Medina Juan I. & Ramon, Florida M., 6 Crane Street, (J12049), RH-3 Zone

Sec. 8.A.2.c.4: Reduce minimum bottom edge of excavation or fill from 5' to 0.0' from property line for retaining wall.

Motion to go to the voting session was made by Juan Rivas for Application No. 20-18; seconded by Michael Sibbitt. All in favor with Ayes. Mr. Moore stated, "Let record reflect the vote is unanimous." Mr. Rivas commented prior to the voting that the issue with the abutting property be handled separately from this application. Mr. Moore said we (the Board) have no jurisdiction.

Motion to approve Application No. 20-18 was made by Joseph Hanna, per plan submitted as it will level and protect the property and neighbors; seconded by Peter DeLucia. All in favor with Ayes. Mr. Moore stated, "Let record reflect the vote is unanimous."

Motion to close the voting session for No. 20-18 was made by Juan Rivas; seconded by Peter DeLucia. All in favor with Ayes. Mr. Moore stated, "Let record reflect the vote is unanimous."

#20-19 Colonial Subaru, Inc., 89 Newtown Road, (M11014), CG-20 Zone

Sec. 5.A.3: Reduce side yard setback from 20' to 14' for building overhang and 15' to face of building for proposed addition.

Motion to open the voting session for Application No. 20-19 was made by Joseph Hanna; seconded by Michael Sibbitt. No comments, no questions. Motion to approve Application No. 20-19, per plan submitted, was made by Joseph Hanna. The hardship is the shape of the lot and they are maintaining improvements. The parking remains sufficient for the building. Mr. Moore added the permeability of the land is the same. Motion was seconded by Peter DeLucia. All in favor with Ayes. Mr. Moore stated, "Let record reflect the vote is unanimous."

Motion to close the session voting was made by Joseph Hanna; seconded by Peter DeLucia. All in favor with Ayes. Mr. Moore stated, "Let record reflect the vote is unanimous."

OTHER MATTERS: Zoning Board of Appeals Bylaws - revised

Acting Chairman Rod Moore asked if anyone had questions regarding the bylaws. Mr. Moore indicated that Chairman Richard S. Jowdy had concerns about the terms, which have been amended. Mr. Moore reminded the Board that the positions are appointed by the mayor. Mr. Sibbitt asked if they would operate by these bylaws now. Mr. Moore replied that that is the plan and that in a conversation with Mr. Jowdy, he has no problem with them. Mr. Moore acknowledged Mr. Sibbitt's concern about party affiliation.

Motion to accept and adopt the bylaws as written was made by Peter DeLucia; seconded by Michael Sibbitt. All in favor with Ayes. Mr. Moore stated, "Let record reflect the vote is unanimous."

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CORRESPONDENCE: None

ADJOURNMENT:

Motion to adjourn was made by Juan Rivas; seconded by Joseph Hanna. All in favor with Ayes.
Let the record reflect a unanimous vote at 7:38 p.m. to adjourn.

Respectfully submitted,

Mary S. Larkin
Recording Secretary