



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

MINUTES
JUNE 12, 2007

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:35 PM.

Present were Theresa Buzaid, Ted Farah, Theodore Haddad Jr., Helen Hoffstaetter, Richard P. Jowdy, Robert Melillo, Jack Knapp Jr. and Alternate Patrick Johnston. Also present was Planning Director Dennis Elpern.

Absent were Anthony DiCaprio, Donald Kennedy and Alternate Victoria Hickey.

Chairman Knapp asked Mr. Johnston to take Mr. Kennedy's place for the items on tonight's agenda.

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

Chairman Knapp said they would table the acceptance of the minutes until the next meeting.

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PUBLIC HEARINGS:

7:30 PM – Petition of A & S Properties Inc. to Amend Secs 2.B. & 5.E. of the Zoning Regulations.
(Add "Mixed Use Building" to the CN-5 Zone as Special Exception)

Ms. Hoffstaetter read the legal notice. Chairman Knapp read the Planning Department Staff Report. Mr. Melillo read the Planning Commission recommendation which was negative for the reasons in the Staff Report.

Oswald Inglese spoke in favor of this petition. He said by mixed use, they meant buildings that could contain both residential and commercial facilities. He said this concept began to appear in the mid 70's as a result of the need for human presence during days and hours when there normally would be none. They are suggesting incentives to encourage this idea. All of their reasons would enhance the weaknesses in these neighborhoods. This would increase economic activity and property values. He said they are prepared to fine tune their petition to accommodate Mr. Elpern's ideas. He said the Wooster Village area is listed in the POCD as an area to be renovated and by making this a special exception use, it allows for more control over this concept. Regarding the parking, he said this is not an isolated area where people might not need to use their vehicles to get there. He then asked for a continuation so he can come back with a report. Mrs. Buzaid asked if they had conceptual plans. Mr. Inglese said they do have them but did not bring them because this is not a site specific request.

Chairman Knapp asked if there was anyone to speak in opposition to the petition

Paul Rotello, 13 Linden Pl., said his family owns property in Wooster Village which he manages for them. He spoke about the area and the existing neighborhood services which are currently available. He is concerned about this specific proposal and would like to hear more about it. He said most of the buildings in Wooster Village are already mixed use. He is also concerned about the additional height because taller buildings would not fit in. Regarding the parking, there already are times when all of the restaurants are busy and people park on Division St. which causes congestion. He said anything that increases the density will spill out into the abutting residential neighborhoods. In closing, he asked them to take great care in anything they do with this area.

Mr. Melillo asked if they could allow the applicant to amend the petition and they could remand it back to the Planning Commission. Mr. Elpern said if they continue the hearing then all options remain open.

Ms. Hoffstaetter made a motion to continue the public hearing. Mr. Melillo seconded the motion and it was passed unanimously.

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7:40 PM – Petition of Allegiance Capital Group Inc. to Amend Secs. 5.E.2 & 5.E.4. of the Zoning Regulations. (Add Self-Storage as Permitted Use in CN-20 Zone)

Ms. Hoffstaetter read the legal notice. Before anything else was read, Attorney Fran Collins came forward and requested that the hearing be continued because there are only seven members present and since they have a negative recommendation from the Planning Commission, they need as many positive votes as they can get. Mr. Melillo made a motion to continue this matter until the next meeting. Mr. Jowdy seconded the motion and it was passed unanimously.

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7:50 PM – Petition of HS Eagle Rd. Assoc, LLC d/b/a Houlihan's, 3 Eagle Rd. (#L11021) for Special Permit for Restaurant Liquor License.

