



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES
JUNE 8, 2010

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

Present were Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Richard P. Jowdy (arrived at 7:35 PM), Alan Kovacs, Walter Hoo, Robert Melillo, Terry Tierney and Alternates Elmer Palma, Thomas Spegnolo and Patrick Venuti. Also present was Planning Director Dennis Elpern.

Absent was Gary Renz.

Chairman Melillo asked Mr. Palma to take Mr. Renz's place for the items on tonight's agenda.

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

Mr. Palma made a motion to accept the May 25, 2010 minutes. Mr. Haddad seconded the motion and it was passed unanimously.

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PUBLIC HEARINGS:

7:30 PM – Petition of Residence Inn by Marriott Danbury, 22 Segar St. (#G16003) for Hotel Liquor License.

Mr. Kovacs read the legal notice. Susan Carrothers, General Manager, spoke in favor of this request. She explained that they offer breakfast and dinner four nights a week. There is also a vending machine for sandwiches, salads and snacks that would also stock bottles of beer or wine. It is controlled by the front desk and anyone purchasing the beer or wine would be required to provide proof of age.

This is the same system as this Commission previously approved for the Courtyard by Marriott on Eagle Rd. (in Commerce Park). It has worked very well for them and there have been no problems.

Mr. Farah said he had been in a Marriott in Southington CT that has this kind of setup. He asked if this one would be like that. Ms. Carrothers said it would be exactly like that.

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

Mr. Haddad made a motion to close the public hearing. Mr. Kovacs seconded the motion and it was passed unanimously. Mr. Farah then made the motion to move this matter to number two under the Old Business on tonight's agenda. Mr. DiCaprio seconded the motion and it was passed unanimously.

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7:45 PM – Application for Certificate of Location Approval for a General Repairer's License for SST Auto Inc., 52 Miry Brook Rd. (#F19049)

Mr. Kovacs read the legal notice. Spencer Cox spoke in favor of this request. He said he previously owned a similar business in Norwalk for ten years. He never had any problems with Zoning or the environment. This will be an upscale facility, working only on high-end German cars. He will have seven employees.

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

Mr. DiCaprio made a motion to close the public hearing. Mr. Haddad seconded the motion and it was passed unanimously. Mr. DiCaprio then made a motion to move this matter to item number three under the Old Business on tonight's agenda. Mr. Haddad seconded the motion and it was passed unanimously.

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8:00 PM – Petition of Ljatif "Tony" Ramadani d/b/a Max 40, 40 Mill Plain Rd. (#E15110) for Special Permit for Café Liquor License.

Mr. Kovacs read the legal notice. Tony Ramadani said he just bought this property, where he wants to open a new restaurant. He said he has been in this business for a long time, and owns several restaurants, recently in Danbury he had Spasi and Barca. Barca is now closed, so he still has Spasi and a restaurant in Wilton. He has been renovating this place so he can open a business similar to Barca at this site. It will be a family restaurant with 96 seats and a bar. Chairman Melillo said Mr. Ramadani already has site plan approval for this space and an adjacent one. Mr. Haddad said the parking calculation on the site plan includes both employees and customers. Chairman Melillo asked if he plans to get a liquor license for the billiard hall. Mr. Ramadani said he wants to get the restaurant open and then he will come back for a separate liquor license for the billiard hall.

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

Mr. Jowdy made a motion to close the public hearing. Mr. Haddad seconded the motion and it was passed unanimously. Mr. Haddad then made the motion to move this matter to number four under the Old Business on tonight's agenda. Mr. Farah seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of E.W. Batista, Family Limited Partnership, 155 South St. (#J15048) for Change of Zone from RMF-4 to C-CBD. Public hearing closed May 25, 2010 - 65 days to make decision will be up July 28, 2010.

Chairman Melillo said since Mr. Renz is not present and neither Mr. Farah, Mr. Kovacs, Mr. Tierney nor Mr. Venuti has been able to listen to the tape yet, Attorney Marcus has requested they take no action this evening. Mr. DiCaprio made a motion to table this matter. Mr. Palma seconded the motion and it was passed unanimously.

