



**CITY OF DANBURY**  
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**ZONING COMMISSION**  
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BY: *[Signature]*

**MINUTES**  
**APRIL 25, 2023**

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The web-based meeting hosted on Zoom was called to order by Chairman Theodore Haddad Jr. at 7:37 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 was Planning Director Sharon Calitro and 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.

Chairman Haddad said they had not received the minutes so they would table the acceptance of them until the next meeting.

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Chairman Haddad asked for a motion to move item #2 under Old Business to right now before the public hearings. Mrs. Fay made a motion to go into Executive Session to discuss a matter that is in litigation. Mrs. Calitro pointed out that they first need to make a motion to add the Executive Session to the agenda. Mrs. Fay made a motion to add an Executive Session to the agenda and to invite Mrs. Calitro and both Corporation Counsels to join them. Mr. Coelho seconded it 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 7:45 PM, Mrs. Fay made a motion to go into Executive Session including Mrs. Calitro, Attorney Casagrande, and Attorney Edwards. Mr. Coelho seconded the motion and it was passed unanimously by voice vote with nine ayes.



At 9:16 PM, Chairman Haddad said they have come out of Executive Session and would now proceed with tonight's meeting. He noted that all nine regular members and one alternate who went into the Executive Session are all present now. He said they would now discuss the following item: Draft Stipulated Agreement to settle 3 Lake Avenue

Extension, LLC v City of Danbury Zoning Commission, Docket No. DBD-CV-226041619S, to amend Sections 2.B., 5.B.2.b. and 5.B.5.g. of the Zoning Regulations to define and regulate a Supportive Housing Facility in the CA-80 Zoning District.

Chairman Haddad then asked for a motion regarding this. Mr. Raya made a motion to deny the settlement offer. Mr. David seconded the motion. Mr. Melillo then said he is going to vote no on this motion for several reasons and he wanted to put them on the record. One: this settlement was less restrictive than the original petition was as they removed the emergency homeless shelter. Two: during the public hearing process, it was repeatedly stated that this did not belong in a residential zone, which means it would have to be in either a commercial or industrial zone. Three: I wanted to recognize that this site is a commercial zone so I could see it fitting in there, because there were some other uses which were similar. And lastly, looking at this from a zone wide aspect, it would be up to the Planning Commission to decide on this as a special exception use. There were no other comments.

Chairman Haddad took a roll call vote and the motion to deny the settlement offer was passed with five ayes (Mr. David, Mr. Hawley, Mr. Jowdy, Mr. Raya, and Chairman Haddad) and four nays (from Mr. Coelho, Mrs. Fay, Mrs. Hylenski, and Mr. Melillo). Chairman Haddad said since the settlement offer has been denied, this matter will go back to litigation through the court system. Attorney Casagrande clarified that denial of this settlement offer means that the original denial of the petition would return to the court system. At this point, most of the Commission members stated that they had received mail and voice mails from people after this public hearing was closed but none of these were read or acknowledged and therefore did not affect their vote.

Attorney Casagrande left the meeting at this time.

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#### PUBLIC HEARINGS:

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.)

Chairman Haddad read the legal notice regarding this petition. He also read the Planning Commission (8-3a) recommendation which was positive. He then called on Mrs. Calitro to go through the points in her staff report.

Planning Director Sharon Calitro said this is a petition to revise the existing Regulations regarding Electric Vehicle Charging Stations. She said these revisions are necessary because of Public Act 22-25, which is concerning the Connecticut Clean Air Act. This act provides that as of January 1, 2023, municipalities shall require for each new construction of a commercial building or multi-unit residential building with thirty or more designated parking spaces for cars and light duty trucks the inclusion of EVC station infrastructure in at least 10% of the parking spaces. This infrastructure must be capable of supporting Level 2 EVC stations or direct current fast charging stations. The proposed amendment includes definitions of these stations as defined in the Public Act. She then the proposed language also adds language prohibiting infrastructure from being installed

in required landscaped areas as well as prohibiting off-site advertising on the EVC equipment. She continued saying that this complies with the 2023 Plan of Conservation & development (POCD), strategy 5 in the mobility section which specifically recommends accommodating emerging transportation technologies, as well as satisfies the mandate of the public act. She offered to answer questions from the Commission members.

