



CITY OF DANBURY
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ZONING COMMISSION
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MINUTES
JUNE 12, 2018

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

Present were Luis Bautista, Milan David, Sally Estefan, Andrea Gartner, Theodore Haddad Jr., Angela Hylenski, Robert Melillo and Alternates Michael Masi and Thomas Nejame. Also present was Director of Planning Sharon Calitro.

Absent were Rick P. Jowdy, James Kelly, and Alternates Michael Masi and Zachary Enriquez.

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

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

Ms. Gartner made a motion to accept the May 22, 2018 minutes. Mrs. Estefan seconded the motion and it was passed unanimously.

PUBLIC HEARING:

Petition of Ingersoll Property Holdings Land, LLC, 5-7 Morgan Ave. & 82 Federal Rd. (K11046 & K11114), for Change of Zone from IL-40 to CG-20.

Mrs. Estefan read the legal notice. Mrs. Hylenski read the Planning Commission recommendation, which was positive. Chairman Melillo then read the Planning Department Staff Report dated May 10, 2018.

Attorney Thomas Beecher spoke in favor of this petition. He said with him were the applicant, Todd Ingersoll, Project Engineer Benjamin Doto, and Attorney John Bowser, also from Collins-Hannafin. He said the applicant is the contract purchaser of Federal Road property. He said the history of the site is that for many years, it was the location of the Danbury Drive-In Theater. When that business closed, the property was split and one side became the existing Ingersoll dealership and HART bus took the other side for their business. Since that time, the Ingersoll business has expanded to include several automotive dealerships. In 2014, they acquired the Morgan Avenue property. Since it was zoned IL-40, it could only be used for storage. Attorney Beecher said the applicant will use the Morgan Avenue site for a Cadillac dealership; the Federal Road site will be used for display and parking of Cadillacs. He said Mr.

Ingersoll would work with the Planning Department to be sure there is adequate screening along the Morgan Avenue border. The proposed change is consistent with the abutting CG-20 property and others on Federal Road. The two re-zoned properties will be merged with the existing dealership site and a revised site plan will be submitted for approval. He said he knows they cannot zone properties based on a proposed use, but in this case, the applicant owns the abutting properties and needs more land to expand his business.

Benjamin Doto PE spoke next. He said he has worked with Mr. Ingersoll since the development of the original site. He referred to a conceptual site plan intended to show how they will propose to develop the additional land. He said the existing Elan site is non-conforming with respect to zoning requirements as well as the use, so this will also bring that property into conformity. He said the display and parking of vehicles would be blended into the existing site approvals.

Ms. Gartner asked if the Morgan Avenue site is bermed up. Mr. Doto said there about a 12 ft. height difference. He added that the new building would be similar to the existing building on the Ingersoll site. Ms. Gartner then expressed concern about lighting affecting the residential properties on Morgan Avenue. Mr. Doto said a lighting plan will be required as part of the site plan review. He said the existing buffer would not be changed since the site was approved for parking with the buffer in place. He said on the sidewalk will be continued along Federal Road to the Modzelewski property and both Zoning and the Fire Marshal will require an island and the parking on the site to be delineated. Mr. Doto said all of these things would be addressed during the site plan review.

Todd Ingersoll said he wants to buy the Federal Road site because the Elan's business is for sale and he does not want to worry about who would buy it. He added that although he already has a Cadillac franchise; they require their own building on the site and with this additional land, he can provide that.

Attorney Beecher said the Morgan Avenue site would have no access except for an emergency exit. He said this would not have a traffic impact because the Cadillac dealership already exists and car dealership traffic is not a trip generator. He said the proposed use is consistent with the development in the surrounding area and the suitability was defined in the Planning Dept. report. There are industrial uses that could be put on these sites or the same non-conforming use could be continued and that may not be beneficial to the City. He then submitted a letter in support from Linda Morglino, 32 Morgan Avenue, which is directly across the street from 5-7 Morgan Avenue. He read this letter into the record. He said this meets all of the general criteria for the zone change, it is consistent with the Plan of Conservation & Development, and they have a positive recommendation from the Planning Commission, so he asked that they approve this petition.

Also speaking in favor was Robert Laber, 14 Driftway Point Rd. He said he supports this proposal as he is familiar with the area and moving the IL-40 line will allow the expansion of the Ingersoll business as well as removing the non-conforming adult business use.

Chairman Melillo asked if there was anyone to speak in opposition to this petition and there was no one. He then offered Mrs. Calitro the opportunity to make additional staff comments, but she said there was nothing to add.

Mrs. Estefan made a motion to close the public hearing. Ms. Gartner seconded the motion and it was passed unanimously. Mr. David then made a motion to move this matter to number one under Old Business. Mrs. Estefan seconded the motion and it was passed unanimously.

OLD BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

Petition of Ingersoll Property Holdings Land, LLC, 5-7 Morgan Ave. & 82 Federal Rd. (K11046 & K11114), for Change of Zone from IL-40 to CG-20.

Mrs. Hylenski made a motion to approve this petition for the following reasons:

This use is suitable for this zone and is compatible with the surrounding area. It also complies with the Plan of Conservation & Development and there is still ample IL-40 zoned land in the City available for development. Lastly, this will have no detrimental impact on the health, safety or welfare of the City.

Mr. Haddad seconded the motion and it was passed unanimously with eight AYES and one member not voting

Chairman Melillo asked if anyone had anything to discuss under Other Matters and there was nothing. He then said there was nothing listed under New Business, Correspondence or For Reference Only. He said since they voted on the Ingersoll petition, there is no reason to hold the June 26, 2018 meeting, so that will be cancelled. The secretary will send out a cancellation notice.

At 8:15 PM, with no further business to discuss, Mrs. Estefan made a motion to adjourn. Mrs. Hylenski seconded the motion and it was passed unanimously.