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ZONING COMMISSION
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MINUTES
MAY 28, 2013



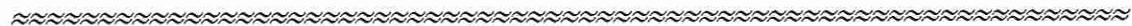
The meeting was called to order by Chairman Robert Melillo at 7:30 PM.

Present were Sally Estefan, Theodore Haddad Jr., Walter Hoo Jr., Rick P. Jowdy, Alan Kovacs, Marina Loyola, Robert Melillo, and Alternates Kevin Haas and Robert Oravetz.

Absent were James Kelly and Terry Tierney.

Chairman Melillo then asked Mr. Haas to take Mr. Tierney's place and Mr. Oravetz to take Mr. Kelly's place for the items on tonight's agenda. Chairman Melillo noted that the vacant alternate seat has been filled but the new member, Garry Cancro, is not present this evening.

Ashley Kovacs, daughter of Commission member Alan Kovacs led the Commission in the Pledge of Allegiance.



Chairman Melillo asked for a motion to table the acceptance of the minutes as they are not complete yet. Mr. Haddad made a motion to table the acceptance of the April 9, 2013 minutes. Mrs. Estefan seconded the motion and it was passed unanimously.



OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION

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

Chairman Melillo said the Commission members all should have received a copy of an e-mail from Assistant Zoning Officer Tim Rosati stating that the violations on this site have been cleared up and the Cease & Desist Order has been rescinded. He then reminded the Commission members of the criteria in Sec. 3.F.2. of the Zoning Regulations and that they can impose any conditions they deem necessary on an approval. He said at this point, Mr. Kovacs and Mr. Jowdy still need to view the video of

the March 12th meeting. Since this meeting was held in Conference Room 3C, it was videotaped on a different system, so it will be made available to the Commission members after tonight's meeting. He then said they would be taking a five-minute recess (at 7:40 PM) to watch the videotape of the April 9th meeting.

At 7:45 PM, the meeting was called back to order. Chairman Melillo then said he made a site visit this afternoon to see if the property was in compliance. He added that while he was there, he took photos of the various parking areas and they would now view these photos on the monitors. In a photo showing the sign erected as part of the retaining wall, he pointed out that it is difficult to get into the parking space located behind this sign. In another photo taken from across the street, he said that there is no permit for this sign to be as it is. It appears that it was there before the retaining wall was built, and that the retaining wall was extended as a base below the sign. He said the sign does not actually block the parking space, although it does make it difficult to get into the space. He added that there is one space that could block another space; it is a tandem space that is legal non-conforming because it is pre-existing.

He said there are six parking spaces directly in front of the building with an additional three spaces around to the left as shown on the site plan. The applicant is proposing to go in where it says pawn shop. There is a side stairwell located on the right side of the building and at the top of the stairs; you can see the fencing that is part of the doggie day care pen. He said the site plan does reflect that the fencing in the rear parking area should not take up a parking space. He went through several more shots of the rear parking area, pointing out where the fence was moved from the property line to allow access to the stairwell. He said this is shown by the paint on the pavement. Mr. Haddad asked if all of the parking in the front of the building is taken, is there parking available in the back. Chairman Melillo said there are at least four parking spaces available in the back of the building.

Mr. Haddad asked if anyone else thinks it is odd that someone might have to walk from the front of the building to the back or vice-versa to access the specific business they want to visit. He reminded the Commission that it is their responsibility to consider the health, safety and welfare of the surrounding area when looking at a petition. He said another situation that could arise is that customers of this store might park in the adjacent parking lot, which is not really appropriate because that parking area should be dedicated to the businesses located on that property. There also is the concern that delivery trucks might park on White St. because there is not enough room for them in the parking lot. Mr. Haddad said the uses on the subject property require seventeen parking spaces and the site plan shows eighteen spaces. He added that the eighteen spaces include the tandem parking space, which definitely has limitations on its use.

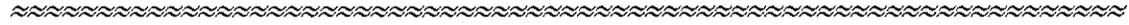
Mr. Hoo said he understands what Mr. Haddad is saying and it may not meet the intent of the Regulations, but they are providing the required spaces. Chairman Melillo reminded them that this area usually has high traffic volumes and is located very close to a major intersection. He then asked that someone make a motion. He said if they choose to deny this without prejudice, then the applicant will not have to wait a full year to come back before them. He said the applicant has been doing everything to get these details addressed and suggested that they could condition an approval that the four spaces in front of the store be dedicated to the package store. Mr. Hoo asked what exactly they would be approving or denying. Chairman Melillo said they are looking at a request to allow this location to be used as a package store.

Mr. Hoo then made a motion to approve this petition as it meets the guidelines for a package store and there is no reason to object. Mrs. Loyola seconded the motion. At this point, Chairman Melillo asked Mr. Haas to take Mr. Kelly's place and Mr. Oravetz to take Mr. Tierney's place for this matter.

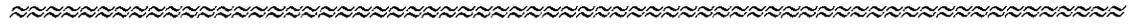
Mrs. Loyola asked if there was a permit for the sign. Chairman Melillo said there was not although there was one for the retaining wall. He added that the property owner has stated that the sign was there when he bought the property although the retaining wall was not. Mr. Kovacs asked what the use was before this was approved. Chairman Melillo said it was a pawn shop. Mr. Kovacs asked if the proposed use would be more unsafe than the previous use was. Mr. Haddad said he believes putting this use on this site would have a detrimental impact on the area. He added that he will be voting no on this petition because this is a complex situation which is exacerbated by the fact that this is a very busy intersection with extremely heavy traffic.

Chairman Melillo reminded them that there are seven voting members present and this petition needs need five votes for approval. He then explained the different motions that can be made including the option that the applicant could withdraw the petition. Mr. Hoo then withdrew his motion until open issues are addressed. Mrs. Loyola withdrew her second. Mr. Hoo then made a motion to table this matter. Mr. Kovacs seconded the motion to table.

Mr. Haddad said any information they receive will not change this situation. No matter what, the cars will still have to back out of the parking spaces into a busy intersection. Mr. Hoo asked if this situation will exist regardless of what use is on this site. Mr. Haddad said it would and based upon that, he would probably vote no for any use on this site. Chairman Melillo said in considering this petition, they have an added responsibility because it involves the sale of liquor. He then called for a vote on the motion to table and it was passed with six AYES (from Mrs. Estefan, Mr. Hoo, Mr. Jowdy, Mrs. Loyola, Mr. Oravetz and Chairman Melillo) and three NAYS (from Mr. Kovacs, Mr. Haas & Mr. Haddad).



Chairman Melillo asked if there was anything to discuss under Other Matters and there was nothing. Under For Reference Only were listed the two public hearings scheduled for June 25, 2013.



At 8:30 PM, Mrs. Estefan made a motion to adjourn. Mr. Kovacs seconded the motion and it was passed unanimously.