



**CITY OF DANBURY**  
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**ZONING COMMISSION**  
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**MINUTES**  
**AUGUST 28, 2018**

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

Present were Sally Estefan, Andrea Gartner, James Kelly, Robert Melillo and Alternate Thomas Nejame. Also present was Planning Director Sharon Calitro.

Absent were Luis Batista, Milan David, Theodore Haddad Jr., Angela Hylenski, Rick P. Jowdy, and Alternate Michael Masi.

Chairman Melillo announced that Alternate Zachary Eriquez has resigned from the Commission, as he will be attending school in another state. He then asked Mr. Nejame to take Mr. David's place for the items on tonight's agenda.

Chairman Melillo led the Commission in the Pledge of Allegiance.

Mrs. Estefan made a motion to accept the July 24, 2018 minutes. Ms. Gartner seconded the motion and it was passed unanimously.

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**PUBLIC HEARINGS:**

Mrs. Estefan read the legal notice for both petitions.

Application of Speed Auto LLC, 133 White Street (I13190) for a Certificate of Location Approval for a Motor Vehicle General Repairer's License in the CG-20 Zone.

Chairman Melillo said this location has received a site approval for this use from the Planning Department and copies of it were included in the member's packets.

Attorney Michael Cruz from Ventura Law spoke in favor of this application. He said this site is also known as Bisons Plaza and is located across the street from Leahy's. He said the building is approximately 15,000 sq.ft. and has been previously used as a repair shop. It is divided into three separate shops and at the other end of the plaza is a used car dealership. He said the Zoning Enforcement Officer visited this site to determine which area would be occupied by each business. After reviewing the updated site plan, prepared by CCA, LLC, he and the planner determined that given the existing condition of the property, this is a good use for this site.

Chairman Melillo asked Attorney Cruz if the applicant is aware that he cannot sell cars from this site. Attorney Cruz said he is aware and only wants to do repairs. Ms.

Gartner asked what is proposed for the third unit on the site. Attorney Cruz said it is available for rent now; and each unit has been assigned nine parking spaces. Chairman Melillo explained that the Planning & Zoning Dept. has been working with the applicant on cleaning up this site for about 3-4 months.

Chairman Melillo asked Mrs. Calitro for staff comments. Mrs. Calitro referred to the approval letter prepared by the Associate Planner that specifically lists that retail auto sales are prohibited for this site. She said the revised site plan also lists what business is in each space as well as what parking goes with each.

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

Mrs. Estefan made a motion to close the public hearing. Ms. Gartner seconded the motion and it was passed unanimously.

Chairman Melillo then asked Attorney Cruz if he wants them to vote with only five members present and Attorney Cruz said he did want them to vote. Mr. Kelly made a motion to move this application to item #1 under the Old Business on tonight's agenda. Mrs. Estefan seconded the motion and it was passed unanimously.

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Petition of The Women's Center of Greater Danbury, Inc. to Amend Secs. 2.B., 6.A.2. & 6.A.5. of the Zoning Regulations. (Add "Transitional Housing Facility" to the IL-40 Zone.)

Chairman Melillo said Mrs. Estefan already read the legal notice at beginning of previous public hearing. He then read the Planning Department Staff Report dated August 9, 2018 and the Planning Commission 8-3a recommendation which was positive.

Attorney Peter Olson spoke in favor of this petition. He said he has been working closely on this "theoretical" project with a team including City Officials, an Environmental Consultant and Pat Zachman from the Womens's Center. He said they have been awarded over one million dollars from the State Brownfields project to be used to clean up this site. Additionally, they have been actively fund raising because they need to be sure that the land is cleaned before they build the proposed structure. He said the site is 89 Rose Hill Ave, which is the former Mallory hat factory. If this amendment is approved, they hope to be in front of the City Boards before the end of this year. He said the Planning Commission had expressed concern about whether the maximum of twenty beds includes staff quarters. He clarified this saying they will have offices for the on-duty staff but none of them should be sleeping on the premises. They will work a shift and be relieved by the person who is working the next shift. Mr. Nejame asked if this would be just for women. Attorney Olson said women and children. Chairman Melillo said this is a gender neutral amendment that applies to victims of domestic violence and sexual assault. Ms. Gartner asked about the minimum lot area versus the twenty bed limit. Mrs. Calitro said the proposed language states a four acre minimum lot size and a maximum of twenty beds, so they would

