



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES
NOVEMBER 23, 2010

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The meeting was called to order by Chairman Robert Melillo at 7:35 PM.

Present were Anthony DiCaprio, Theodore Haddad Jr., Richard P. Jowdy, Alan Kovacs, , Robert Melillo, Terry Tierney and Alternates Elmer Palma, Also present was Planning Director Dennis Elpern and Associate Planner Jennifer Emminger.

Absent were Ted Farah, Walter Hoo, Gary Renz and Alternates Thomas Spegnolo and Patrick Venuti.

Chairman Melillo asked Mr. Palma to take Mr. Hoo's place for the items on tonight's agenda. He announced that the secretary is sick tonight and Mrs. Emminger is covering for her so everyone should use their microphones and try to wait to be recognized before speaking.

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

Mr. Haddad made a motion to table the acceptance of the minutes. Mr. Kovacs seconded the motion and it was passed unanimously.

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PUBLIC HEARINGS:

7:30 PM – Petition of Victor Rodrigues d/b/a Railroad Spirit Shoppe, 14 Wildman St. (#113027) for Special Permit for Package Store License.

Chairman Melillo read the legal notice. Attorney Paul Jaber spoke in favor of the petition. He said this is the old DePalma Plumbing building. It is in the middle of a mixed use two block neighborhood. Attorney Jaber then said this use is in character with the neighborhood because of the mixed uses. He said this neighborhood has previously had a package store, most recently in the 1990's. An explosion destroyed that site and they chose not to rebuild. He said the applicant had received a variance from the Zoning Board of Appeals to allow him to run a package store in this zone and he had been granted approval of a site plan waiver for this location. Attorney Jaber said this site has always been used for retail despite its IL-40 designation. He then said there will be no additional traffic generated by this use. It is more of a drive by business than a destination. He also said there are no churches, schools or charitable institutions in the vicinity of this site. In reference to the 2000 ft. distance requirement between package stores, a copy of a letter from Land Surveyor Paul Hiro was presented to the Commission certifying that there is no other package store within 2000 ft. of this location. This letter was designated as Exhibit A. Attorney Jaber offered to answer any questions the Commission might have, but there were none.

Mr. Elpern reviewed the criteria for approval of a special permit from Sec. 3.F.2 of the Zoning Regulations. Mr. Haddad said he believed there is only one permit available for another package store in Danbury.

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

Mr. DiCaprio made a motion to close this public hearing. Mr. Haddad seconded the motion and it was passed unanimously. Mr. DiCaprio then made a motion to move this item to number one under the Old Business on tonight's agenda. Mr. Haddad seconded the motion and it was passed unanimously.

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7:45 PM – Petition of Pepe's of Danbury LLC, 59 Federal Rd. (#L09022) for Special Permit for Restaurant Beer & Wine License.

Chairman Melillo read the legal notice. Attorney Chris Donohue spoke in favor of this petition. Attorney Donohue said there are no churches, schools or charitable institutions in this vicinity. He added that this building recently had been the site of the Stew Leonard's package store before they bought Discount Liquors. He said they have received site plan approval from the Planning Department. He added that the wine and beer is really an accessory to the food because people come to Pepe's for the pizza. Mr. Haddad asked to verify the size of the restaurant. Attorney Donohue said it is 3,490 sq.ft. and added that a floor plan was submitted with the petition. He then offered to answer any questions the Commission might have, but there were none.

Mr. Elpern reviewed the criteria for approval of a special permit from Sec. 3.F.2 of the Zoning Regulations.

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

Mr. Kovacs made a motion to close this public hearing. Mr. Jowdy seconded the motion and it was passed unanimously. Mr. Haddad then made a motion to move this item to number one under the Old Business on tonight's agenda. Mr. Palma seconded the motion and it was passed unanimously.

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OLD BUSINESS:

Petition of Victor Rodrigues d/b/a Railroad Spirit Shoppe, 14 Wildman St. (#J13027) for Special Permit for Package Store License.

Chairman Melillo asked for a motion or comments on this matter. Mr. DiCaprio made a motion to approve this petition 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. Palma seconded the motion and it was passed unanimously with seven ayes.

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Petition of Pepe's of Danbury LLC, 59 Federal Rd. (#L09022) for Special Permit for Restaurant Beer & Wine License.

Chairman Melillo asked for a motion or comments on this matter. Mr. DiCaprio made a motion to approve this petition 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. Kovacs seconded the motion and it was passed unanimously with seven ayes.

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OTHER MATTERS:

Mr. Haddad requested that the secretary send copies of the attendance records (from the beginning of the term to now) to each of the Commission members.

Chairman Melillo said since there is nothing under For Reference Only, there may not be a December meeting. He added that he would have the secretary confirm this to the Commission members by e-mail.

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