Ms. Hoffstaetter read the legal notice. Dean Marino, the Regional Mgr., spoke in favor of this. He said so far five managers have been through an eight week intensive training program and they will be training the new staff. He said this is a franchise and there are two others in CT, one in Glastonbury and one in North Haven. He said there are four partners who plan to build twelve restaurants from here through Westchester. Mr. Melillo asked the hours of operation. Mr. Marino said they will be open regular hours and the kitchen is always open. Mr. Haddad asked if they are required to follow all of the Master rules since they are a franchise. Mr. Marino said they had to pass specific standards to be allowed to have this franchise. Mr. Haddad asked if all of the restaurants are required to meet the same standards. Mr. Marino said they are governed by the same standards. He added that Houlihan's has worked really hard to make their image a positive one. Mr. Elpern reminded the applicant that they must comply with the provision in Sec. 3.F.2. regarding the 60/40 split required for food/beverage sales.

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

Mr. Melillo made a motion to close the public hearing Mr. Johnston seconded the motion and it was passed unanimously. Mr. Melillo then made a motion to move this to Old Business. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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CONTINUATION OF PUBLIC HEARING:

- 1) Petition of Cioffoletti Construction Co., Inc. 18 Plumtrees Rd. (#L13122) for Change of Zone from IG-80 to RMF-10. *Public hearing opened 5/9/07 – hearing must be closed by 6/13/07, then 65 –day decision period begins.*

Chairman Knapp said they had continued this from the previous meeting because there were only six members present. Also, the notes from the public hearing said that the applicant will provide additional information. He said because the Planning Commission recommendation was negative, it will take a two-thirds majority vote for this to be passed. Present at the Public Hearing were Mrs. Buzaid, Mr. DiCaprio, Mr. Farah, Mr. Haddad, Ms. Hoffstaetter, Chairman Knapp, Mr. Melillo, Ms. Hickey and Mr. Johnston.

Attorney Neil Marcus said they had encouraged the members to take a look at the site if they weren't familiar with it. He said they were hoping to create a buffer zone, but there was concern expressed about the elevation changes. If the site was developed industrially it would have a negative impact on Arlington Woods. He said this is an attempt to address the reasons for the previous denial in 2003 when they tried to go to RMF4 zone. He said they have met the criteria for the multi family district. They have met with the ZEO and they are in process of obtaining the necessary permits to legalize the usage of the adjacent parcels. He said that has to do with Parcel A, so they shouldn't be concerned since they are looking at Parcel B. Mr. Melillo asked if the subdivision line issue had been resolved. Attorney Marcus said what had happened was the Planning Commission had approved the lot line revision but they never went back and had them sign the mylar. Mr. Farah said since they are asking to move the line further towards Plumtrees Rd., when will it be enough. Attorney Marcus said that is what this is about; the Commission needs to decide where to draw the line. Mr. Johnston said that is the concern, if they keep pushing the line when will it be too far? Attorney Marcus said that is their responsibility, to determine what is best for this area. Mr. Johnston said they also are charged with protecting industrially zoned land. Mr. Melillo said he is also concerned because Attorney Marcus had said this would increase the ADT by 138 trips per day. Attorney Marcus said compared to the traffic generation those 10 acres of IG-80 zoned land would bring, the residential would be a better choice. Mr. Farah said at the previous meeting Attorney Marcus had said there is not a lot of traffic, but now he is saying there is a lot. Attorney Marcus then said it is seasonal traffic; the potential is what they should be looking at. Mr. Farah asked if they had any concept of where they would put the entrance to this site if they develop it, since the curve of the road and the uphill slope make it difficult. Attorney Marcus said probably mid way between the easterly and westerly ends of Shelter Rock Rd. Mrs. Cioffolletti said she has gone over this with the engineers and they have plenty of area to put it in, as it is no different than the entrance to Arlington Woods. Mr. Farah said he does not see a good sightline available. Attorney Marcus said they have not seriously looked at this but there is adequate area available. Mr. Haddad asked how close to their property line Arlington Woods is located. The answer was not far. Mr. Haddad said if this is approved, their remaining industrial land would become a corner lot which would change the setback requirements. Mrs. Buzaid asked if there is a smell

from the dump and the sewer treatment plant. Mr. Elpern said that is not something to be discussed at this time since it doesn't fall within the criteria to judge a zone change request on.

