



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
October 8, 2020
7:00 p.m.

ROLL CALL:

Acting Chairman Rodney Moore called the ZOOM meeting to order at 7:05 p.m. Present by roll call: Peter DeLucia, Juan Rivas, and Michael Sibbitt. Joseph Hanna responded to the roll call at 7:06 p.m. Mr. Moore reviewed the meeting procedures.

Absent were: Richard Jowdy, Anthony Rebeiro, and Rick Roos.

Mr. Moore seated Peter DeLucia as a regular member in place of Richard Jowdy.

ACCEPTANCE OF MINUTES: September 10, 2020

Motion to approve the minutes of September 10, 2020 as submitted, was made by Michael Sibbitt; seconded by Peter DeLucia. Motion passed with all in favor by Rod Moore, Peter DeLucia, Juan Rivas, and Michael Sibbitt.

The next regular meeting is scheduled for **October 22, 2020**

PUBLIC HEARINGS (Continued):

Motion to hear application No. 20-27, which was continued to this date, was made by Juan Rivas.

#20-27: CPD Properties, Inc., 445 Main St., (H12078), CL-10 Zone

Sec. 8.E.3.a(3) Allow the height of one freestanding sign from 20' to 29'.

Thomas W. Beecher, Esq., Collins Hannafin Law Firm, appeared on behalf of CPD Properties, Inc., which leases property from Four Star Realty, LLC. Scott Parker, Director of Facilities for CPD Properties, is also present. The convenience store, Chestnut Market, has recently been added, which is their own brand of convenience stores in the tri-state area.

Attorney Beecher said that the applicant is formally reducing the height of the sign request from 9' to 7', so from 20' to 27' not 20' to 29'. The "Shell" portion of the sign (the square) is 6 ½' on the proposal. The bump up is the size of the square above and beyond the 20' limit. Mr. Beecher noted the area of the combined signs does comply with City regulations for signs. The Shell logo is currently 6', and the proposed sign will be 59", so that is the size of the logo itself on the proposed sign. Mr. Beecher referred to the question last time about what is to stop others from asking for the same. He said, "Every property is unique." He does not feel this request will open the door to others, given CPD Properties' location at the bottom of the hill. The top of the current sign does not reach the top of the canopy above the gas pumps due to the topography. Mr. Beecher believes this request is reasonable under all the circumstances and the topography, which is the hardship. Mr. Scott Parker declined to add anything but offered to answer questions about the business. Commissioner Peter DeLucia asked how high the canopy is right now? Scott Parker replied, "It is 16'."

Acting Chairman Rod Moore shared his screen to give the perspective of the sign vs. the canopy. Mr. Moore said the new sign does change the landscape. Mr. Moore remarked that he has driven by the site a couple of different ways and heading westbound on I-84, you do see the sign as soon as you have the line of sight and remarked that this is a significant change of the character there. Mr. Parker said they recently took over the location, and they need to add pricing to the sign to operate the business. Mr. Moore asked Mr. Beecher if this hardship was simply economic. Mr. Beecher said if their property was on a level plane with everyone else along that stretch, they wouldn't be before the ZBA, but they are tucked down in the "bowl," and the topography uniquely affects them. No other comments in favor or opposition.

Motion to close #20-27 was made by Michael Sibbitt; seconded by Joseph Hanna. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt.

Motion to vote on this application (#20-27) was made by Joseph Hanna; seconded by Michael Sibbitt. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt.

Motion to approve #20-27, CPD Properties, Inc. to allow increase in sign height from 20' to 27' as proposed by Attorney Beecher, was made by Mr. Sibbitt as there are no safety issues to the public; seconded by Joseph Hanna. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt.

PUBLIC HEARINGS (New):

Pursuant to Executive Order No. 7I Section 19.c., Notice is hereby given that Item Nos. 20-29 & 20-30, 20-31, & 20-32 will be heard.

Motion to hear Nos. 20-29, 20-30, 20-31, & 20-32 was made by Joseph Hanna; seconded by Peter DeLucia. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt.

#20-29: Donnelly, John Brian, 11 Lakecrest Dr., (C12069), RA-40 Zone

Sec. 4.A.3 Reduce rear yard setback from 35' to 23.0' for addition.

Candace V. Fay, Esq., representing Mr. John Brian Donnelly, who is also present via ZOOM. Attorney Fay said that her client is hoping to change the layout of his home to accommodate a more level living space on the first floor. The home was originally built, it was built very close to the rear property line. Attorney Fay said the proposed addition will not impact any of the neighbors. Mr. Rivas remarked that there is a wooded section at the rear of the property and asked if any of the trees would be removed and impact the neighbors. Ms. Fay said that none of the trees would be disturbed. No other questions, no one in favor or opposed.

Motion to close #20-29 made by Michael Sibbitt; seconded by Peter DeLucia. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt.

Mr. Moore asked for a motion to go into the voting session after each hearing tonight.

