



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES
JANUARY 13, 2009

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The meeting was called to order by Chairman Ted Farah at 7:36 PM.

Present were Anthony DiCaprio, Theodore Haddad Jr., Patrick Johnston, Richard P. Jowdy, David Manacek, Robert Melillo, Larry Stramiello, Andrew Wetmore, Ted Farah and Alternate Jacqueline Perez-Ares. Also present was Planning Director Dennis Elpern.

Absent were Alternates Victoria Hickey and Thomas Spegnolo. Chairman Farah stated that Ms. Hickey had to work late and Mr. Spegnolo is still recovering from his injury.

Mr. Stamiello led the Commission in the Pledge of Allegiance.

Chairman Farah said they would table the acceptance of the December 9, 2008 minutes, since they had not received them yet.

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CONTINUATION OF PUBLIC HEARING

Petition of E.W. Batista Family LP, 155 South St. (#115048) for Change of Zone from RMF-4 to C-CBD.

Attorney Neil Marcus rather extensively reviewed the presentation he had made at the December 9, 2008 meeting.

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

Mr. Elpern said he had gotten some additional information since the last meeting. He said he had reviewed the plan that was approved as the result of the lawsuit and this new request includes twice what was approved. He cited various statistics regarding possible additional trips that could be generated by this proposal. He said traffic congestion is major issue facing the City as well as a major concern of the public. He said if this is granted, there will be a whole new special exception/site plan application coming before the Planning Commission so they can propose a change to the existing approved driveways. He added that the Planning Commission has no degree of discretion in approving an application and they cannot just arbitrarily deny - they have to make a case to deny. This is what happened with the previous application but they took it to court and the decision was overturned and stipulations were put on it. The site plan they are looking at may not come to pass, especially since the economic outlook right now is not great. There is no guarantee that this will happen; the only guarantee is that there will be another piece of land zoned C-CBD.

Mr. Melillo asked what the maximum development allowed on subject parcel would be if this proposal does not pan out. Mr. Elpern said C-CBD allows for 100% coverage, so the only issue would be providing enough parking. Mr. Melillo asked if it would be safe to say that the subject parcel would not be of much value unless it is developed with the others. Mr. Elpern said the maximum would be 3 units of multi-family with six additional trips per day. Mr. Melillo asked what kind of commercial business could be put on this lot. Mr. Elpern reiterated that in the C-CBD zone, there is no minimum lot size, no setbacks, no minimum lot width and multi-family dwellings are also allowed. Mr. Melillo said with regard to the Plan of Conservation & Development, how do they improve economic vitality in the downtown? Mr. Elpern said the Land Development plan map is an important part of the book. He pointed out the "Plan" also recommends cutting back on commercial development in the southern end of Main St. He added that the Main St. Task Force is looking at ways to revitalize the downtown from Elmwood Park moving north on Main St. They are hoping to capture the downtown feeling within areas that can be accessed on foot.

The proposal they are talking about will not bring people into the downtown. They will go there and then leave. Mr. Wetmore asked if they could make a recommendation to do study on this end of Main St. Mr. Elpern said the Engineering Dept. was looking into hiring a consultant to do this. He reminded them that because this is a State road, doing this would require Dept. of Transportation approval and now since there is no money, this has been tabled. He said they could continue to speculate what could be done on each or all of these parcels. This appears to be a very attractive building but there are other attractive buildings on the south end of Main St. as well as some very unattractive buildings there.

At 8:35 PM, Chairman Farah announced that they would take a five-minute recess. After calling the meeting back to order at 8:39 PM, he took a roll call to confirm that all of the members had returned.

Attorney Marcus spoke in rebuttal saying he would debate Mr. Elpern on his ADT numbers. He pointed out that once the Police Station moves to north end of Main St., there will be a significant drop in ADT and for that reason traffic congestion should not be a huge issue. He said the maximum development on the subject site would be 2,000 sq.ft. due to the configuration of the lot and parking requirements. The highest and best use, if it stands alone, would be keep it as a two-family dwelling. It is only worth more when added to the other parcels.

Mr. Johnston made a motion to close the public hearing. Mr. Manacek seconded the motion and it was passed unanimously. Mr. DiCaprio then made a motion to move this matter to Old Business. Mr. Manacek seconded the motion and it was passed unanimously.

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OLD BUSINESS

Petition of E.W. Batista Family LP, 155 South St. (#J15048) for Change of Zone from RMF-4 to C-CBD.

Mr. DiCaprio made a motion to deny this petition because it is inconsistent with the Plan of Conservation & Development. Mr. Stramiello seconded the motion. Mr. Melillo said he will

vote against this motion to deny because he is still at odds with whether or not it does conflict with the "Plan". Mr. Haddad said he felt the same way. Since there was no other discussion, Chairman Farah called the vote. The motion to deny was defeated with two AYES (from Mr. DiCaprio and Mr. Stramiello) and seven NAYS (from Mr. Haddad, Mr. Johnston, Mr. Jowdy, Mr. Manacek, Mr. Melillo, Mr. Wetmore and Chairman Farah). Chairman Farah said since the motion did not carry, they can either make a motion to approve or wait until the next meeting to discuss it again. Mr. Melillo made a motion to table this until the next meeting. Mr. Johnston seconded the motion and it was passed unanimously.

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NEW BUSINESS:

Petition of Casa Do Benfica Inc., 331 Main St. (#I13036) for Special Permit for Private Club Liquor License. *Public hearing scheduled for February 10, 2009.*

Petition of B & L Holdings LLC, 2 Glen Hill Rd, 33, 35, 37 & 39 Tamarack Ave. a/k/a Rd. (#I10045, #I10044, #I10046, #I10047 & #I10048) for Change of Zone from RA-20 & RH-3 *Public hearing scheduled for February 24, 2009.*

Petition of Intertech Assoc., c/o Danbury Orthopedic Assoc. Inc. to Amend Sec. 5D4.c(1) of the Zoning Regulations (to permit expansion of existing medical offices, not to exceed 3,000 sq.ft., on lots of one acre or larger in the CL-10 Zone). *Public hearing scheduled for February 24, 2009.*

Petition of Robert Botelho/Victorian Assoc. LLC, 126-130 Osborne St. (#I12093) for Change of Zone from R-3 to RMF-4. *Public hearing scheduled for February 24, 2009.*

Mr. Melillo made a motion to refer the second, third and fourth petitions to the Planning Commission. Mr. Wetmore seconded the motion and it was passed unanimously.

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Chairman Farah noted that there was nothing listed under Correspondence. He asked if there was anything to discuss under Other Matters and there was nothing. He said under For Reference Only there were listed two public hearings scheduled for January 27, 2009.

At 9:00 PM, Mr. Wetmore made a motion to adjourn. Mr. DiCaprio seconded the motion and it was passed unanimously.