City Councilman Paul Rotello, 13 Linden Place asked if this will only impact new construction and also questioned if it would affect public property as well as private property. Mrs. Calitro responded that the new requirement is applicable to new commercial and multi-family construction based on the size of the building and the number of units in it. She then added that the Planning Department has been implementing these Regulations on all of the site plan reviews since January 1, 2023. Mr. Melillo asked as a point of order if they were just going to ask questions of the petitioner and let her answer them or were they asking the questions and waiting for her to answer them in her rebuttal comments. Chairman Haddad said because this was a City petition and he had asked for anyone in favor, he expected that Mrs. Calitro could just answer the question. He then asked if there was anyone else to speak in favor of this and there was no one.

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

Mr. Coelho and Mr. Raya asked for further clarification and this led to a brief discussion on who and what would be impacted by these additional regulations. Chairman Haddad then asked Mrs. Calitro for closing comments. Mrs. Calitro said this was an easy amendment to put together since we already had regulations in place since 2015. She added that she had brought a petition before this Commission a few years ago regarding revising the parking requirements but it ended up being withdrawn. She continued saying that the Planning staff continues to evaluate parking requirements and now that they are working on the Downtown Zoning study, they will also look at the other zones, so she anticipates coming back with a whole package of revisions to the parking regulations. She then asked that they close the hearing and move it to Old Business for discussion and possible action.

Mr. Raya made a motion to close the public hearing. Mrs. Hylenski seconded the motion and it was passed unanimously by voice vote with nine ayes.

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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.

Chairman Haddad read the legal notice regarding this petition. He also read the Planning Commission (8-3a) recommendation which was positive. He then called on Mrs. Calitro to go through the points in her staff report.

Mrs. Calitro then said this petition is to add language to comply with Public Act 22- 1, which concerns the provision of outdoor food and beverage services, and whether the outdoor dining which is permitted by the City becomes permanent. Since the pandemic, the Governor's Executive Orders allowed for the use of temporary outdoor dining. At that time, Danbury adopted temporary permit policies to allow the temporary use of outdoor dining. Right now there are 83 restaurants in Danbury where outdoor dining is allowed under the temporary permit. PA 22-1, which allows licensed restaurants to engage in outdoor dining and beverage service in defined locations subject to approval by the municipality becomes effective on May 1, 2023.

The proposed amendment defines the use as accessory to a licensed restaurant, indicates that a permit is required, outlines the process to obtain a permit including application requirements, and identifies the reasonable conditions needed to comply with the Public Act. She added that the issuance of an outdoor dining accessory use permit would be within the purview of the Zoning Enforcement Officer (ZEO), who issues all of the Zoning Permits. She then said that the proposed amendment to Section 2.B. puts into the Regulations Danbury's longstanding policy of how an accessory use size is determined in relationship to the principal use. This applies not only to the determination of the size of the outdoor dining area but to the size of all other accessory uses. The amendment also includes the addition of a permit fee in the schedule of fees in Section 10.B.2., as well as the fee for the annual permit renewal. She continued explaining that restaurants with existing outdoor dining temporary permits issued by the ZEO will be required to comply with the new regulations and submit an application for an outdoor dining accessory use zoning permit. She added that all restaurants holding temporary permits have, on several occasions, been notified of the pending requirement for a new permit. She said this complies with Strategy 1 of the Economic Development goal of the Plan of Conservation and Development (POCD). She said the Public Act included a 9 PM time limitation unless the municipality chooses a different time, so our new Regulations include an 11 PM time limit on this. She pointed out that these restaurants will be responsible for complying with City Departmental restrictions, such as keeping the right-of-way clear and having Fire Marshal approval for any heaters or fans they may choose to provide. She mentioned that there still cannot be any expansions of non-conforming uses, although permitted inside seats or tables could be moved outdoors without increasing the permitted number of seats. She said the restaurants can use the permit portal to apply for this permit and the Zoning Enforcement Officer has the final approval on these. She said they also included language noting that for areas located on the City sidewalk or pathway, the tables and chairs must be portable so they can be moved out of the way when not in use. She then asked that the Commission close the hearing and vote on this tonight since May 1 is the end of this week.

