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CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

MINUTES
MAY 14, 2013

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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., Alan Kovacs, Marina Loyola, Robert Melillo, and Alternates Kevin Haas and Robert Oravetz.

Absent were Walter Hoo Jr., Rick P. Jowdy, James Kelly, and Terry Tierney.

Chairman Melillo then asked Mr. Haas to take Mr. Hoo's place and Mr. Oravetz to take Mr. Jowdy's place for the items on tonight's agenda. Chairman Melillo noted that the vacant alternate seat has been filled but the new member, Garry Cancro, has not been sworn in yet.

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

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Chairman Melillo asked for a motion to table the acceptance of the minutes as they are not complete yet. Mrs. Estefan made a motion to table the acceptance of the April 9, 2013 minutes. Mr. Haddad seconded the motion and it was passed unanimously.

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PUBLIC HEARINGS

Mrs. Estefan read the legal notice for both public hearings.

7:30 PM – Application of Wayne Jones Performance Engineering LLC for a Certificate of Location Approval for a Motor Vehicle General Repairer's License in the IG-80 Zone at 46 Beaver Brook Rd. (#K12176).

Wayne Jones said he is the owner of this business which is currently located at 95 Beaver Brook Rd. He has been at this site for ten years and has literally outgrown the space. After looking for a new larger location, he found this one which is located across the street from the Danbury School Administration building. It is zoned IG-80 so this is permitted use in the zone. This location has a brand new large building and has received site plan approval for this use. There were no questions from the Commission members.

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

Mr. Haddad asked if there was anything else they needed to know about this application. Chairman Melillo said this is a general repairer's license so no sales are permitted. Additionally, this is an industrial zone which specifically prohibits retail sales. He added that he checked with Zoning Enforcement Officer and there have been no problems or violations at the 95 Beaver Brook Rd. site.

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

Since it is not yet time for the next public hearing to start, Chairman Melillo said they would deviate from the order of the agenda and consider this item under the Old Business.

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OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION

Application of Wayne Jones Performance Engineering LLC for a Certificate of Location Approval for a Motor Vehicle General Repairer's License in the IG-80 Zone at 46 Beaver Brook Rd. (#K12176).

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

- This is a permitted use in the zone and it has received site plan approval. Additionally, it 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.

Mrs. Estefan seconded the motion and it was passed unanimously with seven votes and two not voting.

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7:45 PM– Petition of Red Robin International, Inc. for Special Permit for Restaurant Liquor License at Danbury Fair Mall/Space #C101, 7 Backus Ave. (#F17002 & #F17013).

Attorney Michael Pease spoke in favor of this petition. He passed around a large copy of the restaurant floor plan, explaining that the one submitted with the application was so small it was difficult to read. He said this use has received site plan approval from the Planning Dept. He distributed a packet of information to each Commission member, which was designated Exhibit A. The packet contained the history and operations of Red Robin restaurants, a current menu and the portion of the employee training manual regarding the service of alcohol. There was a brief discussion of where exactly in the Mall the restaurant will be located. It is a big footprint, consisting of 5,800 ± sq.ft. Chairman Melillo said the Planning Dept. approval says it is located in the former site of the EMS store. Mr. Haddad said that means it is located directly opposite from the Ruby Tuesday restaurant.

Attorney Pease continued saying that this operation will be corporately owned, Red Robin is no longer doing franchises. They have over 450 restaurants located within the United States and Canada. This will be a full service family restaurant with 185 seats. They do not consider themselves a bar; there are only 8 seats at the actual bar. There are tables with 41 seats in the lounge area and the main dining room will have 136 seats. They will serve hot meals all the time that the restaurant is open; they are never just open to serve alcohol. The hours will be 11 AM to 10 PM on Sunday through Thursday; and 11 AM through 11 PM on Fridays and Saturdays. He added that they will employ approximately 110 people between the kitchen help, wait staff, and bartenders. He said there is a hostess station at both entrances to the restaurant. The outside entrance brings you into the family dining area and the inside entrance leads into the bar/lounge area. He then offered to answer any questions that the Commission members might have but there were none.

