



CITY OF DANBURY
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ZONING COMMISSION
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MINUTES
MAY 12, 2020

The web based meeting (hosted on Zoom) was called to order by Chairman Theodore Haddad Jr. at 7:30 PM

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

Absent was Alternate Thomas Nejame.

Mr. Masi made a motion to accept the March 10, 2020 minutes. Mrs. Hylenski seconded the motion and it was passed unanimously by roll call vote.

Chairman Haddad announced that the May 26, 2020 meeting has been cancelled and the next regular meeting would be hosted on Zoom on June 9, 2020. He then stated the phone number to be used if anyone watching this meeting would like to call in with comments.

PUBLIC HEARING:

Petition of 35 White Street Plaza LLC/ Xay's Kitchen, 35 White St./Unit #4 (I13059) for a Special Permit for Beer & Wine License.

The legal notice for this petition was posted in the Town Clerk's web page as well as the Zoning Commission webpage in accordance with the Governor's Executive Order.

Benjamin Doto PE spoke in favor of this petition. He explained that this site is a strip center consisting of eight storefronts and is owned by his father. He said this restaurant has been open for about two years and serves Southeast Asian food. The owner is a Danbury resident and she has received approval from the Planning Department to add the service of Beer & Wine to her menu. He said her hours of operation are as follows: Sunday from 11 AM to 9 PM, Closed Mondays, Tuesday thru Thursday from 11 AM to 9 PM, and Friday & Saturday from 11 AM to 10 PM. He said the entire space is approximately 1,000 sq.ft. with a little over half of the space devoted to restaurant seating and the take-out area. Chairman Haddad noted that the floor plan shows there are twenty seats and it appears that there is plenty of parking on the site. Mr. Melillo asked if there would be any problems if this was restricted to a service bar only. Mr. Doto said that is fine, as there is nowhere else to sit besides at

the tables, so the beer & wine would be served to the patron at the table. Mr. Jowdy expressed concern over the fact that there could be minors in the restaurant and the service of liquor could be detrimental to them. Mr. Melillo reminded Mr. Jowdy that they have approved other small restaurants that serve liquor with a service bar only and there have been no problems. Mr. Jowdy said he was just concerned that the State might have an issue with this.

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

Chairman Haddad asked Mrs. Calitro for staff comments. Mrs. Calitro reminded the Commission of the findings in Sec. 3.F.2. of the Zoning Regulations that must be made in order for this to be approved. She also noted that the site plan waiver had been approved by staff as part of this petition.

At this point Mr. Hawley stated that he is not related to the Hawley's listed on the abutters list.

Mr. Melillo made a motion to close the public hearing. Mr. Kelly seconded the motion and it was passed unanimously by roll call vote. Mr. Melillo then made a motion to move this matter to item #1 under the Old Business on tonight's agenda. Mr. Almeida seconded the motion and it was passed unanimously by roll call vote.

OLD BUSINESS

Petition of 35 White Street Plaza LLC/ Xay's Kitchen, 35 White St./Unit #4 (I13059) for a Special Permit for Beer & Wine License.

Mr. Melillo made a motion to approve this petition with a service bar only for the following reasons: the proximity of these premises will not have a detrimental effect upon any adjacent school, church or other place of worship; or upon the immediate area including adjacent residential neighborhoods including the impact of the use upon traffic congestion and safety. Mr. Almeida seconded the motion and it was passed unanimously by roll call vote.

NEW BUSINESS

Application of Ingersoll Auto of Danbury, 3 Morgan Ave. (K11046 & K12165) for a Certificate of Location Approval for a Motor Vehicle General Repairer's License in the IL-40/CG-20 Zones. Zoning Commission public hearing scheduled for June 9, 2020. THIS DATE IS SUBJECT TO CHANGE DEPENDING ON CIRCUMSTANCES RELATED TO COVID-19.

Chairman Haddad noted that this application had been received and does not require any referrals so it would be heard at the June 9, 2020 meeting.

OTHER MATTERS:

Chairman Haddad said the public hearing for the petition of BRT Sconset Amendment is tentatively scheduled for May 26, 2020. He continued saying that the Governor's Executive Order gives them an additional ninety day window to move or re-schedule hearings if they deem it necessary. He said he is going to move this public hearing to June 23, 2020. Mr. Melillo then made a motion to change the scheduled date of the BRT Sconset Amendment public hearing from May 26, 2020 to June 23, 2020. Mr. Masi seconded the motion and it was passed unanimously by roll call vote.

Chairman Haddad then read through the four public hearings listed under For Reference Only saying the ones which are scheduled for June 9, 2020 should go forward as listed. He said we do not know when we will go back to the regular meeting format, and he is concerned that the virtual setup may not be adequate to give the public an adequate opportunity to participate in these hearings. Mrs. Calitro said they do not need to have a vote to change these hearing dates; the applicant does not have any say as it is up to Chairman and Staff to make this determination. Mr. Melillo asked if at the June 9th meeting, would they still be able to move the SC Ridge petition public hearing to another date? Chairman Haddad said they can change the date without opening the public hearing. He added that he also wants to be sure the petitioner and the public have the opportunity to participate and have their comments on the record. Mrs. Calitro then said we do not expect to be back in City Hall by the June 9th meeting and she does not suggest changing the hearing dates on any of the other petitions at this time. She added that we do not know how long it will be, and we may have to hold these hearings at zoom meetings but we will have to see how things go.

Mr. Melillo then made a motion to support the Chairman's decision to administratively postpone any of these public hearings to a later date in accordance with the Governor's Executive Order or any future Executive Orders. Mrs. Hylenski seconded the motion. Mr. Melillo said the purpose of this motion is to signify that the Commission is backing any action that the Chairman takes with regard to rescheduling any hearings. Chairman Haddad took a roll call vote and the motion was passed unanimously.

Chairman Haddad noted that there was no Correspondence and they have already noted the public hearings listed under For Reference Only.

At 8:05 PM, Mr. Jowdy made a motion to adjourn. Mr. Masi seconded the motion and it was passed unanimously.

Respectfully submitted,

JoAnne V. Read
Planning Assistant