



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

PLANNING COMMISSION  
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**MINUTES**  
**MARCH 1, 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 Helen Hoffstaetter, Perry Salvagne, and Arnold Finaldi Jr. Also present was Deputy Planning Director Jennifer Emminger and Associate Planner Allie Smith.

Absent were Robert Chiochio and Kevin Haas.


Chairman Finaldi noted that Mr. Haas has been appointed to fill the regular member vacancy. He then said that they would table the acceptance of the February 1, 2023 minutes as they are not completed yet.

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OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

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.

Chairman Finaldi said they received from staff, a final staff report and a draft resolution both dated February 23, 2023. Mrs. Emminger then said most of the language in the resolution was pretty standard. She said the only unusual part was the new language regarding the Airport Administrator reviewing the final plans before construction begins to verify the height of the structure. She said there also are conditions for the outstanding Engineering comments, receipt of the final approval of the Airport Administrator, final staff comments to be addressed and approval of a revised floodplain permit. All of these need to be addressed before any construction can begin. Chairman Finaldi asked if anyone had any questions and there were none. Mrs. Hoffstaetter made a motion to approve this application per the resolution dated February 23, 2023. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with three ayes (from Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

BY:   
2023 APR - 3 P 2:38  
DANBURY TOWN CLERK  
RECEIVED FOR RECORD

MS Portfolio LLC – Revised Floodplain Permit for Revised Site Plan for Target Corporation, Danbury Fair Mall, 7 Backus Avenue (F17014) - SE #771.

Mrs. Emminger said the Department granted revised site plan approval on February 1, 2023 to permit site improvements associated with a new anchor store tenant (Target) locating in the former Sears space. The site improvements include the addition of a concrete entrance plaza and landscaping at the lower level entrance and the redesign of portions of the parking lot to accommodate the tenant operations. There are no changes proposed to the footprint of the building. The site plan shows that the site improvements are within the limits of Zone A. The minimal grading activities along the rear of the site result in approximately 351.9 cubic yards of additional floodplain storage. She said she included the three standard conditions: a specific site plan reference, a final certification letter from the applicant's engineer, and any changes would require a revised floodplain permit. There were no questions. Mr. Salvagne made a motion to approve this revised floodplain permit per the resolution dated February 23, 2023. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with three ayes (from Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

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REFERRALS:

8-24 Referral – February City Council Agenda Item #7: Lease & Purchase of 98 Elm Street (I14050).

Mrs. Emminger summarized her staff report saying this site has two buildings on it and the one in the rear was built in 1990. She said a site plan was approved to allow the two family dwelling in the front and a 'single room occupancy' shelter in the rear of the site. At that time both of these were permitted uses in the zone, a later zoning amendment changed shelters to a special exception use. She said that a 2018 letter from the Zoning Enforcement Officer said that the use of the two structures was legal non-conforming. Both buildings are vacant but the use of them has not been abandoned. She said that this is an effort by the City to provide shelter for the homeless. The City is buying with the right to assign the obligation to a third party. There are discussions underway between the City and Pacific House who might assume the obligation dependent on several things. This complies with the POCD by ensuring the needs of some of the homeless are met. Mrs. Hoffstaetter made a motion to give this a positive recommendation subject to the review and approval of all agreements by the Office of Corporation Counsel and with any additional terms deemed appropriate by City Council. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with three ayes (from Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

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NEW BUSINESS:

Danbury Auto Group - Application for Floodplain Permit for 33 Rose Street (H13273) - Renovate Existing Auto Repair Facility in the C-CBD Zone – SP #22-08.

Bright Raven IS Danbury LLC (Property Owner) – Application for Special Exception/Revised Site Plan for Wireless Communication Facility [Sec 3.E.6.(b)(2)] on Existing Rooftop w/Existing Antennas by Others (Dish Wireless LLC Installation Rooftop) in the CA-80 Zone – 18 Old Ridgebury Road (C15008) – SE #793. *Public hearing scheduled for March 15, 2023.*

Blackman Enterprises LLC (Property Owner)/NSK Petroleum Wholesale Inc. (Prospective Purchaser) - Application for Special Exception/Revised Site Plan Approval for Automobile Service Station & Convenience Market (Secs 3.E.9. & 5.A.2.b.) and Trip Generation in excess of 500 vehicle trips per day [Sec. 3.E.2.] in the CG-20 Zone – 32 Germantown Road (J11362) – SE #791. *NOTE: This application was withdrawn on 2/9/23 and resubmitted on 2/14/23. Public hearing scheduled for March 15, 2023.*

Chairman Finaldi said these applications would be on file in the Planning & Zoning Office.

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OTHER MATTERS FOR DISCUSSION & POSSIBLE ACTION:

Request for Five-Year Extension of Subdivision Approval in Accordance with Public Act #21-163: Beachwood Grove Subdivision, 2-16 King Street, SUB #07-04. Approved April 16, 2008, five-year extension granted to April 16, 2022.

Mrs. Emminger explained that when this subdivision was approved, the approval period per the statutes was a nine-year period, with one five-year extension. During the pandemic, Public Act #21-163 was enacted to give property owners that meet specific criteria an additional five years to complete projects that had been approved without having to seek re-approval. She said that there are three approvals that meet the necessary criteria on tonight's agenda. There were no questions from the Commission members. Mr. Salvagne made a motion to approve the five-year extension to April 16, 2027 in accordance with Public Act #21-163. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with three ayes (from Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

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Request for Five-Year Extension of Site Plan Approval in Accordance with Public Act #21-163: Glen Brook Estates, 11 Pembroke Road & Stacey Road, SE #660. Approved December 19, 2007, five-year extension granted to December 19, 2021.

Mrs. Emminger explained that this special exception/site plan also meets the criteria to be eligible for the additional time extension under P.A. #21-163. There were no questions from the Commission members. Mrs. Hoffstaetter made a motion to approve the five-year extension to December 19, 2026 in accordance with Public Act #21-163. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with three ayes (from Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

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Request for Five-Year Extension of Subdivision Approval in Accordance with Public Act #21-163. Candlewood Pines, 65-67 Bear Mountain Road, SUB #08-01. Approved October 1, 2008, five-year extension granted to October 1, 2022.

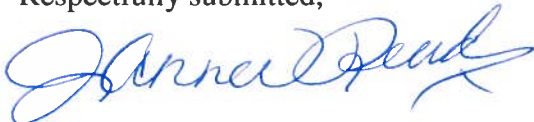
Mrs. Emminger explained that this subdivision also meets the criteria to be eligible for the additional time extension under P.A. #21-163. There were no questions from the Commission members. Mr. Salvagne made a motion to approve the five-year extension to October 1, 2027 in accordance with Public Act #21-163. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with three ayes (from Mrs. Hoffstaetter, Mr. Salvagne, 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 two applications for floodplain permits.

At 7:59 PM, Mrs. Hoffstaetter made a motion to adjourn. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with three ayes (from Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

Respectfully submitted,



JoAnne V. Read  
Planning Assistant