



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
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ZONING COMMISSION  
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**MINUTES**  
**MAY 24, 2011**

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

Present were Anthony DiCaprio, Theodore Haddad Jr., Alan Kovacs, Robert Melillo, Gary Renz, and Alternates Elmer Palma, Thomas Spegnolo and Patrick Venuti.

Absent were Ted Farah, Walter Hoo, Richard P. Jowdy and Terry Tierney.

Chairman Melillo asked Mr. Palma to take Mr. Hoo's place, Mr. Spegnolo to take Mr. Farah's place and Mr. Venuti to take Mr. Jowdy's place for the items on tonight's agenda.

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

Mr. Kovacs made a motion to accept the November 23, 2010, January 25, 2011 and February 22, 2011 minutes. Mr. DiCaprio seconded the motion and it was passed unanimously.

Mr. Renz read the legal notice for the evening's public hearings.

**PUBLIC HEARINGS:**

7:30 PM – Petition of Scope Realty Associates Inc. for a Special Permit for Package Store at 42-44 Lake Ave. Ext./Parcel B (#F15036).

Attorney Fran Collins spoke in favor of this petition. This is the site of the Maron hotel which is located on the parcel next to the Super Stop & Shop. The hotel building has several business uses located within it. The space that will be used for this package store was formerly part of the CT Limo offices. It is 5,400 sq.ft. and located in the rear of building with its own specific entrance. Both of the entrances to this are signalized and there is more than ample parking on the site. This use has received approval from the Planning Department. Additionally, there will be no adverse effect on the area, as the

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



Chairman Melillo asked if there was anyone to speak in opposition.

John Neumuller, 8 Coach Rd. said he is in favor of this, but is opposed to the handicapped parking regulations because they suggest a negative. Mr. Haddad asked him to explain. Mr. Neumuller said even if the City requires five handicapped spaces, most businesses let their handicapped employees park in spaces, so there are usually none left for the patrons of the business. He cited Wal-Mart as an example.

Mr. Elpern said it is not fair to say they are discriminating against handicapped. By providing these spaces, we are treating everyone fairly. Unfortunately this is something that needs continual tweaking. He added that they try to make it compatible with the need.

Attorney Marcus spoke in rebuttal to Mr. Neumuller's comments. He said he agrees that there is not enough handicapped parking required in proportion to the regular spaces. He said he is hoping this change will help to clarify this fact.

Mr. Haddad made a motion to close the public hearing. Mr. DiCaprio seconded the motion and it was passed unanimously. Attorney Marcus said he would prefer they vote this evening despite them being an eight man board. Mr. Haddad then made a motion to move this item to number 3 under Old Business. Mr. DiCaprio seconded the motion and it was passed unanimously.

#### CONTINUATION OF PUBLIC HEARING

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.F.2., 4.D.3., 5.D.3., 5.F.2., 5.F.3., 5.F.4., 5.F.5., 7.E., 7.F. & 8.C.1.b.(5) of the Zoning Regulations. (Downtown Revitalization Amendments)

Chairman Melillo said this had originally be scheduled for public hearing on May 10, 2011, but they did not have enough members at that meeting so they just opened it and continued it to tonight.

Mr. Elpern distributed copies of an Executive Summary that he had prepared in conjunction with the Downtown Revitalization Plan. Chairman Melillo said the legal notice was read into the record at the May 10, 2011 meeting. He then read the Planning Commission recommendation which was positive.

Mr. Elpern then spoke in favor of this. He said this is one of the most important set of amendments they will consider. They are the result of a two-year process with Downtown Revitalization Task Force. He said the map of the area included is a part of the amendment package. These regulations will only pertain to the area shown on this map. He said this is different from the Main Street Historic District and CityCenter Danbury. And although much of the land is zoned C-CBD, it is different from that area also. He said each of these

designations has different boundaries to suit their purposes. He said he could go through this piece by piece or he could just answer questions the Commission might have. They chose to ask questions.

Mr. Kovacs asked for an elaboration of the term “business incubator”. Are they adding an incubator? Mr. Elpern said the task force was vehement about this being included. They felt it is instrumental when starting up new businesses to have the assistance of existing businesses and successful entrepreneurs since there is a high failure rate for new businesses.

Mr. Elpern said that Corporation Counsel is still looking at the language for entertainment licensing, so that will come along at a later date. He explained that two things we don't want are dead spaces like the parking lot on Main St. and apartments on the ground floor. These regulations address those two things. Mr. Kovacs asked if lighting issues are addressed because if we require them to put the parking spaces in the rear of the building, it should be well lit. Mr. Elpern said there is a section on enhanced security in the report as well as things that should be avoided because they are actually design flaws. Mr. Palma said there is not enough lighting on Main St., citing the alleyway next to the Palace Theater. Mr. Elpern said he would talk to the property owner because there is a study being done on the Theater and he wants it to be a positive thing for the City. Chairman Melillo asked if the lighting on Main St. is the State's or the City's responsibility. Mr. Elpern said it is the City's responsibility. Mr. Elpern then said there were a few more items he wanted to mention. The first is the tax incentive, which is only for the properties located on the map included with this. Second is that multi-family housing is currently a special exception use in the downtown, but this will change that for the specific properties. He said there are restrictions in the Main Street Historic District because the historic buildings are very important in the downtown. The last one is that the parking requirement for a two-bedroom dwelling has been changed from two spaces to one and half spaces. Also there is no required parking for visitors. He said these seem like small things but they are the points that can make the difference between success and failure. Mr. Haddad asked what the most dramatic point is in the document. Mr. Elpern said his answer is three-part; the parking changes, making housing a permitted use, and the design provisions for historic districts. He said this really upset him because once it is out there, you can't take it back. Chairman Melillo asked about prohibiting certain types of signs in the historic overlay zone. Mr. Elpern said signs that are not illuminated internally are really important to historic preservationists. Mr. Elpern then said he regretted that the News-Times chose to speak to someone outside the department about these changes because they ended up screwing up the story with regard the restaurant provisions.

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

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



