



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

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

MINUTES  
FEBRUARY 26, 2008

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The meeting was called to order by Chairman Ted Farah at 7:30 PM.

Present were Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Patrick Johnston, Richard P. Jowdy, Robert Melillo, Larry Stramiello, Andrew Wetmore and Alternates Jacqueline Perez-Ares and Thomas Spegnolo. Also present was Planning Director Dennis Elpern.

Absent were David Manacek and Alternate Victoria Hickey.

Chairman Farah asked Mr. Spegnolo to take Mr. Manacek's place for the items on tonight's agenda.

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

Mr. Johnston made a motion to accept the minutes of the December 11, 2007 meeting. Mr. Wetmore seconded the motion and it was passed unanimously by voice vote. Chairman Farah noted that the January 8, 2008, January 22, 2008 & February 12, 2008 meetings had all been cancelled.

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PUBLIC HEARINGS:

7:30 PM - Petition of Blue Fish Enterprises Inc. d/b/a Danbury Square Wine & Liquors, 15 Backus Ave. (#F17116) for a Special Permit for Package Store.

Mr. Wetmore read the legal notice regarding this petition.

Attorney Hillel Goldman spoke in favor of this. He described the location as the former NordicTrack storefront in the Danbury Square Mall. He said they received a site plan waiver approval from the Planning Dept. so they have met all of the requirements for this business to be located at this site. He introduced the two principals in the business and gave a brief history of their qualifications to run this kind of business. He then said they have met all of the distance requirements for package stores as specified in the Regulations. He then went through the list of uses that they should not be located near saying they are okay with that also. He said the office of a charitable institution is located in the neighborhood but it is more than five hundred feet and additionally they do not treat anyone at the site, it is the administrative office only. Mr. Wetmore asked if there was any reason to be concerned because of the proximity of the Toys R Us store. Attorney Goldman said that is not a concern because there already are several restaurants serving liquor in

the plaza and they will not be serving the liquor. This permit will allow them to sell the liquor on a take out basis which discourages the drinking of it on the premises. Mr. Melillo then asked about the proximity to New England Country Day School. Attorney Goldman said it is definitely more than five hundred feet away. There were no other questions.

Chairman Farah asked Mr. Elpern for Staff comments. Mr. Elpern said Attorney Goldman had covered the requirements of Sec. 3.F.2. really well and there was not much left to say. He added that Staff has no objections and reminded the Commission to cite Sec 3.F.2. in their findings.

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

Mr. DiCaprio made a motion to close the public hearing. Mr. Melillo seconded the motion and it was passed unanimously by voice vote. Mr. Jowdy made a motion to move this matter to number one under the Old Business on tonight's agenda and to move the Old Business to the next order of business. Mr. Melillo seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

- 1) Petition of Blue Fish Enterprises Inc. d/b/a Danbury Square Wine & Liquors, 15 Backus Ave. (#F17116) for a Special Permit for Package Store.

Mr. Melillo made a motion to approve this for the following reasons:

- The proximity of such premises or buildings will not have a detrimental effect upon any church, school, convent, or charitable institution; and the location of such premises or building will not have a detrimental effect upon the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Mr. Johnston seconded the motion and it was passed unanimously by roll call vote.

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At this point (7:48 PM), Mr. Haddad excused himself and left meeting as he is abstaining from the other matter on tonight's agenda. Chairman Farah asked Ms. Perez-Ares to take Mr. Haddad's place for the rest of tonight's agenda.

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- 7:45 PM - Petition of Crystal Beach Development Corp., Reynolds Rd. a.k.a. St. (#I09062) for a Change of Zone from RA-40 to RR-10.

Mr. Wetmore read legal notice. Chairman Farah read the Planning Department Staff Report dated February 20, 2008. Mr. Melillo read the Planning Commission recommendation which was positive.

Attorney Paul Jaber spoke in favor of this petition. He explained that Crystal Beach Development Corp. owns the Poet's Landing development, which consists of eighty units on approximately ten acres. They recently they acquired this small piece of land on Reynolds Rd. which is bordered by Poet's Landing on three sides and contains a vacant house. They are proposing to rebuild the existing structure and incorporate this parcel and the new house into the Poet's Landing development. They cannot do that without changing the zone though. Attorney Jaber said the addition of this lot will not allow for any increase in density to the development. Adding this lot to the overall parcel will also help to make the zoning line more even as right now it has a zigzag pattern. He added that this complies with the Plan of Conservation & Development, Section 3 Planning Studies Land Development, which indicates "rezone isolated lots and small remnants of land to be consistent with surrounding zoning districts." He said the best part is that an eyesore will be turned into a lovely home and the person who buys it will be able to enjoy the amenities of Poet's Landing. Mr. Johnston asked why they have to merge this lot with the bigger one; why can't they just leave it the way it is and still use the amenities. Attorney Jaber said they can re-build the single family house under the existing zoning but want to make it a part of the overall development. They could not just allow outsiders to take advantage of the amenities, so they need to make this part of the development. Mr. Wetmore asked if they are guaranteed a boat slip as part of buying one of the units at Poet's Landing. Attorney Jaber said they are offered the right of first refusal.

Chairman Farah 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. DiCaprio seconded the motion and it was passed unanimously.

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NEW BUSINESS:

Petition of Murad Realty Company, Carol J. & John T. Benusis, DMD & GRM Rentals LLC to Amend Section 5.D.2.a. & 5.D.4 of the Zoning Regulations. (Add Medical Offices < 3,000 sq.ft. to CL-10 Zone) *Public hearing scheduled for March 25, 2008.*

Mr. Melillo made a motion to refer this matter to the Planning Commission. Mr. Wetmore seconded the motion and it was passed by voice vote.

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Chairman Farah said that under Correspondence was a letter from the Ancient Order of Hibernians inviting the Commission members to march in the St. Patrick's Day parade on Sunday March 16, 2008.

Under For Reference Only were listed the public hearings scheduled for the March 11, 2008 and March 25, 2008 meetings.

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At 8:05 PM, Mr. Johnston made a motion to adjourn. Mr. Wetmore seconded the motion and it was passed unanimously by voice vote.