



CITY OF DANBURY
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ZONING COMMISSION
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MINUTES
FEBRUARY 26, 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 (arrived at 7:35 PM), Robert Melillo, and Alternates Kevin Haas and Robert Oravetz. Also present was Planning Director Dennis Elpern.

Absent were Alan Kovacs and Terry Tierney. Chairman Melillo announced that Elmer Palma had resigned from the Commission because he was appointed to the City Council. He said this has left the Commission with a vacant alternate seat.

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

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

Chairman Melillo announced that they would table the acceptance of the January 8, 2013 & January 22, 2013 minutes until the next meeting.

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PUBLIC HEARING:

7:30 PM – Petition of WestConn Properties Inc., 10 Meadow St. (#J13181) for Change of Zone from R-3 to CG-20.

Mrs. Estefan read the legal notice. Mr. Haddad read the Planning Commission recommendation which was positive. Chairman Melillo read the Planning Dept. staff report which was dated February 19, 2013.

Benjamin Doto, PE spoke in favor of this petition. He distributed 11 x 17 copies of an aerial photograph, the survey map and the conceptual plan. This package was designated Exhibit A. He said if this zone change is granted, the proposed plan is that the non-conforming houses at 235 & 237 White St. will be demolished and those properties will be added to the 233 White St. parcel. The Meadow St. lot will also be added to this combined parcel. The building at 233 White St. will be remodeled for use a two-story mixed medical/professional office building. He said landscaping will be added and fencing installed to buffer the adjacent residential property. He said they

also will propose shifting the White St. curb cut from 180 ft. to 270 ft. from the White St. and Locust Ave. intersection. Also the Locust Ave. curb cut will be limited to right turn only. He said both of these changes will enhance the circulation within the new larger lot. He then said the triangular green space at the corner of Locust Ave. and White St. is not part of the 233 White St parcel. It actually belongs to the City; it was leftover from when Locust Ave. was re-aligned to Wildman St. He then said there will be no changes made to the subject lot, it currently is used as a parking lot and it will remain a parking lot. The only difference will be that the parking use will no longer be non-conforming. He said if this is approved, a site plan application will be submitted to the Planning Dept. He added that all of the proposed parking and landscaping will have to comply with the Zoning Regulations. If the site plan is approved, nothing will be able to be done until a map is filed on the Land Records combining all of the parcels into one lot.

In closing, he said this meets the criteria in the Zoning Regulations for re-zoning to a commercial zone. They are proposing to buffer the residential neighborhood on Meadow St. with a fence. Changing the White St. curb cut and restricting traffic from the Locust Ave. curb cut will allow the traffic to stay within the commercial corridor. The property is already served by municipal water and sewer. There are no slopes in excess of 15% and there are no wetlands on the site. Also this is nowhere near the public water supply watershed area.

Mr. Elpern asked if the applicants are related in any way to the University. Mr. Doto said they are not; it is just a coincidence that their corporate name is the same. Mr. Haddad asked if the auto repair and the house on the corner of Meadow and White St. are already zoned CG-20. Mr. Doto said they are both zoned CG-20. Mr. Jowdy asked who is parking on the Meadow St. lot at the present time. Mr. Doto said it is mainly used by second floor offices of the 233 White St. parcel and some spillover from neighborhood. He added that it could continue to exist as it is, but the applicants feel the proposed plan is a better use of these parcels.

Chairman Melillo expressed the concern that once the zone change is granted, the automotive use that is presently on the White St. parcel would be back before the Commission asking to expand the automotive use onto the Meadow St. lot. Mr. Doto said the Meadow St. lot is very small and could not be developed on its own. He added that the intent of the zone change is to get rid of the automotive use as it is not the best use for this lot.

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

Mrs. Loyola made a motion to close the public hearing. Mr. Jowdy seconded the motion and it was passed unanimously.

Since there were only seven members present, Chairman Melillo offered Mr. Doto the option of waiting until the next meeting for the Commission to vote on this. Mr. Doto asked that they vote this evening.

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

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OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION

Petition of WestConn Properties Inc., 10 Meadow St. (#J13181) for Change of Zone from R-3 to CG-20.

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

- This re-zoning will legalize the existing use which could remain there even without this change. Additionally, this lot is too small for development on its own. And lastly, it meets all the criteria for re-zoning to a commercial zone in Sec. 10 of the Zoning Regulations.

Mrs. Estefan seconded the motion. Chairman Melillo took a roll call vote and the motion to approve was passed unanimously.

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Chairman Melillo asked if there was anything to discuss under Other Matters and no one had anything. He then said the secretary had made an error when listing the public hearing under For Reference Only. She had it listed as being scheduled for the March 26th meeting, but there is no meeting that night due to Passover so it will be scheduled for the March 12th meeting.

At 8:25 PM, Mr. Kelly made a motion to adjourn. Mr. Haddad seconded the motion and it was passed unanimously.