



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

ZONING COMMISSION  
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**MINUTES**  
**MAY 8, 2007**

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The meeting was called to order at 7:35 PM by Chairman Jack Knapp Jr.

Present were Theresa Buzaid, Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Helen Hoffstaetter, Jack Knapp Jr., Robert Melillo and Alternates Victoria Hickey and Patrick Johnston. Also present was Planning Director Dennis Elpern and Secretary Pat Lee (filling in for regular secretary)

Absent were Richard P. Jowdy and Donald Kennedy. Chairman Knapp announced that Mr. Johnston, who is a former member of this Commission has been appointed as an Alternate to fill the vacancy left by Mr. Notaro's resignation. He added that we still have another vacant Alternate seat created by the resignation of Jean Anderson. He asked Mr. Johnston to take Mr. Kennedy's place for the items on tonight's agenda.

Chairman Knapp led the Commission in the Pledge of Allegiance.

Mr. Melillo made a motion to accept the minutes of March 13, 2007. Mr. Farah seconded the motion and it was carried unanimously.

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PUBLIC HEARINGS:

7:30 PM – Petition of Cioffoletti Construction Co., Inc. 18 Plumtrees Rd. (#L13122) for Change of Zone from IG-80 to RMF-10.

Ms. Hoffstaetter read the legal notice. Chairman Knapp read the Planning Department Staff report dated May 1, 2007. Mr. Farah read the Planning Commission recommendation which was negative.

Linda Cioffoletti spoke in favor of this petition. She said they own two adjoining parcels of land off Plumtrees Rd., and the portion to be rezoned lies off Shelter Rock Rd. She said they had previously been denied a change of zone for this parcel. Woodland Hills is RMF-10. Discussed traffic, development, and detailed her reasons why this request should be granted.

Ted Haddad said he remembered when this Commission had originally approved the adjacent parcel for the excavation. He then asked Mr. Elpern to give them a little background on this

operation and if it is still in operation despite the violation. Mr. Elpern suggested he direct that question to Mrs. Cioffoletti. Mr. Haddad then asked if the fact that the map differs from what the City records show means there is a defect to this petition. Mr. Elpern explained that one line is not shown. Mr. Haddad: asked if they would have to wait for a corrected map? Mr. Elpern said they did not need to wait. Mr. Farah then read the Planning Commission recommendation, which said this does not comply with the Plan of Conservation & Development. Mr. Elpern pointed out that the past history of this parcel was provided simply as background information.

Attorney Neil Marcus then said there are two lots currently owned by the applicant and referred to a re-subdivision of an old map. He said they had done a lot line revision on these parcels, but it does not seem to be reflected in Staff comments. Mr. Elpern said he would look into it, but his report stands as it was done based on how the existing Zoning map represents these lots. Attorney Marcus then elaborated on the history of this area, including its proximity to the dump and the sewage treatment plant. He then said things have changed as the dump is no longer there, yet no industrial development has occurred on any of these parcels. He said the only development in this area has been residential and that was done by a zone change. He said this change will create a transition zone between the residential and industrial development. He then discussed the difficult topography of this site and said the Mr. Elpern was right about the grade being an issue. He said that heavy industry does not come to Danbury any longer. Mrs. Cioffoletti then showed them some photos to demonstrate how the topographical changes really act as a line of delineation. She added that the City is still holding a \$65,000.00 bond for the mining they had been doing on the property since the DeLorenzo's owned it and she would like to get that back since they are no longer doing it. Mrs. Buzaid asked about the brook and Mrs. Cioffoletti said it is trickling through the center of the property. She added that Soil Scientist Henry Moeller said this is an intermittent watercourse, but she had not mentioned it because this is not the Environmental Impact Commission. Mr. Haddad asked the hours of operation of her business. She said they have two businesses, topsoil and trucks and Plumtrees Plumbing & Heating. She added that all of their guys meet there in the morning and leave from there. Mr. Elpern asked her if they had a zoning permit for the Plumbing & Heating business. Mrs. Cioffoletti said it was originally under Cioffoletti Construction, but they have not taken out another permit for the Plumbing & Heating business. Ms. Hoffstaetter asked what is currently on this property. Mrs. Cioffoletti said there are stockpiles of dirt and scrap metal. Mr. Farah asked what else is done there besides the plumbing business. Mrs. Cioffoletti said they think of it all as one business but they have two separate LLC's operating from this site, the plumbing and the excavation. Mr. Johnston asked how much of this parcel do they use for the business. Mr. Melillo asked how much heavy machinery is stored there. Mrs. Cioffoletti said much of their business is seasonal, not much goes on during a rainy day. Robert Cioffoletti then came forward and spoke about the trees. Mr. Elpern then asked of the excavation is completed. Mr. Cioffoletti said the permit was to dig out 66,000 yards and it is no where near completion, but the area that has been excavated has been stabilized. He added that it is currently "in the rough". It was excavated before they bought it, so they inherited it and started to do the stockpiling. Mr. Elpern asked if they had ever taken out a zoning permit for any of the work that they do on this property. Mrs. Cioffoletti said their attorney handled of the permits for them along with their engineer from CCA (Carrocio-Covill Assoc.). Mr. Elpern said a zoning permit is required and that was noted in the approval letters. Mrs. Cioffoletti said she would have to check with Attorney Damia on this. Attorney Marcus then said this Commission granted the DeLorenzo's a Special Permit on 9/28/99. The applicants were granted a yearly

renewal of the same permit on 8/22/00. Mr. Haddad pointed out that both the approval letter and the actual special permit state that they must be renewed every year. Mrs. Cioffoletti said they haven't been hiding anywhere and no one ever told them they needed to do this. Mr. Elpern pointed out that a certified letter was sent to the applicants as well as Attorney Damia notifying them that they were in violation. Attorney Marcus suggested before they close the hearing, they should go out and visit the site. There were no other questions from the Commission.

