



CITY OF DANBURY
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ZONING COMMISSION
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MINUTES
NOVEMBER 22, 2011

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

Present were Anthony DiCaprio, Ted Farah (arrived at 7:37 PM), Theodore Haddad Jr., Richard P. Jowdy, Alan Kovacs, Robert Melillo, Gary Renz, Terry Tierney and Alternate Elmer Palma. Also present was Deputy Planning Director Sharon Calitro.

Absent were and Walter Hoo and Alternates Tom Spegnolo and Patrick Venuti.

Chairman Melillo asked Mr. Palma to take Mr. Hoo's place for the items on tonight's agenda.

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

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Mr. DiCaprio made a motion to accept the following minutes as presented: July 12, 2011, August 9, 2011, September 13, 2011, September 27, 2011, October 11, 2011 & October 25, 2011. Mr. Palma seconded the motion and it was passed unanimously.

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PUBLIC HEARINGS

Mr. Renz read the legal notice for both hearings.

7:30 PM – Petition of Spanish Grocery LLC, 48 Division St. (#H15154) for a Special Permit for Grocery Beer.

Evelyn Coronado spoke in favor of this petition. She said this location has been a convenience store or a restaurant for many years. It is now a little grocery store that she and her husband are operating. They sell international and multi-cultural grocery items. They are open everyday from 9AM to 9 PM and soon will selling lottery tickets and phone cards. They are trying to serve the neighborhood but are still finding out what things the customers want. Mr. Jowdy asked if they are open now. Ms. Coronado said they bought the existing business in September and have been working to improve it since then. She added that she took the food test for the Health Dept. because they want to sell prepared meals to go. Mr. Jowdy asked if she had ever had a liquor permit before and she said she had not. She added that all the customers ask for beer so they decided to try to get the permit.

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

Mrs. Calitro reminded the Commission of the criteria listed in Sec. 3.F.2. of the Zoning Regulations regarding liquor permits.

Mr. Jowdy made a motion to close the public hearing. Mr. Palma seconded the motion and it was passed unanimously. Mr. DiCaprio 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 was not yet time to start the next public hearing, Mr. DiCaprio made a motion to deviate from the order of the agenda and discuss this matter under Old Business. Mr. Jowdy seconded the motion. Chairman Melillo asked if anyone had any comments on this petition. Mr. DiCaprio then made a motion to approve this petition 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. Palma seconded the motion and it was passed unanimously with eight votes. For the record, Mr. Farah arrived during the public hearing so did not participate in the vote.

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7:45 PM – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.G., 3.H., 3.I., 4.G., 5.A., 5.B., 5.F., 5.H., 8.B., 8.C. & 11.B. of the Zoning Regulations.

Mr. Haddad read the Planning Commission recommendation. Deputy Planning Director Sharon Calitro said she would be presenting this because Mr. Elpern had to be present at the City Council meeting. She said this petition is the result of an ongoing collection of corrections and clarifications.

Mrs. Calitro said the members had been e-mailed some notes dated November 10, 2011, prepared by Mr. Elpern and they should use them to follow along as she explained the proposed changes. She said they added definitions for the following uses: Barber shop; beauty parlor, and Body-piercing studio. Also for First division, Fraternity house or sorority house, Porch, Tanning Salon, and Tattoo Parlor. She said they revised the definitions for Access Way, Dwelling Unit, Gross Floor Area and Flag Lots. They deleted the existing definition for Massage Parlor and added one for Massage Therapy, since the term "massage parlor" is often slang for a less desirable use. This new definition is much more restrictive and specifically excludes sexual acts. The Planning Commission was concerned about the

restrictive nature of this definition and made reference to it in their recommendation. But massage parlors were never allowed to exist on their own anyway and any that do, are non-conforming. Mr. Haddad asked why remove the use. Mrs. Calitro said it is being removed but is being replaced with massage therapy. She said people come in wanting to open a massage parlor and all they have is a bunch of empty rooms. This has always been considered an accessory use and they are trying to avoid the questionable nature of it. This change was meant to clarify the use not prevent it. Mr. Haddad then asked how this affects the business in the Mall, since there now is a massage center with a storefront in the Mall. Mrs. Calitro said she would notify the Zoning Enforcement Officer and have him check it out. Then returning to the petition, she said the last thing added to this section was a definition for Personal Service use. She said Massage Therapy was added to Accessory Uses in Sec. 3 to further clarify this. Also under Lot Requirements, the description of Flag Lots was clarified to help determine what needs approval by the Planning Commission versus an administrative approval. The Yard Requirements were also cleaned up to clarify open space and projections. Some additional language was added to Housing Redevelopment Option in Sec. 4. The purpose of the language was to further clarify that these developments must be compatible with the neighborhood and also will require an architectural review. Tattoo Parlors and Body Piercing Studios were added to the CG-20 and CA-80 Zones as permitted uses. Neither of these was ever specifically allowed anywhere within the City. And Pawn Shops were removed from the C-CBD Zone. Mr. Haddad asked why and Mrs. Calitro said with all the efforts to revise the downtown, this was a use that could be considered questionable. Mr. Haddad asked what happens to the one that is located downtown. Mrs. Calitro said he can stay or sell the business as long as he does not close, it will be allowed to continue as a non-conforming use.

