



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
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**MINUTES**  
**FEBRUARY 27, 2007**

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Theodore Haddad Jr., Helen Hoffstaetter, Richard P. Jowdy, Jack Knapp Jr., and Robert Melillo. Also present Planning Director Dennis Elpern.

Absent were Ted Farah, Donald Kennedy and Alternates Victoria Hickey and Joseph Notaro Jr.

Chairman Knapp led the Commission in the Pledge of Allegiance.

Ms. Hoffstaetter made a motion to accept the minutes of the September 12, 2006, September 26, 2006 & January 9, 2007 meetings. Mr. DiCaprio seconded the motion. Mr. Melillo pointed out that there is an error in the January 9<sup>th</sup> minutes. The secretary said she would make the correction. Chairman Knapp called the vote and the motion to accept the corrected minutes was passed unanimously. He then noted that both the January 23, 2007 & February 13, 2007 meetings were cancelled.

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**PUBLIC HEARINGS:**

7:30 PM – Petition of Alexander W. & Danielle Sutor, 14 Clapboard Ridge Rd. (#H12001) for Change of Zone from RA-40 to RMF-4. *Rescheduled from the February 13, 2007 meeting, which was cancelled due to inclement weather.*

Ms. Hoffstaetter read the legal notice. Mr. Melillo read the Planning Commission recommendation, which was negative. Chairman Knapp noted that means they will need a two-thirds majority vote for approval. He then read the Planning Department Staff Report. He also read a letter in favor of this from the Ventura's who own property across the street.

Attorney Paul Jaber spoke in favor of this petition He described the location of the parcel and said the applicant, his father and his grandfather have lived on Clapboard Ridge Rd since the 1940's. Attorney Jaber said he remembered growing up in this neighborhood during the 1950's-1960's and it was a single family neighborhood. In the early 1970's, Hillcroft was built as well as the Ventura's commercial building across the street. At this time, there was a movement of many of the churches from the downtown to this area. He said churches usually include other uses such as schools, gyms, and day care. The most recent church to get approval to move here is the Unitarian church. He then said this is not a single family property as it is trapped between churches and Hillcroft which has approval to add twenty additional units. He said the applicant's family is some of the original settlers of this area and they should not be penalized for what has developed around them. Mrs. Buzaid asked what the zoning is on the Ventura

commercial property across the street. Attorney Jaber said it is zoned RA-20 but has a variance so it is a legal non-conforming use.

Chairman Knapp read two letters in opposition from Remo DiGrazia and Ray Scalzo and then asked if there was anyone to speak in opposition to this.

Ken Gucker, 89 Padanaram Rd., said it is disheartening that we have come to this, where we spend so much time fighting these types of changes. He questioned how churches relate to this request and also mentioned the additional load on the infrastructure that this change would cause. He described all of the single family houses in the immediate vicinity of this parcel and said high density zones are just not compatible with this area. He then said the Staff Report contains much information and they should consider all of that when making this decision.

Romolo DiGrazia submitted a letter in opposition. He said he agreed with Mr. Gucker's comment about the churches and he would be interested to hear an answer to that question.

Tom Pura, 43 East Gate Rd., said he has lived here for 36 years and the reason he moved here was to get away from the City. The quality of life in Danbury has gone down and the traffic situation needs to be addressed now. He then read some excerpts from News-Times articles. He said traffic on Clapboard Ridge Rd. is already bad and this kind of change will make it worse. In closing, he said the problem is we keep changing the zoning, but this Commission can stop it by denying this petition.

Lynn Waller, 83 Highland Ave., asked the Commission to remember that this does not comply with the Plan of Conservation & Development (POCD). She said the letter from the Ventura family holds no water because if this parcel is re-zoned then he could request to re-zone his based on that. She said they should abide by the POCD as well as the Planning Director's report.

