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ZONING COMMISSION
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MINUTES
AUGUST 27, 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., Rick P. Jowdy, James Kelly, Marina Loyola, Robert Melillo, and Alternates Kevin Haas and Robert Oravetz. Also present was Planning Director Dennis Elpern.

Absent were Walter Hoo Jr., Alan Kovacs and Terry Tierney.

Chairman Melillo asked Mr. Oravetz to take Mr. Hoo's place and Mr. Haas to take Mr. Kovacs place for the items on tonight's agenda. He then noted that the September 10, 2013 meeting has been cancelled.

Mr. Oravetz led the Commission in the Pledge of Allegiance

Chairman Melillo said the May 14, 2013 minutes were not finished in time to be distributed, so acceptance of them will be tabled until the next meeting. Mrs. Estefan then made a motion to accept the April 9, 2013 and the May 28, 2013 minutes. Mr. Haddad seconded the motion and it was passed unanimously.

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PUBLIC HEARING

Petition of Leonardo Rodriguez/White Street Investments LLC for Special Permit for Package Store License at 298 White St. (#K13098). This is a new application.

Mrs. Estefan read the legal notice regarding this petition. Chairman Melillo said the site plan they had looked at during the previous hearing on this location has now been approved by the Planning Dept.

Attorney Ward Mazzucco spoke in favor of this petition. He said this property is located in the CG-20 zone, which allows the most intensive commercial uses in the City. He said this site is actually two storefronts; the lower level fronts on White St. and it currently has a dry cleaner and a vacant store which is where the package store is being proposed. He continued saying that the upper level store has frontage on Triangle St. and currently contains a doggie day care center. He said the site plan approval that was granted was for these three uses. Based upon the ratio set by the State, there is a package store permit available for this site. He said this Commission

did hear the same matter earlier this year, but that petition was withdrawn because there were unresolved issues. One of those issues was that the revised site plan had not been approved by the Planning Dept., but that has been addressed and it was approved July 29, 2013. The question had been brought up about the required parking and whether the onsite parking complies with the Zoning Regulations. He said the plan shows eighteen spaces proving there is ample parking on the site for all uses. There also was concern about the lack of access between the two levels of the building, but there is an exterior staircase that runs along the west side of the building which connects the back parking lot to the front exterior of the building. The fence surrounding the outside doggie area in the rear has been moved to allow access to this stairway. He then spoke about the potential for impact on churches or schools and said there are none close enough to this site to be affected. He said they also are supposed to look at the impact on any residential neighborhoods in the area. He added that the closest residential is to the rear and is separated from where the package store will be by the levels of this building. He submitted the Tax Assessor's field cards for the surrounding properties which were designated Exhibit A. He said this building has existed for decades and although the space is vacant now, there have been many commercial uses in there throughout the years. He continued saying that if a package store is not allowed here, something else will go into this site. He suggested they consider how the traffic from a package store would differ from any other retail use. He proposed that a package store tends to be a neighborhood use; people don't generally drive out of their way to go to a package store. They usually stop at one that is convenient. Based on that idea, this use should create very few new trips, so traffic from this use is less of a threat to the neighborhood than most other kinds of retail uses. He said there has been a sealed document submitted from a licensed CT surveyor proving that this is more than 2,000 ft. from any other package store. He said this application pretty much addresses the requirements listed in the Regulations that must be satisfied in order for the Commission to approve a special permit. Another question that came up during the previous application was the possibility of the deliveries causing traffic problems since there is not enough room in the parking lot for the truck to pull in off the road. He said the applicant says the store will be open from 9AM to 9PM everyday, but the busy time for a package store is from 5PM to 9PM. Most people stop on their way home after work, people do not go to package stores at 9 in the morning. Since the deliveries don't want to conflict with the store's busiest hours, they would restrict their deliveries to between 8AM and 12 PM. He submitted a letter from a liquor distributor stating this. The letter was designated Exhibit B. Attorney Mazzucco said the applicant would be willing to accept a stipulations that limits their deliveries to those hours. The dry cleaners busy time is in the morning on the way to work. The doggie day care busy hours are AM drop off and PM pick up, but all of that traffic uses the rear parking lot. The only cars in the rear lot during the day are the employees of the doggie day care. In closing Attorney Mazzucco said this use has received site plan approval and he has proven that the proposal complies with the Regulations regarding separation distances from other package stores, churches,

schools and residential neighborhoods. He then offered to answer questions from the Commission members.

Mr. Jowdy asked if those cars parking on the White St. side would have to back out into White St. traffic to get out of the parking spaces. Attorney Mazzucco said that is not necessarily true; there is enough room to get out of the spaces without backing onto White St. He added that there are similar situations located around town. Mr. Jowdy pointed out that it is unlikely anyone visiting the package store would park on the Triangle St. side. Mr. Jowdy then pointed out that they got a letter from one liquor distributor but they probably would deal with at least fifteen different distributors. Attorney Mazzucco said all of the distributors have agreed to stick to the hours listed in the letter for delivery. Mrs. Loyola asked where exactly the liquor would be delivered. Attorney Mazzucco said the delivery truck would park along White St. and bring the liquor to the store by hand truck. Mrs. Loyola said with the parking the way it is, what is to stop someone from blocking another person in the parking spaces, especially because it is such a tight lot. Attorney Mazzucco said the parking is adequate and they have met the requirements based on the approved site plan. He added that if a package store does not go in here, then something else will. Mr. Haddad said based on what is required, they do have enough parking on the site but the problem is that the parking areas are not contiguous. No one using the stores on the White St. side is going to park in the Triangle St. side lot. The spaces are divided by the building and also there is a tandem space on the White St. side. This increases the possibility of someone getting trapped in that space. Attorney Mazzucco said the logical thing would be for an employee of either the dry cleaner or the package store could park in that inner space. He then cited the Trader Joe's parking lot saying that people would rather park in front of the store than to park on the side and walk around. He said it is unlikely that anyone visiting the package store would park on the Triangle St. side and walk around to the front. He added that this property has existed like this for many years. Mr. Haddad said this zone allows for many other uses that would generate less traffic. He added that his other concern is that people might attempt to park in the adjacent strip center's parking lot, which could also cause problems. Mr. Jowdy then asked what the previous tenant was in this store. Attorney Mazzucco said it was a pawn shop. He then reiterated that package stores are not a destination use, they are a convenience. People stop at the package store they pass by on their way home. He added that any other use permitted in this zone can just go in here, without needing this Commission's approval. Chairman Melillo said that is true and some of the other uses would have their business spread out through the day instead of having a concentrated period of time when they are busy, like a package store.

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

Chairman Melillo asked Mr. Elpern if he had any comments before they close the hearing. Mr. Elpern said Attorney Mazzucco had covered the restrictions of the Regulations well.

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

Chairman Melillo asked if they wanted to move this to Old Business and no one said anything. He then said they would take a five-minute recess. After the five minutes had passed, the meeting was called back to order. Chairman Melillo confirmed that all of the members were still present as no one left the dais. He then asked if anyone wanted to make a motion to move this to Old Business so they could discuss it. Since there was no response, he pointed out that they can still table this if they are not ready to discuss it tonight. Mr. Haddad made a motion to table this matter. Mr. Oravetz seconded the motion and it was passed unanimously. Chairman Melillo said this matter would come up as Old Business on their next agenda.

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Chairman Melillo asked if there was anything to discuss under Other Matters and there was nothing. He noted that there was nothing listed under For Reference Only.

At 8:30 PM, Mrs. Estefan made a motion to adjourn. Mrs. Loyola seconded the motion and it was passed unanimously.