



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

ZONING COMMISSION  
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MINUTES  
MARCH 28, 2006

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The meeting was called to order by Chairman Jack Knapp at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Ted Farah (arrived at 7:40 PM), Theodore Haddad Jr., Helen Hoffstaetter, Richard P. Jowdy, , Jack H. Knapp, Robert Melillo, and Alternate Jean Anderson. Also present was Planning Director Dennis Elpern.

Absent were Donald Kennedy and Alternates Victoria Hickey and Joseph Notaro, Jr.

Chairman Knapp asked Mrs. Anderson to take Mr. Kennedy's place for the items on tonight's agenda. He then led the Commission in the Pledge of Allegiance. He then noted that there was a correction to the minutes of March 14, 2006. At the bottom of page 3, in the roll call vote. Ms Hickey is listed as both and aye and a nay. The aye vote should have been from Mr. Haddad. Mr. DiCaprio then made a motion to accept the corrected minutes. The motion was seconded by Ms. Hoffstaetter and passed unanimously.

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PUBLIC HEARING:

7:30 PM – Petition of Fabia Patricia Fernandes d/b/a Arts & Party LLC, 68 Keeler St. (#I14372) for Special Permit for Restaurant Liquor Permit for Catering Establishment. (Previously approved for Restaurant Liquor in 1994 – previous business allowed license to expire.)

Chairman Knapp read the legal notice. Louis Fernandes (the applicants' husband) spoke in favor of this petition. He said his family owns the building and they are planning to have a catering facility/restaurant in there. He said there will be no sit-down bar on the premises. Chairman Knapp asked him if they only wanted to serve liquor during a catered functions. Mr. Fernandes said that is not what they wanted, they want to be able to offer alcoholic beverages to their customers in the restaurant at any time. At this point, Mr. DiCaprio suggested the Commission deny this application without prejudice so the applicant can submit the correct application, but no one thought it was a good idea. Patricia Fernandes then said she did not understand the difference between the two types. Chairman Knapp said it appeared that there was a misunderstanding about the fact that they are also a restaurant not just a catering hall. Mrs. Fernandes said she will be catering a lot of children's birthday parties, which are a very big deal in the Portuguese community. She said she has been arranging and catering these children's parties off site for a while, but now would like to do it in her own place.

Chairman Knapp asked if there was anyone to speak in opposition to this petition.

Dennis Elpern said he would like the Commission to consider some comments and considerations. He reminded the Commission of the criteria they need to consider when reviewing this type of request. He distributed a map of the neighborhood showing the sites of the former Portuguese clubs. He said one is being used as a Church and the other is being used a community center for a church which are now being used as Churches. He said he had requested an incident report for the past five years from the Police Department for this address and he wanted to share it with the Commission. There were approximately 440 calls to this address, which breaks down into 51 alcohol related, 118 fights, 39 larceny, 152 motor vehicle related and some drug related and alarm calls. Mr. Elpern said he is concerned because this is an exceptionally high number of incidents for one property. If this site is used as a restaurant, the possibility exists that these types of incidents would continue. He then said in addition to the two churches in the immediate area, there is another church on the corner of Patriot Drive and Liberty St. He also pointed out that since this is located in the C-CBD Zone, the owners will have to document the 60/40 split of food and liquor on a monthly basis. Chairman Knapp asked if they decide to stick with catering permit would they have to have a split. Mr. Elpern said they did not. Ms. Hoffstaetter asked if there is a distance requirement between churches and schools. Chairman Knapp said it is not in the Regulations, so the Commission just needs to use Common Cense.

Louis Fernandes spoke in rebuttal to Mr. Elpern's comments. He said his parents have owned this since 1991. He added that they had tried to operate a teen club but it evolved into a bar, since there was no market for the teen club. He said in 2001, his father leased this to someone who turned it into a nightclub. His father ended up evicting the man, but not before there was a string of unsuccessful clubs at this site (Sunset City Café, DialTone 2, Emilia's Restaurant). He continued saying that his father had many problems with site and tenant and does not want all that trouble. He then said they don't want this to be a nightclub and what they are proposing will be family oriented and family functions don't breed this kind of trouble. Mrs. Buzaid asked for the hours of operation and Mr. Fernandes said lunch into dinner hours and definitely NO MONDAYS.

Mr. DiCaprio made a motion to close the public hearing. Mr. Melillo seconded the motion and it was passed unanimously. Mr. Melillo then made a motion to move this matter to number one under Old Business. Mr. DiCaprio seconded the motion and it was passed unanimously.

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OLD BUSINESS:

Petition of Fabia Patricia Fernandes d/b/a Arts & Party LLC, 68 Keeler St. (#114372) for Special Permit for Restaurant Liquor Permit for Catering Establishment. (Previously approved for Restaurant Liquor in 1994 – previous business allowed license to expire.)

Chairman Knapp said they had just heard this matter and asked for a motion to start the discussion. Mr. DiCaprio made a motion to deny this since the intention of the petitioner was to be able to serve liquor any time as a restaurant and the catering permit will restrict them to only serving liquor during a catering function. Mrs. Anderson seconded the motion. Since there

was no further discussion, Chairman Knapp called a roll call vote and the motion was passed unanimously with eight AYES (Mr. Farah did not vote as he was not present for the entire public hearing).

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There was nothing under New Business. Chairman Knapp reviewed the Correspondence which consisted of two Cease & Desist Orders and under For Reference Only there was a public hearing scheduled for April 11, 2006.

At 8:45 PM Mr. Melillo made a motion to adjourn. Mr. Farah seconded the motion and it was passed unanimously..