



CITY OF DANBURY
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ZONING BOARD OF APPEALS
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ZONING BOARD OF APPEALS

MINUTES

June 13, 2019

City Council Chambers, 155 Deer Hill Avenue

7:00 p.m.

ROLL CALL:

Chairman Jowdy called the meeting to order at 6:57 p.m. Present were: Joseph Hanna, Herb Krate, Rodney Moore, and Alternate, Peter Delucia. Staff present were Zoning Enforcement Officer Sean Hearty and Secretary Mary S. Larkin.

Absent were Anthony Rebeiro, Richard Roos, and Michael Sibbitt.

Mr. Jowdy explained the Zoning Board of Appeals procedures. Motion to open the meeting was made by Herb Krate; seconded by Rodney Moore. Motion passed. Mr. Jowdy explained the order of business would be slightly changed due to another commitment by Corporation Counsel.

ACCEPTANCE OF MINUTES: February 28, 2019 and April 25, 2019

Motion to accept the minutes of February 28, 2019 was made by Herb Krate, seconded by Joseph Hanna. Motion passed with ayes from Commissioners Hanna, Krate, and Moore.

Motion to accept the minutes of April 25, 2019 was made by Rodney Moore, seconded by Peter Delucia. Motion passed with ayes from Chairman Jowdy, Commissioner Moore and Alternate Peter Delucia.

The next regular meeting is scheduled for **June 27, 2019.**

OLD BUSINESS:

#19-04: Marcus, Neil R., Esq.(agent) for Berry, Martha & Gregory, 102 Long Ridge Road, (J22022), RA-80 Zone

Sec. 3.G.2. Allow accessory building to be used as a residence.

Corporation Counsel Dan Casagrande approached the Board and said he understood that the Board was provided a copy of his opinion in response to the Board's request from the April 25, 2019 ZBA meeting. Attorney Neil Marcus joined the meeting at 7:04 p.m. Commissioner Rodney Moore brought to the attention of Mr. Hearty, that this agenda item had not been closed at the previous meeting as he had made the motion to table the item for advice and further discussion. At that point, Attorney Casagrande provided Attorney Marcus with a copy of his opinion. Although discussion ensued, the matter was continued to the next regularly scheduled meeting on June 27, 2019. Mr. Hearty said that he would inspect the building to see what is there, and Attorney Marcus agreed to an additional 30-day extension.

Motion to table to June 27, 2019 was made by Rodney Moore, seconded by Herb Krate. Motion passed unanimously.

NEW BUSINESS:

#19-06: Long Point Investments, LLC, Wm. Lavelle, Pres., 262 Great Plain Rd., Lot #16, WanaRest (J03097), RA-20 Zone. Sec. 4.A.3 Reduce minimum required front-yard setback from 30' to 14.8'; reduce minimum required side-yard setback from 15' to 8.5' and reduce minimum required rear-yard setback from 35' to 5.1'

Single-family home.

Attorney Neil Marcus represented Long Point Investments, LLC and William Lavelle. The application is for variances for this pre-existing, non-conforming parcel created long before zoning. It does not have the minimum acreage, and the existing house was destroyed by the macro burst in May 2018. The existing house was a three-bedroom house at 825 sq.ft. The proposed plans are for a 1,200 sq. ft. house. The property is served by a private well and will have a legal septic system. Commissioner Moore asked if the house was occupied when it was destroyed. It was not occupied per applicant.

Chairman Jowdy asked if anyone was in favor or opposed. Dot Roise-Lodsins, a neighbor, approached the Board in opposition and voiced her concerns in a prepared letter she read, in part, to the Board. She said there is no master plan for the community, and her first concern is the septic easement. Discussion continued among the Lodsins, (Mr. Lodsins joined his wife at the podium with a map), and Board members. After the Lodsins finished, Mr. Jowdy said that they could return to address anything in response to applicant's rebuttal.

Mr. Marcus approached the Board to rebut some of the issues raised by the Lodsins including the septic issues. At that point Mr. Lavelle came to the podium to discuss the septic issues. Mr. Lavelle said that three septic systems were on one system. Mr. Lavelle had his two septic systems approved, and Mr. Hill (a former property owner) subsequently sold his property with a failed septic system. Mr. Marcus said the septic easement has nothing to do with the road system and will not impact the residents' rights to pass and re-pass and to park.

Mrs. Lodsin approached the Board again and thinks what will improve the properties in WanaRest is for everyone to have water and septic, and if they could become an association where everyone works together, yet she stated they do work together in cleaning the shoreline and clean up after the macro burst; however, she said they are afraid to form an association because Mr. Lavelle would have the majority vote.

Mr. Marcus had nothing further.

Motion to close was made by Richard Jowdy, seconded by Peter Delucia. Motion passed unanimously.

CONTINUATION OF PUBLIC HEARINGS: None

DECISIONS:

Herb Krate made a motion to go into the voting session.

#19-06: Long Point Investments, LLC, Wm. Lavelle, Pres., 262 Great Plain Rd., Lot #16, WanaRest (J03097), RA-20 Zone. Sec. 4.A.3 Reduce minimum required front-yard setback from 30' to 14.8'; reduce minimum required side-yard setback from 15' to 8.5' and reduce minimum required rear-yard setback from 35' to 5.1' for a single-family home.

Mr. Jowdy thinks the proposal is overwhelming; however it might be a benefit to the area. Mr. Krate asked who approves the septic up there, and Mr. Hearty offered that is sounds as if the State of Connecticut does.

Motion to approve, per plan submitted, with clarification whether a septic or septic expansion can be part of an easement on a separate property that is attached to a property, #19-06, 262 Great Plain Road, Lot #16, was made by Herb Krate; Attorney Marcus offered the law on Mr. Krate's question stating: The State of Connecticut says the septic has to be on the lot that it serves. If not, it cannot be granted locally but needs a waiver from the State. The City has to recommend to the State whether it agrees or not. The sanitarian for the City of Danbury reports to the State Health Department. Mr. Krate stated if this were to be challenged, it would have to go through the State of Connecticut. Mr. Marcus concurred.

Peter Delucia seconded. Motion passed unanimously.

OTHER MATTERS: None

CORRESPONDENCE: None

ADJOURNMENT:

Herb Krate made a motion to adjourn; seconded by Joseph Hanna at 8:19 p.m. Motion passed unanimously.

Respectfully submitted,

Mary S. Larkin
Recording Secretary