



CITY OF DANBURY
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ZONING COMMISSION
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MINUTES
OCTOBER 27, 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, Chairman Theodore Haddad Jr., 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 were Ryan Hawley and Alternate Thomas Nejame.

Chairman Haddad asked Mr. Henry take Mr. Hawley's place for the items on tonight's agenda.

Chairman Haddad said the next regular virtual meeting is scheduled for November 10, 2020. He then said this meeting is being broadcast live on the Planning & Zoning YouTube channel and instructions on how to participate in this meeting are listed on the agenda. He added that the legal notice and agenda were both posted on the Town Clerk and Zoning Commission pages of the City website. Lastly he said that all votes taken at this meeting would be by roll call.

Chairman Haddad asked for a motion to accept the October 13 2020 minutes. Mr. Melillo said he had notified the secretary that there were two small corrections that need to be made to these minutes. Mr. Melillo then made a motion to accept the October 13, 2020 minutes, as corrected. Mrs. Hylenski seconded the motion and it was passed unanimously by roll call vote (from Mr. Almeida, Mrs. Fay, Mrs. Hylenski, Mr. Jowdy, Mr. Kelly, Mr. Masi, Mr. Melillo, Mr. Henry and Chairman Haddad). Chairman Haddad asked the secretary to send out revised minutes containing the corrections to the Commission members with the next meeting agenda.

Chairman Haddad said the following petition has been withdrawn by the applicant: Petition of Fairway Asset Management II, LLC, 18.22 acres on Reserve Road (C16046) & 1.345 acres to the center of the adjacent right-of-way (total of 19.565 acres) for a Change of Zone from PND to IL-40. He said the opening of this public hearing was tabled at the October 13, 2020 meeting at the request of the applicant's attorney. It was continued until tonight's meeting until the withdrawal letter was received.

PUBLIC HEARING:

Petition of 56 Padanaram Road LLC & Fiesta's Deli for Special Permit for Restaurant Beer & Wine License, 56 Padanaram Road (H09078).

Chairman Haddad read the legal notice regarding this petition. Speaking in favor of the petition was the applicant, Manuel Cruz Panza. He said he is a native of Ecuador and he purchased this business in January. He said he wants to get a Beer & Wine license with a service bar only, He said there would be no sit-down bar, the beer and wine would be served at the tables. Chairman Haddad reviewed the site plan waiver approval letter issued by Deputy Planning Director Jennifer Emminger. He asked Mr. Panza what the business was before he purchased it. Mr. Panza said it was the Punta Cana Market, it is located next to the Full Belly Deli. He added that this is in the strip shopping center which is across the street from Jim Barbarie's Restaurant. Also speaking in favor of this was Mohin Kapadwala, who is a professional liquor permit consultant. Mr. Kapadwala said there are twenty seats in the deli and the beer and wine will be served at the tables only, there will be no sit-down bar. Mr. Masi asked where locked area is for the storage of the beer and wine. Mr. Kapadwala said it will be stored in the area marked as office space. Mr. Melillo asked if there is a refrigerator in there to keep the beer cold. Mr. Panza said he has to buy a new refrigerator for it. Mr. Melillo asked where this new refrigerator will be put and Mr. Panza said he is not yet sure, probably in the office which is used for storage. Mr. Kapadwala said Mr. Panza is looking into purchasing an under counter refrigerator which can be locked, so the beer and wine will be stored separately from the soda and will only be accessible by the employees. He added that there are only twenty seats and there are only two people working there at any given time. Mr. Melillo then asked the hours of operation. Mr. Panza said they are open from 7 AM to 8 PM, and only will serve the wine and beer during the lunch and dinner hours which would be 11 AM to 8 PM.

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

Chairman Haddad asked Mrs. Calitro if there were any additional staff comments. Mrs. Calitro reminded the Commission of the findings that must be made as listed in Section 3.F.2. of the Zoning Regulations. She added that these Regulations also state that the floor plan and the hours of operation are considered part of the approval.

Mr. Jowdy made a motion to close the public hearing. Mr. Melillo seconded the motion and it was passed unanimously by roll call vote. Mr. Melillo then expressed concern about how we determine what hot meals are and said he should have asked the applicant before they closed the hearing. Mrs. Calitro said normally we get a menu with the petition but the applicant did not provide one. She pointed out that the floor plan indicates hot food and the record reflects that this site has been approved as a restaurant. She added that the floor plan is considered part of the approval and it shows a steam table and a kitchen. Chairman Haddad said he was looking at their menu online and they do serve hot meals. Mrs. Calitro suggested if they approve this,

they include a condition that a menu must be submitted. She then read the definition of restaurant from the Regulations, saying there must be *full kitchen facilities where no less than sixty percent of all patron seats are devoted to the consumption of hot full course meals served to customers at tables in a ready-to-consume state and whose principal method of operation includes the following characteristic: customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed.* She said since that is how they described their operation, it meets this definition. Mr. Melillo then said he is satisfied and they can move forward. He then made a motion to move this to the Old Business on tonight's agenda. Mr. Kelly seconded the motion and it was passed unanimously by roll call vote.

OLD BUSINESS:

Petition of 56 Padanaram Road LLC & Fiesta's Deli for Special Permit for Restaurant Beer & Wine License, 56 Padanaram Road (H09078).

Mr. Melillo made a motion to approve this petition with a service bar only. The following reasons were given for the motion: these premises will not have a detrimental effect upon the immediate area, the stated hours of operation are from 11 AM to 8 PM, and the required floor plan notes that they have the equipment to prepare and serve hot foods. Mr. Almeida seconded the motion and it was passed unanimously by roll call vote.

Chairman Haddad asked if there was anything to discuss under Other Matters and there was nothing. He said there was nothing listed under New Business or Correspondence and under For Reference Only, the public hearing scheduled for November 24, 2020 was listed. He also stated that since there was no business for the November 10, 2020 meeting, it would be cancelled. He asked the secretary to publish notice of the meeting cancellation.

At 8:17 PM, Mr. Jowdy made a motion to adjourn. Mr. Kelly seconded the motion and it was passed unanimously by voice vote.

Respectfully submitted,

JoAnne V. Read
Planning Assistant