



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES
OCTOBER 11, 2011

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

Present were Anthony DiCaprio, Theodore Haddad Jr., Richard P. Jowdy, Alan Kovacs, Robert Melillo, Terry Tierney and Alternates Elmer Palma and Patrick Venuti. Also present was Planning Director Dennis Elpern.

Absent were Ted Farah, Walter Hoo, Gary Renz and Alternate Thomas Spegnolo.

Chairman Melillo asked Mr. Palma to take Mr. Renz's place and Mr. Venuti to take Mr. Farah's place for the items on tonight's agenda. He explained that Mr. Renz was absent due to a death in the family.

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

PUBLIC HEARINGS:

7:30 PM — Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 10.B.2. of the Zoning Regulations. (Fees for Downtown Revitalization Zone.)

Mr. Kovacs read the legal notice. Mr. Haddad read the Planning Commission recommendation which was positive. Chairman Melillo read the Planning Dept. staff report dated October 3, 2011.

Dennis Elpern said his staff report pretty much sums this up. This only applies to properties located within the Downtown Revitalization Zone and does not apply to State or Federal fees. He said this is a very important to the part of the DRZ package. The tax deferral assessment program and adjusted sewer and water fees all require ordinance changes, so they are under the purview of the City Council, who will be holding public hearings on these. He said an additional benefit to developing within the Downtown Revitalization Zone is that permit applications will be given priority when they come in based on the Mayor

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

Mr. Haddad made a motion to close the public hearing. Mr. Kovacs seconded the motion and it was passed unanimously. Mr. Haddad made a motion to move this to number two under Old Business. Mr. Kovacs seconded this motion and it was passed unanimously.

7:45 PM — Petition of Madeline Ridge LLC, 2 Scuppo Rd. (#F14124) for Change of Zone from RA-40 to RMF-4.

Mr. Jowdy excused himself and left the dais as he is abstaining from this matter.

Mr. Kovacs read the legal notice. Mr. Haddad read the Planning Commission recommendation which was negative. Chairman Melillo read the Planning Department Staff Report dated October 4, 2011.

Attorney Fran Collins spoke in favor of this petition. He submitted the following exhibits: "A" which is a supplemental map showing the properties surrounding the subject site. "B" which is an overlay map showing the site with the required buffer between it and the RA-40 parcel. "C" which was a series of eight 8"X10" showing the surrounding multi-family developments. He said this site is suitable for multi-family development for several reasons. It is surrounded on three sides by multi-family developments and it has frontage on a collector road. It also has access to City water and sewer. There will be a buffer zone installed between the subject property and the RA-40 zoned property. It does not really conflict with the Plan of Conservation & Development since there have been several re-zonings since that was approved. He said he is not sure where the Planning Commission recommendation came from other than the fact that they just look at the map and the Staff Report. They don't get the benefit of all the exhibits that are being presented this evening. He added that the buffer will be provided because it is required in the Regulations. In closing, he said that there are no wetlands on this property. The maximum number of units they could get with the Housing Incentive Option would be 13, not 16 as previously suggested. He said the reason for the difference is that roadway acreage cannot be counted toward the lot area. Also it would be difficult to market this parcel as single family because the character of the area has changed since the other re-zonings were approved.

Mr. Haddad asked about the previous application. Attorney Collins said it included the parcel with the single family house on it. Mr. DiCaprio said based on the information provided, the Planning Commission recommendation makes no sense. Attorney Collins said he was not there, so he does not know what they thought. He added that only the southern portion of the subject property can be developed and with the downward slope of the land, no one will even see this development.

Mr. Elpern said if this is approved, the applicant can go before the Planning Commission to apply for the housing incentive option in order to get more density. He continued saying

that even if they deny this, it could end up being approved anyway through a Court Stipulated Judgment

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

Mr. Palma asked if the height and width of the required buffer is spelled out in the Zoning Regulations. Mr. Elpern said it is in the Regulations. Attorney Collins reviewed the required acreage for the Housing Incentive Option. Mr. Haddad and Mr. Elpern said Attorney Collins is correct in his calculation; it would allow thirteen units.