Mrs. Calitro then continued describing some revisions that were made to Sec. 5.H.4. These changes were also done to clarify the change from massage parlor to massage therapy. She then described the changes made to driveways regarding location, access, grades and width. Also a section was added to regulate and control bridges that are part of driveways. This was something that was never addressed in the Regulations but the Engineering Dept. really wanted it included because bridges that do not become public are not always subject to their requirements. Language was also added for DOT reviews of sidewalk locations as well as language enabling the Department or the Planning Commission to require sidewalks. Mrs. Calitro said the existing regulations say sidewalks may be required if there is frontage on a State road, but there was no provision dealing with City streets. This has become a big issue during many of the Planning Commission reviews. The sections regarding State Highway reviews and Driveway and Curb Cut Plans were also revised. Several changes were made to Sec. 8, which addresses off-street parking and loading. The review of shared parking was changed from a special exception to a permitted use and will now be subject to administrative review instead of a public hearing. There also were slight changes made to parking requirements in the C-CBD district, Off-site parking and Special Event parking. The section on parking in the Redevelopment Area was removed because there are no RDA parcels left except #9 where the gas ball was and additional language was added to the section prohibiting parking in front yards. Sec. 8.C.4. which addresses the amount of required parking was also revised to reflect mixed uses in a building and clarification of how to determine

usable gross floor area. The last change is to Sec. 11.B., which is about variances. She said they are removing the opening sentence in Sec. 11.B.2.c. because the current language conflicts with the language in Sec. 9. This means that expansions of non-conforming uses will be prohibited. She then said that was everything. Chairman Melillo asked if anyone has any questions and there were none.

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

Mr. Farah made a motion to close the public hearing. Mr. Palma seconded the motion and it was passed unanimously. Mr. DiCaprio then made a motion to move this to item two under the Old Business on tonight's agenda. Mr. Renz seconded the motion and it was passed unanimously.

Mr. DiCaprio made a motion to approve this petition for the following reasons:

- It does provide much needed clarity to many different sections of the Regulations.

Mr. Renz seconded the motion. Chairman Melillo asked if anyone had any comments before the vote and Mr. Tierney asked if this meant you could open a massage therapy business. Mrs. Calitro said no but you never could before. It has never been a stand-alone permitted use. Chairman Melillo asked if the question the Planning Commission had proposed, was answered. Mrs. Calitro said it was, she had sent them an e-mail. She said this needs to be addressed and for right now this is a solution. If suddenly a great number of people come in wanting to open massage therapy businesses, this can be revisited. She said the previous definition left too much open to interpretation and had to be clarified. Mr. Farah asked if someone could get around this new language by going to the Zoning Board of Appeals for a variance. Mrs. Calitro said you cannot ask for a variance for a use that is not permitted anywhere in the Regulations.

Chairman Melillo then called for a vote on the motion and the motion to approve was passed with eight AYES. Mr. Tierney abstained from voting on this matter.

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Chairman Melillo said there was nothing under New Business or For Reference Only. He then said he wanted to recognize that this is the final meeting for Commission members DiCaprio, Farah, Renz, Palma and Venuti. He thanked them for their service and said it is a loss for the Commission that they will no longer be serving.

Mr. Elpern said he will miss all of them and wished them all the best. He thanked Mr. Farah for his time as Chairman and especially thanked Mr. DiCaprio for his many years of service.

Mr. Haddad said he will miss all of them especially Mr. DiCaprio. He said they served together for a lot of years. He then thanked Mr. DiCaprio for always coming up with the things he did not think of.

Mr. DiCaprio said he just thinks it is about time for him to step down.

Mr. Jowdy said he, Mr. Haddad and Mr. DiCaprio have served several terms together and he will miss Mr. DiCaprio. He added that he was disappointed that some of the Commission members chose not to run again because the last two years have been really good.

Mr. Farah reiterated much of what has already been said about Mr. DiCaprio. He said he always knew he could count on him for a different perspective. Mr. Farah then said he feels bad that lately his work schedule has caused him to miss meetings and that is why he did not run for re-election. He said he will miss all of the lively discussions the Commission always had. He thanked Mr. Elpern and the secretary for helping him to feel comfortable right from the start and then as vice-chairman and chairman. He said he has served the City for ten years, three on EIC and seven on this Commission and he has learned a great deal. He said the Mayor roped him into service after he offered to help him in his campaign. He also mentioned working with Jack Knapp and Patrick Johnston when they were on this Commission. He thanked everyone for always being so professional and supportive.

Mr. Palma said he has learned a lot about the City and it was a pleasure to serve on this Commission. He added that his time is always tight but he made sure he could always be here for the meetings because he knows this is important. He said he wants to continue to learn about the City and thanked everyone including Mr. Elpern and the secretary for all of their help.

Chairman Melillo said he was going to exercise his prerogative as Chairman to say thank you to all of the members. He said this was a good group and they did a good job. He then specifically thanked Mr. DiCaprio who always put the best interests of Danbury first. He wished the non-returning members good luck in their endeavors; and to those who will be returning, he said he would see them next month.



At 8:55 PM, Mr. DiCaprio made a motion to adjourn. The motion was seconded by Mr. Jowdy and passed unanimously.