Attorney Pease then said Red Robin is a very well run, nationally recognized restaurant chain. He said all employees are fully trained through an in-house training program. They are a member of the National Restaurant Association and participate in the Association's "Safe Serve Program". He continued by saying that the food is exceptional and affordable, and they take their position in the community very seriously. Chairman Melillo told Attorney Pease that he had answered all of his questions. He again offered the Commission members the chance to ask any questions and there were none. Mr. Haddad thanked Attorney Pease saying that his presentation had covered every point they usually ask about.

Mr. Kovacs asked if the outside entrance to the restaurant is located within the designated smoking area. Attorney Pease said he does not know if there is a designated smoking area at the Mall. Chairman Melillo said he believes that there is a designated area, but it seems that most people just duck outside using any available door when they want to smoke. He added that he is not sure how to address this issue but he believes it is not within the Commission's purview. Mr. Kovacs said he is asking because there are always people in this area smoking. Chairman Melillo said

where people are permitted to smoke is probably a Mall issue, their only concern is that people are not smoking in the Mall. Mr. Haddad asked if there would be an outside patio and Attorney Pease said there would not, all of the seating is inside. There was no further discussion.

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

Chairman Melillo then said since the Planning Director is not here, he would remind the members of the criteria for approval in Sec. 3.F.2. of the Zoning Regulations. He added that this section also says the Commission can impose any conditions they deem reasonable on an approval.

Mrs. Estefan made a motion to close the public hearing. Mr. Kovacs seconded the motion and it was passed unanimously. Mr. Haddad then made a motion to move this matter to number two under the Old Business on tonight's agenda. Mr. Oravetz seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION

Petition of Red Robin International, Inc. for Special Permit for Restaurant Liquor License at Danbury Fair Mall/Space #C101, 7 Backus Ave. (#F17002 & #F17013).

Mr. Haddad made a motion to approve this with the following condition: "Liquor served in the facility stays within the facility. No liquor sold in this restaurant is to be consumed in the Mall or outside in the parking lot." Mrs. Loyola seconded the motion. The reason given for the motion was: the location of such premises or buildings will not have a detrimental effect upon the immediate area with due consideration given to the compatibility and impact of the use on the surrounding area, including adjacent residential neighborhoods, as well as traffic congestion and safety. Chairman Melillo called for a vote on the motion to approve with condition and it was passed unanimously with seven votes and two not voting.

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CONTINUATION OF PUBLIC HEARING:

Petition of Leonardo Rodriguez/White Street Investment LLC for Special Permit for Package Store License at 298 White St. (#K13098).

Chairman Melillo said this matter has been continued pending the zoning violations being addressed. A Cease & Desist Order was issued the same day the revised plans came in.

Mr. Haddad made a motion to close the public hearing. Mr. Kovacs seconded the motion adding that it would be contingent upon the Commission receiving a report from the Zoning Officer regarding the issues in Cease & Desist order being addressed. Mr. Haddad accepted the amendment made by Mr. Kovacs. Before taking a vote on the motion, Chairman Melillo explained that if they close the hearing without the amendment, then they would have to vote on whatever has been done at the site as of tonight. But if they close the hearing with the amendment, then the Commission would be able to accept a report from the ZEO and discuss it before they vote on the petition. There was brief discussion as to which way to go. Since all of the members felt they should go with the amendment to the motion, Chairman Melillo called for a vote on the motion. He reiterated that means the hearing will be closed contingent upon the issues being rectified and information from the Zoning Officer being provided to demonstrate this fact. The amended motion was passed unanimously with seven votes and two not voting.

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NEW BUSINESS

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 4.B.7., 10.C.3. & 10.E. of the Zoning Regulations. (Amend Affordable Housing Regulations & Special Exception/Special Permit Regs.) Public hearing scheduled for June 11, 2013.

Mrs. Estefan made a motion to refer this to the Planning Commission. Mrs. Loyola seconded the motion and it was passed unanimously.

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There was nothing under Other Matters and under For Reference Only it was noted that the public hearing for the Petition of Equity One Inc. to Amend the Zoning Regulations has been rescheduled from June 11, 2013 to June 25, 2013. The reason for the change is that the Planning Commission has not had a meeting so they have not been able to make a recommendation on this. The Applicant has agreed to reschedule the hearing.

At 8:25 PM, Mrs. Loyola made a motion to adjourn. Mr. Haddad seconded the motion and it was passed unanimously.