Mr. DiCaprio made a motion to close the public hearing. Mr. Palma seconded the motion and it was passed unanimously. Chairman Melillo said Mr. Renz had already said he would come in and listen to the tapes so he will be eligible to vote on this.

At this point Mr. Tierney arrived for the meeting and joined the rest of the Commission on the dais. Mr. Jowdy also returned to the meeting at this time.

8:00 PM — Petition of Brio Tuscan Grille, 7 Backus Ave./2E, (#F17015) for Special Permit for Restaurant Liquor License.

Mr. Kovacs read the legal notice. Michael Eddy, the general manager, spoke in favor of this petition. He distributed photos of the interior along with copies of all their menus. He said they are hoping to open on November 22, 2011. Mr. Haddad asked if this was a national chain. Mr. Eddy said it originated in Columbus, Ohio. Also with him was a gentleman who owns this and another Brio located in Farmington, CT. Mr. Eddy explained that they have a formal alcohol training process that all employees must go through. He said it is called SOBRIO and distributed the documentation they use to train staff. Mr. Haddad asked if the patio was flush with the ground and how high the fence around it is. Mr. Eddy said it is at ground level and surrounded by an almost four foot high iron fence with gates that remain closed so people have to come in and exit through the restaurant. He said including the patio and the bar, they have approximately 320 seats. Mr. Kovacs asked if there is access to restaurant this from inside the mall. Mr. Eddy said there is no entrance from the Mall, the only entrance is from the outside.

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

Mr. Haddad made a motion to close the public hearing. Mr. Jowdy seconded the motion and it was passed unanimously. Mr. Haddad then made a motion to move this matter to number three under Old Business. Mr. Kovacs seconded the motion and it was passed unanimously.

OLD BUSINESS

Petition of Scott Benincasa & David Benincasa to Amend Secs. 2.B., 5.B.2.b.(12), 5.B.5.d., & 8.C.4. of the Zoning Regulations. (Add "Indoor Shooting Range" as a Special Exception Use to CA-80 Zone.)

Chairman Melillo said the both Mr. Jowdy & Mr. Tierney have listened to the tapes from the previous petition so they are eligible to vote on this. Mr. Kovacs has listened to the tape from the September 13th meeting, so he also is eligible. Chairman Melillo said the following members were present at the September 13th meeting: Mr. DiCaprio, Mr. Haddad, Mr. Jowdy, Mr. Renz, Mr. Tierney, Mr. Palma, Mr. Venuti and himself, Chairman Melillo. Mr. Palma had been seated for Mr. Hoo and Mr. Venuti was seated for Mr. Farah. He added that the Planning Commission recommendation was positive. Mr. Elpern reminded the Commission members that they were going to amend the required parking to read: "one space per employee at the largest shift plus one per booth".

Mr. DiCaprio made a motion to approve the petition as amended by Mr. Elpern. The reason give for the motion was: Adding Indoor Shooting Ranges to the CA-80 Zone along with full service retail gun sales would allow these two uses to be complimentary to each other and provide a venue for this within the City of Danbury. Mr. Palma seconded the motion and it was passed with a seven to one vote. Mr. Haddad voted against the motion.

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 10.B.2. of the Zoning Regulations. (Fees for Downtown Revitalization Zone.)

Mr. DiCaprio made a motion to approve this as amended (revitalization not redevelopment). He gave the following reason: this is an important component of the Downtown Revitalization plan. Mr. Palma seconded the motion and it was passed unanimously with seven ayes. Mr. Haddad said this is a very good thing. Mr. Tierney was not eligible to vote as he was not present for the public hearing.

Petition of Brio Tuscan Grille, 7 Backus Ave./2E, (#F17015) for Special Permit for Restaurant Liquor License.

Mr. Palma made a motion to approve this for the following reasons: 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. Mr. Jowdy seconded the motion and it was passed unanimously.

Chairman Melillo said there was nothing under Correspondence or For Reference Only. Under Other Matters, Mr. Elpern mentioned that they should take a look at Sec. 3.F. especially regarding the special permits for grocery beer.

At 8:40 PM, Mr. DiCaprio made a motion to adjourn. Mr. Kovacs seconded the motion and it was passed unanimously.