Chairman Knapp asked if there was anyone to speak in opposition to this.

Lynn Waller, 83 Highland Ave., said one of the things that no one has mentioned is the smell which makes this area somewhat less desirable for residential uses. She said this change does not conform to the Plan of Conservation & Development and mentioned that there is a transfer station being planned for over there also.

Attorney Marcus then spoke in rebuttal. Mrs. Cioffoletti and Attorney Marcus spoke in rebuttal to Mrs. Waller's comments. Mrs. Cioffoletti said other towns have had problems with this and they have dealt with it. Attorney Marcus added that it can be remediated, but it is not cheap. Chairman Knapp asked Mr. Elpern if he had any closing comments. He said this is a challenging site no matter what you do with it, but it is up to this Commission to decide if it is it suitable for housing.

Mr. DiCaprio made a motion to keep the public hearing open so they can get some of these questions answered. Mr. Farah seconded the motion. Mr. Elpern said they could still go out there as individuals even if the hearing was closed. This led to a discussion about whether they should just close it or continue it. Chairman Knapp called a roll call vote and the motion to continue was passed unanimously

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7:40 PM – Petition of Sixto & Ondina Rodriguez d/b/a Latin Grocery, 28 Wildman St (#J13015) for Special Permit for Sale of Grocery Beer.

Ms. Hoffstaetter read the legal notice. Mr. Elpern reviewed the criteria in Sec. 3.F.2 for approval of these petitions.

Attorney Neil Marcus spoke in favor of this petition. This is a neighborhood grocery store that the applicant has been running for a number of years. Retail is basically a non-conforming use in this zone, but this has been here for a number of years so it is legal as it exists. Attorney Marcus described the area and the various zones that surround this parcel. He said there is a special provision on page 3-12 of the Zoning Regulations which allows the sale of beer even if it is a nonconforming use. He then read this section, 3.F.1.b.(2). and said clearly there is no intention to expand the floor area of this building. Mr. Haddad questioned if this is an expansion of a non-conforming use. Mr. Elpern said it really is not. Mr. Haddad asked the size of the store and how much of it would be devoted to the sale of beer. Attorney Marcus said the State controls that, but they are going to comply. He added that they only want to do this as a convenience to their customers. He said personally he would prefer they sell milk. Chairman Knapp asked if they are

far enough from WCSU and Attorney Marcus said they are. The applicant's daughter then pointed out that there already are three bars on Wildman St. Mr. Melillo asked the hours of operation for the store. Attorney Marcus said the State clearly regulates the time that beer can be sold.

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

Mr. DeCaprio made a motion to close the public hearing. Mr. Melillo seconded the motion and it was passed unanimously. Ms. Hoffstaetter made a motion to move this to number one under Old Business. Mr. Melillo seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of Sixto & Ondina Rodriguez d/b/a Latin Grocery, 28 Wildman St (#J13015) for Special Permit for Sale of Grocery Beer.

Ms. Hoffstaetter motion to approve this petition for the following reasons:

- The proximity of such premises will not have a detrimental effect on any church, school, convent or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Mr. Melillo seconded the motion. Mr. Haddad said that they have looked a quite a few of these little neighborhood grocery stores cropping up throughout the City and if they all start selling beer, they could have a detrimental effect on the neighborhood. Mrs. Buzaid pointed out that we do have a distance requirement between package stores but not between stores that sell beer as a grocery item. Mr. Haddad added that he just wanted to share his thoughts on this, but then suggested maybe they should condition this that only non-refrigerated beer can be sold there. Ms. Hoffstaetter said they would be setting a precedent if they decide to do this, and they would have to be consistent about it in the future. Mr. DiCaprio called the vote and Ms. Hoffstaetter seconded that. Mr. Johnston said they would be voting on it as it stands. Chairman Knapp said this needs a simple majority for approval. He called a roll call vote and the motion was passed with five AYES (from Ms. Hickey, Ms. Hoffstaetter, Mr. DeCaprio, Mr. Farah & Mr. Johnston) and three NAYS (from Mrs. Buzaid, Mr. Haddad & Chairman Knapp). Mr. Melillo abstained from the vote.

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NEW BUSINESS:

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to amend Secs. 2.B., 3.E. & 5.D.3. of the Zoning Regulations. (Amend Definitions, Special Exception Uses and CL-10 Zone). *Public hearing scheduled for May 22, 2007.*

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to amend Secs. 3.F.3., 8.A., 9.B.1., 10.B.1. & 10.D. of the Zoning Regulations. *Public hearing scheduled for May 22, 2007.*

Petition of Louis Sproviero to Amend Secs. 5.D.2.a. & 5.D.4.a. of the Zoning Regulations. (Add Laundromat to CL-10 Zone) *Public hearing scheduled for May 22, 2007.*

Petition of Paul Fernandes to Amend Sec. 5.F.2.a. & 5.F.4.a. of the Zoning Regulations. (Add Laundromat to C-CBD Zone) *Public hearing scheduled for May 22, 2007.*

Petition of Allegiance Capital Group Inc. to Amend Secs. 5.E.2. & 5.E.4. of the Zoning Regulations. (Add Self Storage in CN-20 Zone) *Public hearing scheduled for June 12, 2007.*

Chairman Knapp said all of these petitions would be on file in the Planning and Zoning Office. He then said the next meeting should be a busy one with four hearings. He added that there was nothing listed under Other Matters, Correspondence, or For Reference Only.

At 9:45 PM, Mr. Melillo motion to adjourn. Mrs. Buzaid seconded the motion and it was carried unanimously.