



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

MINUTES
MARCH 13, 2012

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

Present were Sally Estefan, Theodore Haddad Jr., Walter Hoo Jr., Richard P. Jowdy, James Kelly, Marina Loyola, Robert Melillo and Alternates Kevin Haas and Robert Oravetz.

Absent were Alan Kovacs and Terry Tierney.

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

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

Chairman Melillo said they would table the acceptance of the minutes.

PUBLIC HEARING

7:30 PM -- Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 4.H.2. of the Zoning Regulations.

Mr. Haddad excused himself and left the dais as he abstained from this matter.

Mrs. Estefan read legal notice. Chairman Melillo read the Planning Dept. staff report dated March 5, 2012. He also read the Planning Commission recommendation, which was positive.

Dennis Elpern said the City Council had authorized the sale of a thirteen-acre parcel, which has been declared as surplus. He explained that this parcel was part of "The Reserve" development and intended for municipal use. The Regulations do not really specify what the municipal designation permits. Mr. Elpern said the Planning Dept. is proposing language be put into the Regulations to address this inconsistency. Mr.

Kelly asked what uses the Council had okayed for this parcel. Mr. Hoo said the current language limits the use unless this parcel is sold. Mr. Elpern said if this new language is approved, it would stay in place unless the parcel is re-zoned. The decision to sell this parcel was made when the FY 11/12 budget was approved, and now this Commission needs to be sure that the land can be used once it is purchased. Mr. Kelly quoted the News-Times article questioning if the sale of this parcel will take business from the Mill Plain Rd. area. Mr. Elpern said the answer is no because this parcel is already part of a mixed-use development. The public did not want to see just another condominium development on this parcel so the mixed use was encouraged. Mr. Jowdy asked what the City had intended when they bought this parcel. Mr. Elpern reminded him that the parcel was given to the City and ideas were bandied about for a possible stadium or sports complex, but both fell through. Mr. Elpern then read the new language that includes one small change. This slight change will guarantee that the City will retain control over the type and extent of development proposed for this parcel. In closing, he said the reason this petition should be approved is to ensure that the permitted uses of land in all phases of the PND are clearly specified. There were no further questions.

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

Mr. Kelly made a motion to close the public hearing. Mrs. Estefan seconded the motion and it was passed unanimously. Mr. Hoo made a motion to move this matter to item one under the Old Business on tonight's agenda. Mrs. Estefan seconded the motion and it was passed unanimously.

CONTINUATION OF PUBLIC HEARING

Petition of Xpect Discount, 100 Newtown Rd. (#M11002) for a Special Permit for the Sale of Grocery Beer.

Chairman Melillo said Attorney Pease had requested they continue this matter until the next meeting as the person from the Xpect was unavailable this evening.

Mrs. Estefan made a motion to continue the public hearing. Mr. Hoo seconded the motion and it was passed unanimously.

OLD BUSINESS

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 4.H.2. of the Zoning Regulations.

Mr. Hoo made a motion to approve this petition for the following reason:

- This will ensure that the permitted uses of land in all phases of the PND are clearly specified.

Mrs. Estefan seconded the motion. Chairman Melillo called for a vote on the motion and it was passed unanimously by voice vote.

Mr. Haddad rejoined the Commission on the dais at this time.

Chairman Melillo said there was a petition listed under New Business that they would hear at the April 10, 2012 meeting. He asked if anyone had anything to discuss under Other Matters and there was nothing. He said there was some info from the Zoning Enforcement Officer listed under Correspondence. He said the secretary had included the Cease & Desist Order so the Commission members could see what this looks like. The other item is just a report of the various cases the ZEO and his assistant are working on. There was nothing listed under For Reference Only, but the secretary said there is a request for a motor vehicle location approval that will be heard at the March 27, 2012 meeting.

At 8:00 PM, Mrs. Estefan made a motion to adjourn. Mr. Jowdy seconded the motion and it was passed unanimously.