



**CITY OF DANBURY**  
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**ZONING COMMISSION**  
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**MINUTES**  
**OCTOBER 22, 2019**

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

Present were Milan David, Candace Fay, Andrea Gartner, Angela Hylenski, James Kelly, Robert Melillo and Alternate Sidney Almeida. Also present was Planning Director Sharon Calitro

Absent were Luis Batista, Sally Estefan, Rick P. Jowdy and Alternates Michael Masi and Thomas Nejame.

Chairman Melillo asked Mr. Almeida to be seated for Mr. Jowdy for the all the items on tonight's agenda.

Mr. David the Commission in the Pledge of Allegiance.

Mrs. Fay made a motion to accept the September 4, 2019 & September 24, 2019 minutes. Mr. Almeida seconded the motion and it was passed unanimously.

Chairman Melillo said the next regularly scheduled meeting is on November 12, 2019 but we may not need to hold it as we have no new business for that agenda.

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**PUBLIC HEARINGS:**

Petition of the City of Danbury by Antonio Iadarola, Director of Public Works, to Amend Secs. 6.A.2.b., 6.A.5.g., 4.D.2.b., 4.D.5., 4.G.4., & 7.F.3.b. of the Zoning Regulations. (Delete "transitional housing" from IL-40 zone; add to RH-3 zone with specific use regulations.)

Chairman Melillo read the legal notice and the Planning Department Staff Report dated September 9, 2019. Mrs. Hylenski read the Planning Commission recommendation which was positive. Chairman Melillo said this was also sent to WestCOG and we received the standard response from them: "the proposal is of local interest and with minimal intermunicipal impact, therefore it is not being forwarded to adjacent municipalities and the regional staff is making no comment".

Antonio Iadarola, Director of Public Works/City Engineer spoke in favor of this petition. He said he is representing both the City and Women's Center. He explained

the project and said the Staff Report really covers everything. He said this use was defined and added the Zoning Regulations in 2018, but since that time, it has been determined that this does not need to be in the IL-40 zone. This request will delete the language from IL-40 and add it to the RH-3 zone. He said they are working with the State redevelopment to get this project going. He said this change will comply with the Plan of Conservation & Development (POCD) and it is really better suited to the RH-3 zone. He said the Planning Commission gave this a positive recommendation and offered to answer questions from the Commission. There was some discussion regarding the ownership of the site and the possibility of there being more than one of these facilities in the City.

Chairman Melillo asked if there was anyone to speak in opposition to this application and there was no one. He asked Mrs. Calitro if she had any additional staff comments and she said everything is in the staff report.

Mrs. Hylenski made a motion to close the public hearing. Mr. David seconded the motion and it was passed unanimously. Mr. Kelly made a motion to move this matter to item #1 under the Old Business on tonight's agenda. Mr. Almeida seconded the motion and it was passed unanimously.

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Petition of the City of Danbury by Antonio Iadarola, Director of Public Works, 89 & 95 Rose Hill Avenue & Portion of 26 Franklin Street (H13166, H13176 [IL-40], & Portion of H13033 [R-3]) for a Change of Zone from IL-40/R-3 to RH-3.

Chairman Melillo read the legal notice and the Planning Department Staff Report dated September 9, 2019, and revised September 18, 2019. Mrs. Hylenski read the Planning Commission recommendation which was positive.

Antonio Iadarola, Director of Public Works/City Engineer spoke in favor of this petition. He said he is representing both the City and Women's Center. He said again there is not much he can add since the Staff Report really covers everything. He noted that the Planning Commission also gave this a positive recommendation and it does comply with the growth management policy in the POCD. He said when the petition was being prepared, it was discovered that all three of the parcels are part of one deed for the former hat factory parcel. Mrs. Fay asked if the intent is for this to be use by clients of the Women's Center. Mr. Iadarola said it not only for clients, but intended for use by any person who needs it. Ms. Gartner asked if this site falls within the boundaries of the Downtown Revitalization Zone (DRZ) and if not, why it affects the DRZ. Mrs. Calitro explained that it since there are parcels zoned RH-3 in the DRZ, it would be allowed on those parcels.

Chairman Melillo asked if there was anyone to speak in opposition to this application and there was no one. He asked Mrs. Calitro if she had any additional staff comments and she said everything is in the staff report.

Mrs. Fay made a motion to close the public hearing. Mrs. Hylenski seconded the motion and it was passed unanimously. Mrs. Hylenski made a motion to move this matter to item #2 under the Old Business on tonight's agenda. Mrs. Fay seconded the motion and it was passed unanimously.

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Application of Fabio A. Rodrigues/Safe Auto Financing, 233 White Street (J13146), for a Certificate of Location Approval for a Used Motor Vehicle Dealer's License in the CG-20 Zone.

Chairman Melillo read the legal notice.

