



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
JANUARY 3, 2024

The meeting was called to order at 7:30 PM by Chairman Arnold Finaldi Jr.

Present were Robert Chioocchio, Kevin Haas, Helen Hoffstaetter, Perry Salvagne, and Arnold Finaldi Jr. Also present were Deputy Planning Director Jennifer Emminger and Associate Planner Allie Smith.

Chairman Finaldi said there is no one absent, although they still have three vacant alternate seats.

Mrs. Hoffstaetter made a motion to accept the December 6, 2023 minutes. Mr. Chioocchio seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chioocchio, Mr. Haas, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

Chairman Finaldi noted that the next regular meeting is on January 17, 2024.

PUBLIC HEARINGS:

Chairman Finaldi read the legal notice regarding the two public hearings.

Black Wolf Properties LLC (Property Owner & Applicant) - Application for Special Exception/Site Plan Approval for Repair of Automobiles, Trucks, and Motorcycles with Indoor Parking Storage Facility and Limited Used Automobile, Truck, and Motorcycle Sales [Secs. 6.A.2.b.(12) & 6.A.5.h.] in the IL-40 Zone - 32 Miry Brook Road ((F19017) - SE #798.

Attorney Neil Marcus spoke in favor of this application. He explained that this is the last chapter of a long saga for this location. Initially, it was approved for a parking & storage facility with the repair of automobiles. There are two buildings on the site, one is used for the parking & storage of vehicles and the other is the auto repair facility. In July 2023, the Zoning Regulations were amended to add limited used automobile, truck, and motorcycle sales with very specific requirements to the IL-40 zone, specifically to accommodate this site. The reason for this is that the Connecticut DMV has required that Black Wolf hold a used car dealer's license so that it may sell used automobiles, trucks, and motorcycles it repairs and stores at its facility on Miry Brook Road in Connecticut instead of under its New York State

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dealer's license. They only will be selling used custom and/or classic vehicles that are repaired and stored on the premises. The approved amendment language allows for a limited number of sales and also includes additional use requirements such as minimum lot size, access from a collector or arterial street, mandated indoor storage of vehicles, and a limit of ten used vehicle sales per month with minimum sales prices reported to the Zoning Enforcement Officer each month. Attorney Marcus said he was hoping to get revised plans from their engineer, Civil One, but they did not get them submitted for tonight's meeting.

Chairman Finaldi asked if there was anyone to speak in opposition to this application.

City Councilman Ben Chianese, 5 Briar Ridge Road, said he really is not opposed, he is in the middle. He said he hopes that they are conscious of the fact that Miry Brook Road is used to access much of the surrounding residential neighborhoods. He also asked what method they will use to report their sales to the Zoning Enforcement Officer, since that was not spelled out in the staff report. Chairman Finaldi said the business owner will submit a monthly report, in a format satisfactory to the ZEO that confirms the sales that have occurred during each month.

City Councilman Paul Rotello, 13 Linden Place, said he also is not in opposition to this application, but wants to reiterate that test drives should be prohibited in this area because of the significant amount of residential development in the area. Chairman Finaldi said the restrictions in the specific section of the Zoning Regulations should prevent any disturbances from occurring.

Attorney Marcus spoke in rebuttal saying that if this is approved, they will determine exactly what type of report the ZEO wants before they apply to the State DMV for the license to sell used cars. Additionally he said at the public hearing for this amendment, a resident from Spruce Mountain Road spoke in favor of this saying that they are a first class operation and a good neighbor. Chairman Finaldi asked Ms. Smith if they were waiting for any departmental reports. She responded that they are not, they are just waiting for the plans to be revised to add some administrative notes.

Mr. Salvagne made a motion to close this public hearing and move this item to number one under the Old Business on tonight's agenda. Mr. Haas seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiocchio, Mr. Haas, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

Sugar Hollow Associates LLC – Application for Revised Special Exception/Revised Site Plan for Change of Use from Vacant Space to Medical Office Space (“The Shops at Marcus Dairy”) in the CG-20 Zone – 5 Sugar Hollow Road (G17002) – SE #663.

Attorney Neil Marcus spoke in favor of this application. He said this is simply for a change of use in the space that used to house the Gym Source, which sold fitness equipment to a

walk-in medical office. He said that last year, the Commission approved a revision to the original special exception (granted in 2008) to permit the construction of a stand-alone fast food restaurant (Panera) on the site. He said a traffic analysis was submitted for that, and for this request a revised traffic evaluation was submitted. This evaluation determined that there will be a net decrease in the total site traffic and the proposed medical office will not adversely impact the traffic flow or operations on the adjacent roadways and intersections. He said there are no changes to the site proposed, this is strictly for an interior fit-out.