Motion to go to voting by Juan Rivas; seconded by Joseph Hanna. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt.

Motion to approve #20-29, per plan submitted, was made by Juan Rivas, seconded by Joseph Hanna. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt.

#20-30: Stone Ridge Development LLC & Heajung Chang (contract purchaser), 4A Morton St., (J16108), RA-8 Zone

Sec. 8.A.2.c.(4) Reduce bottom edge of excavation from 5' to 0' for modular block retaining wall.

Applicant did not appear on ZOOM call. Mr. Moore said that we would pass this and see if the applicants are able to connect.

#20-31: Preferred Utilities, 31-35 South Street, (K15082), IL-40 Zone

Sec. 6.A.3. Reduce rear yard setback from 30' to 14.7' and reduce side yard setback from 20' to 12.4' for addition.

Jonathan Kost, Architect, appeared on behalf of the applicant. Their proposal deals with adding a second floor to the existing footprint at the rear of the building. The factory was built in 1946. Offices were moved in 1965. The portion they are adding onto was built sometime between 1946 and 1965. The area they want to add on to is currently a single-story office space, and they want to add a second floor to that space, which existing is 88 x 40. The proposed addition falls between the manufacturing area, built in 1946, and this structure. A 5' addition incorporates a staircase and a second floor cantilevered office space. They want to renovate the current office space on the first floor, and this will allow them to continue operation, spread out, and accommodate the personnel that exist there now. They wish to vary the setbacks as stated in the application.

Mr. Moore mentioned the two variances granted in the past and read them. Copies were included with this current application. Mr. Kost described the past variances. No questions, no one in favor or opposed.

Motion to close #20-31 was made by Joseph Hanna; seconded by Michael Sibbitt. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt.

Motion to go to voting was made by Michael Sibbitt; seconded by Joseph Hanna. All in favor with Ayes from Peter DeLucia, Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt.

Motion to approve #20-31, per plan submitted, was made by Michael Sibbitt. Mr. Sibbitt stated that variances requested are outside of the existing side yard setbacks without adversely affecting the health and safety of the public; Joseph Hanna seconded. All in favor with Ayes from Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt. Please note: Mr. DeLucia's internet connection failed, and he was unavailable to vote.

#20-32: 7-Eleven, Inc., 106A Federal Road, (L09012), CG-20 Zone

Application for Certificate of Location Approval for sale of gasoline, pursuant to C.G.S. § 14-321.

Attorney Amy Souchuns, Hurwitz Sagarin Slossberg & Knuff, LLC, represented the applicant. Ms. Souchuns indicated that Project Engineer Josh Kline (Stonefield Engineering) is also attending the ZOOM meeting on behalf of the applicant. There are also 7-Eleven representatives attending to address any technical questions. Ms. Souchuns continued to say that this location was previously approved as the site for Cumberland Farms. Ms. Souchuns explained that Cumberland Farms did not pursue their State license because they chose not to move forward with the site; therefore, it was not possible for 7-Eleven to have a license transferred, and City of Danbury Corporation Counsel recommended 7-Eleven apply for their own location approval. Attorney Souchuns updated the Board on the status of other land use approvals/applications by the City of Danbury: The wetlands permit was transferred to 7-Eleven in the Spring, and modest improvements/modifications to the site plan are currently with Zoning staff for administrative review. Then they (7-Eleven) will return to the ZBA as the agent of the State of Connecticut for the suitability of the location.

Ms. Souchuns said that technical questions can be answered by Josh Kline. Mr. Moore asked Zoning Enforcement Officer Sean Hearty if the special exception use had been granted by the Planning Commission, to which he responded, "That's correct." The special exception was granted and revisions to the site plan are being worked on by Deputy Planning Director Jennifer Emminger and Josh Kline and he (Mr. Hearty) understands they are close as Ms. Souchuns stated. No other questions, no one in favor or opposed.

Motion to close #20-32 by Joseph Hanna; seconded by Juan Rivas. All in favor with Ayes from Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt. Please note: Mr. DeLucia's internet connection failed, and he was unavailable to vote.

#20-30: Stone Ridge Development LLC & Heajung Chang (contract purchaser), 4A Morton St., (J16108), RA-8 Zone

Sec. 8.A.2.c.(4) Reduce bottom edge of excavation from 5' to 0' for modular block retaining wall.

The Board revisited this application. No one appeared on behalf of the application.

Motion to continue until October 22, 2020 was made by Juan Rivas; seconded by Joseph Hanna. All in favor with Ayes from Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt.

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE: None

OTHER MATTERS: None

ADJOURNMENT:

Motion to adjourn was made by Juan Rivas; seconded by Joseph Hanna. Motion passed with Ayes from Joseph Hanna, Rodney Moore, Juan Rivas, and Michael Sibbitt at 7:53 p.m. Mr. DeLucia's internet connection was not responding.

Respectfully submitted,

Mary S. Larkin
Recording Secretary