Mr. Coelho asked if since these are annual permits, would they all expire at the same time. Mrs. Calitro said no, they will expire twelve months after their issuance which will not all be on the same day. Mrs. Hylenski asked if this applies to food trucks. Mrs. Calitro said they do not, food trucks are handled differently. They have to satisfy Health

Department standards and must be licensed through the Town Clerks office. Zoning gets involved with them when it comes to where they can park to operate their business. Mr. Melillo then asked how the outdoor dining affects the restaurants serving of alcohol. Mrs. Calitro said the Liquor Control Commission issues a seasonal open air permit which must be approved by the local Zoning Official as well. Attorney Edwards said they included language stating that the restaurant must comply with all requirements for a seasonal open air permit as issued by the Department of Liquor Control.

Chairman Haddad asked if there was anyone else to speak in favor of this petition.

City Councilman Benjamin Chianese, 5 Old Ridgebury Road, expressed concern about the use of public sidewalks or right-of-ways for these outdoor dining areas. Mrs. Calitro said that is why they put the language in about the tables and chairs being portable when the outdoor dining area is located within the sidewalk or right-of-way, so they can be moved out of the way when the restaurant is closed. She said they did not specifically put it in writing that the chairs and tables had to be moved but that was the intent of the portability requirement. Mr. Chianese asked how it would be handled if the restaurant did not comply. Mrs. Calitro said they did add language that says the City reserves the right to order the temporary discontinuance of the outdoor dining area in the case of problems or conflicts with the use of the sidewalk. She said if a business has a parking lot on their site, they can get it approved for this. This discussion lead to an extensive discussion of the use of City property for outdoor dining areas.

The next speaker was City Councilman Duane Perkins, 22 Main Street, who thanked Mrs. Calitro for doing such extensive research and coming up with these regulations. He said he also is concerned about these dining areas interfering or blocking sidewalk access. He asked if there is a minimum standard footage that needs to be met in order for this to occur. He also asked if these outdoor dining licenses would be on display to say that the location has satisfied all of the Regulations for this use. He then said he has advocated for years to try to make downtown Danbury a destination with open storefronts and inviting facades, so he thinks they should have a preferred vendor list of companies that do this kind of work to encourage these restaurants to take advantage of the façade program. Mrs. Calitro said there are minimum dimensions related to pathways which are governed by the State Building Code (BOCA) and the Americans with Disabilities Act (ADA) so if the BOCA or ADA codes say you need three or four feet clear, then that is what will be required as part of the issuance of the permit. She said it is probable that the ZEO will require the posting of the outdoor dining permit somewhere in the facility but that will be a condition of the permit, it does not need to be in these regulations. She then said what Councilman Perkins was speaking about is the façade grant program that they City has in place specifically in the Downtown Revitalization Zone. She mentioned that Empire of the Incas has participated in this program by replacing the glass windows with sliding windows which lets the outside in and the inside out. She said Councilman Perkins comment is a good one, but is not related to this specific issue. She added that it is definitely something to look at as they work on the Downtown Zoning Study.

Chairman Haddad then asked if there was anyone to speak in opposition to this petition.

City Councilman Paul Rotello, 13 Linden Place, said he is not thrilled with the State abrogating their local regulations. He said his property is adjacent to a CN-5 zone and

there are three restaurants located on the lot adjacent to his property. He said he is sure that none of the residents in the area (Jefferson Ave., Lincoln Ave., Linden Pl., Spruce St., or Pleasant St.) will be thrilled to have outdoor drinking underneath their windows. He said some of these clubs are adjacent to residences and there should be some setback requirements for that situation. He said he is sure his phone will be ringing with the residents complaining about the outdoor drinking. He asked if the restaurants would be permitted to put speakers outside so they can play music as well as to serve alcohol. He then spoke about the tables and chairs saying they should be semi-permanent so they can be taken in when the restaurant is not open. He added that the cutoff time should be 9 PM instead of 11 PM. He said the idea that sidewalks and right-of-ways can be clogged up with tables and chairs definitely will have an impact on his constituents. He said unless you live adjacent to one of these, you cannot understand its impact. He continued speaking about all of these issues for quite a while. He said he believes the negative impacts of this indicate that this should be looked at even more intensely.

Chairman Haddad asked if there was anyone else to speak in opposition and there was no one.

