



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
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**ZONING BOARD OF APPEALS**  
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***ZONING BOARD OF APPEALS***  
***Minutes***  
**Web-based Meeting held via ZOOM**  
**January 12, 2023**  
7:00 p.m.

**ROLL CALL:**

Chairman Joseph Hanna called the meeting to order at 7:00 p.m. Present by roll call were Juan Rivas, Michael Sibbitt, Anthony Rebeiro, Peter Delucia, and Rick Roos. Mr. Hanna explained the meeting process, including that four votes are required for approval of an application.

Motion to open Public Hearing Nos. 22-28 and 22-30 was made by Juan Rivas; seconded by Michael Sibbitt. All in favor.

**ACCEPTANCE OF MINUTES:** December 8, 2022

Motion to accept the Minutes of December 8, 2022 was made by Juan Rivas; seconded by Peter Delucia. All in favor by those eligible to vote: Messrs. Rebeiro, Rivas, Delucia, and Hanna.

The next regular meeting is scheduled for **January 26, 2023**

**PUBLIC HEARINGS:**

**#22-30:** Danbury, City of, 40 Apple Ridge, (E17061 & E17061-1), RA-40 Zone. Sec.4.A.3. Increase maximum building height from 35' to 55' and increase maximum stories from 3 stories to 4 stories. Sec. 4.A.4.b.(2)(b) Reduce side yard setback from 50' to 38'.

Antonio Iadarola, Director of Public Works and City Engineer, presented this application. Dan Petrovich, Assistant City Engineer, shared his screen for the presentation. Mr. Iadarola said this is a project for a school for Grades 6 – 12 (middle school and high school) at the old Cartus Corporation site. This is a fully-developed site, originally zoned as an IL-40 and revised to an RA-40 Zone, which necessitated this variance request.

The building height is 52' and, as part of the RA zone, requires a variance to go to 55' based on a new roof, additional insulation to meet building codes, and the parapet needs to be raised. He had several calls from residents that thought they were raising the building another 20 feet, but that it incorrect. They are asking to raise the height of the building to 55'. In an RA-40 zone they are only allowed a three-story building, but the existing building is four stories. The last item is the side-yard setback where the side-yard setback in an RA-40 (for a school) is 50' but they have only 38'. They are trying to fit an existing building into an RA-40 Zone. This building was previously compliant in the IL-40 Zone.

Mr. Hanna asked if they were adding stories. Mr. Petrovich said there would not be any stories added to the existing building.

There were no further questions. No one in support or in opposition.

Motion to close Application No. 22-30 was made by Michael Sibbitt; seconded by Juan Rivas. All in favor: Juan Rivas, Michael Sibbitt, Anthony Rebeiro, and Joseph Hanna.

Motion to vote was made by Juan Rivas; seconded by Michael Sibbitt. All in favor: Juan Rivas, Michael Sibbitt, Anthony Rebeiro, and Joseph Hanna.

Motion to approve, per plan submitted, was made by Peter Delucia, seconded by Michael Sibbitt. All in favor: Juan Rivas, Michael Sibbitt, Peter Delucia, Rick Roos, and Joseph Hanna. Mr. Rebeiro did not vote.

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**#22-28:** 146 Carol St., J. C. Contracting, (H21094) RA-20 Zone, Sec. 4.A.3 Reduce front yard setback from 30' to 19'.

Joe Coelho, J. C. Contracting, appeared on behalf of the homeowners. They are asking for a front yard setback from 30' to 19' for an addition.

Commissioner Juan Rivas asked about the site plan and the 19' for front yard setback, and the only measurement he sees is 32.8'. Sean Hearty said right behind the frame shed is the 15' dimension. Mr. Coelho said the shed will be moved to the rear of the property within regulations, and he will apply for a permit. Mr. Rivas also questioned the propane tank. Mr. Coelho said the propane tank will be removed.

There being no further questions and no one in support or opposition to the variance, Mr. Rivas made a motion to close No. 22-28; seconded by Mr. Rebeiro. All in favor with Ayes from Anthony Rebeiro, Juan Rivas, Michael Sibbitt, Peter Delucia, Rick Roos, and Joseph Hanna.

Motion to vote was made by Juan Rivas, seconded by Michael Sibbitt. All in favor with Ayes from Anthony Rebeiro, Juan Rivas, Michael Sibbitt, Peter Delucia, Rick Roos, and Joseph Hanna.

Motion to approve, per plan submitted, No. 22-28, 146 Carol Street, was made by Anthony Rebeiro; seconded by Peter Delucia. All in favor with Ayes from Anthony Rebeiro, Juan Rivas, Michael Sibbitt, Peter Delucia, Rick Roos, and Joseph Hanna.

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CONTINUED PUBLIC HEARINGS:

**#22-25:** 24 Hillandale Rd., GRC Construction LLC, (F08086), RA-40 Zone. Sec. 4.A.3: Reduce front yard setback from 40' to 38'; reduce side yard setbacks from 25' to 10'; and increase lot coverage from 15% to 16.1%. **WITHDRAWN**

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OLD BUSINESS: None

NEW BUSINESS:

For referral to the Planning Commission and Zoning Commission.

**#22-29:** 61 Liberty St., OTROP Investments, LLC, Mazzucco, Esq. & Lichtenauer, Esq., Agents; (I14304), RMF-4 Zone. USE Variance: Sec. 4.B.2 in accordance with 9.C.1.a. and 11.B.2.b. Allow change in use from one non-conforming use (club) to another non-conforming use (restaurant serving liquor) in the RMF-4 Zone. Sec. 3.F.2. Allow special permit use in RMF-4 Zone

Ward Mazzucco, Esq. appeared on behalf of the applicant, OTROP Investments, LLC. Mr. Mazzucco offered some slides; however, Mr. Hearty said this is a referral to be made to the Commissions: Planning Commission and Zoning Commission. Mr. Mazzucco thought this was going to be a presentation, and Mr. Hearty said this is a Use Variance and it need to be referred. Mr. Mazzucco said there was documentation from the National Council of Bishops, which has nothing to do with their application. Mr. Hearty said that would be removed from the file.

Mr. Hanna requested this application be referred to the Planning Commission and Zoning Commission for reports/comments.

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CORRESPONDENCE: None

OTHER MATTERS: Elections were entered in error. All current officers have two years remaining on their terms.

ADJOURNMENT:

Motion to adjourn was made by Anthony Rebeiro; seconded by Michael Sibbitt. Meeting adjourned at 7:26 p.m.

Respectfully submitted,

Mary S. Larkin, Recording Secretary