



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

MINUTES
APRIL 12, 2005

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:30 PM.

Present were Theresa Buzaid, Christine Cuhsnick, Theodore Haddad Jr., Patrick Johnston, Richard P. Jowdy, Jack Knapp Jr., Dr. Joseph Mooney and Alternates Jean Anderson, Ted Farah And Helen Hoffstaetter. Also present was Planning Director Dennis Elpern.

Chairman Knapp led the Commission in the Pledge of Allegiance.

Absent were Donald Kennedy and Lenny Silva Jr. Chairman Knapp asked Mr. Farah to take Mr. Silva's place and Ms. Hoffstaetter to take Mr. Kennedy's place for the items on tonight's agenda.

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Mrs. Cuhsnick made a motion that the minutes of November 23, 2004, December 14, 2004 Workshop, January 18, 2005 & January 25, 2005 be accepted and placed on file. Mr. Johnston seconded the motion and it was passed unanimously.

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PUBLIC HEARING:

7:30 PM - Petition of BRT Kennedy LLC to Amend Sec. 5.F.3.a. of the Zoning Regulations.
(Amend General Use Regulations in C-CBD Zone).

Mr. Haddad excused himself and left the meeting as he is abstaining from all of the items on tonight's agenda. Chairman Knapp asked Mrs. Anderson to take Mr. Haddad's place for the items on tonight's agenda.

Mrs. Cuhsnick read the legal notice. Chairman Knapp read the Planning Department Staff Report dated April 5, 2005. Mrs. Cuhsnick read the Planning Commission recommendation, which was positive with the same suggestion that was in the Staff Report. Chairman Knapp read the HVCEO recommendation, which said this was "Of local interest but without intermunicipal impact".

Attorney Paul Jaber spoke in favor of this petition. He introduced Dan Bertram from BRT and Attorney Bryan Doto, who is an associate in his office. He said they agree with the suggestions in the Planning Department Staff Report. He then spoke about other tall structures located on Main St.: Kimberly Place, Danbury Commons, and submitted a copy

of a map from the Plan of Conservation & Development which shows the Main Street Historic District (Exhibit A). He also submitted a copy of a portion of the Zoning Map with this same area highlighted on it. He then pointed out which lots would actually be eligible to be developed at this height. He said this amendment allows for the protection of the Historic District and allows for the development of market-rate housing. He said since this will be a Special Exception use, review of this plan would be assigned to the Planning Commission. Mrs. Cuhsnick asked what the proposed development would look like if this amendment isn't approved. Dan Bertram spoke saying that it would be much less attractive and less desirable for development. Mr. Johnston then asked why they couldn't remediate the soil and build in a more standard fashion. Attorney Jaber said it is just not economically feasible to remediate the site. Ms. Hoffstaetter asked if this property has all front yards? Attorney Jaber said it does have several and once the design is finished then we can worry about that. Mrs. Anderson asked Attorney Jaber if he had anything from the Fire Chief regarding accessibility to a structure of this height. Attorney Jaber said during site plan review the plans will be reviewed subject to the Chief's approval.

Lynn Waller, 83 Highland Ave., said she thinks this will be an asset to downtown Danbury, but is concerned that they both sprinklers and elevators be required in the building.

Mr. Elpern said it is not necessary to reference Fire and Building codes at this point, since both of them will review the site plan and it will stand on its own merits. Attorney Jaber said the Fire codes do require elevators and sprinklers in buildings of this size.

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

Mrs. Cuhsnick made a motion to close the public hearing. Mr. Farah seconded the motion and it was passed unanimously by voice vote. Mrs. Cuhsnick then made a motion to move this matter to number two under Old Business for Consideration and Possible Action. Ms. Hoffstaetter seconded the motion and it too was passed unanimously by voice vote.

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CONTINUATION OF PUBLIC HEARING:

This petition was rescheduled for an April 26, 2005 hearing at the request of the applicant's attorney:

- 1) Petition of NDT Development Group, 61, 63, 65 A & B Padanaram Rd. (G09090 & #G09091, #G09089, #G09126, # for Change of Zone from RA-40 to RMF 6. (Application filed 1/25/05) *Public hearing opened 3/22/05 – NO TESTIMONY presented yet.*

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Chairman Knapp asked the members who had missed the last meeting (Mr. Kennedy, Dr. Mooney, Mr. Silva and Mr. Farah) to contact the secretary so they could listen to the tapes and be eligible to vote on this matter. With Mr. Haddad abstaining, that only leaves seven members eligible to vote.

- 1) Petition of Scuppo Rd, LLC, 1 Scuppo Rd. (F14124 & #F14073) for Change of Zone from RA-40 to RMF-4. (Application filed 1/25/05) *Public hearing closed 3/22/05- decision must be made by 5/26/05.*

Mr. Johnston made a motion to table this until the next meeting on April 26, 2005. The motion was seconded by Ms. Hoffstaetter and passed unanimously.

- 2) Petition of BRT Kennedy LLC to Amend Sec. 5.F.3.a. of the Zoning Regulations. (Amend General Use Regulations in C-CBD Zone).

Chairman Knapp said they had heard this and closed the public hearing earlier in the evening. He asked if anyone had any comments on it.

Mrs. Cuhsnick made a motion to approve this with the revised language as stated in the Planning Department Staff Report. She gave the following reason for this motion:

- Encouraging multi-family housing in the downtown is consistent with the Plan of Conservation & Development and this will be good for community since the building has been vacant and the land is not in the best of condition.

Ms. Hoffstaetter seconded the motion. Mr. Johnston suggested they table this until they get to look at what other sites qualify for this amendment. Chairman Knapp said if the Commission wants to do that, they can vote against this motion. Mr. Elpern again said this is a good idea because we want to encourage high-density housing in the downtown corridor. He reminded the Commission of his previous comments regarding the appropriateness and desirability of multi-family housing being located downtown. Chairman Knapp called a roll call vote and the motion to approve this amendment was passed with eight AYES (from Mrs. Buzaid, Mrs. Cuhsnick, Mr. Jowdy, Chairman Knapp, Dr. Mooney, Mrs. Anderson, Mr. Farah and Ms. Hoffstaetter) and one NAY (from Mr. Johnston).

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Chairman Knapp reviewed the Correspondence consisting of four Cease & Desist Orders. There was nothing under For Reference Only.

At 10:15 PM, with no further business to discuss, Mr. Jowdy made a motion to adjourn. The motion was seconded by Ms. Hoffstaetter and passed unanimously.