



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES
MARCH 28, 2023

The IN PERSON meeting was called to order by Chairman Theodore Haddad Jr. at 7:35 PM.

Present were Michael Coelho, Milan David, Candace Fay, Ryan Hawley, Angela Hylenski, Rick P. Jowdy, Robert Melillo, Joseph Raya, Theodore Haddad Jr., and Alternate Olga Mejia. Also present were Assistant Corporation Counsels Daniel Casagrande and Robin Edwards.

Absent were Alternates Bruce Bennett and Edwin Duran.

Chairman Haddad led the Commission in the Pledge of Allegiance.

Mrs. Hylenski made a motion to accept the February 28, 2023 minutes. Mr. Coelho 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, Mr. Raya, and Chairman Haddad).

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

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.

Mr. David and Ms. Mejia both said they had watched the video and reviewed the file so they are eligible to vote on this. Mr. Raya stated that he had not watched the video so he was not eligible. Chairman Haddad asked Ms. Mejia to take Mr. Raya's place for the discussion and possible vote on this item.

Mr. Hawley made a motion to approve this petition. Chairman Haddad asked for a second to the motion and there was none, so the motion died. Chairman Haddad asked if anyone wanted to make a motion to deny and there was no response from the Commission members. He then said they would bring this up again at the next meeting.

RECEIVED FOR RECORD
DANBURY TOWN CLERK

2023 MAY 15 P 2: 32

BY: *KC*

NEW BUSINESS:

Petition of the City of Danbury by Sharon B. Calitro, Planning Director to Amend Section 3.G.11. of the Zoning Regulations. (Revise Electric Vehicle Charging (EVC) Stations regulation to comply with Section 5 of Public Act 22-25.) Public hearing scheduled for April 25, 2023.

Mrs. Fay 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. Mr. Jowdy 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, Mr. Raya, and Chairman Haddad).

Petition of the City of Danbury by Sharon B. Calitro, Planning Director to Amend Secs. 2.B., 3.G., & 10.B.2. of the Zoning Regulations. (Amend definition of accessory use to clarify the size of an accessory use in relation to the principal use, establish outdoor dining as an accessory use to a licensed restaurant pursuant to Public Act 22-1, Sec. 2, outline the process and requirements for an outdoor dining permit, and add a fee for an outdoor dining accessory use permit and its renewal. Public hearing scheduled for April 25, 2023.

Mrs. Fay 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. Hylenski 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, Mr. Raya, and Chairman Haddad).

Petition of Luis D. Matailo (property owner) for Billy Beans Café II, 86-90 White Street, [Former Meeker's Hardware Building - First Floor Only], (I13053 & I13054) for a Special Permit for Café Liquor License in the C-CBD Zone. Public hearing scheduled for April 11, 2023.

Chairman Haddad noted that this type of petition does not require any referrals and would be on file in the Planning & Zoning Office.

Chairman Haddad noted that there was nothing listed under Correspondence or For Reference Only. He asked if anyone had anything to discuss under Other Matters and there was nothing.

EXECUTIVE SESSION

**Executive Session to discuss pending litigation, Docket No. DBD-CV-226041619S 3
Lake Avenue Extension, LLC v. City of Danbury Zoning Commission.**

At 7:45 PM, Mrs. Fay made a motion to go into Executive Session and invite Attorneys Casagrande and Edwards, as well as Planning Director Sharon Calitro (via telephone) to join them. Mr. Raya 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, Mr. Raya, and Chairman Haddad).

At 9:30 PM, the Commission came out of Executive Session and reconvened with the same quorum of members present. Mr. Melillo made a motion to refer the settlement offer to an in-person public hearing on April 11, 2023 and instruct staff to publish the appropriate notice and put the settlement offer on the City website. Mr. Hawley seconded the motion stating that he thinks it is important to put this on public record. Chairman Haddad took a roll call vote on this motion and it was passed with five ayes (from Mr. Coelho, Mrs. Fay, Mr. Hawley, Mrs. Hylenski, and Mr. Melillo) and four nays (from Mr. David, Mr. Jowdy, Mr. Raya, and Chairman Haddad).

At 9:35 PM, Mr. Raya made a motion to adjourn. 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, Mr. Raya, and Chairman Haddad).

Respectfully submitted,



JoAnne V. Read
Planning Assistant