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Petition of Residence Inn by Marriott Danbury, 22 Segar St. (#G16003) for Hotel Liquor License.

Chairman Melillo said they had heard this earlier in tonight's meeting. He asked for discussion or comment from the Commission. Mr. Palma made a motion to approve this for the following reasons:

- The proximity of such premises will not have a detrimental effect on any church, school, or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Mr. Farah seconded the motion. He added that he had experienced this first hand at their sister facility in Southington, CT. Chairman Melillo did a roll call vote and the motion was approved unanimously with nine ayes (Mr. DiCaprio, Mr. Farah, Mr. Haddad, Mr. Jowdy, Mr. Hoo, Mr. Tierney, Mr. Palma and Chairman Melillo).

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Application for Certificate of Location Approval for a General Repairer's License for SST Auto Inc., 52 Miry Brook Rd. (#F19049).

Chairman Melillo said they had heard this earlier in tonight's meeting. He asked for discussion or comment from the Commission. Mr. DiCaprio made a motion to approve this for the following reasons:

- The proximity of such premises will not have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

The motion was seconded by Mr. Farah and passed unanimously with nine ayes.

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Petition of Ljatif "Tony" Ramadanani d/b/a Max 40, 40 Mill Plain Rd. (#E15110) for Special Permit for Café Liquor License.

Chairman Melillo said they had heard this earlier in tonight's meeting. He asked for discussion or comment from the Commission. Mr. Haddad made a motion to approve this for the following reasons:

- The proximity of such premises will not have a detrimental effect on any church, school, or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Mr. Kovacs seconded the motion. Chairman Melillo did a roll call vote and the motion was approved unanimously with nine ayes (Mr. DiCaprio, Mr. Farah, Mr. Haddad, Mr. Jowdy, Mr. Hoo, Mr. Tierney, Mr. Palma and Chairman Melillo).

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OTHER MATTERS:

ZBA Referral: ZBA Application #10-22 - Fernando A. & Luisa B. DeSousa, 14 Wildman St. (#113027), USE VARIANCE to Sec.6.A.2. in acc. w/Sec.11.B.2.c., to allow a package store in the IL-40 Zone, the structure is currently being used as grocery store (IL-40 Zone). ZBA hearing opened May 27, 2010 - continued pending receipt of recommendations from Planning Commission and Zoning Commission.

Chairman Melillo said although this was not on the previous agenda, the attorney for the applicant has asked that they take action this evening. The ZBA is meeting on Thursday evening this week and then not again until the second Thursday in July. Mr. DiCaprio asked how many package store licenses we currently have available. The secretary said she had just done a review of these and there are two left. That does not count the one the Commission approved for Giovanni Novo on Padanaram Rd. That applicant has not yet gotten his license from the state so if he does than there is only one left.

Mr. Haddad read the hardship from the application. Mr. Jowdy mentioned the previous package store in this neighborhood, the one that blew up. Chairman Melillo pointed out that was located in the CN-5 zone. Mr. Haddad then made a motion to give this a negative recommendation because there is no hardship and the City tries to eliminate non-conforming uses not add to them. Mr. Tierney seconded the motion. Mr. Elpern then said he always advises the Commissions to never approve Use Variances because they allow a property owner to use his property in a way that no one else in the same zone can. He added that this is just not fair to other property owners; it is a form of legalized spot zoning. He suggested that since this neighborhood abuts the CN-5 zone and other commercial uses, they should consider re-zoning the IL-40 properties to CN-5. Chairman Melillo then called a roll call vote and the motion to give a negative recommendation was passed unanimously with eight AYES (from Mr. DiCaprio, Mr. Farah, Mr. Haddad, Mr. Hoo, Mr. Kovacs, Mr. Tierney, Mr. Palma and Chairman Melillo) and one abstention (from Mr. Jowdy).

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Chairman Melillo said there was nothing listed under For Reference Only. Mr. Haddad asked for a moment of silence to commemorate Police Officer Hassiak who was killed this past weekend.

At 8:29 PM, Mr. DiCaprio made a motion to adjourn. Mr. Jowdy seconded the motion and it was passed unanimously.