



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

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**ZONING COMMISSION**  
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**MINUTES**  
**FEBRUARY 6, 2023**

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The Special meeting was called to order by Chairman Theodore Haddad Jr. at 7:30 PM.

Present were Michael Coelho, Milan David, Candace Fay, Ryan Hawley, Angela Hylenski, Rick P. Jowdy, Robert Melillo, Theodore Haddad Jr., and Alternate Olga Mejia. Also present was Planning Director Sharon Calitro.

Absent were Joseph Raya, and Alternates Bruce Bennett, and Edwin Duran. Chairman Haddad asked Ms. Mejia to take Mr. Raya's place for the items on tonight's agenda.

Chairman Haddad led the Commission in the Pledge of Allegiance.

Mrs. Hylenski made a motion to accept the January 10, 2023 minutes. Mrs. Fay seconded the motion and it was passed unanimously by voice vote with nine ayes (from Mr. Coelho, Mr. David, Mrs. Fay, Mr. Hawley, Mrs. Hylenski, Mr. Jowdy, Mr. Melillo, Ms. Mejia, and Chairman Haddad).

Chairman Haddad explained that this special meeting was scheduled because they have to make a recommendation on a ZBA Referral. He said they have no business for the regular meeting which was scheduled for February 14, 2023, and the Zoning Board of Appeals is going to open the public hearing on the use variance application on Thursday of this week. He said the Planning Commission made their recommendation at their regular meeting held last week.

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**NEW BUSINESS:**

ZBA Referral - Application #22-29: OTROP Investments, LLC (Property Owner), Mazzucco, Esq. & Lichtenauer, Esq. (Agents); 61 Liberty St. (114304), RMF-4 Zone. USE VARIANCE. Sec. 4.B.2 in accordance with Secs. 9.C.1.a. & 11.B.2.b.: to allow change in use from one non-conforming use (club) to another non-conforming use (restaurant serving liquor) in the RMF-4 Zone and Sec. 3.F.2.: to allow Special Permit Use in RMF-4 Zone. ZBA Public Hearing scheduled for February 9, 2023.

Chairman Haddad called on Mr. Melillo to present the ZBA Subcommittee report. Mr. Melillo said that the subcommittee (consisting of himself, Mr. David, Mrs. Hylenski, and

Mr. Jowdy) had met earlier and had reviewed the application and the Planning Department Staff Report dated January 31, 2023. He reminded everyone that granting a use variance gives one property rights that other properties located in the same zone do not have. He said some of the old use variances that were granted are still hanging around and the non-conformities that they created are causing problems when it comes to reuse of the site. He continued saying that good zoning practice dictates that we eliminate non-conformities whenever possible. And the granting of this variance will open the door to the other properties coming in for the same type of variance. He said the Staff Report points out that there is a feasible option available to this applicant. That being re-zoning this site to the C-CBD zone, which is located directly across the street. He explained that the C-CBD zone permits restaurants with liquor licenses, which would make that use on this site conforming. He asked Mrs. Calitro to elaborate on this process. Mrs. Calitro spoke briefly saying that when they worked on the new Plan of Conservation & Development, they spent extra time on the C-CBD zone. She said it is a mixed use zone that permits residential as well as commercial uses and is better suited to this stretch of Liberty Street. Mr. Coelho said he does not agree because thinks this would be a good use for this area. He continued pointing out that there are other non-conforming uses on the street; listing the auto sales, the market, the pizzeria, and other commercial uses on the street. Mrs. Calitro said this is not about the proposed use, it is about the fact that going for a variance is not the best way to achieve it. She said she stated it in the Staff Report that it makes much more sense to change the zone because what they want to do is a permitted use in C-CBD. Chairman Haddad then said the applicant could get other properties in this area to join him and also apply for re-zoning. At this point, Mr. Melillo made the motion to give this a negative recommendation and to attach the Planning Department Staff Report to their written recommendation. He stated the following reasons for the motion:

- (1) Granting this variance would allow a more intense use of the site than the intent of the Zoning Regulations allow.
- (2) This variance application does not meet the hardship conditions set forth in Section 11 of the Zoning Regulations for granting a variance.
- (3) A variance should not be used to accomplish what is in effect a substantial change in the uses permitted in the zone.
- (4) Rezoning this lot to C-CBD would be more consistent with the Plan of Conservation and Development than issuing variances.

Mr. Jowdy seconded the motion and it was passed with eight ayes (from Mr. David, Mrs. Fay, Mr. Hawley, Mrs. Hylenski, Mr. Jowdy, Mr. Melillo, Ms. Mejia, and Chairman Haddad) and one nay (from Mr. Coelho).

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Chairman Haddad said that there was nothing under Correspondence, Old Business, or Other Matters. He pointed out that listed under For Reference Only was the notation that the Pembroke Road Zone Change petition has been rescheduled to the February 28, 2023 meeting. And the South Street Zone Change petition which was scheduled for March 14, 2023 public hearing has been withdrawn.

At 7:55 PM, with no further business to discuss, Mr. David made a motion to adjourn. Mr. Jowdy seconded the motion and it was passed by voice vote with nine ayes (from Mr. Coelho, Mr. David, Mrs. Fay, Mr. Hawley, Mrs. Hylenski, Mr. Jowdy, Mr. Melillo, Ms. Mejia, and Chairman Haddad).

Respectfully submitted,



JoAnne V. Read  
Planning Assistant