CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

MINUTES
OCTOBER 27, 2009

≈≈≈

gave some brief history of the creation of the LCI-40 zone as he was Corporation Counsel during that time and remembers it well. He added that due to various developmental constraints, this parcel is not in big demand for residential development but is well-suited to a private club use. Mr. DiCaprio asked if there is any scenario in this zone where this use could have a detrimental impact. Attorney Talarico said no because no matter where in this district a club is put they would still have to comply with all current zoning regulations as well as get State approval for their driveway cuts. Mr. Haddad asked what the issue was in the staff report regarding the numbering. Mrs. Calitro said it is an alphabetical issue. There were no other questions at this time.

Chairman Farah asked if there was anyone to speak in opposition to this petition and several Common Council members came forward.

Benjamin Chianese, 5 Briar Ridge Rd., said he is not for or against this, but asked why club was taken out of this zone. He said if it was because they didn't want Sugar Hollow Rd. to turn into another Mill Plain Rd., there is no guarantee that the Elks will build on this property. And if they don't, then we don't know what could end up on the parcel. He then asked if club also included nightclub. Mr. DiCaprio read the definition of club from the staff report. Mr. Chianese said he is also concerned about the possibility of other catering halls and potential traffic issues. He added that Rt. 7 is undergoing expansion and that will change the traffic patterns. Mr. Jowdy said there is a difference between the type of liquor license a private club would get versus the type that a nightclub gets. Mr. Johnston attempted to explain the difference between social club and catering hall.

At this point Chairman Farah called on Mrs. Calitro for some clarification. Mrs. Calitro said this is not a zone change petition; it is a proposed amendment to add this use back into the zone. She said it was deleted because after reviewing all the uses, they eliminated the uses that were either non-existent or major traffic generators and there were no clubs there at that time. She said the definition of club is pretty specific and any site plan for that use would have to comply with the Regulations. She reminded them that this is a text amendment so it really is not site specific. Also, since this is not a special permit application, whether or not they will serve liquor is irrelevant at this time.

Mr. Melillo pointed out that medical offices were also removed from several zones and since have been added back in. Mr. Haddad said this is a simple thing, the Commission cleaned up the zone by getting rid of those uses that did not exist. He reiterated that this is not a site specific application and there is not very much land available on this roadway due to the State takings that have occurred. He added that the definition of club makes it very clear what they can expect from this applicant.

Duane Perkins, 22 Main St., asked as a point of order for clarification it they would be voting on this tonight and if it affected all of the LCI-40 zones in the City. Chairman Farah pointed out that this is the only area of the City that is zoned LCI-40. Mr. Perkins said they should remember that attorneys are clever and can manipulate the language to suit their needs. He asked that they consider continuing this hearing so he can speak to his constituents in case they want to have their say. Mr. Haddad asked when the legal notices were published and Mr. Wetmore read the dates. Mr. Johnston asked Mr. Perkins if he had been contacted by someone specifically regarding this matter. Mr. Perkins said he had not; he just found out about it from another council member but would have liked to canvass the area to see if people had concerns about this.

Mrs. Calitro pointed out that with respect to the available properties in this zone, there are several that are buildable but many of them have been altered due to the State roadwork.

She reiterated that this use would require site plan approval as well as possible special exception approval and they do have several environmental constraints to deal with.

Paul Rotello, 13 Linden Pl., said a recent article in the Wall St Journal says newspapers are dropping off in readership. If this is the case, maybe putting a legal notice in the paper is really not adequate notice. He suggested that they just keep the industrial uses that are permitted and also suggested they should keep the hearing open for more comments.

Mr. Johnston suggested that the Commission could forward all of their information to the Council in order to let them contact their constituents. He added that it is an affront to this Commission for Council members to stand there and say they are not doing their job properly. He said this matter was noticed correctly in compliance with the Statutory requirements. He suggested that if Mr. Rotello he has better way of getting this done, he should suggest it to the State. He then asked why the concern now. Mr. Rotello said he did not come here to insult them, what he meant was that as officials they need to do a better job of getting this out to the public.

Mr. Manacek said none of the Commission members feel they are being rushed, especially because they have been aware of this application for a few months. He said Main St. is four lanes and no one is suggesting banning uses from that zoning district. He said this Commission always listens to the public when they speak. Also he said the applicant's Attorney did not change any words or manipulate the Commission.

Mr. Melillo asked Mr. Rotello is this is more about the alcohol than the club. Mr. Rotello said it is about the alcohol. Mr. Melillo pointed out to Mr. Rotello, who was once a member of this Commission, that a petition for a special permit will also be required for this location and that would be the forum to address the alcohol issue. Mr. Rotello said this is a small corridor of land that is boxed in by the wetlands and his objection is that this opens the door to clubs that serve alcohol.

Chairman Farah asked if there was anyone else to speak in opposition to this and there was no one else. He then offered Attorney Talarico the opportunity to rebut the comments made by the opposition.

Attorney Talarico said he takes offense to Mr. Perkins saying that he is being manipulative. The definition of club exists in the Regulations and all he is asking is that it be put back into this zone. The comparison to Mill Plain Rd. is unfounded. He said on the issue of procedure, they are entitled to rely on the General Statutes for the notice requirements. He said they see no reason for a continuance and there are time constraints so they would like to see this matter voted on. He expressed concern about Mr. Chianese's comments regarding drinking and driving. Any use in this zone will have to go through this same review process before being able to build. You almost could say don't use this property for anything; there are plenty of safeguards in place here. All they are talking about tonight is whether or not to reinstate the club use in the LCI-40 zone. Mr. Haddad asked if this is approved, will the Elks just pick up and move into the building. Attorney Talarico said no they plan to demo the existing structure and build a new building. He added that presumably they will apply for a club liquor permit. He added that the Commission would be hard pressed to deny them based on history. He said he would hope that they would be treated no differently than any other club in the community.

Mr. Haddad then mentioned that when he was Chairman of this Commission, we looked in the possibility of putting a sign on a site when there was some change proposed to it. At the time, Corporation Counsel did not feel it was a good idea and it was also determined that it

would be an additional cost for the applicant and it was not really necessary. He suggested that maybe this Commission wants to look into this again and amend the Regulations to require it.

Mr. Melillo made a motion to close the public hearing. Mr. Jowdy seconded the motion and it was passed unanimously. Mr. Melillo made a motion to move this matter to Old Business. Mr. Johnston seconded the motion and it was passed with a 7-2 vote. Mr. Haddad and Mr. Manacek voted against the motion.

≈≈≈