



CITY OF DANBURY
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ZONING BOARD OF APPEALS
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DRAFT MINUTES – REGULAR MEETING
November 14, 2013
City Council Chambers
7 pm

ROLL CALL: Present were Chairman Richard Jowdy, Michael Sibbitt, Joseph Hanna, Herb Krate, Alt. Vincent DiGilio, Alt. Anthony Rebeiro.
Absent were Rod Moore, Alt. Rick Roos.
Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee.

Chairman Jowdy opened the meeting at 7:01 pm. Krate motioned to hear the two petitions on tonight's agenda. Hanna seconded the motion. Motion carried unanimously. Chairman Jowdy read the resignation letter from Alt. Vincent DiGilio as he has been elected to the City Council. We know you're going to bigger places; congratulations, Jowdy said, and all applauded.

CONTINUATION OF PUBLIC HEARINGS: NA

NEW BUSINESS:

13-42 – MME, LLC, 59 Eagle Road (L10012), Sec.6.C.2.d., to allow parking in front yard (IG-80 Zone). Chairman Jowdy introduced this petition. Paul N. Jaber, Attorney at Law, came forward and signed in, stating I represent the applicant MME, LLC; Melvin Powers and family are it's principals. The property is located in Commerce Park, and Jaber explained the vicinity: Best Buy, Executive Drive, Pitney Bowes, RK Manufacturing. Mr. Powers is putting a decent sized addition onto the RK building. That is owned by the Powers family as well, and that road. If you look at the map I submitted, Jaber continued, you can see that many parking areas were created on and off of Executive Drive, except this one grouping of 12 spaces, primarily for visitor parking for RK Manufacturing building. They are additional spaces. He has approval to build the addition. It's in the front of the building. The back of the building would be extremely unpractical, due to the location of the Still River. He would like to maintain those 12 spaces, and without your variances, they would have to be removed, Jaber said. There are numerous other groups of parking all the way down to Pitney Bowes. These expansions are good for us. Jaber said thank you at 7:09 pm. All Commerce Park roadways are owned by the Powers Family. Jowdy asked is there anyone who wished to speak for or in opposition to this

proposal? Motion to close this public hearing by Herb Krate. Sibbitt seconded the motion. Motion carried unanimously.

In the voting session at 7:15 pm, Chairman Jowdy introduced this item again. Krate made a motion to **approve** parking in the front yard. There are no adverse conditions, and in fact they (parking spaces) have been there for the past 10 years, per plans submitted, Krate said. Sibbitt seconded the motion. Motion carried unanimously.

#13-43 – Andrew & Catherine Moore as Tenants, 51 Padanaram Road (H09075), Use Variance to Sec. 5.E.2.a. in acc. w/Sec. 9.C.1.a., to allow ice cream shop in former dairy store. (CN-20 Zone) Chairman Jowdy introduced this Padanaram Road variance, in a CN-20 Zone. This is the one on the corner, Chairman Jowdy said. Mr. and Mrs. Moore signed in. Catherine Moore said we are looking to open up an ice cream store. She said we are not expanding the building. Chairman Jowdy asked about Dom's (Garden Center) plans. Catherine said did not know. It will be walk-in and walk-out. Maybe some small round tables on the outside sidewalk, Catherine Moore said. Krate said it's unusual to get any plan without any parking with it. It still requires parking, drive-in and drive-out. Andrew Moore said Dom has just paved, and said Dom said as many spaces as we needed we can have. Sean Hearty commented to the commissioners regarding no drive through; an ice cream parlor, a specific unique use; we added it as a use to the regulations. It will go for site plan approval, Hearty added. Krate said we all get a years free ice cream. Chairman Jowdy asked is there anyone who wishes to speak for or in opposition to this variance request? Motion to close this public hearing by Krate. Second by Hanna. Motion carried unanimously.

Motion to close the public hearing by Krate. Second by Sibbitt. Motion carried unanimously.

Chairman Jowdy introduced this petition again at 7:16 pm in voting session. Open for discussion and or vote, Jowdy said. Hearty said it will be up for full site plan review; not the planning commission. Herb Krate made a motion to **approve #13-43**, in accordance with Section 9.C.1.a., to allow an ice cream shop, with a footnote that no parking was presented at this variance meeting, and we send it on to them; this is not per plan submitted; it's as submitted. Anthony Rebeiro seconded the motion. Motion carried unanimously at 7:17 pm.

ACCEPTANCE OF MINUTES: Motion to accept the October 10, 2013, meeting minutes as complete by Krate. Second by Hanna. Motion carried unanimously.

Motion to accept the November 6, 2013, meeting minutes as complete by Krate. Second by Hanna and Sibbitt. Motion carried unanimously.

NOTE: The next regular meeting is scheduled for December 12, 2013. There is only one meeting in December due to the holidays.

ADJOURNMENT: Motion to adjourn by Herb Krate. Second by Sibbitt. Motion carried unanimously at 7:19 pm.