Chairman Knapp asked if there was anyone to speak in opposition to this and one person came forward.

Paul Rotello, 11 Linden Pl., said there is plenty of industrial land sitting vacant and we are trying to preserve it. He said residential land is not always a money maker for the City because if people move in with children, then the City must provide schooling so that costs the City more than they could ever make. He said the landfill is actually taking in product to transport it, so the smell will not go away. If we continue to encroach on industrial property, then eventually there will not be any left. People that buy into a development that adjoins industrial property are not going to be happy with what goes on there. If they get rid of industrial property, they will never get it back. He suggested they might turn this down as it might not be good.

Ken Gucker, 89 Padanaram Rd. said his stand is clear: no more condos. There are too many already and we don't need anymore. He said he is in and out of "Del's" all the time and he is amazed at the work going on in this area. The traffic has only gotten worse over the past ten years. People drive too fast and this has also become a short cut to Route 6. There is a condo sprawl going on all throughout the City and it is not going to stop. They can say this will be the line, but it will continue to creep in. He said we need industrial land, our schools are already overburdened and overcrowded, and we need to draw the line. They knew what they bought when they bought it. He then said in regard to the smell issue, on any hot or humid day if you drive over there you can smell it.

Mr. Elpern then said this is a tough decision. No matter which way they go this is a difficult piece of land to develop, there is no plateau it is a steep hill. A lot of grading and blasting will be needed to get the driveway in. He said this is not high density compared to the RA-8 zone. He added that it is a proven fact that condos do not produce the number of children that single family neighborhoods do. He said is not fair that Danbury has to take so much of the region's multi-family development as well as the affordable housing. Mrs. Buzaid asked about the smell again. Mr. Elpern said all he can say is that you cannot move next to something (like a sewer plant) and then complain about it.

Attorney Marcus spoke in rebuttal saying that he agreed with Mr. Elpern about the affordable housing. He said he also is concerned about smart growth. He said they did a study a few years ago where they found that multi-family development does not necessarily bring in a lot of schoolchildren. Older multi-family neighborhoods do attract more families than the newer condos; he said there is more flexibility in developing a piece of land residentially than there is for industrial. He said some of what Mr. Rotello said had merit. This is much more of a commuter town than it was in the old days. But preserving industrial property where there is no demand for it causes it to sit vacant. The industrial property in Danbury leans more towards office use than the traditional industrial uses. He added that the traffic is a problem in every zone and he does not agree there is a need for commercial space. Regarding the overcrowding of schools, the number of school age children is decreasing every year.

Mr. Johnston made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of HS Eagle Rd. Assoc, LLC d/b/a Houlihan's, 3 Eagle Rd. (#L11021) for Special Permit for Restaurant Liquor License.

Chairman Knapp said they had heard this earlier in tonight's meeting. He asked for a motion or comments. Mr. Melillo made a motion to approve this petition for the following reasons:

- The proximity of such premises will not have a detrimental effect on any church, school, convent 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.

Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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NEW BUSINESS:

- 1) Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.D.3., 3.E.4., 5.A, 5.B., 5.C., 5.D, 5.E., 5.F. & 5.H. of the Zoning Regulations. (Revise Definitions, Use Regulations for Permitted and Special Exceptions Uses, and Commercial Zoning Districts) *Public hearing scheduled for June 26, 2007.*
- 2) Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 8.C.4. of the Zoning Regulations. (Revise Off-Street Parking Table) *Public hearing scheduled for June 26, 2007.*

Chairman Knapp said copies of these two petitions are being distributed this evening so the Commission members have time to familiarize themselves with them before the public hearing.

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Chairman Knapp said there was nothing under Other Matters, Correspondence or For Reference Only. He then said that the camera system is being installed within a week and then many of the regularly scheduled meetings will be filmed.

At 9:45 PM, Mr. Farah made a motion to adjourn. Ms. Hoffstaetter seconded the motion and it was passed unanimously.