



CITY OF DANBURY
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ZONING COMMISSION
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MINUTES
MAY 14, 2019

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

Present were Milan David, Sally Estefan, Andrea Gartner, Angela Hylenski, James Kelly, Robert Melillo and Alternates Sidney Almeida, Michael Masi, and Thomas Nejame. Also present was Director of Planning Sharon Calitro

Absent were Luis Bautista, Rick P. Jowdy and Candace Fay.

Chairman Melillo asked Mr. Almeida to be seated for Mr. Jowdy, Mr. Masi to be seated for Mr. Bautista, and Mr. Nejame to be seated for Mrs. Fay for the items on tonight's agenda.

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

Ms. Gartner made a motion to accept the April 23, 2019 minutes. Mr. Masi seconded the motion and it was passed unanimously.

PUBLIC HEARING:

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.)

Mrs. Estefan read the legal notice regarding this petition. Mrs. Hylenski read the Planning Commission recommendation which was positive. Chairman Melillo read the Planning Department Staff Report dated April 2, 2019. He also noted that the petition had been sent to WestCOG, whose response was the opinion of WestCOG staff is that the proposal is of local interest with minimal intermunicipal impact.

Attorney Tom Beecher spoke in favor of this petition. He said the purpose of this petition is add the definition of distillery, add distillery as a special permit use in the IL-40 zone, and to add distilleries to the uses in Sec. 3.F.2 that require a permit from the State of CT Department of Consumer Protection/Liquor Control Division. In 2017, this Commission amended the Regulations to add "Brewery" to special permit uses in the IL-40 zone. This proposal is to amend the very same sections to add "Distillery" as a special permit use. He said the Rizzo family is doing this because they have a potential tenant for one of their properties in the IL-40 zone. He said he agreed with the Planning Director's staff report and they had collaborated on these amendments

to ensure they are consistent with language that was added for breweries. He said the State regulations refer to distilling as manufacturing and since manufacturing is on the wane, this really will be a good addition to the IL-40 zone. He said the primary use will include distilling, bottling and distribution, although retail sales for off-site consumption is permitted. State law prohibits drinking on the premises except for a tasting which is limited to 2 ounces. He said this is an appropriate use for the IL-40 zone because it is similar to existing permitted uses such as the manufacture and packaging of food, pharmaceuticals, and beer. Lastly, he said they added a requirement for submission of a floor plan to ensure transparency and confirmation of the size and areas within the facility during the site plan approval process. There were no questions from the Commission.

Chairman Melillo asked if there was anyone to speak in opposition to this petition and there was no one. He then read an e-mail the Planning Director had received from City Councilman Paul Rotello. The e-mail expressed concern over the possibility this could circumvent the package store regulations and the potential impact on the IL-40 zones.

Attorney Beecher spoke in rebuttal to Mr. Rotello's comments. He said this is not a bar and you cannot consume what you buy on the premises so it will not interfere or compete with package stores. He also said the language referring to catering on the premises is not a primary use, it is only intended to be an accessory use to events. At this point Mr. Nejame asked if there will be a distance requirement for this use. Attorney Beecher said there will not.

Chairman Melillo asked Mrs. Calitro if she had any staff comments and there were none.

Mrs. Estefan made a motion to close the public hearing. Mrs. Hylenski seconded the motion and it was passed unanimously. Ms. Gartner made a motion to move this petition to item #1 under the Old Business on tonight's agenda. Mrs. Hylenski seconded the motion and it was passed unanimously.

OLD BUSINESS FOR DISCUSSION & POSSIBLE ACTION:

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.)

Chairman Melillo reminded the Commission members of the findings that must be made in order for them to approve this petition.

Mr. David made a motion to approve this petition for the following reasons: the use is consistent with the Plan of Conservation & Development (POCD), it meets the purpose and intent of the IL-40 zone and is compatible with the other uses permitted in that zone, and it will not negatively impact the health, safety and welfare of the general public. Mrs. Estefan seconded the motion. Chairman Melillo took a roll call vote and the motion was passed unanimously 9-0.

NEW BUSINESS:

Petition of Dona Maria Mexican Restaurant & Bakery, 219 Main St. (I14230) for Special Permit for Restaurant Beer and Wine License. *Public hearing scheduled for May 28, 2019.*

Petition of Eliazar Fernandez/Trellis Restaurant, 49 North St. (I12004) for Reapproval of Restaurant Liquor License. *Public hearing scheduled for May 28, 2019.*

Chairman Melillo said there is no action necessary for these petitions as they do not require any referrals.

Chairman Melillo said there was nothing listed under Correspondence and one petition listed under For Reference Only. He asked if anyone has anything to discuss under Other Matters and there was nothing.

At 8:05 PM, with no further business to discuss, Mrs. Hylenski made a motion to adjourn. Mr. Masi seconded the motion and it was passed unanimously.