



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES
SEPTEMBER 22, 2009

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The meeting was called to order at 7:35 PM by Chairman Ted Farah.

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

Absent were Patrick Johnston, David Manacek and Alternate Victoria Hickey.

Chairman Farah asked Ms. Perez-Ares to take Mr. Manacek's place and Mr. Spegnolo to take Mr. Johnston's place for the items on tonight's agenda.

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

Mr. Melillo made a motion to accept the August 11, 2009 minutes. Mr. Wetmore seconded the motion and it was passed unanimously.

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PUBLIC HEARINGS:

7:30 PM – Petition of Ervie S. Hawley Jr. to Amend Sec. 5.A.2.a of the Zoning Regulations.
(Add "Parking Area or Parking Garage" as a permitted use to the CG-20 Zone).

Mr. Wetmore read the legal notice. Mr. Melillo read the Planning Dept. Staff Report. Chairman Farah read the Planning Commission recommendation which was positive.

Attorney Paul Jaber spoke in favor of this petition. He said the applicant is a local developer and owner of many commercial properties, office buildings and shopping centers. The staff report recommendation to keep it simple is fine with them and they are willing to accept the changes suggested by the Planning Director. Parking areas and/or facilities are permitted in the CL, CBD and both industrial zones. It was permitted in CG-20 until a few years ago when the Commission eliminated both uses as part of a clean up of the commercial zones. He continued saying that the CG-20 zone is the most intense of the commercial zones so it would make sense to have this use permitted. He said they are here tonight for two reasons, first a shopping center in Germantown has the required parking spaces, but the applicant has acquired an adjoining parcel with the intent of expanding the parking. He could not do it because they are separate lots and he could not merge them together due to the ownership being a different corporation. The second reason is that after this was started, the Zoning Enforcement Officer brought to the applicant's attention that plans to do this kind of overflow parking had been approved for other sites while this was still permitted

and they are doing it today. So even if you own an adjacent parcel, you can't park on it. He said the Planning Commission really hit the nail on the head with their reasoning for a positive recommendation: *This will put the CG-20 on equal ground with the other stated zones and allow CG-20 property owners to provide additional parking for their tenants.*

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

Mr. Melillo made a motion to close the public hearing. Mr. Spegnolo seconded the motion and it was passed unanimously. Mr. Melillo then made a motion to move this to Old Business as item one. Mr. Wetmore seconded the motion and it was passed unanimously.

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7:45 PM – Petition of Robert Botelho/Victorian Associates LLC to Amend Sec. 3.J.1.b. of the Zoning Regulations. (Amend "Exemptions & Stipulations" to the Maximum Height Requirements).

Mr. Wetmore read the legal notice. Mr. Melillo read the Planning Dept. Staff Report. Chairman Farah read the Planning Commission recommendation which was positive.

Robert Botelho spoke in favor of this. He explained that the purpose of this amendment is add cupolas and architectural domes to the list of features in the Zoning Regs. that are exempt from the height limitation. He said he is currently before the Planning Commission with a special exception application to build a Victorian style development. He showed the Commission an architectural rendering of his proposal. He said the Planning Dept. staff report says this will not conflict with the Plan of Conservation & Development and will encourage improved design of future projects. There were no questions.

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

Mr. Wetmore made a motion to close the public hearing. Mr. Spegnolo seconded the motion and it was passed unanimously. Mr. Melillo made a motion to move this matter to Old Business, item two. Mr. Stramiello seconded the motion

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8:00 PM – Petition of Digital Overload LLC to Amend Sec. 5.B.2.a.(40) of the Zoning Regulations. (Add "Indoor Amusement Enterprises" as a permitted use to the CA-80 Zone).

Mr. Wetmore read the legal notice. Mr. Melillo read the Planning Dept. Staff Report. Chairman Farah read the Planning Commission recommendation which was positive.

