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CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

MINUTES
JUNE 25, 2013

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

Present were Theodore Haddad Jr., James Kelly, Marina Loyola, Chairman Robert Melillo and Alternates Kevin Haas and Robert Oravetz. Also present were Deputy Planning Director Sharon Calitro and Planning Director Dennis Elpern.

Absent were Sally Estefan, Walter Hoo, Rick Jowdy, Alan Kovacs, Terry Tierney, and Alternate Garry Cancro.

Chairman Melillo asked Mr. Oravetz to take Mr. Kovacs place and Mr. Haas to take Mr. Tierney's place for the items on tonight's agenda.

Mr. Oravetz led the Commission in the Pledge of Allegiance

Chairman Melillo announced that they would table the acceptance of the minutes as they are not yet ready. He then said that the petition for the proposed package store at 298 White St. was withdrawn on June 11, 2013.

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PUBLIC HEARINGS

Mrs. Loyola read the legal notice for all three public hearings.

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.)

Mr. Haddad read the Planning Commission recommendation which was positive. Chairman Melillo read the Planning Dept. staff report dated April 16, 2013.

Deputy Planning Director Sharon Calitro spoke in favor of this petition. She said the intent of these amendments is to aid in the definition and processing of affordable housing applications. Right now, these applications are filed either under Sec. 4.B.7 of the Zoning Regulations or under Sec. 8-30g of the State Statutes. Pursuant to the language in the Statutes, the City can allow what is referred to as a density bonus if a developer and the City do a legal contract guaranteeing the extra units will remain

designated affordable housing. This is what is contained in Sec. 4.B.7. of the Zoning Regulations. Examples of units that have been built under this section are on E. Liberty St., Division St. and Osborne St. All of these projects have contracts in place ensuring that certain units will remain “affordable” of a set period time. She then explained that 8-30g applications are governed by the Statutory requirement that Danbury must maintain 10% of its dwelling units as deeded “affordable housing”. The only time an 8-30g application can be filed is if the City falls below the 10%. Danbury has maintained the 10% since 2005, so there have been no 8-30g applications for quite a while. She said there also is a difference between how the median income is calculated depending on whether the application is filed under Sec. 4.B.7 of the regulations or Sec. 8-30g of the Statutes. The affordability of units proposed and constructed under Sec. 4.B.7 is based on the City median income. The affordability of units proposed under Sec. 8-30g is calculated on the lower of the State median income or the City median income. Since this number is different in each case, it is important to understand what is required with each application.

She said they revised the individual definitions of “affordable housing, affordable housing development and assisted housing” so they comply more with the language in the Statutes. Also Sec. 4.B.7. was amended to change require the unit to remain affordable for a period of 40 years. She said there also is a clarification to the language regarding the filing of special exceptions and the expiration date of site plans. Basically, the new language says special permits and special exceptions do not expire. Site plans approved in conjunction with them are what expires per the statutory time frames. Mr. Haddad asked everything already built is grandfathered. Mrs. Calitro said it is because these regulations have been in place, this amendment is simply to clarify the existing language.

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

Mrs. Loyola made a motion to close the public hearing. Mr. Haddad 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. Oravetz seconded the motion and it was passed unanimously.



Petition of Nicholas Kleopoulos d/b/a Niko’s Grill & Subs, 15 Backus Ave. /Danbury Square Mall (#F17016) for a Special Permit for a Restaurant Beer and Wine Liquor License.

Nick Kleopoulos spoke in favor of this petition. He said he has been in the food business for over 12 years, mainly in Queens, NY. He used to own a Quizno’s , which was “fast food”, whereas this place is more of a “food made to order quickly”

business. Mr. Kelly asked what the difference is. Mr. Kleopoulos said the food here is made to order, but they specialize in quick service. People can get the food to go or can sit at a table and the food will be brought to them. At a “fast food” place, the food is prepared before you order it. He said this operation is similar to other places in the City where they don’t make the food until you order it, but they specialize in speedy preparation so you can get in, get your food and get out. Mr. Elpern asked how many seats there are in the restaurant and Mr. Kleopoulos said there are twenty seats. He clarified that he is looking to have a service bar only, where staff can pick up the drinks and deliver them. He said has no interest in having a bar. He added that although he specializes in fast service, there are people who like to sit at a table to eat. And these people often ask for a glass or wine or a beer. This restaurant is located in a very busy shopping center and he wants to be able to satisfy his customer’s demands. There were no other questions.

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. Oravetz 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. Kelly seconded the motion and it was passed unanimously.

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Petition of Equity One Inc to Amend Sec. 5.B.2.b.(16) of the Zoning Regulations. (Add Fast Food as Special Exception Use to CA-80 Zone)

Attorney Neil Marcus said that the Planning Commission recommendation was negative, so they would need six positive votes to get this petition approved. Since there are only six members present this evening he asked that this hearing be opened and continued until the July 9, 2013 meeting. Mr. Kelly made a motion to continue this hearing until July 9<sup>th</sup>. Mr. Oravetz seconded the motion and it was passed unanimously.

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OLD BUSINESS

Petition of the City of Danbury by Dennis J. 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.)

Mr. Haddad made a motion to approve this petition for the following reasons: The amendments will clear up inconsistencies in the definition and processing of affordable housing applications, based on whether an application is proposed under

City regulations or under the State Statutes. These also will clarify that special exceptions do not expire, only site plan approvals have an expiration date as stipulated in the State Statutes. Mrs. Loyola seconded the motion and it was passed unanimously with six votes and three not voting.

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Petition of Nicholas Kleopoulos d/b/a Niko's Grill & Subs, 15 Backus Ave. /Danbury Square Mall (#F17016) for a Special Permit for a Restaurant Beer and Wine Liquor License.

Mr. Haas made a motion to approve this petition with the following condition: "All beer & wine is to be dispensed from a Service Bar Only". The reason given for this decision was: 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. Mrs. Loyola seconded the motion and it was passed unanimously with six votes and three not voting.

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Chairman Melillo asked if there was anything to discuss under Other Matters and there was nothing. He then said there was nothing listed under For Reference Only, so they had no other business this evening.

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