Fabio Rodriguez spoke in favor of this application. He said he is a full time police officer and a US Marine veteran who has lived in Danbury his entire life. He said his business is currently located in New Milford, but much of his business is with Danbury residents so he would like to relocate to this site. He said he has established relationships with many local banks and can get financing for people who need extra help. He said he is selling between 20-30 vehicles per month and he plans to hire twenty people to work at this site. Chairman Melillo asked him if this will be his only location. Mr. Rodriguez said yes, he has signed a ten year lease. Chairman Melillo described the stipulations that were imposed in 1994 which limit where cars to be repaired can be parked. Mr. Rodriguez said he does not do repairs because the cars he gets do not need them. Chairman Melillo said he will be asking to put the same stipulation on this even though it does not apply to Mr. Rodriguez's business. Mr. Rodriguez said this is a big investment for him so he intends to stay on this site. Chairman Melillo asked how many cars he has in stock. Mr. Rodriguez said he buys pre-owned inventory vehicles and the first one in, is the first one out. He said he only keeps cars in his stock for about thirty days. Chairman Melillo asked him where he will store the extra vehicles since he only has twenty spaces available on this site. Mr. Rodriguez said there is a warehouse where he can store the overflow. Chairman Melillo clarified for the Commission that there are two uses approved for this building and each has designated parking spaces. There were no other questions.

Also speaking in favor of this was Danny Silva, who identified himself as a Danbury resident. He said he wanted to attest to Mr. Rodriguez's character as a hard working full-time police officer in Stamford, CT who also runs his business in New Milford. He said Mr. Rodriguez currently has 5-6 people working for him in New Milford. He said this will be an asset to Danbury.

Chairman Melillo asked if there was anyone to speak in opposition to this application and there was no one. He asked Mrs. Calitro if she had any staff comments and she said there were none.

Mrs. Fay made a motion to close the public hearing. Mr. Almeida seconded the motion and it was passed unanimously. Ms. Gartner made a motion to move this matter to item #3 under the Old Business on tonight's agenda. Mrs. Hylenski seconded the motion and it was passed unanimously.

OLD BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

Petition of the City of Danbury by Antonio Iadarola, Director of Public Works, to Amend Secs. 6.A.2.b., 6.A.5.g., 4.D.2.b., 4.D.5., 4.G.4., & 7.F.3.b. of the Zoning Regulations. (Delete “transitional housing” from IL-40 zone; add to RH-3 zone with specific use regulations.)

Chairman Melillo read from the staff report the findings that must be made in order for the Commission to approve this amendment.

Mr. David made a motion to approve this petition for the following reasons: The addition of this use is (1) consistent with the POCD, (2) meets the purpose and intent of the RH-3 district and is compatible with the other RH-3 Zoning District uses, and (3) will not negatively impact the health, safety and welfare of the general public. Mrs. Fay seconded the motion. Chairman Melillo took a roll call vote and the motion was passed 7-0 with 2 members not voting.

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Petition of the City of Danbury by Antonio Iadarola, Director of Public Works, 89 & 95 Rose Hill Avenue & Portion of 26 Franklin Street (H13166, H13176 [IL-40], & Portion of H13033 [R-3]) for a Change of Zone from IL-40/R-3 to RH-3.

Chairman Melillo read from the staff report the findings that must be made in order for the Commission to approve this amendment.

Mrs. Hylenski made a motion to approve this petition for the following reasons: This proposal is consistent with several of the policies and recommendations in the POCD, it meets the purpose and intent of the RH-3 zone, and will permit development of an environmentally-challenged and isolated lot so it is consistent with adjacent zoning districts. Mrs. Fay seconded the motion. Mrs. Calitro pointed out that this decision needs to become effective two days after publication, so the amendment will be in effect. Chairman Melillo took a roll call vote and the motion was passed 7-0 with 2 members not voting.

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Application of Fabio A. Rodrigues/Safe Auto Financing, 233 White Street (J13146), for a Certificate of Location Approval for a Used Motor Vehicle Dealer’s License in the CG-20 Zone.

Chairman Melillo reminded the Commission members of the criteria that must be met for this type of application.

Mr. David made a motion to approve this application for the following reasons: 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. Ms. Gartner seconded the motion. Chairman Melillo asked to make a friendly amendment to the motion by adding this stipulation to the approval: Cars to be repaired are not to be left overnight in front of the building; they must be inside or in the rear of the building. Cars for sale must be parked in the designated spots. Mr. David and Ms. Gartner agreed to add the stipulation. Ms. Gartner then asked what he means by repair. Chairman Melillo said we do not want to see cars with parts missing from them such as cars with no tires. Mr. Kelly asked why restrict this site when the dealerships on Federal Road don't have these kinds of restrictions on them. Chairman Melillo said although the applicant has said he does not intend to do any repairs; this is a common stipulation for smaller sites that sell used cars and do repairs on the premises. He then took a roll call vote and the motion including the stipulation was passed with 7-0 vote and 2 members not voting.

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#### NEW BUSINESS:

Petition of DP110, LLP to Amend Sections 2.B. and 5.F.2.a. of the Zoning Regulations. (Add "Skating Rink" definition, Amend "Amusement Enterprise, Indoor" definition, and Add "Amusement Enterprise, Indoor" to C-CBD zone.) Public hearing scheduled for November 26, 2019.

Ms. Gartner made a motion to accept this petition, refer it to the Planning Commission for a recommendation, put on file in the Town Clerk's office, and forward to any other agencies as may be required. Mrs. Fay seconded the motion and it was passed unanimously.

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Chairman Melillo said there is a Cease & Desist Order listed under Correspondence. He added that it is listed on the agenda as an information item, so the Commission can see that the Zoning Officers are doing their jobs. He said there was nothing listed under For Reference Only. He asked if anyone has anything to discuss under Other Matters and there was nothing. Chairman Melillo then wished everyone who is running for re-election good luck in the coming elections.

At 8:35 PM, with no further business to discuss, Mrs. Fay made a motion to adjourn. Mr. Almeida seconded the motion and it was passed unanimously.