need a special exception approval for every twenty beds they intended to have on the premises. Mr. Kelly asked if a woman with four children would have just one room for all of them. Attorney Olson said they have not gotten into the design phase yet but they anticipate having a door between adjoining rooms so they could stay together as a family unit. Since there were no other questions, Chairman Melillo asked if there was anyone else to speak in favor of this petition.

Thomas Saadi, City Council Member, said they have a great opportunity here to approve this petition. The specific lot is not developable except at great cost, but this partnership will allow the proposal to move forward. He said they should put this into context and in his experience with the veteran's transitional housing, he has seen how much good this can do for the community. Lastly he commended the Women's Center for all of their work and for reaching out to both the public and private sectors.

Joe Cavo, President of the City Council, said he is here representing the mayor and the City Counsel who asked him to come and request they approve this petition.

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

Chairman Melillo asked Attorney Olson if he wanted them to vote tonight with the five member board. Attorney Olson asked if anyone had any other questions for him and there were none, so he asked that they vote tonight. He explained that they want this to move forward, so the City can remediate the site in the springtime and they can start building in the fall.

Mrs. Estefan made a motion to close the public hearing. Mr. Kelly seconded the motion and it was passed unanimously. Ms. Gartner made a motion to move this to item #2 under the Old Business on tonight's agenda. Mr. Kelly seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

Application of Speed Auto LLC, 133 White Street (I13190) for a Certificate of Location Approval for a Motor Vehicle General Repairer's License in the CG-20 Zone.

Mrs. Estefan made a motion to approve this application for the following reason:

- The location has been found suitable for the business intended with due consideration to its location in reference to schools, churches, theaters, traffic conditions, width of highway and effect on public travel.

Mr. Nejame seconded the motion. Chairman Melillo took a roll call vote the motion to approve this application was passed by a 5-0 vote with four members not voting.

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Petition of The Women's Center of Greater Danbury, Inc. to Amend Secs. 2.B., 6.A.2. & 6.A.5. of the Zoning Regulations. (Add "Transitional Housing Facility" to the IL-40 Zone.)

Chairman Melillo reminded the Commission members of the findings they must make in order to approve this petition. Mr. Kelly made a motion to approve this petition for the following reasons:

- This use is compatible with the other uses permitted in IL-40 and the proposed language includes the specific use regulations necessary to address the need for temporary transitional housing. This is consistent with the Plan of Conservation & Development because victims of domestic violence and sexual assault should be included in the noted special needs population. Lastly it will not negatively impact the health, safety and welfare of the general public.

Mrs. Estefan seconded the motion. Chairman Melillo took a roll call vote and the motion to approve was passed by a 5-0 vote with four members not voting. Chairman Melillo then noted that this amendment would become effective the day after publication in the News-Times.

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NEW BUSINESS:

Petition of Toll CT III LP to Revise the Master Plan of The Reserve, 2018 Addendum, Saw Mill & Old Ridgebury Rds. (Tax Assessor's lot #'s C16022, C16022-1, A16004, A16002, B15001, B15002, B16003, B16002, B16001, B16004, C16044, C16012, C16046, C15021, C15022, C15023, B15005, A15005, A17006, B15001, B15002, B15004, & C16045), PND Zone.

Mrs. Estefan made a motion to accept this petition, schedule the public hearing for October 23, 2018, refer it to the Planning Commission and any other required agencies for a report and put it on file in the Town Clerk's office. Mr. Nejame seconded the motion and it was passed unanimously.

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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 there is nothing scheduled for the September 11, 2018 meeting, that meeting will be cancelled. The secretary will send out a cancellation notice.

At 8:20 PM with no further business to discuss, Mrs. Estefan made a motion to adjourn. Mr. Nejame seconded the motion and it was passed unanimously.