Planning Director Dennis Elpern said it was interesting to hear the history of the development of churches along Clapboard Ridge Rd. He added that if Attorney Jaber was suggesting that their existence means it is okay to change this to multi-family, there was no evidence presented to justify that. He said this request is for the highest density of the RMF zones, which means any development under that zoning would have the maximum impact on this area. He reiterated his concerns from the Staff Report. He said this 5.9 acres being re-zoned would have a devastating effect on traffic on Clapboard Ridge Rd. He said he was glad to hear that some of the opposition understands that we don't re-zone parcels incrementally. He said they do add up and made reference to a proposed subdivision on Deer Hill Ave. He continued saying we are making an effort to use zoning as the effective tool that it can be, referring to last year's moratorium and subsequent amendments. He added that there is a growing concern in Danbury regarding overdevelopment, the loss of open space and any increase in traffic. IN closing he said we do need stricter laws to do all of this, but in the mean time, don't make it worse by approving this request.

Attorney Jaber then spoke in rebuttal to the opposition's comments. He said he described the many churches because they will continue to exist in this area as will multi-family use. He suggested that they should justify what is in the POCD. There will be no domino effect here, it just is not logical that one side of road should be zoned one way and the other side be zoned

differently. He added that the POCD proposes isolated lots that don't conform to the other uses surrounding them should be re-zoned and that is what he is asking them to do here.

Mr. Melillo made a motion to close the public hearing. Mr. DiCaprio seconded the motion and it was passed unanimously. Chairman Knapp said they were not going to move this to Old Business because there are only seven members present this evening and with the negative recommendation from the Planning Commission, it will need at least six votes in favor of it to pass. Chairman Knapp said they would table this until the next meeting and try to get the members that are absent to listen to the tape.

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7:45 PM – Petition of Fabia Patricia Fernandes d/b/a Arts & Party LLC, 68 Keeler St. (#I14372) for Special Permit for a Restaurant Liquor License. (Restaurant Wine & Beer license approved June 27, 2006 with Service Bar Only.)

Ms. Hoffstaetter read the legal notice. Patricia Fernandes came forward and asked that the Commission reconsider their previous decision and grant her a full liquor license. She said she has been operating with the Wine & Beer permit for six months and has not had one Police call. There have been no problems, her business is good. She told them about an article the News-Times did on her business and said it was good for bringing in even more business. She said nothing about the business or its operation has changed since she was last here; they still have the restaurant in addition to the party business. She then reminded them that they had suggested she come back after operating for a period of time with the Wine & Beer permit, so she is here asking them to consider approving the full liquor license.

Chairman Knapp asked if there was anyone to speak in opposition to this and there was no one.

Mr. Melillo made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Melillo then made a motion to move this to Old Business. Ms. Hoffstaetter seconded the motion. Chairman Knapp then asked if they really wanted to vote since there only were seven members present. Mr. Melillo rescinded his motion and Ms. Hoffstaetter rescinded her second. Chairman Knapp said they would table this until the next meeting and try to get the members that are absent to listen to the tape.

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OTHER MATTERS:

Letter from Artel Engineering Group regarding request to amend condition of approval placed on Special Permit for Restaurant Liquor License approved for Elmer's Diner at 22-24 Padanaram Rd. which was approved January 9, 2007. Also rescheduled from the February 13, 2007 meeting.

Chairman Knapp explained that when Mr. Palma had the fence company install his fence, they advised him that wooden stockade fence would not hold up very well due to the proximity to the brook. They did not realize that he had a condition to abide by and they sold him a chain link with slats. When he notified the Planning Dept. that the chain link fence had been installed, they suggested he wait and make sure that this Commission did not have a problem with the

change. There was brief discussion about the purpose of the fence being to shield the neighbor from the business activities.

Mark Kornhaas from Artel Engineering said he wrote this letter to explain the situation and in hopes the Commission would consider changing the condition. He offered to answer questions.

Chairman Knapp offered Mr. Palma's neighbor the opportunity to comment specifically on this change only. Elia Assaf, 18 Padanaram Rd. said no matter what kind of fence is there, he still can see the headlights from the parking lot. He said this does not satisfy him.

Mr. Jowdy made a motion to amend the condition of approval to read a "6 ft high chain link fence with slats". Mr. DiCaprio seconded the motion and it was passed unanimously.

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Chairman Knapp said there was nothing under Correspondence and under For Reference Only was listed the public hearing scheduled for the March 13, 2007.

At 9:30 PM, Mr. DiCaprio made a motion to adjourn. The motion was seconded by Mr. Jowdy and passed unanimously.