







made a motion to approve this per the resolution dated January 6, 2009. Mr. Urice seconded the motion and it was passed unanimously.

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NEW BUSINESS:

8-3a Referral – Petition of B & L Holdings LLC, 2 Glen Hill Rd, 33, 35, 37 & 39 Tamarack Ave. a/k/a Rd. (#110045, #110044, #110046, #110047 & #110048) for Change of Zone from RA-20 & RMF-6 to RH-3. Zoning Commission public hearing scheduled for February 24, 2009.

8-3a Referral – Petition of Intertech Assoc., c/o Danbury Orthopedic Assoc., Inc. to Amend Sec. 5.D.4.c.(1) of the Zoning Regulations (To permit expansion of existing medical offices, not to exceed 3,000 sq.ft., on lots of one acre or larger in the CL-10 Zone) Zoning Commission public hearing scheduled for February 24, 2009.

8-3a Referral – Petition of Robert Botelho/Victorian Associates LLC, 126-130 Osborne St. (#J12093) for Change of Zone from R-3 to RMF-4. Zoning Commission public hearing scheduled for February 24, 2009.

Chairman Finaldi said these petitions would be on file in the Planning Office.

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REFERRALS:

8-3a Referral – Petition of Nancy & David Lahoud, 116 Coalpit Hill Rd. (#K17014) for Change of Zone from IL-40 to RMF-10. Zoning Commission public hearing RE-scheduled for January 27, 2009.

Mrs. Emminger reviewed the Staff Report and asked if anyone had any questions. She reminded the Commission that this is the parcel that was rezoned last year and then the neighbor came back and reversed the zone change. Mr. Urice said that the original zone change should not have been granted since they misrepresented themselves. Mr. Manuel said that is a procedural issue but the same reasons still exist why this specific property should be rezoned. Mrs. Emminger said unfortunately the petitioner never got the proper permits to make the apartment legal, so now the Zoning Officer has made them vacate it until this is decided. After brief discussion of the history of this petition, Mr. Manuel made a motion to give this a positive recommendation. Ms. Hoffstaetter seconded the motion and it was denied with two AYES (from Mr. Manuel and Mr. Cerminara) and three NAYS (from Mr. Urice, Ms. Hoffstaetter and Chairman Finaldi). Mr. Urice then made a motion to give this a negative recommendation. Ms. Hoffstaetter seconded the motion and it was passed with three AYES (from Mr. Urice, Ms. Hoffstaetter and Chairman Finaldi) and two NAYS (from Mr. Manuel and Mr. Cerminara).

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8-3a Referral – Petition of Berkshire Village LLC/Jeffrey Bruno, 162, 170, 172, 174 & 176 Shelter Rock Rd. (#M14003, #M14004, #M14009, #M14010 & #M14005) for Change of Zone from RA-40 to RMF-10. Zoning Commission public hearing scheduled for January 27, 2009.

Mrs. Emminger asked if anyone had any questions about the Staff Report. Mr. Urice said the original re-zoning was in conflict with the Plan of Conservation & Development. Mrs. Emminger said this zone cannot creep any farther down the road because these properties abut the Bethel town line. Ms. Hoffstaetter pointed out that this could increase the traffic. Mrs. Emminger said if they do multi-family, they could get sixty-three units in and that would not be a special exception use. It would not require