Also speaking in favor of this was Councilman Ben Chianese, who said as a resident of the area, he is in favor of this because there is no other walk in medical in the area. He said that when the former Pier One site was approved, they had proposed a walk- in medical, but it is not built yet.

Councilman Paul Rotello said he totally supports this application as we have seen that retail and medical can co-exist, citing several examples. He also said that this will be a good addition to this area, since the rezoning of the Mall will permit residential use in some of their vacant space.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one. He then asked Ms. Smith if they are waiting for anything else to be submitted and she said they are not, they are just waiting for the plans to be revised to add some administrative notes.

Mrs. Hoffstaetter made a motion to close this public hearing and move this item to number two under the Old Business on tonight's agenda. Mr. Haas seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiochio, Mr. Haas, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

CONTINUATION OF PUBLIC HEARING:

Guy & Roberta Montanari (Property Owners) - Application for Special Exception/Site Plan Approval for (1) Petroleum Distribution [Sec. 6.B.2.b.(6)], (2) Petroleum Storage [Sec. (6.B.5.b.(1)], & (3) Business Office [Sec. 6.B.2.a.(4)] for Casey Energy (Applicant) in the IG-80 Zone - 82 Payne Road (M12008) - SE #797.

Ms. Smith said that they had received a letter from Attorney Tom Beecher requesting that this hearing be tabled and continued until the next regular meeting as they are not ready to go forward tonight. Mr. Salvagne made a motion to continue the public hearing until the next meeting on January 17, 2024. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiochio, Mr. Haas, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

Black Wolf Properties LLC (Property Owner & Applicant) - Application for Special Exception/Site Plan Approval for Repair of Automobiles, Trucks, and Motorcycles with Indoor Parking Storage Facility and Limited Used Automobile, Truck, and Motorcycle Sales [Secs. 6.A.2.b.(12) & 6.A.5.h.] in the IL-40 Zone - 32 Miry Brook Road ((F19017) - SE #798.

The Commission members gave Ms. Smith guidance so she could prepare a resolution of approval for the next meeting. Mrs. Hoffstaetter said she is in favor of approving this application. Mr. Chiochio said he agrees with Mrs. Hoffstaetter that there are no issues and it has been documented that they are a good neighbor. Mr. Salvagne and Mr. Haas also agreed. Chairman Finaldi said this is a minor change and their plans show that they have carved out a 2,000 sq.ft. area specifically for the sales of these vehicles.

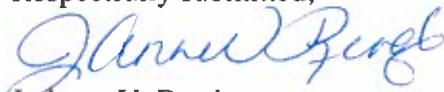
Sugar Hollow Associates LLC – Application for Revised Special Exception/Revised Site Plan for Change of Use from Vacant Space to Medical Office Space (“The Shops at Marcus Dairy”) in the CG-20 Zone – 5 Sugar Hollow Road (G17002) – SE #663.

The Commission members gave Ms. Smith guidance so she could prepare a resolution of approval for the next meeting. Mr. Chiochio said there are no issues, this is just a redesign of interior space with no changes to parking or traffic. Mrs. Hoffstaetter said she agreed with Mr. Chiochio and also with Councilman Rotello saying that it will be beneficial to the area to have this use available. Mr. Salvagne and Mr. Haas said they agreed. Chairman Finaldi said he was quite familiar with this area and there are no traffic issues on this site.

Chairman Finaldi said there were no Referrals, no New Business, and the only Correspondence was a revised meeting schedule for the New Year. He asked if anyone had anything to discuss under Other Matters and there was nothing. Mrs. Emminger then said that the application listed as #1 under For Reference Only has been withdrawn. She said they are resolving an issue which was discovered after the application was submitted. She said they have just run out of time to open the hearing, so the simplest solution was that they withdraw now and resubmit after they resolve the issue. Chairman Finaldi said that there also were six Floodplain permit application listed under For Reference Only.

At 8:20 PM, Mrs. Hoffstaetter made a motion to adjourn. Mr. Chiochio seconded the motion and it was passed unanimously by voice vote with five ayes from Mr. Chiochio, Mr. Haas, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

Respectfully submitted,



JoAnne V. Read
Planning Assistant