Mrs. Calitro then read the language from Section B of the Public Act into the record: *“Notwithstanding any provision of the general statutes, special act, municipal charter or ordinance, the zoning commission of each municipality shall allow any licensee or permittee of a food establishment operating in such municipality to engage in outdoor food and beverage service as an accessory use of such food establishment’s permitted use. Such accessory use shall be allowed as of right, subject only to any required administrative site plan review to determine conformance with zoning requirements not contemplated by this section, provided such accessory use would not result in the expansion of a nonconforming use.”* She said this is pretty strong language and it does not apply to cafes and taverns because they do not serve food. It is tied to licensed restaurants only. She said if the Commission wants to change the time from 11 PM to 9 PM, she does not have a problem with that but they need to revise the proposed language. She said she realizes that there may be some negative impacts, but this is what the State told us to do. She said they tried to be conscientious of residential neighborhoods located adjacent to these restaurants and she realizes that these regulations will probably need some fine-tuning. She added that the proposed regulations may not be perfect but what we had as outdoor dining permits is due to expire on April 30, 2023 and we would rather have something in place to control this use. Mr. Melillo asked if there is no regulation in effect by May 1, would the existing outdoor permits allow the restaurants to continue that practice. Mrs. Calitro said that we certainly are not going to shut them down. She said the ZEO has notified the restaurants with existing outdoor permits of these new requirements. This led to a lengthy discussion on the existing situation versus what would happen once these regulations are in effect and speculation about what would happen if these are not approved tonight. Chairman Haddad again asked if there was anyone else to speak in opposition to this petition and there was no one. He then offered Mrs. Calitro the chance to speak again. Mrs. Calitro said she had nothing else to add but she requested they close this hearing and take action on this at tonight’s meeting.

Mr. Coelho made a motion to close the public hearing. Mr. Jowdy seconded the motion and it was passed unanimously by voice vote with nine ayes. Mr. Melillo made a motion

to move this matter to number 3 under the Old Business on tonight's agenda. Mr. Hawley seconded the motion and it was passed unanimously by voice vote with nine ayes.

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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.

Chairman Haddad read the legal notice regarding this petition. He the read the site plan waiver approval, since this type of application does not have a staff report.

Malvyn Paulino spoke in favor of this petition. He said the property owner does not speak English so he is representing Mr. Matailo. He said the applicant has bought the former Meeker's Hardware building and wants to open a café and serve liquor. He offered to answer questions from the Commission. At this point Ms. Mejia started to describe the lack of available parking around this site and said that there is not enough parking available to allow this and what about the drunk people having accidents. She said she is concerned about this. Mr. Paulino said drinking and driving is illegal. Chairman Haddad said that Ms. Mejia's comments are duly noted and she has the right to express her concerns and vote no on the petition. He added that although the issue of drunk driving is relevant and very important, it is not within the purview of this Commission to use that when considering a special permit petition.

Mr. Melillo asked Mr. Paulino if he would be running the establishment. Mr. Paulino said he would not, it would be run by Mr. Matailo. Mr. Melillo asked if Mr. Matailo is currently running Billy Beans at 80 White Street. Mr. Paulino said that was correct, so this would be a second establishment for him. He then explained that Mr. Matailo had a partner when he purchased Billy Beans, but they split and the partner is now running La Canchita located at 6 Delay Street. Mr. Melillo asked if the parking lot attached to the Meeker building will be used for both businesses. Mr. Paulino said the three employees for this site have to park in the McNally garage as specified in the Planning Department approval of the use. And he will only be using the on-site lot for this facility only. Mr. Melillo asked the hours of operation. Mr. Paulino said he did not know but he assumed it would be 12 PM to 12 AM. Chairman Haddad asked if Billy Beans 1 and the subject property have a common interior wall. Mr. Paulino said they are in different buildings. Chairman Haddad asked if Mr. Matailo owns the building at 80 White Street. Mr. Paulino said he does not. Mr. Jowdy said he does not think they are being given enough information to make this decision and suggested they give Mr. Paulino some guidance as to what information the Commission needs to make this decision. Chairman Haddad said they were not provided a menu which is one item they always get. Mr. Melillo said he is not sure that the food issue is as important as the hours of operation. Mrs. Calitro said there is nothing in the Regulations regarding hours or operation or providing a menu, it just always has been the Commission's policy to get these pieces of information on the record. Mr. Paulino offered to call Mr. Matailo to find out. Mr. Hawley asked about the proposed renovations since this building is on the National Historic Registry. Mr. Raya asked if there was any kind of music component to this business. Mrs. Calitro said from a regulatory standpoint, cafes can include entertainment activities but they have to get an Entertainment License from the ZEO. Mr. Paulino then said he had spoken to the

