



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

BY: 

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ZONING COMMISSION  
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MINUTES  
OCTOBER 9, 2012

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The meeting was called to order by Chairman Robert Melillo at 7:35 PM.

Present were Sally Estefan, Theodore Haddad Jr., Rick P. Jowdy, James Kelly, Alan Kovacs, Marina Loyola, Robert Melillo, Terry Tierney and Alternates Kevin Haas and Robert Oravetz. Also present was Planning Director Dennis Elpern.

Absent were Walter Hoo and Alternate Elmer Palma.

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

Chairman Melillo said they would skip the Pledge of Allegiance because the meeting was being held in Conference Room 3C, which does not have a flag. He said they also would be tabling the acceptance of the September 11, 2012 minutes as they are not yet completed.

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Chairman Melillo announced that the matter listed under Continuation of Public hearing will be continued until the October 23, 2012 meeting. He then read a letter from Attorney Robin Kahn requesting the Petition of Toll CT III LP to Revise the Master Plan of The Reserve be continued until the next meeting. Chairman Melillo said they had opened the public hearing at the September 11, 2012 meeting and continued it without presenting any testimony.

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PUBLIC HEARING

Application for a Certification of Location Approval for an upgrade from Limited Repairer to General Repairer's license for RFD Auto Repair, LLC at 464 North Main St. (#H12073).

Mrs. Estefan read the legal notice. Two men, Flavio and Ramon, came forward and explained that they had been doing auto repairs for many years for other people. They decided to open at this site but when they brought the K-7 and map into the Planning Office, it was discovered that there was some confusion. This location has

had a general repairer's license for over forty years, but the last time the hearing was waived, it was for a limited repair license. Chairman Melillo said he and the secretary reviewed the ZBA records that were available, but before the late 1980's, waived hearings weren't even mentioned in the Zoning Board of Appeals minutes. So there was a running list of requests to waive the hearing and their outcome but that was it. Chairman Melillo said it appeared that this site was maintained for many years as a general repair facility, but then the records show that it was changed. It was noted that the property owner opposed this change, but gave in rather than lose the tenant. He then said it seemed the safest way to handle this was to hold a new hearing, so if anyone was opposed they would have the chance to speak out. There was some discussion about the physical characteristics of the site. The applicants said they would run the repair business and someone else would sell the gas, but it has been run that way for at least the past ten years.

Chairman Melillo asked if there was anyone to speak in opposition to this 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. Haddad then made a motion to move this matter to number two under the old Business on tonight's agenda. Mr. Kovacs seconded the motion and it was passed unanimously.

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#### CONTINUATION OF PUBLIC HEARING

Petition of Toll CT III LP, Saw Mill Rd & 13-37 Old Ridgebury Rd. (#A15005, #A16002, #A16004, #A17006, #B15001, #B15002, #B15005, #B16001, #B16002, #B16003, #B16004, #C15021, #C15022, #C15023, #C16012, #C16044, #C16045 & #C16046) to Revise the Master Plan of The Reserve (PND Zone). No testimony presented yet.

Chairman Melillo asked for a motion to continue this matter as discussed earlier in the meeting. Mrs. Estefan made a motion to continue this hearing until the next meeting on October 23, 2012. Mr. Kovacs seconded the motion and it was passed unanimously by voice vote.

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#### OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION

Mr. Haddad made a motion to switch the order of the petitions so they could discuss tonight's public hearing first. Mr. Kelly seconded the motion and it was passed unanimously.

Application for a Certificate of Location Approval for an upgrade from Limited Repairer to General Repairer's license for RFD Auto Repair, LLC at 464 North Main St. (#H12073).

Mr. Haddad made a motion to approve this application. Mrs. Estefan seconded the motion. Mr. Haddad said any complaints or concerns the Commission may have are based on the site, not these applicants. Mr. Elpern pointed out that they have the right to condition this with a fence. This was discussed between the Commission members and the applicants. Mr. Haddad amended his motion to state that a six foot high stockade fence must be put up on the side and rear closest to the bays, running from the bays to the property boundary. Mrs. Estefan agreed to this amendment to the initial motion. Chairman Melillo called a roll call vote and the motion to approve with the condition that they put up a fence as described was passed unanimously.

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Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sections 2.B, 3.C., 3.F. of the Zoning Regulations. (Entertainment Activities & Special Permits).

Chairman Melillo said eligible to vote on this petition are Estefan, Haddad, Jowdy, Kelly, Kovacs, Loyola, Melillo, Oravetz and Palma. Since Mr. Haas had been seated for Mr. Hoo but is not eligible, Chairman Melillo asked Mr. Oravetz to take Mr. Hoo's place for the vote on this matter. Mr. Palma is not present so there is no one else he can seat.

Mr. Haddad made a motion to approve this petition for the following reasons: These amendments will coordinate the language in the Zoning Regulations with proposed changes to the Code of Ordinances requiring Entertainment Licenses in the Downtown Revitalization Zone. They also will update long standing deficiencies and provide for greater clarity in the Zoning Regulations. He also added that these regulation changes are to become effective the same date as the effective date of the Ordinance 11-6 as approved by the City Council. Mrs. Estefan seconded the motion. Chairman Melillo asked if there was any discussion and there was none. He took a roll call vote and this petition was approved with seven votes, one not voting (Mr. Tierney) and one abstention (Mr. Jowdy).

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Chairman Melillo said there was nothing under New Business, Correspondence or For Reference Only. He asked if anyone had anything to discuss under Other Matters and there was nothing.

At 8:25 PM, Mrs. Estefan made a motion to adjourn. Mrs. Loyola seconded the motion and it was passed unanimously.