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DANBURY TOWN CLERK
2023 APR - 3 P 2: 38

MINUTES
FEBRUARY 28, 2023

The meeting was called to order by Chairman Theodore Haddad Jr. at 7:39 PM.

Present were Michael Coelho, Candace Fay, Ryan Hawley, Angela Hylenski, Rick P. Jowdy, Robert Melillo, and Theodore Haddad Jr.

Absent were Milan David, Joseph Raya, and Alternates Bruce Bennett, Edwin Duran, and Olga Mejia.

Chairman Haddad led the Commission in the Pledge of Allegiance.

Mr. Jowdy made a motion to accept the February 6, 2023 minutes. Mr. Coelho seconded the motion and it was passed unanimously by voice vote with seven ayes (from Mr. Coelho, Mrs. Fay, Mr. Hawley, Mrs. Hylenski, Mr. Jowdy, Mr. Melillo, and Chairman Haddad).

PUBLIC HEARING:

Petition of 3775 LLC (as Applicant), 1, 3, & unnumbered lot Pembroke Road (G08029 [owned by Robert Morsey], G08030 & G08098, [owned by 3775 LLC]) for Change of Zone from RA-40 to RA-20.

Chairman Haddad read the legal notice regarding this application and the Planning Commission (8-3a) recommendation into the record. Mrs. Calitro then read her staff report dated January 26, 2023. She also noted that there is a letter in the file from Robert Morsey consenting to including his property in this petition.

Attorney Neil Marcus spoke in favor of this petition. He described the benefits that rezoning this parcel to RA-20. He the new Plan of Conservation & Development (POCD) was adopted in December 2022 and one of the big issues for the City is providing more affordable housing. He said the subject properties are non-conforming as are a lot of the properties on Pembroke Road. He said with him this evening is civil engineer Ben Doto, who will address why the RA-20 zone is the right one for the subject parcels.

PE Benjamin Doto, III, said he had watched the public hearing for the previous petition to rezone these parcels to multi-family. He said he had looked at the RA-40 zone but that zone does not permit flag lots and four single family lots would need four driveways. He said he then looked at a cluster development which would allow density but would

only require one driveway and would provide an open space area. He presented conceptual drawings of a traditional single family development and a cluster development. He said with only one driveway, they could shift it as far away from the intersection as possible. The cluster concept allows nine homes off of one private driveway and also includes a commonly owned open space area. He said with this proposal they can lower the grade along the front of the lot which would enhance the line of sight on Route 37. He said this proposal alleviates a lot of the traffic issues. Mr. Jowdy and Mr. Melillo asked questions regarding the number of units that would be permitted by the various zones that had been discussed. Mr. Doto said the RA-40 zone would permit four houses, the RA-20 zone (as a cluster) would permit probably nine, and the RMF-10 zone (that was proposed in the previous petition), probably about twenty-two units. He added that by the time you cut up the lots, it just makes more sense to consider the cluster development.

At this point Attorney Marcus said he wanted to give a quick summary of what has been said. He said based on the information in the staff report and the conceptual plan presented by Mr. Doto, a cluster development for this site would allow significant roadway improvements without actually doing anything to Pembroke Road. He said everyone is aware of the difficulty the existing situation causes. He said the applicant really has no interest in a traditional subdivision, because the cluster proposal seems like a better use of the site without being detrimental to the existing traffic issues. Mr. Coelho asked what the approximate size of the houses would be if this were approved for a cluster. Mr. Doto said they would not be big houses, maybe under 3,000 square feet with a deck and a garage. Mr. Coelho said it seems like the development of this site would be much safer with one driveway versus several driveways. Mr. Doto said a benefit of the cluster would be to get rid of the existing driveways used to access these parcels.

Chairman Haddad asked if there was anyone to speak in opposition and two people raised their hands.

Ken Gucker, 89 Padanaram Road, said he is opposed to this for the same reasons he was when they proposed multi-family development for this site. He said Mr. Doto's plan is ambitious. He added that the sight lines are a big concern as is the amount of disruption that developing this site will cause. He said the only reason Stetson Place got built was because it was built under the 8-30g statute which allows affordable housing developments. He added that they did not get the number of units they originally wanted because the property could not support them. He said the subject property goes straight up and will require massive amounts of earth to be moved. He said he just does not see this proposal actually working out due to the developmental issues on the site. He said he has been contacted by many of his neighbors who are also in opposition. He said the property owner knew what he was getting when he bought these properties and their idea of a cluster development is the only way they can maximize their profit.

Deborah Kennedy, 71A Padanaram Road, said she already has a terrible time getting out of her driveway and development on these lots will only make it worse. She said they are not proposing to change the road and putting more houses will make it more dangerous. She said this site is not flat and will need a lot of blasting in order to develop it. She then said her husband wanted to speak also. Shawn Kennedy of the same address, said he was a pipeline welder and the topography of this site is not suited to a cluster development. He said the blasting procedure is different based on the number

of structures being proposed and blasting these lots will have an impact on all of the surrounding properties. He added that they still have settlement issues in their home from the blasting when Stetson Place was built.

Attorney Marcus said Mr. Doto would speak in rebuttal to the opposition's comments. Mr. Doto said developing these under the current RA-40 zoning would allow four lots with four separate driveways. He added that it also would prevent them from fixing the sightline grade which is a benefit of the cluster proposal. He said the blasting for a cluster development would not require more blasting than an RA-40 development. He said the Commission should focus on the issues pointed out in the Planning Department staff report. He said their cluster plan would allow for improvement of the sight lines and the final design would have contours and a grade change. He added that no matter what is put on these lots, blasting will be required. He then said the cluster proposal would go before the Planning Commission and the neighbors would have the right to speak at the public hearing. Development under the RA-40 zone would only require a building permit. There would only be oversight of the development if this goes to the Planning Commission.

Chairman Haddad asked if any of the Commission members had additional questions and there were none. Mr. Melillo said they all know that Pembroke Road is unique and negatives exist, but they have to consider that all of the property owners have rights to develop their properties. Chairman Haddad then reminded the Commission members to be sure to look at the last paragraph of the staff report because it states the issues that they should be considering.

Mrs. Fay made a motion to close the public hearing. Mr. Hawley seconded the motion and it was passed unanimously by voice vote with seven ayes (from Mr. Coelho, Mrs. Fay, Mr. Hawley, Mrs. Hylenski, Mr. Jowdy, Mr. Melillo, and Chairman Haddad).

Chairman Haddad said that there was nothing under Correspondence, Old Business, New Business, or Other Matters. He pointed out that listed under For Reference Only was the notation that this Commission will hold an Executive Session to discuss the litigation for 3 Lake Avenue Extension vs the City of Danbury Zoning Commission. He said to clarify the Executive Session procedure, Corporation Counsel will present a proposed settlement offer to the Commission. The Commission needs to determine if they want Corporation Counsel to proceed with the lawsuit or if they want to hold a public hearing on the proposed settlement. If they decide to hold a public hearing, then it would be noticed and the public would have the opportunity to speak.

At 9:02 PM, with no further business to discuss, Mr. Jowdy made a motion to adjourn. Mrs. Fay seconded the motion and it was passed by voice vote with seven ayes (from Mr. Coelho, Mrs. Fay, Mr. Hawley, Mrs. Hylenski, Mr. Jowdy, Mr. Melillo, and Chairman Haddad).

Respectfully submitted,



JoAnne V. Read
Planning Assistant