



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
www.danbury-ct.gov

(203) 797-4525
(203) 797-4586 (FAX)

MINUTES
DECEMBER 10, 2019

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

Present were Sidney Almeida, Theodore Haddad Jr., Ryan Hawley, Angela Hylenski, Rick P. Jowdy, James Kelly, Robert Melillo, Michael Masi, and Alternates Michael Henry and Nelson Merchan Jr. Also present was Planning Director Sharon Calitro.

Absent were Candace Fay and Alternate Thomas Nejame.

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

Mr. Kelly made a motion to accept the October 22, 2019 and the revised November 26, 2019 minutes. Mr. Almeida seconded the motion and it was passed unanimously by voice vote.

ORGANIZATIONAL BUSINESS:

Nomination & Election of Chairman and Vice-Chairman.

Chairman Melillo asked for nominations for Chairman. Mr. Almeida made a motion to nominate Mr. Haddad for Chairman. Mr. Jowdy seconded the motion. Mrs. Hylenski made a motion to nominate Mr. Melillo for Chairman. Mr. Masi seconded the motion. Mr. Haddad made a motion to close the nominations. Mr. Jowdy seconded the motion and it was passed unanimously by voice vote. The vote was called and Mr. Haddad was elected Chairman with five votes (from Mr. Almeida, Mr. Hawley, Mr. Jowdy, Mr. Kelly, and Mr. Haddad). Mr. Melillo received three votes (from Mrs. Hylenski, Mr. Masi and Mr. Melillo). Mr. Haddad took over as Chairman.

Chairman Haddad asked for nominations for Vice-Chairman. Mr. Almeida nominated Mr. Jowdy for Vice-Chairman. Mr. Hawley seconded the motion. There were no other nominations. Mr. Melillo made a motion to close the nominations. Mr. Almeida seconded the motion and it was passed unanimously by voice vote. The vote was called and Mr. Jowdy was elected Vice-Chairman with seven ayes (from Mr. Almeida, Mr. Hawley, Mrs. Hylenski, Mr. Kelly, Chairman Haddad, Mr. Masi, and Mr. Jowdy) one member not voting and one abstention (from Mr. Melillo).

Distribution of Zoning Regulations and Other Reference Materials.

Chairman Haddad noted that these materials had been distributed to Commission members who were present.

Discussion of Procedures with Director of Planning Sharon Calitro.

Mrs. Calitro spoke about legal and statutory guidelines, purview and responsibilities of the Commission and reviewed an outline of the Zoning Regulations.

Setting of Effective Date for Approvals granted by the Commission.

Mr. Melillo made a motion to set the effective date for approvals as one day after publication in the News-Times unless otherwise specified. Mrs. Hylenski seconded the motion and it was passed unanimously by voice vote.

Appointment of ZBA Subcommittee - three members.

Chairman Haddad said this subcommittee meets and reviews Use Variance applications and then presents a report to the rest of the Commission. After discussion, the Commission then makes a recommendation which is forwarded the ZBA. Mr. Jowdy said he had done it during the last term with Mr. Bautista and Mr. David, who were not re-elected. Mr. Melillo then volunteered to do it now and Mr. Jowdy said he would defer to other members to give them a chance to do this. Mr. Almeida and Mrs. Hylenski then volunteered to serve with Mr. Melillo as the subcommittee. Chairman Haddad thanked them for volunteering.

CONTINUATION OF PUBLIC HEARING:

Application of Fast Lane Auto Repair LLC/Payne Road Investments LLC, 60 Payne Rd. (N12001), for a Certificate of Location Approval for a Motor Vehicle General Repairer's License in the IG-80 Zone. NO TESTIMONY PRESENTED YET.

Mr. Melillo made a motion to continue the public hearing to the January 14, 2020 meeting. Mr. Kelly seconded the motion and it was passed unanimously by voice vote.

OLD BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

ZBA Referral: Zoning Board of Appeals Application #19-16 for 10 Downs Street, (H12166), Paul Valeri as Agent for MSPD Downs Street LLC (owner), Use Variance to Sec. 5.A.2., to allow a two-family dwelling in a CG-20 Zoning District; Sec. 9.C.1.a., to change non-conforming single-family dwelling into non-conforming two-family dwelling; and Sec. 9.C.2.a., to extend or expand a non-conforming single-family dwelling to add second floor/second dwelling unit.

Chairman Haddad asked Mr. Henry to take Mrs. Fay's place for the discussion and possible action on this item. He added that he was aware of the 4-4 deadlock the Commission had reached at the November meeting. It was noted that although they were not yet sworn in, both Mr. Hawley and Mr. Merchan were present (in the audience) for the discussion and votes on this item. Chairman Haddad asked Mr. Melillo for his opinion on this and Mr. Melillo said he thinks they should try again to make a recommendation since tonight there are nine members seated. Mr. Melillo then made a motion to give this a negative recommendation for the following reasons:

- 1) This is a self-created hardship.
- 2) This variance would allow a more intense and more non-conforming residential use on the property.
- 3) The proposed variance would allow a use on a property that does not conform to the Land Development Map in the Plan of Conservation & Development (POCD), and allowing the use by variance conflicts with the general land use policies in the POCD.
- 4) There are no dimensional requirements in this zone for the development of a two-family dwelling.
- 5) The Zoning Commission has already determined that residential use is not appropriate for this site.

Mr. Almeida seconded the motion for all the same reasons. Chairman Haddad said sufficient action was taken on this at the November 26, 2019 meeting and since this recommendation does not affect the ZBA vote, it is fine. Mr. Melillo asked Mrs. Calitro to clarify the wording regarding the referrals for Use Variances. Mrs. Calitro read Sec. 11.B.4.a. of the Zoning Regulations which says it shall be referred to both "the Planning Commission and the Zoning Commission for review and a report". Someone made the suggestion to send a letter to the ZBA stating the tie vote had been reached and the Commission was deadlocked. Mr. Melillo asked that if they do that, the minutes from that meeting should be attached to the letter to reflect the discussion that took place before the vote.

Chairman Haddad said there is a motion on the floor and they need to vote on it or withdraw it. He clarified that a yes vote on the motion would be to send a negative recommendation. He took a roll call vote and the motion to give a negative recommendation was passed with five (5) votes in favor of the motion (from Mr. Almeida, Mr. Hawley, Mrs. Hylenski, Mr. Masi, and Mr. Melillo) and four (4) votes against the motion (from Mr. Henry, Mr. Jowdy, Mr. Kelly and Chairman Haddad).

Chairman Haddad said there was nothing listed under New Business or For Reference Only. He noted that the regular meeting schedule for 2020 was listed under Correspondence. He asked if anyone has anything to discuss under Other Matters and Mr. Jowdy asked that the Commission members actually go out to visit sites that are before them. He said he does not know what it takes but he thinks group visits are very helpful. Mrs. Calitro said group visits (of three or more members) must be noticed in the Town

Clerk's office as a meeting. She suggested that they do individual drive-bys and if the Commission determines a group visit is necessary, it can be scheduled.

Chairman Haddad asked Mrs. Calitro to schedule a training session with Corporation Counsel as soon as possible. He also asked that the agenda be sent to the Commission members on Thursday since City Hall is closed on Fridays.

At 8:15 PM, with no further business to discuss, Mr. Hawley made a motion to adjourn. Mrs. Hylenski seconded the motion and it was passed unanimously.

Respectfully submitted,



JoAnne V. Read
Planning Assistant