



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION  
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**MINUTES**  
**JANUARY 18, 2023**

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The web-based meeting hosted on Zoom was called to order by Chairman Arnold Finaldi Jr. at 7:35 PM.

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

Chairman Finaldi asked Mr. Haas to be seated for the vacant regular seat for the entire meeting.

Mrs. Hoffstaetter made a motion to accept the January 11, 2023 minutes. Mr. Chiochio seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas and Chairman Finaldi).

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CONTINUATION OF PUBLIC HEARINGS:

Sugar Hollow Associates LLC - Application for Revised Special Exception/Revised Site Plan Approval for "The Shops at Marcus Dairy" for (1) new stand-alone fast food restaurant [Sec 5.A.2.b.(16)] with Drive-Thru Window [Sec. 3.E.8.] and (2) Cumulative Trip Generation in excess of 500 vehicle trips per day [Sec. 3.E.2.] in the CG-20 Zone - 5 Sugar Hollow Road & Backus Avenue (G17002) - SE #663.

Dainius Virbickas PE from Artel Engineering spoke in favor of this application. He said they had submitted revised plans; no major changes, just some small tweaks. He shared his screen and pointed out the changes which were requested by the Planning Department and the City Traffic Engineer. He also pointed out some additional signage and the changes that were made to the crosswalks. He said the Planning Department had requested they dress up the building a little bit since it is visible from all four sides, but they are still waiting to hear back from Corporate regarding that. He said they also have to provide some additional lighting, but that is a minor tweak. He said that they had forgotten to submit the plans to the FAA (Federal Aviation Administration) so they are also waiting for a response

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from them. He said their traffic engineer is present this evening if there are any questions for him. Mr. Chiochio and Mr. Haas asked about the City Traffic Engineer's comment about angling some parking spaces. Mr. Virbickas said they were going to make those changes but the Planning Department asked that they be left perpendicular as they offered a better option for exiting the parking area. Since there were no other questions from the Commission members, Chairman Finaldi asked Mrs. Emminger to summarize what is still outstanding.

Mrs. Emminger said they need to keep the public hearing open because they have not yet received a signoff from the Airport Administrator, who is waiting for final okay from the FAA (Federal Aviation Administration). Mr. Virbickas anticipates that it will take another two weeks to get that. Mrs. Emminger then reminded Mr. Virbickas that he also needs to submit an updated survey map.

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

Mr. Salvagne made a motion to continue the public hearing. Mr. Chiochio seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas and Chairman Finaldi).

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OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

Ye Olde Road LLC – Application for Special Exception/Site Plan Approval for Proposed Commercial Building for Storage of Building Materials & Construction Equipment and Outdoor Storage of Building Materials & Construction Equipment [Sections 3.E.4., 6.A.2.b.(14) & 6.A.2.b.(15)] in the IL-40 Zone – 2 Ye Olde Road (E17066) – SE #770.

Mrs. Hoffstaetter made a motion to table this matter until the next meeting. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas and Chairman Finaldi).

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Border LLC/The Botanist - Application for Special Exception/Revised Site Plan Approval to allow (1) Cannabis hybrid retailer [Secs. 5.B.2.b.(4) & 3.C.4.]; and (2) Trip Generation in excess of 500 vehicle trips per day [Sec. 3.E.2.] in the CA-80 Zone - 105 Mill Plain Road (C14063 & all or a portion of C14064) – SE #790

Chairman Finaldi said the Commission members should have received a draft resolution from staff dated January 12, 2023. Mrs. Emminger noted that Attorney Mazzucco had brought it to her attention that the resolution needs to be revised to say that D & B Wellness is the applicant. She said she added additional language stating that the property owner is

Border LLC, and D & B Wellness is the applicant and will be the licensee. She pointed out that many of the conditions are the same as were included in the retail cannabis approval they granted at the last meeting, all of them noting compliance with the requirements in the Zoning Regulations. There were no questions from the Commission. Mr. Chiochio made a motion to approve this application per the draft resolution as revised tonight. Mr. Haas seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas and Chairman Finaldi).

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REFERRALS:

8-24 Referral – January 2023 City Council Agenda Item #5: Easement Acquisition – Franklin Street Extension – For Bridge Replacement.

Mrs. Emminger referred to her staff report dated January 17, 2023 and explained that this request to acquire easement rights is needed for the replacement of the Franklin Street Extension Bridge over the Mercer's Pond Brook. The replacement of the bridge requires both permanent and temporary easements from four privately owned properties. There were no questions from the Commission. Mrs. Hoffstaetter made a motion to give this a positive recommendation subject to the standard conditions as stated in the staff report. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas, and Chairman Finaldi).

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8-24 Referral – January 2023 City Council Agenda Item #6: Easement Acquisition – Shelter Rock Road – For Bridge Replacement.

Mrs. Emminger referred to her staff report dated January 17, 2023 and explained that this also is a request to acquire easement rights needed for the replacement of the Shelter Rock Road bridge over the Sympaug Brook. The replacement of the bridge requires both permanent and temporary easements from four privately owned properties. There were no questions from the Commission. Mr. Chiochio made a motion to give this a positive recommendation subject to the standard conditions as stated in the staff report. Mr. Haas seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas, and Chairman Finaldi).

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NEW BUSINESS:

8-3a Referral: Petition of 3775 LLC (as Applicant), 1, 3, & unnumbered lot Pembroke Road (G08029 [owned by Robert Morsey], G08030 & G08098, [owned by 3775 LLC]) for Change of Zone from RA-40 to RA-20. Zoning Commission public hearing scheduled for March 14, 2023. THIS ITEM WILL BE DISCUSSED AT A FUTURE MEETING.

8-3a Referral - Petition of South Park Properties LLC, 130, 132-134, & 136 South Street (J15059, J15058, & J15056) for Change of Zone from CN-5 to RMF-4. Zoning Commission public hearing scheduled for March 14, 2023. THIS ITEM WILL BE DISCUSSED AT A FUTURE MEETING.

Chairman Finaldi noted that these petitions had been referred to them by the Zoning Commission for a recommendation. He added that they both are on file in the Town Clerk and Planning & Zoning offices.

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OTHER MATTERS FOR DISCUSSION & POSSIBLE ACTION:

Discussion & Possible Action on (A) Request from Attorney Neil Marcus to extend the approval of Savannah Hills Resubdivision, 193-207 Great Plain Road, SUB #06-09 ("Resubdivision"); and (B) Issuance of proposed notice of expiration of Resubdivision.

Mrs. Hoffstaetter made a motion to table this matter until the next regular meeting. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas, and Chairman Finaldi).

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Chairman Finaldi said there was no Correspondence and under For Reference Only there was one public hearing and three applications for floodplain permits. Chairman Finaldi noted that Planning Director Sharon Calitro will present the Capital Improvement Plan (FY 23/24- 28/29) at the February 1, 2023 meeting.

At 8:10 PM, Mr. Chiochio made a motion to adjourn. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with five ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas, and Chairman Finaldi).

Respectfully submitted,



JoAnne V. Read  
Planning Assistant