



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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ZONING COMMISSION
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MINUTES
JUNE 12, 2012

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

Present were Sally Estefan, Theodore Haddad Jr., Richard P. Jowdy, Alan Kovacs (arrived late), Marina Loyola, Robert Melillo and Alternates Kevin Haas, Robert Oravetz and Elmer Palma. Also present was Planning Director Dennis Elpern and Deputy Planning Director Sharon Calitro.

Absent were Walter Hoo Jr., James Kelly and Terry Tierney. Chairman Melillo asked Mr. Palma to take Mr. Hoo's place, Mr. Haas to take Mr. Kelly's place and Mr. Oravetz to take Mr. Tierney's place for the items on tonight's agenda.

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

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Chairman Melillo said the next regular meeting is scheduled for June 26, 2012 but there is nothing scheduled for this meeting and it is past the legal notice advertising deadline, so it will be cancelled. This means that the next regular meeting date is July 10, 2012. He added that it will probably be necessary to cancel the July 24, 2012 meeting as several members will be on vacation that week.

Mr. Haddad made motion to accept the April 24, 2012, May 8, 2012 & May 22, 2012 minutes. Mrs. Estefan seconded the motion and it was passed unanimously.

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Mr. Haddad made a motion to deviate from the order of the agenda and do the referral first. Mrs. Estefan seconded the motion and it was passed unanimously.

REFERRALS:

ZBA Referral for Review & Report per Sec. 11.B.4. of the Zoning Regulations: ZBA Application #12-22 – Triangle Street Associates LLC as applicant for a Use Variance to Sec. 4.B.2. of the Zoning Regulations pursuant to Sec. 11.B.2.b. to allow a “metal recycling and scrap yard” in the RMF-4 Zoning District. *The Zoning Board of Appeals public hearing on this matter is scheduled for Thursday, June 28, 2012.*

Chairman Melillo said they all should have received a staff report from Deputy Planning Director Sharon Calitro, who is present to discuss this matter. Mrs. Calitro

distributed an 8½ X 11 map of the site in case anyone is not familiar with this location. Mrs. Calitro said the Planning Commission gave this a negative recommendation based on the conclusions in the staff report. She asked if everyone had read her report and offered to answer questions. Mr. Haddad asked if they have prior standing because the language in the Zoning Regulations does not allow them to give a positive recommendation on this request. Chairman Melillo asked for verification of the fact that if this was approved, they would not be able to change the residential use. Mrs. Calitro said this request is to allow the junkyard to expand onto all three parcels. Mr. Kovacs arrived at the meeting at this time. There were no other questions.

Mr. Haddad made a motion to give this application a negative recommendation for the following reasons: (1) it expands a non-conforming use onto residential property that has not previously been used for industrial and commercial use; (2) it sanctions a use that is not permitted anywhere else in the City of Danbury, (3) it does not comply with the Plan of Conservation and Development; and (4) Sec. 9.C.2. of the Zoning Regulations specifically prohibits this expansion and Sec. 11.B.2.d. prohibits the granting of this request. Mrs. Loyola seconded the motion. Chairman Melillo asked if anyone had any other comments. Since there were none, he then asked Mr. Oravetz to take Mr. Tierney's place, Mr. Haas to take Mr. Kelly's place and Mr. Palma to take Mr. Hoo's place for the vote on this matter. Chairman Melillo then called the vote and the motion to give a negative recommendation was passed with an 8-0 vote (Mr. Kovacs did not vote as he arrived after the discussion on this matter).

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CONTINUATION OF PUBLIC HEARING

7:30 PM – Petition of Taryn A. Aiello, 9 Whitlock St. (#115234) for Change of Zone from RA-8 to R-3. *Continued specifically for receipt of the ALURA document.*

Mr. Palma excused himself as he was not present at the public hearing on this matter. Chairman Melillo said the hearing had been continued specifically to give the Commission a chance to review the ALURA (Affordable Land Use Restriction Agreement) document. He added that the deed made reference to this document so the Commission asked to review it to be sure it did not contain any restrictions. He then said he and Vice-Chairman Haddad had both reviewed this along with the Planning Dept. staff. It was the determination of everyone who read the document that it did not contain any information which might affect this application. Chairman Melillo asked if there was anyone present representing the applicant and there was no one in the audience. Mr. Haddad made a motion to close the public hearing. Mrs. Estefan seconded the motion and it was passed unanimously. Mr. Haddad then made a motion to move this matter to Old Business. Mr. Kovacs seconded the motion and it was passed unanimously.

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OLD BUSINESS

Petition of Taryn A. Aiello, 9 Whitlock St. (#115234) for Change of Zone from RA-8 to R-3.

Mr. Palma excused himself as he is not eligible to vote on this matter because he was not present at the public hearing. The other two alternate members remain as seated. Mr. Haddad made a motion to deny this petition for the following reasons:

- 1) It does not comply with the Plan of Conservation & Development;
- 2) The proposed R-3 Zone is not compatible with the four abutting lots that are zoned RA-20;
- 3) The lot area does not meet the minimum requirements for most of the uses permitted in R-3;
- 4) The lot is not located on a collector or arterial street;
- 5) The lot cannot meet the minimum lot frontage or minimum side yard for a three-family dwelling in the R-3 Zone.

Mr. Kovacs seconded the motion. Chairman Melillo asked if anyone had any comments. Mr. Haddad said the applicant clearly knew what he had purchased. There was full disclosure on the part of the seller, so there can be no claims of not knowing anything about the limitations on any further development of this lot. Mr. Kovacs added that this property was purchased from the Housing Authority and everything was very clearly spelled out in the documentation with respect to what he was getting and what he could do with it. Chairman Melillo took a roll call vote and the motion to deny was passed 8-0 with one member not voting.

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Chairman Melillo said there were four Cease & Desist Orders dated May 22, 2012, June 4, 2012, & June 7, 2012. He added that there was nothing under For Reference Only. He asked if anyone had anything to discuss under Other Matters and there was nothing.

At 8:15 PM, Mrs. Estefan made a motion to adjourn. Mrs. Loyola seconded the motion and it was passed unanimously.