



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
(203) 797-4525
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MINUTES
NOVEMBER 25, 2008

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The meeting was called to order by Chairman Ted Farah at 7:30 PM.

Present were Anthony DiCaprio, Theodore Haddad Jr., Patrick Johnston (arrived at 7:37 PM), 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, Jacqueline Perez-Ares and Thomas Spegnolo. Chairman Farah clarified that Ms. Hickey and Ms. Perez-Ares had family commitments and Mr. Spegnolo is recovering from a recent injury.

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

Mr. Melillo made a motion to accept the minutes of October 28, 2008. Mr. Manacek seconded the motion and it was passed unanimously.

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Chairman Farah noted that the public hearing for the following matter, which was scheduled for 7:30 PM this evening, has been re-scheduled to the December 9, 2008 meeting at 7:30 PM:

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

He then said that the following petition, which was also scheduled for public hearing this evening, was withdrawn this afternoon:

Petition of Intertech Assoc., c/o Danbury Orthopedic Assoc. Inc., 226 White St. (#J13133 & #J13134) for Change of Zone from CL-10 to CG-20.

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PUBLIC HEARING:

7:30 PM - Petition of Agriventures Realty, LLC to Amend Secs. 3.E.4.(3) & 5.B.2.b.(15) of the Zoning Regulations. (Add indoor storage of landscape materials within a greenhouse structure as Special Exception use in CA-80 Zone).

Mr. Wetmore read the legal notice. Mr. Melillo read the Planning Department Staff Report dated November 18, 2008. Chairman Farah read the Planning Commission recommendation which was positive. He added that HVCEO has classified this as “of local interest but without intermunicipal impact”. Mr. Jowdy arrived at 7:42 PM

Attorney Ted Backer said Agriventures is the company that owns the Agway Store on 92 Mill Plain Rd. He said that with him this evening are: Mark Kornhaas from Artel Engineering, Richard Garber from Agriventures and Tom Melsin from the CT DOT.

Mr. Kornhaas said this really is about two Agway stores, the one on Mill Plain and the other one in New Milford. He explained that due to the roadwork the State is doing on Route 7 north, they have taken the majority of the parcel that the New Milford store is located on. The problem is that their greenhouse which provides their plants was located there and now they have no where to put it. They did not receive a lot of warning, so they had to quickly move the majority of the plantings and materials to Danbury. This was okay since they had gotten site plan approval for storage of these materials, but they still needed a greenhouse. The CA-80 zone does not allow greenhouses except as an accessory use, so they cannot put it on the 88 Mill Plain Rd. site unless they amend the Regulations. Mr. Kornhaas then referred to a copy of the zoning map with the CA-80 zone area highlighted and then a copy of the most recently approved site plan for the Danbury site. At this point Mr. Elpern said all of this detail really is not necessary since this is an amendment and is not site specific. Mr. Kornhaas then said he would skip the elaborate presentation and present the facts. He said the actual Agway store is located at 92 Mill Plain Rd. and they also use 88 Mill Plain for storage of supplies. That is where they would like to put the greenhouse. He said this is a special exception use so they will not be seeing a glut of greenhouses along Mill Plain. He said the applicant agrees with the suggestions the Planning Director made in the staff report and has no problem with the revised language. He then offered to answer questions. Chairman Farah asked if there were any questions and there were none.

Attorney Backer then introduced Mr. Melsin from the State DOT. Mr. Melsin said that he was here tonight to testify that the State had taken the land from the New Milford site and they had to get the greenhouse out of there on quite short notice. He offered to answer questions but there were none.

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

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

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

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 & RMF-6 to CG-20. Public hearing closed 10/28/08 - 65 day decision period up 12/31/08.

Chairman Farah noted that this petition also has been withdrawn. He said the applicant's attorney has notified us that he will submit a new petition as was discussed at the previous meeting.

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Petition of Agriventures Realty, LLC to Amend Secs. 3.E.4.(3) & 5.B.2.b.(15) of the Zoning Regulations. (Add indoor storage of landscape materials within a greenhouse structure as Special Exception use in CA-80 Zone).

Chairman Farah said they had heard this petition this evening and closed the hearing. He asked if any of the Commission members had any further comments. Mr. Melillo made a motion to approve this petition including the changes recommended by the Planning Director in the staff report. Mr. Manacek seconded the motion. Mr. Melillo gave the following reasons for this motion:

- This is consistent with the Plan of Conservation & Development and it would allow the applicant's property to be brought into compliance with the Zoning Regulations.

Chairman Farah called the vote on the motion and it was passed unanimously with eight AYES.

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NEW BUSINESS:

Petition of Nancy & David Lahoud, 116 Coalpit Hill Rd. (#K17014) for Change of Zone from IL-40 to RMF-10. Public hearing scheduled for January 13, 2009.

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

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Petition of Berkshire Village LLC/Jeffrey Bruno, 162, 170, 172, 174 & 176 Shelter Rock Rd. (#M14003, #M14004, #M14009, #M14010 & #M14005) for Change of Zone from RA-40 to RMF-10. Public hearing scheduled for January 27, 2009

Mr. Wetmore made a motion to refer this petition to the Planning Commission. Mr. Manacek seconded the motion and it was passed unanimously.

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Chairman Farah noted that under Correspondence, they had received the schedule of regular meetings for 2009. He asked if there was anything to discuss under Other Matters

and there was nothing. He said there was nothing under For Reference Only although they will hear the South St. zone change petition at the next meeting.

At 8:00 PM, Mr. Wetmore made a motion to adjourn. Mr. DiCaprio seconded the motion and it was passed unanimously.