



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
(203) 797-4525
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MINUTES
AUGUST 11, 2009

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The meeting was called to order at 7:35 PM by Chairman Ted Farah.

Present were Anthony DiCaprio, Ted Farah, Patrick Johnston, David Manacek, Robert Melillo, Larry Stramiello and Andrew Wetmore. Also present was Planning Director Dennis Elpern.

Absent were Theodore Haddad Jr., Richard P. Jowdy and Alternates Victoria Hickey, Jacqueline Perez-Ares and Thomas Spegnolo.

Mr. Melillo led the Commission in the Pledge of Allegiance.

Mr. Johnston made a motion to accept the June 9, 2009 minutes. Mr. Stramiello seconded the motion and it was passed unanimously.

Since it was 7:40 PM and the applicant was not present, Chairman Farah suggested they take care of the New Business and if the applicant does not show by 7:45 PM, they would adjourn the meeting.

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NEW BUSINESS:

Petition of Ervie S. Hawley Jr. to Amend Sec. 5.A.2.a of the Zoning Regulations. (Add "Parking Area or Parking Garage" as a permitted use to the CG-20 Zone). Public hearing scheduled for September 22, 2009.

Petition of Robert Botelho/Victorian Associates LLC to Amend Sec. 3.J.1.b. of the Zoning Regulations. (Amend "Exemptions & Stipulations" to the Maximum Height Requirements). Public hearing scheduled for September 22, 2009.

Petition of Digital Overload LLC to Amend Sec. 5.B.2.a.(40) of the Zoning Regulations. (Add "Indoor Amusement Enterprises" as a permitted use to the CA-80 Zone). Public hearing scheduled for September 22, 2009.

Mr. Melillo made a motion to accept these three petitions and refer them to the Planning Commission for their recommendations. Mr. Wetmore seconded the motion and it was passed unanimously.

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At this point (7:43 PM), the applicant arrived.

PUBLIC HEARING:

7: 45 PM – Petition of Elizethe de Oliveira d/b/a Anchieta Lanches LLC, 16 Ives St. (#114244) for Special Permit for Restaurant Wine & Beer.

Mr. Wetmore read the legal notice. Chairman Farah asked Mr. Elpern for comments and he said he would wait until after the applicant speaks. Chairman Farah noted that they had received a rather detailed map from the Planning Dept. showing all of the sites in the Ives St. immediate area that have licenses to sell or serve liquor.

A young woman who identified herself as Angela came forward and said she is a partner in this restaurant. She pointed to another woman in the audience saying she is the actual applicant. She continued saying that she would be speaking in favor of this request because she speaks better English. She explained that they have a very small restaurant and feel they need to be able to serve beer and wine in order to attract customers. She explained that they are not even open any set hours because every day they open and if people come in they serve food, but if no one comes in they close. She added that after her church service gets out, everyone comes over to eat but they do not want to stay because they cannot get beer or wine. She said if she could offer that in addition to their food, the people would stay there. She said they have been trying to get people to come in but if they do not get some regular customers soon, they will not be able to stay in business. Mr. Melillo said he had visited the place today and he spoke to the man that was there because he saw a beer tap. He added that the man who was there told him that they hoped to be able to serve beer really soon. Angela said that was her husband and pointed him out in the audience. Mr. Johnston asked if they would have a sit-down bar. Angela said they would not, she said the beer and wine would only be served with the food. She added that there is no room for a sit-down bar because this is a tiny place. She then brought out a binder with all of their health dept. approvals and licenses, a copy of their menu, and some photos of people in the place. This was passed around so all of the members could review it. All of the Commission members told her that her prices for the food were too low. She said they had set the prices so they could get people in there, but it didn't help. She again said they are pretty desperate and hope that the Commission will approve their request so they can stay in business. Chairman Farah asked her if she could point things out on her floor plan because it really is not clear. She tried to explain where the tables and chairs are, and the counter and the kitchen area. Mr. Elpern then said the floor plan that was submitted was just dropped off yesterday afternoon and really is not adequate. Although it has measurements on it, it is not drawn to scale and there are no tables or seats shown on it. He explained that the point of requiring a floor plan is to see where the tables and chairs are and if there is a bar, it should be shown also.

Mr. Melillo suggested they continue the hearing so the applicant can bring back the necessary information. Chairman Farah asked the applicant if she would like them to vote tonight or if she wanted to continue this and she could bring back the necessary info. She spoke to her partner and said they would rather continue the hearing and they will bring back a detailed floor plan and photos of the interior.

Mr. DiCaprio made a motion to continue this public hearing until the August 25, 2009 meeting so the applicant can come back with a detailed floor plan drawn to scale and also photos of the interior of the restaurant. Mr. Melillo seconded the motion and it was passed unanimously.

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Chairman Farah noted that there was nothing under Correspondence or For Reference Only. He asked if anyone had anything to discuss under Other Matters and there was nothing.

At 8:45 PM, with nothing further to discuss, Mr. Wetmore made a motion to adjourn. Mr. DiCaprio seconded the motion and it was passed unanimously.