CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
www.danbury-ct.gov

MINUTES
AUGUST 23, 2022

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

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

Absent were Michael Coelho, Ryan Hawley, Joseph Raya, and Alternates Bruce Bennett and Edwin Duran.

Chairman Haddad asked Ms. Mejia to take Mr. Hawley’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 August 9, 2022 minutes. Mr. David seconded the motion and it was passed unanimously by voice vote with seven ayes.

PUBLIC HEARING

Application of Pioneer Realty LLC/Steamboat Motors LLC d/b/a Mercedes Benz of Danbury, 1 & 15 Miry Brook Road (G18007 & G18016) for a Certificate of Location Approval for a Motor Vehicle New Car Dealer’s License in the IL-40 Zone (in accordance with Section 6.A.5.g. of the Zoning Regulations).

Chairman Haddad read the legal notice for this application.

Attorney Meaghan Miles from Carmody, Torrance, Sandak, & Hennessy spoke in favor of this application. She said that with her this evening was the entire project team: Bob Carinci, Chief Operating Officer of Curry Automotive, PE Curt Jones from Civil 1 Engineering, Mike Kozlowski from Claris Construction, and Traffic Engineer Greg DelRio from Hardesty & Hanover. She said the applicant purchased this property in 2021 noting that they always buy the properties that they locate their dealerships on. In June 2022 this site received a special exception/site plan approval from the Planning Commission
for this use and for trip generation. She said the existing Mercedes Benz dealership on Federal Road will relocate to this site once it is constructed. She said that Curry Automotive works very hard to be a good neighbor and listed the charitable organizations that they support. She continued saying this 2½ acre site with three front yards is located next to the Danbury Municipal Airport and it is surrounded by other commercial and industrial uses. She mentioned the other dealerships on Sugar Hollow Road and the various automotive uses located on Miry Brook Road and said this area really has become the transportation center for the City. She referred to the building rendering and said that the proposed building has a European design with lots of glass. She then noted that this is the last in a long series of Commission approvals that were needed for this project. She said this started with an amendment to the Zoning Regulations to allow this specific use, then they went to the Environmental Impact Commission (EIC), next was the Zoning Board of Appeals (ZBA) because they needed some variances due to the non-conforming nature of this site. They also had to get approval from the FAA (Federal Aviation Administration) before going to the Planning Commission for the special exception/site plan approval. She said this will be a tremendous improvement for this highly visible site, noting that they will be adding a stormwater detention system, lots of landscaping, sidewalks on all three frontages, and various other improvements. She said also as part of the Planning Commission approval, they will be installing video cameras at the intersection. She said the re-location of this existing Danbury business to this site will complement the existing businesses in the surrounding area. For all of these reasons, she asked that this application be approved. She offered to answer questions from the Commission.

Mr. Melillo asked if they have established a test-drive route yet as he is concerned about the residential developments located off of Miry Brook Road. Mr. Carinci answered saying that they have not yet written it down but all of their dealerships are prohibited from conducting test drives through any residential neighborhoods in their vicinity. He added that their normal test drive route consists of right turns only; this one will probably be to drive down Route 7 and turn around and come back to the dealership. Mr. Melillo said they have put stipulations on the other approvals in this area to prevent any disturbances in the residential areas. Mr. David complimented Attorney Miles on her presentation. Mrs. Hylenski asked if they have decided what to do with the Federal Road site after they move to this site. Attorney Miles said they are still exploring what to do with it.

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

Chairman Haddad asked Mrs. Calitro if she had any additional staff comments. Mrs. Calitro said all of the steps that this has gone through were thoroughly vetted by the Planning Department and the amendment to the Regulations determined that this use is appropriate for this site. Mr. Melillo asked Mrs. Calitro if any stipulations they put on this approval would go with the site no matter who owns it. Mrs. Calitro said that is correct.

Mr. Melillo made a motion to close the public hearing. Mrs. Fay seconded the motion and it was passed unanimously by voice vote with seven ayes. Mr. Melillo then made a
motion to move this matter to item #3 under the Old Business on tonight’s agenda. Mrs. Hylenski seconded the motion and it was passed unanimously by voice vote with seven ayes.

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

Chairman Haddad said the following petition which was listed as item #2 under the Old Business on tonight’s agenda has been withdrawn:

Petition of 3775, LLC & Robert Morsey, 1, 3, & unnumbered lot Pembroke Road (G08029, G08030, & G08098) For Change of Zone from RA-40 to RMF-10. This Public hearing closed August 9, 2022.

Mrs. Calitro read the withdrawal letter from Attorney Neil Marcus into the record.

Mr. Melillo made a motion to deviate from the order of the agenda and discuss item #3 before the item #2 listed under Old Business. Mr. Jowdy seconded the motion and it was passed unanimously by voice vote with seven ayes.

Application of Pioneer Realty LLC/Steamboat Motors LLC d/b/a Mercedes Benz of Danbury, 1 & 15 Miry Brook Road (G18007 & G18016) for a Certificate of Location Approval for a Motor Vehicle New Car Dealer’s License in the IL-40 Zone (in accordance with Section 6.A.5.g. of the Zoning Regulations).

Mr. Melillo made a motion to approve this application with the stipulation that no test drives will be permitted through the adjacent residential neighborhoods of Harwood Drive, Weindorf Lane, Spruce Mountain Road, and Old Sugar Hollow Road. Mrs. Fay seconded the motion and it was passed unanimously by roll call vote with seven ayes (from Mr. David, Mrs. Fay, Mrs. Hylenski, Mr. Jowdy, Mr. Melillo, Ms. Mejia, and Chairman Haddad).

Petition of Maria Lema Tacuri & Isabel Lema to Amend Section 3.F.2.d.(1)(a) of the Zoning Regulations (Reduce Distance Requirement between Package Stores from 2,000 ft. to 1,000 ft.) Public hearing closed August 9, 2022.

Through the Chair, Mr. Melillo asked the applicant’s attorney, Ward Mazzucco, if he would rather wait for them to take a vote on this until there is a full complement of members present. Attorney Mazzucco said he would rather wait for a nine-member board. Mr. Melillo then made a motion to table any discussion or decision on this matter until the next regular meeting. Mrs. Fay seconded the motion and it was passed unanimously by voice vote with seven ayes.
NEW BUSINESS:

Petition of D & B Wellness LLC d/b/a The Botanist to Amend Section 3.C.4.e.(6)(d) of the Zoning Regulations. (Change Distance Measurement from Residential Zone Boundary for Cannabis Hybrid Retailers & Cannabis Retailers.)  *Public hearing scheduled for October 11, 2022.*

Mrs. Hylenski 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 seven ayes.

Chairman Haddad said that there was nothing under Correspondence and under Other Matters, he asked Mrs. Calitro if the petition listed under New Business is asking to amend the regulations that the Commission just approved. Mrs. Calitro said that was correct. He then noted that under For Reference Only, there were two public hearings listed for the September 13, 2022 meeting.

At 8:16 PM with no further business to discuss, Mrs. Hylenski made a motion to adjourn. Mrs. Fay seconded the motion and it was passed unanimously by voice vote with seven ayes.

Respectfully submitted,

[Signature]

JoAnne V. Read
Planning Assistant