



CITY OF DANBURY
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ZONING COMMISSION
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MINUTES
MARCH 26, 2019

The meeting was called to order by Chairman Robert Melillo at 7:30 PM.

Present were Angela Hylenski, Rick P. Jowdy, James Kelly, Robert Melillo, Candace Fay, and Alternates Sidney Almeida and Michael Masi. Also present was Director of Planning Sharon Calitro.

Absent were Luis Bautista, Milan David, Sally Estefan, Andrea Gartner, and Alternate Thomas Nejame. Chairman Melillo asked Mr. Almeida to be seated for Ms. Gartner and Mr. Masi to be seated for Mr. Bautista for the items on tonight's agenda.

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

Mr. Kelly made a motion to accept the minutes of February 26, 2019. Mrs. Hylenski seconded the motion and it was passed unanimously.

PUBLIC HEARING:

Petition of Marshall Vines d/b/a Joy Lounge-Café, 2 Ives St. (I14243) for Reapproval of a Special Permit for Café Liquor.

Chairman Melillo read the legal notice. He then said that a Site Plan waiver has been approved for this use at this site and it includes the patio as it is part of their property. Additionally, the waiver approval states plainly that this is for a specific number of seats (58 interior and 20 patio) on the first floor only and the upper two floors are not included.

Marshall Vines spoke in favor of this petition. He said they want to have an adult club where people can hang out and relax. He said at this point they are still deciding what entertainment they will have, possibly comedy and jazz music but not too much dancing. Mrs. Hylenski asked about their proposal saying they will have a massage night. Mr. Vines said that was put together when there was a third partner involved. He added that now it is just him and one partner, Margot Clark. Mr. Kelly asked if they intend this to be a nightclub. Mr. Vines said not really, they are still undecided about what and when they will have entertainment versus just having the televisions running. He added that at this point, their employees will be family members. He said they expect the daytime crowd to be foot traffic and they want to serve lunch if there are customers who ask for it. At this point Ms. Clark came forward and submitted a brief menu that they intend to offer. Mrs. Calitro asked where the food will be

prepared. Ms. Clark said there is a commercial kitchen there. Mrs. Calitro reiterated that they are only approved to use the space on the first floor. There were no other questions from the Commission.

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

Chairman Melillo asked for staff comments. Mrs. Calitro reminded the Commission of the findings (in Sec. 3.F.2. of the Zoning Regs) that they must make in order to approve this petition. She said additionally, they will be required to get an Entertainment license and the same floor plan submitted with this petition must be used for that. This is required by City ordinance.

Chairman Melillo asked if there is any police activity in this area. Mrs. Calitro said not heard any detrimental reports. He then asked what their hours of operation would be and Mr. Vines said they are not really sure at this time. Mr. Kelly asked if they are renting all three floors in the building. Mrs. Calitro reminded him that the site plan waiver approval limits them to first floor use ONLY. Mr. Jowdy asked if the previous use of the second and third floor would be pre-existing. Mrs. Calitro pointed out that there is no approved use (current or historical) for those two floors. Mrs. Hylenski asked about the parking. Mrs. Calitro said they are within five hundred feet of the parking garage so their customers would be able to park there. She added that the waiver approval letter states that the parking authority has approved the use of the garage. She added that the hours one can serve liquor are regulated by the Liquor Control Commission who issues the actual liquor permit. She said if they choose to open to serve lunch that would fall within the hours of operation as regulated. Mr. Kelly asked why their approval precedes the Entertainment license. Mrs. Calitro said the ordinance specifies that the Entertainment license comes after the land use approvals. There was no further discussion.

Mr. Kelly made a motion to close the public hearing. Mrs. Fay seconded the motion and it was passed unanimously. Mrs. Fay made a motion to move to item one under Old Business. Mr. Almeida seconded the motion and it was passed with five ayes and two nays (from Mr. Kelly and Chairman Melillo). Chairman Melillo reminded the Commission that since there are two members who are unsure, so they do have the option of waiting until a later meeting to vote.

OLD BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

Petition of Marshall Vines d/b/a Joy Lounge-Café, 2 Ives St. (I14243) for Reapproval of a Special Permit for Café Liquor.

Mrs. Fay made a motion to approve this petition for the following reasons:

- This will not have a detrimental effect upon any adjacent school, church or other place of worship; with consideration given to the compatibility and impact of the use on the surrounding area, including traffic congestion and safety.

Mr. Masi seconded the motion. Mrs. Fay then said this could be a good addition to the downtown because they are looking to attract a more mature crowd and she believes there is already is a special shift of police officers on Friday and Saturday evenings so it will not require extra police coverage. Chairman Melillo asked if anyone wanted to wait to vote on this matter and there was no response.

Chairman Melillo took a roll call vote and the motion to approve was passed with five ayes, Mrs. Hylenski, Mr. Jowdy, Mrs. Fay, Mr. Almeida and Mr. Masi), two nays(from Mr. Kelly and Chairman Melillo) and two not voting.

NEW BUSINESS:

Petition of J.A.R. Associates LLC to Amend Sections 2.B., 3.F.2., & 6.A.2.c. of the Zoning Regulations. (Add “distillery” to the IL-40 zone.) Public hearing scheduled for May 14, 2019.

Chairman Melillo said we need a motion to accept this petition, schedule the public hearing, refer to the Planning Commission for a report, put on file in the Town Clerk’s office, and forwarded to any other agencies as required by the Statutes.

Mrs. Hylenski made a motion to accept this petition, refer it to the Planning Commission for a recommendation, put on file in the Town Clerk’s office, and forward to any other agencies as may be required. Mr. Almeida seconded the motion and it was passed unanimously.

Chairman Melillo said there is nothing listed under Correspondence and listed under For Reference Only is the public hearing scheduled for April 23, 2019. He asked if there was anything to discuss under Other Matters and there was nothing.

At 8:15 PM, with no further business to discuss, Mr. Kelly made a motion to adjourn. Mr. Jowdy seconded the motion and it was passed unanimously.