



CITY OF DANBURY
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ZONING COMMISSION
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MINUTES
JUNE 22, 2021

The regular meeting was called to order by Chairman Theodore Haddad Jr. at 7:30 PM.

Present were Sidney Almeida, Candace Fay, Theodore Haddad Jr., Rick P. Jowdy, James Kelly, Michael Masi, Robert Melillo, and Alternates Jason Eriquez and Nelson Marchand Jr. Also present was Planning Director Sharon Calitro.

Absent were Ryan Hawley, Angela Hylenski and Alternate Thomas Nejame.

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

Mr. Melillo made a motion to accept the June 8, 2021 minutes. Mr. Jowdy seconded the motion and it was passed unanimously by voice vote with nine ayes (from Mr. Almeida, Mrs. Fay, Mr. Jowdy, Mr. Kelly, Mr. Masi, Mr. Melillo, Mr. Eriquez, Mr. Marchand, and Chairman Haddad).

Mr. Melillo made a motion to add the following petition to the agenda under New Business: Petition of Sharon B. Calitro, Planning Director to Amend Sections 2.B and 10.J. of the Zoning Regulations. (Moratorium on the Acceptance of Applications, Amendments, Petitions or Issuance of Zoning Permits for or related to Cannabis Establishments; and new Definitions). Mr. Kelly seconded the motion and it was passed unanimously by voice vote with nine ayes (from Mr. Almeida, Mrs. Fay, Mr. Jowdy, Mr. Kelly, Mr. Masi, and Mr. Melillo, Mr. Eriquez, Mr. Marchand, and Chairman Haddad).

PUBLIC HEARING:

Petition of James Bonheur/Danbury Entertainment Associates LLC for a Special Permit for Café Liquor License at 38 Mill Plain Road (E15106).

Chairman Haddad read the legal notice regarding this petition and also the Waiver to Site Plan approval issued by Deputy Planning Director Jennifer Emminger. Speaking in favor of this were James Bonheur, the owner of the business, and Michael Williams, the financial director for the business. Mr. Bonheur said the site approval letter that the Chairman read tells most of the basics of the business. They have been open for two months and people seem to like the place. Mr. Williams said their hours of operation are 12 noon to 8 PM on Tuesday through Thursday and Sunday. On Friday and Saturday they will be open from 12 noon to 11 PM. They will sell alcohol from 6 PM to close on each of these days,

but that could change depending on the demand. They have a total of 51 employees and only specific ones will work in the cafe. There will be a dedicated cafe counter with two point-of-sale registers. He explained that they will be using the new “smartbar” technology which is an automated cocktail dispensing machine that prepares over 600 different drinks and stores the liquor. This machine is locked and can only be accessed by entering a code or badging into it so only management and designated trained employees can use it. The employee enters the drink order and the machine makes it by following a precise recipe which is stored in the machine. It is then dispensed into a specific cup and paid for. This eliminates the need for a bartender; there are no under or over pours and no free drinks. This system comes with training and the appropriate staff will be taught how to use it. They understand the responsibility of serving liquor and checking the customer’s identification. The way it will work is when people enter the business, they must first go to guest services to check in and pay. At that time, their ID is checked and they are issued a wristband. These are not flimsy wristbands; they are closed with a rivet not just sticky tape. When they go to the cafe, their ID will be checked again. There is a three-drink maximum and they only can be consumed in the cafe. The wristband gets a punch for each drink and there is a specific cup (e.g.: bright orange color) used for the alcoholic beverages. The dedicated cafe staff is responsible for making sure no one takes the liquor out of the cafe and into the actual amusement areas. All liquor will be stored in a locked storage room and will only be usable with the machine. Also only management (approximately six people) will have access to the storage room. The cafe food and alcohol is served via counter service. The staff person (who checks the persons ID) takes the customer order and enters it into the “smartbar” and once it is prepared and paid for, gives it to the customer. The food order is handled the same way. There is posted signage in all areas of the cafe noting that the alcohol can only be consumed within the cafe area.

Mr. Bonheur then said this is a family entertainment center for adults as well as for children. This business is not a bar; the focus is on entertainment uses. The alcohol is being brought in as an enticement or an accessory to the entertainment use. He said when you enter the building; you are at the upper level where you check into guest services to get access to the specific attraction you plan to participate in. He said if the customer also intends to purchase alcohol, the wristband will denote that. He said the cafe is also located on this level, and all of the entertainment attractions are on the lower level as is the party room. He added that no liquor will ever be permitted in the party room. Chairman Haddad asked about BYOB (bring your own bottle) and Mr. Bonheur said that is not allowed either. The only place anyone can have any drinks is in the cafe. Chairman Haddad asked Mr. Bonheur if they would have a problem with a service bar only restriction since the “smartbar” sounds like it would operate in the same manner as a server going to a bar, getting the drink and serving it to the customer. Mr. Bonheur said a staff person will be serving the drink to the customer at the counter so that is essentially a service bar. Mr. Bonheur then said there are surveillance cameras located throughout the building and the entire business is strictly regulated to enhance the customer’s safety and enjoyment.