Dawn Reshen-Doty spoke in favor of this petition. She distributed a packet of information (designated Exhibit A) about all aspects of the proposed business. She said it will be a computer and video game center where people can play newly released and popular computer and video games on state of the art computer equipment. They will have a local area network (LAN) consisting of a series of computers connected together within a local area, which will allow them to compete against in-house or online opponents worldwide. There will be refreshments sold, but no alcohol will be served. The business will be open seven days a week but only from 3 PM on into the evening. The target market is a range from 13 years of age to adults. She described the average game player as being a 35 year

old who has played games for at least thirteen years, 49% of gamers are between 18 and 49 years of age. During the off hours, she said they will offer the space to corporate and non-profit organizations that are in need of a conference area that has multiple computer stations available. They will also offer birthday and private parties. She added that they intend to install a state of the art video camera system that can be viewed from the Internet. She said there are over 2,000 gaming centers worldwide and referred the Commission to some photos in the packet which show a few of these centers. Mr. Elpern asked if she had a floor plan yet and she said she did because she is buying the furniture from IKEA and they lay it out for you. She said she decided to open this business because this area has nothing else like this and Danbury has all of the right things going for it, such as its size, having a university, and being located in a very affluent county. She also mentioned the film festival as proof that people want to be out and in social situations and then spoke about the number of businesses in the City that sell gaming and computer equipment. She described her background and qualifications. In closing, she said that she has met with the Planning Dept. and they are working with her on this. She offered to answer questions. Mr. Melillo asked what time of day she will be opening because he would not want to see kids skip school to go there. She said she will not open until after school lets out, that is why she chose 3 PM. There were no other questions

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

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

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CONTINUATION OF PUBLIC HEARING:

Petition of Elizethe de Oliveira d/b/a Anchieta Lanches LLC, 16 Ives St. (#I14244) for Special Permit for Restaurant Wine & Beer. Public hearing opened 8/11/09 – 35 days were up 9/14/09 – 35 day extension granted to 10/18/09. Continued for additional information.

Mr. Melillo made a motion to table this matter and continue the public hearing. Mr. DiCaprio seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of Ervie S. Hawley Jr. to Amend Sec. 5.A.2.a of the Zoning Regulations. (Add "Parking Area or Parking Garage" as a permitted use to the CG-20 Zone).

Mr. Melillo made a motion to approve this petition for the following reasons:

- This complies with the Plan of Conservation & Development and puts the CG-20 zone on equal ground with the other commercial zones. It also will allow commercial developments in the CG-20 zone to provide additional parking for their tenants.

Mr. Jowdy seconded the motion and it was passed unanimously by roll call vote.

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Petition of Robert Botelho/Victorian Associates LLC to Amend Sec. 3.J.1.b. of the Zoning Regulations. (Amend "Exemptions & Stipulations" to the Maximum Height Requirements).

Mr. Wetmore made a motion to approve this petition for the following

- This does not conflict with the *Plan of Conservation & Development* and is a reasonable request that will add these specific design features to those already exempt from height limitations.

Mr. Stramiello seconded the motion and it was passed unanimously by roll call vote.

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Petition of Digital Overload LLC to Amend Sec. 5.B.2.a.(40) of the Zoning Regulations. (Add "Indoor Amusement Enterprises" as a permitted use to the CA-80 Zone).

Mr. DiCaprio made a motion to approve this petition for the following reasons:

- Permitting this use in the CA-80 zone will maintain consistency between it and the CG-20 zone.

Mr. Wetmore seconded the motion and it was passed unanimously by roll call vote.

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NEW BUSINESS:

Petition of Danbury Lodge No. 120 of the Benevolent and Protective Order of the Elks, Inc. to Amend Sec. 5.C.2.a. of the Zoning Regulations. (Add "Club" as permitted use to the LC1-40 Zone) *Public hearing scheduled for October 27, 2009.*

Petition of 46 Mill Plain LLC, Amity Lane (#E15041) for Change of Zone from RA-40 to CA-80. *Public hearing scheduled for October 27, 2009.*

Mr. Melillo made a motion to accept these petitions and refer them to the Planning Commission for their recommendations. Mr. Spagnolo seconded the motion and it was passed unanimously.

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Chairman Farah said there was nothing under Correspondence or For Reference Only. He asked if there was anything to discuss under Other Matters and there was nothing.

At 8:30 PM, Mr. Melillo made a motion to adjourn. Mr. Wetmore seconded the motion and it was passed unanimously.