



CITY OF DANBURY
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ZONING COMMISSION
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MINUTES
SEPTEMBER 24, 2013

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The meeting was called to order by Chairman Robert Melillo at 8:00 PM.

Present were 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 Sally Estefan, 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. Tierney's place for the items on tonight's agenda.

Mr. Kelly led the Commission in the Pledge of Allegiance

Chairman Melillo said that none of the minutes were ready to be accepted, so they would be tabled until the next meeting. Mr. Haddad made a motion to table the acceptance of the May 14, 2013, June 25, 2013 August 27, 2013 minutes. Mrs. Loyola seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION

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

Chairman Melillo said they had heard and closed the hearing on this matter at the previous meeting, so someone needs to make a motion so they can discuss it. Mr. Kelly made a motion to deny this petition based on the parking creating an unsafe and dangerous situation. He added that it is impossible to get out of the parking spaces without backing onto White St. which is a heavily traveled State highway. Mrs. Loyola seconded the motion. Chairman Melillo then said Sec 10.C.4. of the Zoning Regulations allows the Commission to deny an application based on adverse traffic congestion and its impact on the safety of the area. Mr. Haddad said he would like to add some more reasons to Mr. Kelly's motion: Although the site plan approval states there is adequate parking for all of the uses on this site, there is not enough parking on this site, because the parking is split into two lots. One lot is in the front and one is in the rear of the building, with each having access from different streets. There is

also a pre-existing non-conforming tandem parking situation in the front lot which detracts from the amount of parking available for this use. All of these reasons added to the already stated issue of having to back out onto a State highway, create a situation that is detrimental to the health, safety and welfare of the area. Mr. Kelly and Mrs. Loyola accepted these additional reasons as a friendly amendment to his motion and her second. Mr. Haddad then said additionally, denying this use would not be a hardship to the property owner because there are other uses in this zone that can still be put on this site.

Chairman Melillo then reiterated the reasons stated for the motion to deny: The existing parking is creating an unsafe and dangerous situation; because it is impossible to get out of the parking spaces without backing onto White St. (a heavily traveled State highway). Although the approved site plan states there is adequate parking for all of the uses on this site, there is not enough parking available because the parking is split into two lots. One lot is in the front and one lot is in the rear of the building, with each having access from different streets and no connection between them. There is also a pre-existing non-conforming tandem parking situation in the front lot which detracts from the amount of parking available for this use. All of these reasons create a situation that is detrimental to the health, safety and welfare of the area. Finally, denying this use would not create a hardship for the property owner because there are other uses in this zone that can still be put on this site. He took a roll call vote saying that a yes vote is to deny and no vote is to not deny. The motion was passed with six AYES (from Mr. Haddad, Mr. Kelly, Mrs. Loyola, Mr. Haas, Mr. Oravetz, and Chairman Melillo), one NAY (from Mr. Jowdy), and two members not voting.

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NEW BUSINESS

Petition of 85 Liberty St., LLC/Calixto Jimenez for Change of Zone from RMF-4 to C-CBD at 6 Nichols St. (#114339). Public hearing scheduled for November12, 2013.

Petition of Equity One, Inc. to Amend Sections 5.B.2.b. & 5.B.5.d. of the Zoning Regulations. (Add fast food restaurants per specific criteria to CA-80 Zone) Public hearing scheduled for November12, 2013.

Chairman Melillo asked for a motion or motions to refer these petitions to the Planning Commission. Mr. Haddad made a motion to refer both of them to the Planning Commission for their recommendation. Mr. Oravetz seconded the motion and it was passed unanimously. Mr. Haddad asked if it is okay for the Commission to accept such a specific petition as the CA-80 amendment. Mr. Elpern said it is okay for them to hear this type of petition.

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Chairman Melillo asked if there was anything to discuss under Other Matters and there was nothing. He added that there was nothing listed under For Reference Only, so they could adjourn.

At 8:12 PM, Mrs. Loyola made a motion to adjourn. Mr. Kelly seconded the motion and it was passed unanimously.