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**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
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**MINUTES**  
**APRIL 10, 2012**

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The meeting was called to order by Chairman Robert Melillo at 7:35 PM.

Present were Sally Estefan, Theodore Haddad Jr., Alan Kovacs, Marina Loyola, Robert Melillo and Alternates Kevin Haas and Elmer Palma. Also present was Planning Director Dennis Elpern.

Absent were Walter Hoo, Richard P. Jowdy, James Kelly, Terry Tierney and Alternate Robert Oravetz.

Chairman Melillo asked Mr. Haas to take Mr. Hoo's place and Mr. Palma to take Mr. Tierney's place for the items on tonight's agenda.

Chairman Melillo led the Commission in the Pledge of Allegiance.

Chairman Melillo then said their secretary is sick so Patricia Lee, the secretary to the EIC and the ZBA, is covering for her this evening. Additionally they have no minutes this evening because of the secretary being sick.

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**PUBLIC HEARING:**

7:30 PM -- Petition of JD Enterprises d/b/a Midtown Café, 172 White St. (#J13002) for a Special Permit for Restaurant Beer & Wine.

Mrs. Estefan read the legal notice into the record. Jason Cancro identified himself as the owner of this business and said he is looking to get it rezoned. Mr. Elpern corrected him, saying he is asking for a Special Permit; which is a lot easier than a zone change. Mr. Cancro said he is not looking to become a bar or club, but would like to stay open for an early dinner crowd. He added that many of the adults who frequent his place have asked for beer or wine. He said although he is located across the street from WestConn, only about 40% of his business is college students. He added that he understands the responsibility that goes with this. He said there is a full bar that is located less than a block from the college and he would handle the kids the same way they do. Mr. Haddad asked how many seats there are in the

restaurant. Mr. Cancro said approximately 60-70 seats inside the restaurant. Mr. Haddad asked about table service versus a sit-down bar and outdoor dining. Mr. Cancro said there are some tables outside in front of the restaurant but they are not very popular. He said he could put a fence around them to make it more patio-like. Mr. Kovacs asked him if he uses the drive-thru. Mr. Cancro said they never started to use it so now they use as a ventilator. Mr. Kovacs asked if there are any similar operations in town. Mr. Haddad said they could condition this. Chairman Melillo said they put a no sales at drive-thru stipulation on the grocery beer permit for the former Duchess on White St. Mr. Palma asked a question about outdoor drinking. Mr. Cancro said he could put stanchions or fencing around the tables. He then said he is not looking to serve college students, he is looking to attract the older crowd, maybe some families. There was some discussion among the Commission members and Mr. Cancro regarding the best method to delineate the patio area. Chairman Melillo asked about table service versus counter service. Mr. Cancro said they have been serving the food at the tables and that has worked out well. He added that he is only looking to be able to serve the occasional bottle of beer or half bottle of wine with food. There were no other questions at this time.

Chairman Melillo asked if there was anyone else to speak in favor of this and one gentleman came forward. Anthony Corona identified himself as the manager when Mr. Cancro is not there. He said he has worked there since the restaurant opened and has known Mr. Cancro and his family for many years. He added that the family has sound moral values. Mr. Haddad asked how long this business has been open. Mr. Cancro said a little over two years.

Another man who identified himself as Gary Cancro, the father of the applicant, then came forward. He said he also spends a lot of time at the restaurant and their goal is that people can come in for a hamburger and if they want, a beer. He said they have many other regular customers besides college kids and they want to encourage people to come there.

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

He then asked Mr. Elpern if he had any staff comments. Mr. Elpern reminded the Commission of the criteria in Sec. 3.F.2. of the Zoning Regulations. He added that they should be sure to review the floor plan of the restaurant and that they have the right to impose any conditions they see fit.

Chairman Melillo reiterated that they could impose any conditions they think are necessary. He reminded the Commission that this approval goes with the site, not the applicant. Mr. Haddad added that this is true unless the liquor license is not renewed for a period of six months or more, which means this could change ownership and the Commission would not see it again.

Mr. Haddad made a motion to close the public hearing. Mr. Palma seconded the motion and it was passed unanimously. Mr. Haddad then made a motion to move this matter to number one under the Old Business on tonight's agenda. Mrs. Estefan seconded the motion and it was passed unanimously.

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OLD BUSINESS:

JD Enterprises d/b/a Midtown Café, 172 White Street (#J13002) for a Special Permit for Restaurant Beer & Wine.

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

- It is compatible with the surrounding neighborhood, and will not have a detrimental effect upon any church, school, or charitable institution.

Mr. Haddad then added the following conditions to his amendment: it is for beer and wine only, no beer or wine will be sold through the drive-thru, and the outdoor dining area will be fenced off. Mr. Kelly seconded the motion and it was passed with seven ayes and two not voting.

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Chairman Melillo said there was nothing under New Business or Correspondence. He asked if anyone had anything to discuss under Other Matters and there was nothing. There also was nothing under For Reference Only. He said that may mean the next meeting will be cancelled, so the Commission members should check their e-mail for a message from the secretary.

At 8:00 PM, Mrs. Estefan made a motion to adjourn. The motion was seconded by Mrs. Loyola and passed unanimously.