



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES
JULY 13, 2010

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The meeting was called to order by Chairman Robert Melillo at 7:30 PM.

Present were, Theodore Haddad Jr., Richard P. Jowdy, Gary Renz, Walter Hoo, Robert Melillo, Terry Tierney and Alternates Elmer Palma, Thomas Spegnolo and Patrick Venuti. Also present was Planning Director Dennis Elpern.

Absent were Anthony DiCaprio, Ted Farah and Alan Kovacs.

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

Chairman Melillo announced that they had not yet received the June 8, 2010 minutes. Mr. Haddad made a motion to table the acceptance of them. Mr. Spegnolo seconded the motion and it was passed unanimously.

Chairman Melillo then asked Mr. Palma to take Mr. Kovacs place and Mr. Spegnolo to take Mr. DiCaprio's place and Mr. Venuti to take Mr. Farah's place for the items on tonight's agenda.

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PUBLIC HEARING:

7:30 PM – Petition of Danbury Green Pizzeria LLC dba Tuscanero's Pizza, 113 Mill Plain Rd. (#C14070) for Special Permit for Restaurant Beer and Wine.

Chairman Melillo read the legal notice. Attorney Robert Eberhard spoke in favor of this petition. He said this is located in the store that was the former Blockbuster site. There still is a Starbucks, a liquor store and the Desert Moon restaurant in this strip. He then explained that they decided to change the name of the place since the lease was signed, so it is now going to be Tuscan Joe's. He introduced Vincent Greco who is one of the owners. Mr. Greco said they also have another place in Brewster, NY near the Home Depot site. He said they will only have a service bar in this place; they have a refrigerator that will be dedicated to the beer and wine. Mr. Haddad asked how many seats and Mr. Greco said they have 52 seats. Mr. Elpern said the hand-drawn floor plan was not acceptable unless the Commission was willing to take it. Chairman Melillo announced they would take a ten-minute recess so the secretary could go downstairs to the Permit Center and find the architects floor plan for this. When she returned, the Commission and Mr. Elpern reviewed the floor plan and said it was fine. There was no further discussion.

Mr. Palma made a motion to close the public hearing. Mr. Spegnolo seconded the motion and it was passed unanimously. Mr. Haddad then made a motion to move this matter to item two

under the Old Business on tonight's agenda. Mr. Palma seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of E.W. Batista, Family Limited Partnership, 155 South St. (#J15048) for Change of Zone from RMF-4 to C-CBD. Public hearing closed May 25, 2010 – 65 days to make decision will be up July 28, 2010.

Chairman Melillo said the Mr. Tierney had also listened to the tapes, so he is eligible to vote on this petition. He said that means everyone except Mr. Farah is eligible. Mr. Tierney then made a motion to approve this petition for the following reasons:

- It complies with the Plan of Conservation & Development because it would satisfy the goal of increasing the economic vitality of the downtown and the Main St. center and also could help to revitalize south Main St. It also would encourage additional development in the downtown district. And finally it complies with the urban core strategy of encouraging commercial property owners to undertake needed façade renovations.

Mr. Palma seconded the motion. Chairman Melillo said this needs a super majority for approval due to the negative recommendation from the Planning Commission. He then called a roll call vote and the motion to approve was passed with eight AYES (from Haddad, Jowdy, Hoo, Tierney, Palma, Spagnolo, Venuti and Melillo) and one NAY (from Mr. Renz).

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Petition of Danbury Green Pizzeria LLC dba Tuscanero's Pizza, 113 Mill Plain Rd. (#C14070) for Special Permit for Restaurant Beer and Wine Liquor.

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

The proximity of such premises will not have a detrimental effect on any church, school, or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Mr. Tierney seconded the motion. Mr. Haddad asked to amend the motion to include the following conditions: The conditions are: *(1) there is to be no sit-down bar, there is to be a service bar only, and (2) any outside seating shall be in accordance with State law.* Mr. Palma and Mr. Tierney both accepted the amendment.

Chairman Melillo did a roll call vote on the motion with the conditions and it was passed unanimously.

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There was nothing under New Business, Correspondence or For Reference Only. Chairman Melillo asked if anyone had anything they wanted to discuss under Other Matters and there was nothing.

At 8:15 PM, Mr. Renz made a motion to adjourn. Mr. Spegnolo seconded the motion and it was passed unanimously.