applicant and he said the hours of operation would be the same as Billy Beans 1, from 10AM to 10 PM, Monday through Friday, and 10 AM to 2 AM on Saturdays and Sundays. Mr. Melillo asked Mr. Matailo intends to bring food from Billy Beans 1 to this new location. Mr. Paulino said there might be catering like for a party. Mr. Melillo said this so this location will be liquor and snack foods only, if someone wants to eat a meal, they have to go to Billy Beans 1. Mr. Paulino said that is correct.

Chairman Haddad asked if there was anyone else to speak in favor of this petition and there was no one. He then asked if there was anyone to speak in opposition

Councilman Paul Rotello said he is not really opposed but not really in favor, but definitely confused. He said the Meeker's building is a cavernous place and his concern is that this space could hold a "gazillion" people. He asked if the number of people allowed in this space would be tied to the number of chairs or can they just fill the place up with people who want to drink and don't mind standing. He asked exactly what part of the first floor would they be using because it is difficult to tell from their floor plan. These comments led to an intense discussion regarding the total occupancy, how they would keep the customers restricted to the front section when the back area is not closed off. Mr. Paulino said this is a great old building and the applicant wants to renovate it the right way but he needs to bring in revenue in order to do it.

Chairman Haddad then asked again if there was anyone to speak in opposition.

Mark Nolan said he is speaking tonight as a downtown property owner and the previous chairman of CityCenter. He said he appreciates that the new owner wants to invest in the building but suggested that the Commission has to consider the quality of life for the residents who live in the area. He continued saying that they need to balance community and economic development with residential housing. Allowing parties and concerts to go until two o'clock in the morning on Sundays appears to be excessive. He suggested there should be a restrictive curfew in which these activities begin to wind down. So he asked that the Commission be cautious with this approval and the hours of operation so it is limited and balanced with the residential people who have to get up and go to work the next day.

Councilman Duane Perkins said he was prepared to praise the applicant for revitalizing the former Meeker's building, until he heard that they just want to sell liquor. He continued saying that there is a wide variety of things that could be done with this location, but this sounds like the type of establishment that the City had to shut down in the past. And shutting them down helped to regulate what exists now in the downtown. If this is permitted, the City could find itself in that same position again. He show up without the hours of operation and no kind of menu provided, while expecting us to approve this. He said the Commission needs to be much more restrictive on this because the applicant has provided so little information. He said he understands that there are limited resources and money is scarce but they need to think about attractions which will bring in a more affluent audience. For this applicant to come in and say we want to just sell liquor does not fit into the concept of what we want our downtown to look like. He said the level of unpreparedness for this presentation was unbelievable. He expected to hear about a business that people would want to gravitate to whether for food or entertainment. He suggested they limit the proposed build-out



because he does not think the applicant can see the vision of what we want downtown Danbury to be.

Chairman Haddad offered Mr. Paulino the chance to address some of the opposition's comments. Mr. Paulino said he is sorry that he made it seem like they just want to sell liquor. He said Danbury has a different dynamic and the owner of Billy Beans is entrenched in his own ethnic community. He just wants to offer his people a place for them to go and hang out after work. He continued saying that Billy Beans does a very busy lunch business and those are the people Mr. Matailo want to serve with this business.

Mrs. Fay asked Mr. Paulino if they know the history of the property; and how and when it was most recently used. Mr. Paulino said it was retail up to about six months ago before the applicant bought it. They only occupied the first floor for selling soccer equipment and part of the second floor for storage. Mrs. Fay asked if they intend on fixing up the outside, at least replacing the broken windows, because it looks like an abandoned building with things living in it and no one is going to come in there even for drinks if they have to share the space with raccoons. She said she was not aware of the soccer store because it looks like an abandoned building. Mr. Paulino said the owner is planning to renovate the outside but because it is a historic building, he cannot change much about the outside. He has repainted the front doors and he wants to make the building look wonderful. Mrs. Fay asked if there still is music and dancing at Billy Beans on Sunday nights and is that the plan for this building. Mr. Paulino said he would like to eventually have this building be a restaurant but he needs to bring in revenue so he can do the work necessary for the conversion. Mrs. Fay asked if the applicant had been cited for any violations at Billy Beans 1. Mr. Paulino said he is not aware of anything like that. Mr. Melillo said when he saw Billy Beans on the agenda, he expected some kind of restaurant business but this presentation has left him feeling uneasy because it seems like there is some sort of business plan in place but they have not shared it with this Commission. He suggested they continue this hearing and Mr. Paulino can come back with Mr. Matailo and present an explanation of what the plan is for this. He added that he would be a lot more comfortable if they shared their vision with the Commission. Chairman Haddad said he agrees that the hearing should be continued. Mr. Melillo asked Mr. Paulino if he could come back with the plan and he said he would do that. Mr. Raya said he definitely would like to nail down some of the details, such as a 2 AM closure on Sunday night because we are working so hard to make the downtown a desirable place to live and socialize. Mr. Paulino said he will have to interpret for Mr. Matailo.

