



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES
AUGUST 14, 2007

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

Present were Ted Farah, Theodore Haddad Jr., Helen Hoffstaetter, Richard P. Jowdy, Jack Knapp Jr., Robert Melillo and Alternates Victoria Hickey and Patrick Johnston. Also present was Planning Director Dennis Elpern.

Absent were Theresa Buzaid, Anthony DiCaprio and Donald Kennedy.

Chairman Knapp asked Mr. Johnson to take Mr. Kennedy's place and Ms. Hickey to take Mrs. Buzaid's place for the items on tonight's agenda.

Mr. Farah led the Commission in the Pledge of Allegiance

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Chairman Knapp said they had tabled the acceptance of the June 12, 2007 & June 26, 2007 at the previous meeting, so they would vote on them tonight also. Mr. Melillo made a motion to add acceptance of these two sets of minutes to the Agenda. Mr. Johnston seconded the motion. Mr. Melillo then made a motion to accept the minutes of June 12, 2007 & June 26, 2007. Mr. Farah seconded the motion and it was passed unanimously. Chairman Knapp said they would table the acceptance of the July 24, 2007 minutes until the next meeting.

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Chairman Knapp announced that the following petition has been withdrawn as the applicant is revising it and will re-submit at a later date.

Petition of A & S Properties Inc. to Amend Secs. 2.B. & 5.E. of the Zoning Regulations. (Add "Mixed Use Building" to the CN-5 Zone as Special Exception). Public hearing opened 6/12/07 –first 35 days was up 7/17/07, 35 day extension granted, public hearing must be closed by 8/21/07 – then 65–day decision period begins.

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Mr. Farah made a motion to deviate from the order of the Agenda and move item #1 under Old Business for Consideration and Possible Action to before the public hearing scheduled for 7:30 PM. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of Cioffoletti Construction Co., Inc. 18 Plumtrees Rd. (#L13122) for Change of Zone from IG-80 to RMF-10. Public hearing closed 6/12/07 – 65 day period to make decision ends 8/16/07.

Ms. Hickey and Mr. DiCaprio had listened to the tapes from the meetings that they missed. Chairman Knapp said since there was a negative recommendation from the Planning Commission; this would require a two-thirds majority vote for approval. He then said that eligible to vote on this are Mrs. Buzaid, Mr. DiCaprio (both not present this evening), Mr. Farah, Mr. Haddad, Ms. Hickey, Ms. Hoffstaetter, Mr. Melillo, Mr. Johnston and himself. Mr. Jowdy is not eligible as he missed the opening of the public hearing on May 8, 2007 and did not have a chance to listen to the tape. He said they had waited for several members to listen to tapes because since this needs a two-thirds majority for approval, they want to be fair to the applicant and have nine-members voting. He asked for discussion and/or a motion. Mr. Melillo made a motion to deny for the following reasons

- This is not consistent with the Plan of Conservation & Development. The adjacent land uses and steep slopes are incompatible with this proposal. The City needs to maintain industrially zoned land to protect the City's future economic base and this proposal has the potential of having a negative effect on the traffic in this area.

Mr. Farah seconded the motion. Chairman Knapp called a roll call vote and the motion to deny this petition was passed unanimously.

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PUBLIC HEARING:

7:30 PM – Petition of Nancy & David Lahoud as Agents, 116, 118 & 122 Coalpit Hill Rd. (#K17014, #K17013/1 & 2, & #K17012) for Change of Zone from IL-40 to RMF-10.

Ms. Hoffstaetter read the legal notice. Chairman Knapp read the Planning Dept. Staff Report dated July 31, 2007. Mr. Farah read the Planning Commission recommendation which was positive. Chairman Knapp said the Town of Bethel was notified by Certified Mail. And also HVCEO determined this was "of local concern but without intermunicipal impact".

