



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
www.danbury-ct.gov

(203) 797-4525
(203) 797-4586 (FAX)

MINUTES
FEBRUARY 9, 2021

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., Ryan Hawley, Rick P. Jowdy, James Kelly, Michael Masi, Robert Melillo, and Alternate Nelson Merchan Jr. Also present was Planning Director Sharon Calitro.

Absent were Angela Hylenski and Alternate Thomas Nejame. Chairman Haddad noted that Alternate member Michael Henry has resigned from the Commission due to being appointed to a seat on the City Council. He said we expect a replacement to be appointed at next month's Council meeting.

Chairman Haddad asked Mr. Merchan take Mrs. Hylenski's place for the items on tonight's agenda.

Chairman Haddad said the next regular virtual meeting is scheduled for February 23, 2021. 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.

Mrs. Fay made a motion to accept the November 24, 2020 minutes. Mr. Almeida seconded the motion and it was passed unanimously by roll call vote with ayes from Mr. Almeida, Mrs. Fay, Mr. Hawley, Mr. Jowdy, Mr. Kelly, Mr. Masi, Mr. Melillo, Mr. Merchan, and Chairman Haddad.

PUBLIC HEARING:

Petition of White Street Plaza LLC/ Xay's Kitchen, 35 White St./Unit #4 (I13059) for a Special Permit for Beer & Wine License. (Previous Approval Granted 5/12/20.)

The legal notice was read into the record. Benjamin Doto PE spoke in favor of this petition. He explained that this is before them tonight because the previously approved special permit was not filed on the land records within the appropriate time period and it expired. He said this site is a strip center consisting of eight storefronts

and is owned by his father. He said the restaurant has been open for about three years and serves Southeast Asian food. The owner, Xay Phengsy, 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 the twenty seats and the take-out area. Mr. Melillo noted that the previous approval was limited to a service bar only, so he would ask that this be approved the same way. 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. There were no questions from the Commission members.

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.

Mr. Melillo made a motion to close the public hearing. Mr. Kelly seconded the motion and it was passed by roll call vote with ayes from Mr. Almeida, Mrs. Fay, Mr. Hawley, Mr. Jowdy, Mr. Kelly, Mr. Masi, Mr. Melillo, and Mr. Merchan. At this point, Chairman Haddad lost his Internet connection, so Vice-Chairman Jowdy took over as Chairman to take the vote. Mr. Melillo then made a motion to move this matter to item one under the Old Business on tonight's agenda. Mr. Kelly seconded the motion and it was passed by roll call vote with ayes from Mr. Almeida, Mrs. Fay, Mr. Hawley, Mr. Jowdy, Mr. Kelly, Mr. Masi, Mr. Melillo, and Mr. Merchan.

OLD BUSINESS:

Petition of White Street Plaza LLC/ Xay's Kitchen, 35 White St./Unit #4 (I13059) for a Special Permit for Beer & Wine License. (Previous Approval Granted 5/12/20.)

Chairman Haddad returned to the meeting at this time. 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. Mrs. Fay seconded the motion and it was passed by roll call vote with eight ayes from Mr. Almeida, Mrs. Fay, Mr. Hawley, Mr. Jowdy, Mr. Kelly, Mr. Masi, Mr. Melillo, and Mr. Merchan, and one member not voting (Chairman Haddad).

Chairman Haddad noted that under For Reference Only there were two petitions listed which are scheduled for public hearings at the next two meetings. He asked if anyone had anything to discuss under Other Matters and there was nothing. He added that there was nothing listed under Correspondence.

At 7:55 PM, Mr. Kelly made a motion to adjourn. Mr. Masi seconded the motion and it was passed unanimously by voice vote.

Respectfully submitted,

JoAnne V. Read
Planning Assistant