

CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES
NOVEMBER 10, 2009

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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 Jr. (arrived at 7:46 PM), Richard P. Jowdy, Robert Melillo, Larry Stramiello, Andrew Wetmore, Ted Farah and Alternate Thomas Spegnolo. Also present was Planning Director Dennis Elpern.

Absent were David Manacek, Alternates Victoria Hickey and Jacqueline Perez-Ares.

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

Mr. Melillo motion to accept the September 22, 2009 minutes as written and the October 27, 2009 minutes with the minor correction as discussed. Mr. Wetmore seconded the motion and it was passed unanimously.

Chairman Farah appointed Mr. Spegnolo to take Mr. Manacek's place for the items on tonight's agenda.

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PUBLIC HEARINGS:

7:30 PM – Petition of 46 Mill Plain LLC, Amity Lane (#E15041) for Change of Zone from RA-40 to CA-80.

Mr. Wetmore read the legal notice. Mr. Melillo read the Planning Dept. Staff Report dated November 3, 2009. Chairman Farah read the Planning Commission recommendation which was negative. He noted that a two thirds majority vote would be required because of the negative recommendation from the Planning Commission.

Attorney Jaber gave a brief description of the applicant and his businesses in the City. He then distributed a reduced copy of a conceptual plan. Chairman Farah said this would be designated Exhibit A. He explained that the reason for this request is to gain access to the rear portion of the applicant's parcel, which is divided into two zones, CRP and CA-80. There is no intention to change the other two parcels that are zoned residential. The sole purpose for this application is to allow access to the rear parcel. Mr. Salame bought the subject property from the former owner, Mrs. Hall. He said there are two primary reasons to change this: (1) it would conform to commercial zoning of the parcels that surround it, and (2) access to rear seventeen acres that are zoned CRP, can best be achieved using Amity La. He then explained that the three properties on Amity La. are surrounded by property zoned CA-80 and the Zoning Regulations prohibit crossing residentially zoned property to access commercial property. This plan would use an existing curb cut on Mill Plain Rd. and the

remaining Amity La. parcels would remain residential as they contain residential dwellings. He said this would have to go to EIC but definitely a buffer would be put in to protect the wetlands. The reason they came up with this plan is because access through Crestdale is impossible, so their choices are really limited and Amity La. can be brought up to City standards. He referred to the Plan of Conservation & Development and the conflict between residential and commercial saying there should be shared access with buffers between them and attempts should be made to preserve wetlands to every possible extent. He then addressed the Planning Commission recommendation. He explained that he is not allowed to speak to them so they did not have the benefit of the information that is being provided to this Commission tonight. The information that they had was not adequate for them to really understand what the applicant is trying to do with this additional parcel.

Steve Sullivan, PE from CCA, then spoke briefly, referring to a plan on the easel and clarifying the options available to access the rear parcel. After reviewing them, he said it is their opinion that this proposal is the best way to access the CRP zoned property.

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

Mr. Melillo asked if they do not grant this, would access be severely limited. Mr. Elpern said it could be and even if this Commission approves it, they still have to get EIC approval. Mr. Melillo asked if this was zoned CA-80 when the POCD was approved in 2002. Mr. Elpern said yes it was because the CRP zone did not yet exist at that time. Mr. Haddad asked what section of the Regulations prohibits crossing residentially zoned property to access commercial land. Mr. Elpern said it is Section 8.B.2.

Mr. DiCaprio made a motion to close the public hearing. Mr. Spagnolo seconded the motion and it was passed unanimously. Mr. DiCaprio made motion to move to number one under old business. Mr. Melillo seconded the motion and it was passed unanimously.

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7:45 PM – Petition of the City of Danbury by Dennis I. Elpern Planning Director to Amend Secs. 3.H.1., 5.G.6.b.(3), 7.D., 8.C.1., 9.B.1., and 5.B.2.a., 5.D.2.a., 5.F.2.a., 6.A.2.a., 6.B.2.a. & 4.H.2.b.(3)(b)(iii) of the Zoning Regulations. (Asst. minor amendments and add parking areas/parking facility to several zones).

Mr. Wetmore read the legal notice. Mr. Melillo read the Planning Commission recommendation which was positive.

Dennis Elpern said this is a group of relatively minor amendments in one petition. He said rather than holding separate public hearings, they decided to hold one public hearing for all of them. He went through the proposed changes saying that the intent of most of them was to clarify the language in the existing regulations. He said they are not adding parking areas/parking facility to the zones, they are actually just changing the way the use is listed so it is the same in all of the zones it is permitted in.

He said the amendment to the PND zone will permit Belimo to lease abutting land owned by The Reserve from on a short term basis while they build their parking lot. It will not impact any of the proposed development within The Reserve and has conditions attached designed to prevent this from happening to the other lands within the PND parcel. The Belimo proposal will only affect about one acre and will be beneficial to the City. He said there also is an amendment to do with standards for roads used to access CRP zoned land. Mr. Melillo

asked if we need to approve this petition before voting on the Amity La. one and Mr. Elpern said that is not necessary.

Chairman Farah asked if there was anyone to speak in opposition to this petition 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. Wetmore then made a motion to move this matter to number two under the Old Business on tonight's agenda. Mr. Johnston seconded the motion and it was passed unanimously.

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OLD BUSINESS

Petition of 46 Mill Plain LLC, Amity Lane (#E15041) for Change of Zone from RA-40 to CA-80.

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

- This option exhibits the fewest possible environmental impacts. Amity La. would be brought up to City standards and realigned to avoid the remaining residential properties so they would not be affected by this change. There is very little conflict with the Plan of Conservation & Development given the small size of this lot.

Mr. DiCaprio seconded the motion. Chairman reminded them that they need super majority vote for approval, so he did a roll call vote and the motion to approve was passed unanimously with nine AYES (from Mr. DiCaprio, Mr. Haddad, Mr. Johnston, Mr. Jowdy, Mr. Melillo, Mr. Stramiello, Mr. Wetmore, Mr. Spegnolo and Chairman Farah).

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Petition of the City of Danbury by Dennis I. Elpern Planning Director to Amend Secs. 3.H.1., 5.G.6.b.(3), 7.D., 8.C.1., 9.B.1., and 5.B.2.a., 5.D.2.a., 5.F.2.a., 6.A.2.a., 6.B.2.a. & 4.H.2.b.(3)(b)(iii) of the Zoning Regulations. (Asst. minor amendments and add parking areas/parking facility to several zones).

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

- None of these amendments are significant changes, this package is mostly ministerial in nature and meant to clarify the existing language.

Mr. Spegnolo seconded the motion. Chairman Farah did a roll call vote and the motion to approve was passed unanimously with nine AYES (from Mr. DiCaprio, Mr. Haddad, Mr. Johnston, Mr. Jowdy, Mr. Melillo, Mr. Stramiello, Mr. Wetmore, Mr. Spegnolo and Chairman Farah).

Mr. Haddad thanked Mr. Elpern for putting all of these together in one petition so they could take care of them. Mr. Melillo also said he felt doing it this way made it easier for the Commission.

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Mr. Wetmore and Mr. Stramiello both said they had enjoyed the past two years on the Commission, the meetings and the arguments and they were sorry that their time was up.

Mr. Haddad said it is a shame that this group could not go on any longer as it was a good group. Mr. Johnston said it was an honor to serve this time and this is his second retirement so he hopes to be back again in the future. Chairman Farah said he echoed all of these sentiments and thanked everyone for putting in their time on a voluntary basis.

At 8:40 PM, Mr. DiCaprio made a motion to adjourn. Mr. Haddad seconded the motion and it was passed unanimously.