



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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ZONING COMMISSION
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MINUTES
NOVEMBER 13, 2012

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

Present were Theodore Haddad Jr., Alan Kovacs, , Robert Melillo and Alternates Kevin Haas, Robert Oravetz and Elmer Palma.

Absent were Sally Estefan, Walter Hoo Jr., Rick P. Jowdy, James Kelly, Marina Loyola and Terry Tierney.

Chairman Melillo explained that Mr. Elpern was not feeling well this evening so he was not present. He then asked Mr. Haas to take Mr. Hoo's place, Mr. Oravetz to take Mr. Kelly's place and Mr. Palma to take Mrs. Loyola's place for the items on tonight's agenda.

Chairman Melillo said the next regular meeting is scheduled for November 27, 2012, but they have no new public hearings scheduled and it is past the legal advertising deadline. This means that if they take action on the matters on tonight's agenda, then that meeting will be cancelled because there will be nothing to put on the agenda.

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

Mr. Haddad made a motion to accept the September 11, 2012 & October 9, 2012 minutes. Mr. Kovacs seconded the motion and it was passed unanimously.

Chairman Melillo said the following petition which had the public hearing opened but no testimony presented has been withdrawn:

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).

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PUBLIC HEARING:

Petition of Four Star Realty LLC for Expansion of an Existing Restaurant Liquor License for Stanziato's LLC at 35 Lake Ave. Extension (#F16002).

Chairman Melillo read the legal notice. He said this license was originally approved in March 2010 for the same applicant. A site plan waiver was approved for the expansion of this business into an adjacent storefront.

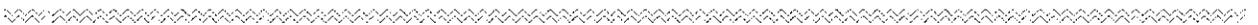
Attorney Gary Michael Jr. spoke in favor of this. He said he is the landlord for this property in addition to representing the applicant. He said the hair salon vacated the adjacent storefront in February of 2012. He knew that Mr. Stanczak was looking to expand his business, so he offered the space to him.

Matt Stanczak said they will create an opening between the two units, but the additional space will be used for a sit-down bar. He currently has a few seats, but often people want to sit and have a beer with a slice of pizza. He said he has two partners and they plan to brew a small amount of beer onsite to serve their customers, so part of the space will be used for that too. Chairman Melillo asked if the bar will close the same time as the dining area. Mr. Stanczak said they might stay open an hour later, the food is usually done by 9 PM. Mr. Haddad asked if the intent is to create a sit-down bar area and Mr. Stanczak said that is correct, but he did not want to disrupt the restaurant area. Mr. Haddad asked if there will be any live entertainment and Mr. Stanczak said no live entertainment, just television.

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

Chairman Melillo then said since Mr. Elpern was not here, he wanted to remind the Commission of the provisions in Section 3.F.2. of the Zoning Regulations which specify the findings that the Commission must make in order to approve a Special Permit. This same section also says that the Commission has the right to impose any conditions necessary to ensure compliance with this section of the Regulations.

Mr. Haddad made a motion to close the public hearing. Mr. Palma seconded the motion and it was passed unanimously. Mr. Haddad then made a motion to move this to item one under the Old Business on tonight's agenda. Mr. Palma seconded the motion and it was passed unanimously.



Mr. Haddad made a motion to deviate from the order of the agenda and to move the Old Business to before the New Business. Mr. Palma seconded the motion and it was passed unanimously.

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION

Petition of Four Star Realty LLC for Expansion of an Existing Restaurant Liquor License for Stanziato's LLC at 35 Lake Ave. Extension (#F16002).

Mr. Haddad made a motion to approve this petition for the following reasons:

- This is an expansion of an existing facility that has been in business for several years with no problems; and this expansion will not have a detrimental effect on the character of the surrounding neighborhood or any specific business within the area.

Mr. Kovacs seconded the motion. Chairman Melillo took a roll call vote and the motion was passed with six votes in favor and three not voting.

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NEW BUSINESS:

Petition of Danbury Peachwave, LLC, c/o Robert Gleason to Amend Sections 2.B., 5.A.2.a., 5.B.2.a. & 5.F.2.a. of the Zoning Regulations. (Add Ice Cream/Frozen Yogurt Store as permitted use to CG-20, CA-80 & C-CBD Zones.) Public hearing scheduled for December 11, 2012.

Mr. Palma made a motion to accept this petition and refer it to the Planning Commission for their recommendation. Mr. Haas seconded the motion and it was passed unanimously.

Chairman Melillo said another petition had been received right after the agenda was sent out, so they need a motion to add it to the agenda. Mr. Kovacs made a motion to add this petition to the New Business on tonight's agenda. Mr. Palma seconded the motion and it was passed unanimously

8-3a Referral – Petition of First-Cut Holdings, LLC, Sawmill & Turner Rds. (Portion of #A17001) for Change of Zone from IL-40 to RMF-6. Public hearing scheduled for January 8, 2013.

Mr. Palma made a motion to accept this petition and refer it to the Planning Commission for their recommendation. Mr. Oravetz seconded the motion and it was passed unanimously.

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Chairman Melillo asked if there was anything to discuss under Other Matters and there was nothing. There also was nothing under Correspondence or For Reference Only. He also confirmed that the November 27, 2012 meeting would be cancelled. He added that the secretary would send out a cancellation notice.

At 8:00 PM, Mr. Kovacs made a motion to adjourn. Mr. Haas seconded the motion and it was passed unanimously.