



CITY OF DANBURY
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DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES
AUGUST 22, 2023

The web-based meeting hosted on Zoom was called to order by Chairman Theodore Haddad Jr. at 7:36 PM.

Present were Michael Coelho, Milan David, Ryan Hawley, Angela Hylenski, Rick P. Jowdy, Robert Melillo, Joseph Raya, Theodore Haddad Jr., and Alternates Bruce Bennett and Olga Mejia (joined the meeting at 7:40 PM). Also present was Planning Director Sharon Calitro.

Absent was Alternate Edwin Duran.

Chairman Haddad asked Mr. Bennett to be seated for the vacant seat created by Mrs. Fay's resignation.

Chairman Haddad led the Commission in the Pledge of Allegiance.

Mr. Melillo noted that before they accept the August 8, 2023 minutes, he would like the comments that he made to Attorney Pease added to the minutes. He said they were spoken right before Attorney Pease made his closing comments. The following language was added to the August 8, 2023 minutes: *After the Mall closes, the only access to this facility is from outside of the Mall. This is the same as the restaurants which have bars that remain open after the Mall closes for the evening. On the weekends, there will be two security guards stationed at the entrance/exits to this facility. Their House Rules state that they will not allow intoxicated people to enter the facility. Also the bartenders will not serve intoxicated people; they will be asked to leave the facility.* Chairman Haddad then asked that for clarification purposes, the phrase "of the entire body which is nine" be added to page 5 in the section on voting on Vice Chairman. The secretary noted that she would make the corrections before filing the minutes on the website and in the Town Clerk's office.

Mr. Jowdy made a motion to accept the revised August 8, 2023 minutes. Mr. Coelho seconded the motion and it was passed unanimously by voice vote with nine ayes (from Mr. Coelho, Mr. David, Mr. Hawley, Mrs. Hylenski, Mr. Jowdy, Mr. Melillo, Mr. Raya, Mr. Bennett, and Chairman Haddad).

BY: *vl*

2023 SEP 13 P 1:52
RECEIVED FOR RECORD
DANBURY TOWN CLERK

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

Petition of Danbury Mall LLC (property owner)/ Round One Entertainment Inc. (tenant) 7 Backus Avenue (F17002, F16014, F16015, F17014, & F17015) for a Special Permit for Café Liquor License in the CG-20 Zone.

Mr. Bennett, Mrs. Hylenski, and Mr. Raya all said they had watched the video and reviewed the documents from the August 8, 2022 meeting, so they were all eligible to vote on this petition. Chairman Haddad asked for a motion so they could discuss this. Mr. Melillo made a motion to approve this petition with the following conditions: *“(1) All alcoholic beverages purchased on site shall be consumed within the establishment and cannot be taken out of the space occupied by the establishment, and (2) The Licensee must comply with any recommendations made by the Danbury Police Department regarding security staffing levels”*. The reasons given for the motion were:

- The proximity of such premises or buildings will not have a detrimental effect upon any adjacent school, church or other place of worship;
- The location of such premises or buildings will not have a detrimental effect upon the immediate area with due consideration given to the compatibility and impact of the use on the surrounding area, including adjacent residential neighborhoods, and the impact of the use upon traffic congestion and safety; and
- The petition was accompanied by a complete floor plan showing all dining areas, rooms, and bar areas, including all seats and tables, and areas which may, either permanently or temporarily, be used for entertainment activities.

Mr. Coelho seconded the motion. Chairman Haddad said this is a unique situation and reminded the Commission members that they can attach other conditions if asked if any of the members had any other ideas or comments. This was followed by a lengthy discussion among the Commission members about whether they should make them stop serving liquor at midnight, the type of crowd that might frequent this type of facility, the proposed security plan, and the fact that this space has an occupancy of over 1,200 people.

Mr. Melillo said he did not think they should impose a midnight cut-off because no other places that serve liquor have that restriction. Mr. Jowdy and Mr. Bennett both said if there is going to be trouble, it usually happens after midnight, so restricting this may be helpful for them. Chairman Haddad said it is a large space and it is doubtful that they would ever come close to that number of patrons at any time. Mr. Coelho said he thinks they need to do this until we can see what kind of crowd the business draws. Mr. Melillo said the liquor is an accessory to the main use and does not appear to be an issue in any of their locations. Mr. Jowdy then said with the volume of people who frequent the Mall, he is concerned about the young people. Mr. Raya said they need to consider all of the parties who might go to this place, not just the families with kids. There was more discussion about the proposed security. Mr. David said they should make the cutoff for liquor service at midnight and let the police dictate what kind of security is needed for this business.

Mr. David then made the motion to add *“Sales of alcoholic beverages must end at 12:00 midnight”* as a third condition. Mr. Coelho seconded this motion. Chairman Haddad

took a roll call vote on the motion to add this condition to the motion to approve, and it was passed with five ayes (from Mr. Coelho, Mr. David, Mrs. Hylenski, Mr. Bennett and Chairman Haddad), three nays (from Mr. Hawley, Mr. Melillo, and Mr. Raya) and one abstention (from Mr. Jowdy). Mr. Melillo okayed the addition of this third condition to his original motion to approve this petition. Mr. Coelho okayed this also, as he seconded the original motion. Chairman Haddad said he would take a roll call vote if there was no further discussion. Mr. Raya asked that the conditions be re-stated before they vote on the motion and Mr. Melillo reiterated the three conditions: *“(1) All alcoholic beverages purchased on site shall be consumed within the establishment and cannot be taken out of the space occupied by the establishment; (2) The Licensee must comply with any recommendations made by the Danbury Police Department regarding security staffing levels; and (3) Sales of alcoholic beverages must end at 12:00 midnight”*. Chairman Haddad took a roll call vote on the revised motion to approve with the three conditions as stated. The motion was approved with eight ayes (from Mr. Coelho, Mr. David, Mr. Hawley, Mrs. Hylenski, Mr. Melillo, Mr. Raya, Mr. Bennett, and Chairman Haddad) and one nay (from Mr. Jowdy).

OTHER MATTERS:

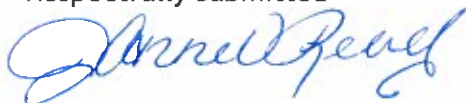
Nomination and Election of Vice-Chairman.

Mr. David made a motion to nominate Mr. Jowdy for the position of Vice-Chairman. Mr. Coelho seconded the nomination. Since there were no other nominations, Chairman Haddad took a roll call vote and Mr. Jowdy was unanimously elected Vice-Chairman with eight votes (from Mr. Coelho, Mr. David, Mr. Hawley, Mrs. Hylenski, Mr. Jowdy, Mr. Melillo, Mr. Raya, and Chairman Haddad).

Chairman Haddad said there was nothing under New Business or Correspondence and listed Under For Reference Only were two public hearings scheduled for September 12, 2023.

At 8:45 PM, Mrs. Hylenski made a motion to adjourn. Mr. Hawley seconded the motion and it was passed unanimously by voice vote with nine ayes (from Mr. Coelho, Mr. David, Mr. Hawley, Mrs. Hylenski, Mr. Jowdy, Mr. Melillo, Mr. Raya, Mr. Bennett, and Chairman Haddad).

Respectfully submitted



JoAnne V. Read
Planning Assistant