



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

ZONING BOARD OF APPEALS  
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DRAFT MINUTES  
**June 11, 2009**  
Common Council Chambers  
**7:00 PM**

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The meeting was called to order by Chairman Jowdy at 7:03 pm. Present were Chairman Richard Jowdy, Herbert Krate, Michael E. Sibbitt, Joseph C. Hanna, Gary A. Dufel. Absent were Alternates Rick Roos and Rodney Moore. Motion to accept tonight's agenda by Herb Krate. Second by Joe Hanna. The motion carried unanimously. Jowdy explained to the public the procedures for signing in and the Public Hearings, including those from the audience in favor and those in opposition being allowed to speak.

NEW BUSINESS:

**#09-25** – 26.4 Olympic Drive, LLC, 93 Ball Pond Rd.(C05093), Sec.8.B.1.b.(3)., to permit increase for 60-foot portion of driveway grade from 12% to 15.4% (RA-40 Zone). Chairman Jowdy introduced this petition at 7:05 pm. Attorney Marc Grenier signed in and set his survey on the easel. Attorney Grenier identified himself and his Norwalk firm. I would like to make one note, if I may, we're seeking a **93**-foot section of the driveway, not sixty feet. Krate explained to Grenier that since the request is for a larger section, the petition has to be re-advertised. Krate asked is there anyone here in opposition to this? One man in the audience said I want it re-advertised. Mike Tomanio and Mario Russotti (Ball Pond Road neighbors) signed in as being in opposition. Tomanio said I want it re-advertised. Grenier said I will go forward on my sixty foot application. Dufel said I don't like splitting the driveway into two pieces. Jowdy said it's already built. Krate explained to Grenier when a variance comes in being greater than that was advertised in The News Times, it usually must be re-advertised. Jowdy suggested we postpone it, and suggested the Board take a look at what you're requesting (on site). Tomanio said I am not objecting to the project; I just want to see that it's done right. I would like to submit another item: Mr. (Matthew E.) Reynold's narrative (of New England Land Surveying, PC, in Danbury), and I did go out today and take some pictures of the site, and then at least the Board will be familiar. Krate asked who are the principals in the LLC? Dufel said to Grenier, since you're handing out stuff for us, I want to hear why you can't make it. I suggest you get an engineer; don't even turn the sheet. Dufel reiterated I did not say surveyor; I said engineer. Grenier said I will request we postpone this to the ninth of July. Tomanio said there are six houses on this road, and none of them received notice of this issue. Secretary Lee gave Tomanio the abutting neighbor list from the variance file. Grenier said we are **continued** to July 9th. Jowdy reiterated that this is continued to July 9, 2009. Sean Hearty and Tomanio and Russotti had a discussion in the audience away from the microphone. Herb Krate said can you take it outside, gentlemen. Sibbitt asked can we move to the next application?

**#09-26** – Daniel Cordeiro/ Hi-Temp Products, 88 Taylor Street(J14208), Sec.6.A.3., to reduce side yard setback from 20 ft. to 14.5 ft.; to reduce side yard setback from 20 ft. to 1.3 feet; to increase maximum building coverage from 30% to 39.17% for addition (IL-40

Zone). Jowdy introduced this item at 7:18 pm. Daniel Cordeiro signed in and identified himself at the mic. Krate said, just a quick question: the only variance we are looking at is the 14-1/2 feet? You're only adding 14.5 ft., this one little piece in the corner? That's all there already though, Cordeiro said. When did you build it? Cordeiro replied I purchased the building 11 to 12 years ago, and it's already there. It's pre-existing, Cordeiro said. The only thing you're adding now is the small piece? Cordeiro agreed saying I'm going to square off the building and he explained why, to allow a larger machine. Jowdy explained you are way closer to the property, and you are building a better access. Cordeiro explained his clearance issue for a larger machine. Jowdy asked are there any questions from commissioners? Is there anyone who wishes to speak for or against this application? Thank you, Chairman Jowdy said. During the later voting session, Krate made a motion to **approve** the requests to reduce both side yard setbacks and to increase maximum building coverage for a building addition. Most of these variances are for buildings that have been there for 20 years or more, Krate continued; this is per plan submitted and it is in keeping with that light industry zone. Hanna seconded the motion, and the motion carried unanimously at 7:32 pm.