Nancy Lahoud spoke in favor of this petition. She said that her parents had built this house and she now lives in it with her family. It was always zoned industrial and her parents wanted to do something about it but never got around to it. She said she really became aware of the limitations a few years ago when her parents came to live with her and she wanted to build them an apartment in the lower half of the house. She found that she could not do it because the industrial zoning prohibited any expansion of a non-conforming use. So she had to settle for giving them a few rooms but no kitchen. She mentioned that her parents are now deceased so the space is just sitting there empty. She said she would like to add a kitchen and make this a legal apartment so her daughter and son-in-law could live there while they remodel their house. She said she also has another daughter who would love to live there. She said she has no plans to sell the house; she wants to stay in it and pass it on to her children. She met with the Planning Director to find out about re-zoning and he had recommended this zone as the most desirable residential designation given the surrounding zoning. She said she had contacted the two adjacent property owners and they had agreed that this rezoning was not a problem for them. She submitted a letter from Karen Reynolds, who owns 122 Coalpit Hill Rd. Chairman Knapp designated it Exhibit A. Ms. Hoffstaetter asked if she had a letter from the owners of 118 Coalpit Hill and Mrs. Lahoud said she had spoken to them about it, but they did not get back to her. She

added that there were several property owners and she had expected something from at least one of them. Ms. Hoffstaetter asked if they were notified of this hearing. Mr. Elpern said they were sent the notice of this hearing. Mrs. Lahoud said that even with this change the maximum amount of development that would be permitted on each of these three lots is two units per lot. Mr. Haddad then said that the office condos on the middle lot are already at their maximum density, so this change would not be any worse. Mrs. Lahoud said that they did not include any of the parcels past the driveway for Spring Ridge because those parcels are located partially in Bethel and Mr. Elpern thought it best to leave them as they are.

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

Ms. Hoffstaetter made a motion to close the public hearing. Mr. Farah seconded the motion and it was passed unanimously. Ms. Hoffstaetter then made a motion to move this matter to the next order of business 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 Nancy & David Lahoud as Agents, 116, 118 & 122 Coalpit Hill Rd. (#K17014, #K17013/1 & 2, & #K17012) for Change of Zone from IL-40 to RMF-10.

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

- Rezoning these lots to RMF-10 would (1) have less of an impact on the surrounding area than if they remained zoned IL-40, (2) be more consistent with surrounding development, and (3) exhibit greater consistency with the Plan of Conservation & Development than if the lots remained zoned IL-40.

Mr. Melillo seconded the motion. He then asked Mr. Elpern why he didn't suggest RMF-4 since the abutting condos are zoned that way. Mr. Elpern said the issue with the RMF-4 zone is density. He said the RMF-10 satisfies everyone because these residential uses are now zoned residentially and if they choose to add an apartment, it would not have a tremendous impact on this area since there is a mixture of single family and multi-family. Ms. Hoffstaetter asked if they should worry about the fact that they did not have anything from the office condos. Mr. Elpern said Mrs. Lahoud had notified them in writing and the legal notice was sent to them. Chairman Knapp called a roll call vote and the motion to approve this was passed unanimously.

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Petition of Allegiance Capital Group Inc. to Amend Secs. 5.E.2 & 5.E.4. of the Zoning Regulations. (Add Self-Storage as Permitted Use in CN-20 Zone). *Public hearing closed 6/26/07 – 65 day period to make decision ends 8/30/07.*

Chairman Knapp said this petition received a negative recommendation from Planning Commission, so it will need a two-thirds majority vote for approval. He said eligible to vote on this are Mrs. Buzaid, Mr. DiCaprio (both not present this evening), Mr. Farah, Mr. Haddad, Ms. Hickey, Ms. Hoffstaetter, Mr. Jowdy, Mr. Melillo, Mr. Johnston and himself. He explained that

they had waited to vote on this in hopes of having a larger quorum but it does not seem they can get nine members here. He said he would not be at the next meeting on August 28th. Mr. Melillo made a motion to table this matter. Mr. Farah seconded the motion. There was brief discussion among the members about whether they should vote but ultimately Chairman Knapp called the vote and the motion to table was passed unanimously.

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NEW BUSINESS:

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 4.A.8. of the Zoning Regulations. (Add "Pleasant Street RA-8 Overlay Zone") Public hearing scheduled for September 25, 2007.

Mr. Melillo made a motion to refer this petition to the Planning Commission. Mr. Farah seconded the motion and it was passed unanimously.

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There was nothing listed under Other Matters or Correspondence. A public hearing scheduled for August 28, 2007 was listed under For Reference Only.

At 8:10 PM, Mr. Jowdy made a motion to adjourn. Mr. Johnston seconded the motion and it was passed unanimously.