Mr. Melillo made a motion to continue the public hearing so the applicant can provide additional information. Mr. Jowdy seconded the motion and it was passed unanimously by voice vote with nine ayes.

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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. Raya said he had watched the video of this public hearing so he is eligible to vote on it. Chairman Haddad said that means the entire body is eligible which is good because they are out of time on this petition. Mr. Coelho said he would make a motion to approve this petition to open it up for discussion. He gave the following reasons: (1) This is in line with the Plan of Conservation & Development because the 2023 POCD Future Land Use Map (FLUM) identifies this area as neighborhood residential; and (2) Changing the zone to RA-20 will provide the opportunity for residential development of smaller homes on smaller lots which will help to address the housing needs in the City. Mr. Raya seconded the motion.

Mr. Jowdy said he thinks this proposal is better than when they came in for multi-family development. He said they discussed that development of these lots would require blasting but any development on this site would require it. He also mentioned the proposed changes to the sight line as described by their engineer. He said the rendering that was presented was for a cluster development, meaning one driveway instead of five, and that would help with the traffic and safety issues in this neighborhood. Mr. Melillo then said he is torn on this petition and not necessarily read to vote tonight. He also expressed concern about the neighbor's opposition to any proposal on these properties. He suggested they ask Attorney Marcus for an extension of time to make the decision at the next meeting. Mrs. Calitro pointed out that this hearing was closed in February and tonight is the 63<sup>rd</sup> day out of the 65 day period. Chairman Haddad then said there is a motion on the floor and he does not think they should make the applicant wait any longer for a decision. Mr. Coelho then suggested that they could require the applicant to get a pre-blast survey of the neighboring properties and that would address those concerns. Mr. Melillo said it is midnight and everyone may not be ready to discuss this further. Chairman Haddad called for a vote on the motion and took a roll call vote. The motion to approve was passed with seven ayes (from Mr. Coelho, Mrs. Fay, Mr. Hawley, Mrs. Hylenski, Mr. Jowdy, Mr. Raya, and Chairman Haddad), one nay (from Mr. Melillo) and one member not voting (Mr. David).

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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.

Mr. Melillo made a motion to approve this petition and set the effective date for these amendments as May 1, 2023 or immediately upon publication. He gave the following reasons for his motion: (1) It addresses the requirements of Public Act 22 1; (2) It provides opportunities for economic growth and also provides a definitive percentage for the measurement of an accessory use in relationship to the main use. And (3) it complies with the 2023 Plan of Conservation & Development. Mrs. Hylenski seconded the motion. Chairman Haddad took a roll call vote and the motion was passed unanimously with eight ayes (from Mr. Coelho, Mrs. Fay, Mr. Hawley, Mrs. Hylenski, Mr. Jowdy, Mr. Melillo, Mr. Raya, and Chairman Haddad) and one member not voting (Mr. David).

Chairman Haddad asked if anyone wanted to make a motion to move the EVC petition to Old Business so they could take care of it this evening. There was no response from any of the Commission members.

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Chairman Haddad said there was no New Business or Correspondence. He asked if there was anything to discuss under Other Matters and there was nothing. He noted that listed under For Reference Only were five petitions scheduled for public hearings on May 9, 2023 and May 23, 2023.

At 12:10 AM, Mr. Raya made a motion to adjourn. Mr. Coelho seconded the motion and it was passed unanimously by voice vote.

Respectfully submitted



JoAnne V. Read  
Planning Assistant