**#09-27** – Rachel & Pablo Calomeni, 2 Boulder Ridge (I05094), Sec.4.A.3., to reduce front yard setback from 30 feet to 1 foot for deck replacement; Sec.3.1., to allow deck in front yard (RA-20 Zone). Jowdy introduced this issue at 7:21 pm, as Rachel and Pablo Calomeni signed in. We just had the wrong folder, Sibbitt said. Pablo Calomeni said we're replacing the deck. The map shows where the road should be and where it is; the road. Krate said we'll take whatever you have. Rachel said I took photographs of what the house actually looks like. She said she's from Australia. It depends on what you consider the road, Pablo said. Rachel said the road is not where it's meant to be. Krate said you are basically squaring the house off. Rachel explained the distances; squaring out the front of the house, and this corner. The house is currently in a bad spot. Krate said, "Got it". Rachel Calomeni said it will improve the visual of the neighborhood. We have neighbors' two letters and the president of the (Boulder Ridge Homeowners') Association in favor of our project. We agree with each other, as we are all on each other's properties. Krate said I have no other questions. Jowdy asked is there anyone who wishes to speak for or against this application? Jowdy reviewed this request in the voting session and opened it for discussion. Krate made a motion to **approve** the variance request to reduce the front yard setback and to allow a deck in the front yard for the deck replacement. It is a replacement of an already existing deck; they are simply squaring off the house. Joe Hanna seconded the motion. Krate said this is per plan submitted, and will not affect the welfare, health and safety of the neighborhood. The motion carried unanimously.

**#09-28** – Betsy Burtnik (Nejame Pool), 1 Great Plain Road (J10177), Sec.5.A.2.a., to allow the expansion of a nonconforming use in CG-20 Zone. Jowdy introduced the Burtnik application as Tom Nejame signed in, from Nejame Pool at 91 South Street. Tom identified himself, a swimming pool builder, here on behalf of Betsy Burtnik. We have a residential home and an actual residential property, but it is actually zoned commercial. And in going for the permit, Nejame continued, I was informed that I would have to come before the Board because it's in a commercial zone. Krate asked about the neighborhood and the zone. Nejame explained some features of the vicinity. Betsy's dad, William Holomany, spoke up from the audience saying Betsy had been bitten by a tick and could not attend tonight. Dufel apologized for butchering the pronunciation of Tom's name. Dufel said I drive by this a hundred times, and Dufel and Nejame discussed the area. Holomany said they had lived there for 35 years. If there are no more questions, Jowdy asked, is there anyone who wishes to speak for or against this application? This ends the formal part. In the voting session, this variance request was opened for discussion by Jowdy. Krate made

a motion to **approve** One Great Plain Road; it's obvious that this zone is supposed to be a commercial zone but there are nothing but private homes in it. Joe Hanna seconded the motion. The motion carried unanimously at 7:25 pm.

**PUBLIC HEARING CONTINUED TO 6/25/09:**

**#09-18** – Nelson G. Moore, Joe's Hill Road (portions B13002, B13028), Sec.8.B.1.b.(3)., to increase allowed grade for portion of driveway from 12% to 16% for new single-family dwelling (RA-40, RA-80 Zones). Postponed per applicant's request.

**ACCEPTANCE OF MINUTES:** Motion to accept the meeting minutes for May 28, 2009, as presented by Krate. Second by Michael Sibbitt. Motion carried unanimously.

**ADJOURNMENT:** Motion to adjourn by Krate. Second by Joe Hanna. Motion carried unanimously at 7:36 pm.

**NOTE:** THE NEXT REGULAR MEETING IS SCHEDULED FOR JUNE **25, 2009**, at 7 pm.

Respectfully submitted,

Patricia Lee, Secretary