



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
(203) 797-4525
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MINUTES
NOVEMBER 15, 2005

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

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

Absent were Dr. Joseph Mooney and Lenny Silva Jr.

Chairman Knapp asked Mr. Farah to take Mr. Silva's place and Ms. Hoffstaetter to take Dr. Mooney's place for the items on this evening's agenda.

Chairman Knapp led the Commission in the Pledge of Allegiance.

Mr. Johnston made a motion that the minutes of October 11, 2005, October 25, 2005 & November 4, 2005 be accepted and placed on file. Mrs. Cuhsnick seconded the motion and it was passed unanimously.

Chairman Knapp announced that the following matter had been withdrawn by the applicant at the last meeting: Petition of 46 Mill Plain LLC, Amity Lane (#E15041) for Change of Zone from RA-40 to CA-80 Zone. He then announced that the following matter was withdrawn by the applicant this afternoon: Petition of 46 Mill Plain LLC, Rear Portion of 3-5, 7-9, 13 Mill Plain Rd and Amity Lane (#E15038, #E15040 & northerly portion of #E15039) for Change of Zone from RA-40 to CRP Zone.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

- 1) Petition of Mohammed Uddin d/b/a Dhaka City Store, 216 White St. (#J13034) for a Special Permit for the Sale of Grocery Beer. *Public hearing closed 10/25/05 – 65 days will be up 12/14/05.*

Chairman Knapp announced that there is a motion on the floor to deny this petition. The vote was tabled at the request of one of the members who wanted to do an on-site inspection. He said all of the members who are present this evening are eligible to vote on this except for Mr. Jowdy because the tape he was given was missing this hearing. Chairman Knapp reiterated that Mr. Farah would take Mr. Silva's place; Ms. Hoffstaetter would take Dr. Mooney's place and Mrs. Anderson would take Mr. Jowdy's place for the vote on this matter. He asked if there was any

discussion and since there was none, he did a roll call vote and the motion to deny this petition was approved with seven AYES (from Mrs. Buzaid, Mrs. Cuhsnick, Mr. Haddad, Mr. Kennedy, Mrs. Anderson, Ms. Hoffstaetter and Chairman Knapp) and two NAYS (from Mr. Johnston and Mr. Farah).

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PUBLIC HEARING:

8:00 PM - Petition of Woodland Group II, LLC, Saw Mill Rd. & 13-37 Old Ridgebury Rd. (#A16002 & #C16012) to Amend the Revised Master Plan for Planned Neighborhood Development ("The Reserve") originally approved on 11/26/02 and amended 9/28/04.

Mr. Haddad excused himself as he is abstaining from this matter. Chairman Knapp asked Mrs. Anderson to take his place for this matter. Mrs. Cuhsnick read the Legal Notice.

Attorney Paul Jaber then came forward and requested this be continued until the first meeting in December. He said they have hired John Saccardi to address the issues raised in Planning Commission recommendation.

Mrs. Cuhsnick made a motion to table this matter until the December 13, 2005 meeting. Mrs. Anderson seconded the motion and it was passed unanimously.

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Mr. Haddad returned to the meeting at this time.

- 1) ZBA Referral #05-91 – Anthony & Carmelina Fernandes, 117-119 Park Ave. (#H16022), Secs. 6.A.2.a. & 9.C.2.a., Use Variance to legalize existing four-family residential use. (IL-40 Zone) *ZBA public hearing scheduled for December 8, 2005.*

Mrs. Cuhsnick said she and Mrs. Buzaid had made separate visits to the site and were prepared to give a report. She said this is a non-conforming multi-family house in the light industrial zone which does not permit residential. She said there was nothing specific in the file that indicated a hardship, other than it has been being used as a four-family although there were never any permits taken out to make it legal. She said after discussing this, she and Mrs. Buzaid suggest a negative recommendation. There were no questions from the Commission members. Mrs. Cuhsnick then made a motion to give a negative recommendation for the following reason:

- It is not good zoning practice to encourage the expansion of a non-conforming use and this request does not meet the conditions for a hardship as stated in Sec. 11.B.1. of the Zoning Regulations.

Mrs. Buzaid seconded the motion and it was passed unanimously.

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The Communications consisted of three Cease & Desist Orders and there was nothing under For Reference Only.

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