Chairman Haddad asked if there was anyone else to speak in favor of this and City Councilman Paul Rotello said this is an interesting concept. He expressed concern that a person would have drinks upstairs and then go downstairs to participate in an activity (e.g.: rock climbing wall) and get hurt. Mr. Bonheur said all of the attractions are designed with safety as the number one component. The staff will be trained to watch out for people whose behavior raises red flags. The staff will be adequately trained to control the situation if someone comes into the business already drunk. Mr. Williams added that

every attraction has specific staff assigned to it to monitor the customers use it safely. An example is that anyone using the rock-climbing wall must be harnessed in or they will not be allowed to use it.

City Councilman Benjamin Chianese said he has no objections to this and likes the idea of a three-drink maximum. He asked what happens is someone's wristband falls off, can they get it replaced. Mr. Williams said these are not flimsy paper wristbands; they are thick plastic sealed with a rivet. He said the staff will put it on the person at guest services and really, the only way to remove it is with scissors. He added that they do not expect anyone to come in just to have a drink. It is an enticement, not the main attraction and they intend to take this very seriously. Mr. Bonheur said all of the staff will be trained to be aware of the customer's wristbands, so they will notice if someone has lost one. He added that the wristbands are not cheap; they are part of the capital investment of the "smartbar". The intent is to have a secure environment for their operations as well as for the customer's enjoyment.

Chairman Haddad asked Mr. Bonheur is he has another business like this located somewhere else. Mr. Bonheur said he is actually a surgeon by trade and takes the customer safety very seriously. He said he is a member of the LLC (Limited Liability Corporation) that owns the business and he also owns the building. Mrs. Fay asked if their insurance character required the "smartbar". Mr. Bonheur said it was not required, the business was built during the COVID pandemic, and he thought the "smartbar" would be a worthwhile investment for this business. Mr. Almeida asked if there is an age limit for participation in these activities. Mr. Williams said the only restriction is height. Mr. Bonheur said he and his wife do some of the activities. He added that any child four years and older can participate and even some younger ones could be a passenger in the bumper cars.

Chairman Haddad asked if there was anyone to speak in opposition to this petition and there was no one. He then asked Mrs. Calitro for any staff comments. Mrs. Calitro said she had nothing to add but reminded the Commission that this must comply with the requirements as listed in Section 3.F.2 of the Zoning Regulations.

Mrs. Fay then made a motion to close the public hearing. Mr. Almeida seconded the motion and it was passed unanimously by voice vote with nine ayes (from Mr. Almeida, Mrs. Fay, Mr. Jowdy, Mr. Kelly, Mr. Masi, and Mr. Melillo, Mr. Eriquez, Mr. Marchand, and Chairman Haddad).

Mr. Melillo made a motion to move this to number two under the Old Business on tonight's agenda. Mrs. Fay seconded the motion and it was passed unanimously by voice vote with nine ayes (from Mr. Almeida, Mrs. Fay, Mr. Jowdy, Mr. Kelly, Mr. Masi, and Mr. Melillo, Mr. Eriquez, Mr. Marchand, and Chairman Haddad).

OLD BUSINESS:

Petition of Newtown Road LLC/Maria & Manuel Andre, Whitney Avenue (K12254) for Change of Zone from RA-8 to CG-20. MARCH SUBMISSION.

Since there were only eight members present that are eligible to vote on this and approval of this will require a super majority (6-3 vote), Attorney Marcus asked that they table this again and wait for a nine-member board to vote on this petition.

Petition of James Bonheur/Danbury Entertainment Associates LLC for a Special Permit for Café Liquor License at 38 Mill Plain Road (E15106).

Mr. Melillo made a motion to approve this petition with the following stipulations:

- (1) All liquor is to be dispensed from a service bar only; no sit-down bar is permitted.
- (2) Liquor service is limited to the upstairs main floor, in the cafe/bistro area only.
- (3) Additional changes must be approved by the Zoning Commission,

Mrs. Fay seconded the motion and it was passed unanimously by roll call vote with nine ayes (from Mr. Almeida, Mrs. Fay, Mr. Jowdy, Mr. Kelly, Mr. Masi, and Mr. Melillo, Mr. Eriquez, Mr. Marchand, and Chairman Haddad).

NEW BUSINESS

Petition of Sharon B. Calitro, Planning Director to Amend Sections 2.B and 10.J. of the Zoning Regulations. (Moratorium on the Acceptance of Applications, Amendments, Petitions or Issuance of Zoning Permits for or related to Cannabis Establishments; new Definitions). Public hearing scheduled for July 27, 2021. THIS DATE IS SUBJECT TO CHANGE DEPENDING ON CIRCUMSTANCES RELATED TO COVID-19.

Mr. Melillo 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. Masi seconded the motion and it was passed unanimously by voice vote with nine ayes (Mr. Almeida, Mrs. Fay, Mr. Jowdy, Mr. Kelly, Mr. Masi, and Mr. Melillo, Mr. Eriquez, Mr. Marchand, and Chairman Haddad).

At 8:49 PM with no further business to discuss, Mr. Masi made a motion to adjourn. Mr. Kelly seconded the motion and it was passed unanimously by voice vote with nine ayes (from Mr. Almeida, Mrs. Fay, Mr. Jowdy, Mr. Kelly, Mr. Masi, Mr. Melillo, Mr. Eriquez, Mr. Marchand, and Chairman Haddad).

Respectfully submitted,

JoAnne V. Read
Planning Assistant