



CITY OF DANBURY
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ZONING COMMISSION
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MINUTES
JULY 22, 2008

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

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

Absent were Richard P. Jowdy and David Manacek.

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

Mr. Wetmore led the Commission in the Pledge of Allegiance. Chairman Farah then said there were no public hearings scheduled for this evening.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Chairman Farah said the Ms. Hickey had listened to the tapes for all of the matters listed under the Old Business on tonight's agenda so she is now eligible to vote on all three matters.

Petition of Sheridan Commons LLC, 12 Home Pl. (portion of #J14161) for Change of Zone from R-3 to RMF-4. Public hearing closed 4/22/08. First 65 days were up 6/26/08 - 65 day extension granted - decision must be made by 8/29/08.

Mr. Haddad excused himself as he is abstaining from this matter. Chairman Farah asked Ms. Hickey to take Mr. Haddad's place for this item.

Chairman Farah said they have a motion to approve this petition on the floor. This motion was made by Mr. DiCaprio and seconded by Mr. Stramiello. He asked if there was any discussion before they take a vote.

Mr. DiCaprio restated his reasons for the motion:

- This rezoning is in compliance with the Plan of Conservation & Development as this parcel is located in an area designated for multi-family development. Additionally it complies with the zone change criteria in the Zoning Regulations.

Mr. Wetmore then said he hoped the Commission would seriously reconsider before voting that approval of this petition would allow one more unit to be added to this project. He said although this project looks very nice, the Plan of Conservation & Development states that they should limit development in suburban areas to low-density residential neighborhoods, so they should not allow this to expand any further. Mr. Elpern clarified that although the Plan does say that, this site is not in a suburban area, it is located in an urban area, where this type of development is desirable.

Mr. Johnston then said he was glad that they decided to reconsider the decision because they never should have made it with only seven members present. He added that all applicants deserve to have a nine member board voting on their petitions. There was no other discussion.

Chairman Farah took a roll call vote on the motion to approve this petition and it was passed with six ayes (from DiCaprio, Farah, Johnston, Perez-Ares, Spegnolo & Stramiello) and three nays (from Hickey, Melillo & Wetmore).

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Mr. Haddad returned to the meeting at this time.

Petition of Camillo M & Gloria Santomero, 14 Padanaram Rd. (#H10121) for Change of Zone from CN-20 to CL-10. Public hearing closed 6/10/08 - 65 day decision making period will be up 8/13/08.

Chairman Farah said this petition had received a negative recommendation from the Planning Commission so it needs a two-thirds majority vote in order for it to be approved. He then said he was not eligible to vote on this petition. He asked Ms. Hickey to take his place for this matter. Mr. Wetmore made a motion to deny this for the following reasons:

- This does not comply with the Plan of Conservation & Development. If this was rezoned to CL-10, the lot would then be large enough to subdivide into two lots which would allow for more intense development than is currently permitted under the existing zoning configuration. Also this lot has extensive slopes, so any development will probably require extensive grading and a retaining wall.

Mr. DiCaprio seconded the motion. Chairman Farah took a roll call vote and the motion to deny was passed unanimously with nine ayes (from DiCaprio, Haddad, Johnston, Melillo, Stramiello, Wetmore, Hickey, Perez-Ares & Spegnolo)

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Petition of Peter Phrathep, 130 Triangle St. (#K14007) for Change of Zone from RA-8 to RMF-4. Public hearing closed 6/24/08 - 65 day decision making period will be up 8/27/08.

Chairman Farah said this petition had received a negative recommendation from the Planning Commission so it needs a two-thirds majority vote in order for it to be

approved. He then said he also was not eligible to vote on this petition. He asked Ms. Hickey to take his place for this matter. Mr. Melillo made a motion to deny this for the following reasons:

- The proposed rezoning would constitute an intrusion of multi-family development into a single family neighborhood. The density and uses permitted in the RMF-4 zone are not compatible with the surrounding area; so this would not act as a transition zone. Finally, this does not comply with the Plan of Conservation & Development.

Mr. Johnston seconded the motion. Chairman Farah took a roll call vote and the motion to deny was passed unanimously with nine ayes (from DiCaprio, Haddad, Johnston, Melillo, Stramiello, Wetmore, Hickey, Perez-Ares & Spegnolo).

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NEW BUSINESS:

Petition of MBD Realty LLC, 98 Federal Rd. (#K11069) for Change of Zone from IL-40 to CG-20. Public hearing scheduled for September 9, 2008.

Mr. Melillo made a motion to refer this to the Planning Commission. Mr. Stramiello seconded the motion and it was passed unanimously.

Petition of Carmela & Juvenal Almeida, 8 Durant St. (#I13043 & #I13044) for Change of Zone from CG-20 to R-3. Public hearing scheduled for September 9, 2008.

Mr. Johnston made a motion to refer this to the Planning Commission. Mr. Spegnolo seconded the motion and it was passed unanimously.

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Chairman Farah noted that there was nothing under Correspondence or Other Matters and under For Reference Only, there was listed the public hearing scheduled for August 26, 2008. Mr. Haddad then asked if they would be holding the next regular meeting which is scheduled for August 12, 2008 since there is nothing on that agenda. Chairman Farah agreed with Mr. Haddad and said since there is no Old Business and no public hearings are scheduled for that meeting, they would cancel the regularly scheduled August 12, 2008 meeting.

At 8:15 PM, with no further business to discuss, Mr. Stramiello made a motion to adjourn. Mr. Johnston seconded the motion and it was passed unanimously.