



CITY OF DANBURY
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ZONING COMMISSION
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MINUTES
FEBRUARY 26, 2019

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

Present were Sally Estefan, Andrea Gartner, Angela Hylenski, Rick P. Jowdy, James Kelly, Robert Melillo, and Alternate Sidney Almeida. Also present was Director of Planning Sharon Calitro.

Absent was Luis Bautista, Milan David, Candace Fay, and Alternates Michael Masi and Thomas Nejame. Chairman Melillo noted that Candace Fay had been appointed to fill the vacancy created by Mr. Haddad's resignation.

Chairman Melillo asked Mr. Almeida to be seated for Mrs. Fay for the items on tonight's agenda.

Chairman Melillo led the Commission in the Pledge of Allegiance.

Ms. Gartner made a motion to accept the minutes of January 22, 2019. Mrs. Hylenski seconded the motion and it was passed unanimously.

PUBLIC HEARING:

Petition of Erika Fajardo d/b/a La Costenita, 2B Ives St. (I14241), for Re-approval of a Special Permit for a Restaurant Liquor License.

Mrs. Estefan read the legal notice. Chairman Melillo said this site is the former Ciao Café, which had a special permit approval granted in 1988. He said this proposed use has been approved by the Planning Department. They do intend to use the patio area but must renew the lease with the City in order to do that. The Planning Department approval states that once the lease paperwork is done, the use of the patio will be approved.

Marcos (INAUDIBLE LAST NAME), said he is Erika's husband and they also have a restaurant in Ossining, New York. He said they want to expand their business by opening this second location here in Danbury. They plan to serve both lunch and dinner and will be open from 11AM to 10 PM daily. Ms. Gartner asked if they needed to get an approval from the Parking Authority to allow the use of the parking garage. Mrs. Calitro explained that this site is within 500 ft. of the parking garage so they do

not need approval. Mrs. Hylenski then asked how many Ecuadorian restaurants there are in Danbury. Marcos said there are a few but there is a large Ecuadorian population so he believes there is enough business for all of them. He then submitted a copy of the proposed menu and said their business is a restaurant that serves food, not a bar.

Also speaking in favor of this was Tom Devine, who owns this property as well as 261 Main St. and 5 Ives St. (Two Steps). He said this site had been a restaurant since the late 1980's and has been vacant for about one year because he was waiting to find the right tenant. He said he believes the applicants have a good business plan and that they will operate a successful restaurant on this site. Chairman Melillo asked if there are any concerns regarding entertainment on this site. Mr. Devine said he knows that they do not intend to be a bar or nightclub and it stated in their lease that if they choose to have entertainment, they will need to get an Entertainment License from Planning & Zoning Department.

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

Chairman Melillo asked Mrs. Calitro for staff comments and she reminded the Commission of the findings in Sec. 3.F.2. of the Zoning Regulations that must be satisfied in order for approval.

Mr. Jowdy made a motion to close the public hearing. Mr. Kelly seconded the motion and it was passed unanimously. Ms. Gartner then made a motion to move this matter to item #1 under the Old Business on tonight's agenda. Mrs. Hylenski seconded the motion and it was passed unanimously.

OLD BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

Petition of Erika Fajardo d/b/a La Costenita, 2B Ives St. (I14241), for Re-approval of a Special Permit for a Restaurant Liquor License.

Mr. Jowdy made a motion to approve this petition for the following reasons

- This will not have a detrimental effect upon any adjacent school, church or other place of worship; with consideration given to the compatibility and impact of the use on the surrounding area, including traffic congestion and safety.

Mrs. Estefan seconded the motion. Ms. Gartner pointed out that the restaurant name is spelled incorrectly and should be La Costenita not La Cosenita. The secretary said she would correct the Commission records and be sure that the decision legal notice has it spelled correctly. Chairman Melillo then took a roll call vote and the motion to approve was passed 7-0 with two members not voting.

NEW BUSINESS:

Petition of the City of Danbury by Sharon B. Calitro, Director of Planning, to Amend Secs. 8.A.3.b., 8.A.9. & 10.D.9. of the Zoning Regulations. (Add Requirements to meet DEEP General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems [City of Danbury MS4 Permit].) *Public hearing scheduled for April 23, 2019.*

Chairman Melillo said we need a motion to accept this petition, schedule the public hearing, refer to the Planning Commission for a report and put on file in the Town Clerk's office. Additionally, this will also need to be forwarded to the regional Planning Agency (WestCOG), the abutting towns, and the appropriate water companies as required by the Statutes.

Mr. Kelly 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 the other agencies as listed by Chairman Melillo. Mrs. Hylenski seconded the motion and it was passed unanimously.

Chairman Melillo said there is nothing listed under Correspondence or For Reference Only. He asked if there was anything to discuss under Other Matters and there was nothing.

At 7:46 PM, with no further business to discuss, Mr. Almeida made a motion to adjourn. Mrs. Hylenski seconded the motion and it was passed unanimously.