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BY: *DW*

MINUTES
MARCH 27, 2023

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

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

Mrs. Hoffstaetter made a motion to accept the February 1, 2023 and the March 1, 2023 minutes. 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)

PUBLIC HEARINGS:

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.

Chairman Finaldi read the legal notice regarding this application. Theresa Ranciato-Viele from Dish Wireless spoke in favor of this application. She said that with the advent of Sprint and Nextel merging, Dish is now in the wireless business. The FCC decided that there needed to be another carrier, so in a lot of cases, Dish is taking over where Sprint was. She said their proposal is to go on the roof where there is existing telecomm equipment for various carriers. She said she had spoken to Airport Administrator Michael Safranek and he was okay with this since what they are proposing will not be any higher than what is existing already. The antennas will be painted to match the other equipment so it will not stand out. Mr. Chiochio asked if the proposed equipment will replace what was there or will it be an addition. Ms. Ranciato-Viele said they will not be in the same place but the Sprint antennas will be coming down and the Dish equipment will replace it. She added that they will be using the existing metal platform and there will be two cabinets.

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

Sixth Ward City Councilman Paul Rotello, 13 Linden Place, asked about the energy transmission pattern. He said regarding the surrounding residential developments, how they will direct the energy beam going to be directed to go above instead of through the residential units. Ms. Ranciato-Viele said there is one antenna that is going directly toward the I-84 on-ramp, and the second and third are on the opposite side of the building. She added that they are shooting out diagonally toward the existing parking area, and the other is directly opposite shooting toward Old Ridgebury Road. She said that their intent is to cover the big roadways but they do not want to shoot out any further than that. She added that they always follow the Telecommunications Act as far as the RF emissions are concerned.

Chairman Finaldi asked if there was anyone else to speak in opposition to this application and there was no one. He then asked staff if they were waiting for reports from any City departments. Mrs. Emminger said they are not waiting for anything and there are no additional staff comments. Chairman Finaldi said that from the highway ramp you can see all of the antennas on the roof of the old hotel. He added that most of them are three-to-four feet high panel antennas and there already are quite a few of them there. Ms. Ranciato-Viele said there are Verizon, T-Mobile, and Sprint antennas, but the Sprint antennas are coming down and will be replaced by these Dish antennas. She said most towns like them to use buildings that already have existing antennas on them and in this case, they are not adding any more since the Sprint ones are coming down. Ms. Smith said they can close the hearing and move this to Old Business to give staff guidance and they will have a resolution ready for the next meeting.

Mr. Chiochio made a motion to close the public hearing. 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). Mrs. Hoffstaetter then made a motion to move this to item #1 under the Old Business on tonight's agenda. Mr. Salvagne 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).

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.

Chairman Finaldi read the legal notice regarding this application. Attorney Tom Beecher spoke in favor saying that this application is to permit an automobile service station and convenience market in an existing 1,922 sq. ft. building on 32 Germantown Road, which

is owned by Blackman Enterprises, LLC. He explained that in order to comply with the Regulation, they have concurrently submitted an application to the Zoning Board of Appeals for a Certificate of Location to allow the sale of gasoline. He continued saying that this site is approximately 6/10 of acre in size and is located in the CG-20 zone. He then said this property was historically used as a gas station and received variances to accommodate renovations to gas station in the early 1970's. Several years ago, the property owner decided to only do repairs on this site and the gas station use was eliminated. He said they are proposing to remodel the existing building into a convenience store and to add 8 fueling stations. The auto repair use will be discontinued. Access to this site will be from two existing 24 ft. wide driveways. The site will be served by existing water and sewer connections located in Germantown Road. The proposed uses require a total of 20 parking spaces and their plan shows 29 spaces. The existing building and canopy (over the gas pumps) both have lighting on them and they are still in discussion with staff about whether there is a need to change this. He added that this proposal will not have a significant impact on the area and most of the traffic will be cars that are already passing by this site. He said the City Traffic Engineer has suggested that one of the driveways should be changed to be inbound only.

Dainius Virbickas, PE from Artel Engineering, spoke next saying that they tried to keep the design simple. They will be using the existing curb cuts and the gas pumps will be installed under the existing canopy. He said he would be brief because Attorney Beecher had said much of what he had planned to speak about. He said they are not proposing any changes to the drainage and the stormwater runoff will continue to discharge off the roof of the building. He added that the trash enclosure will be placed on a currently impervious surface. And they are still working with the Building department regarding the handicapped accessibility and parking. He offered to answer questions from the Commission but at this point there were none.

Abigail Adams LS, from A2 Land Consulting, said she had prepared the landscaping plan. She shared her screen and said that this is a relatively simple and straightforward plan. She described the types of trees and why she chose them for each location. She spoke about the shrubs that will surround the trash enclosure area and also described the plantings that will be in the landscape island. She said there is existing vegetation that is proposed to remain as it is now. She said she mainly wanted to clean up the site and enhance the green areas so they look attractive. She offered to answer questions from the Commission but there were none.

Joe Balskus, PE & Traffic Engineer from VHB, said he had prepared the traffic study that was submitted with this application. He shared his screen and showed a comparison of the site in 2016 and again in 2022. He said there have not been any substantial changes in this area during that time period. He said this site is located south of the signalized intersection of Great Plain and Germantown Road at Sandpit Road. He said they looked at the impact during weekday morning and evening peak hours for the three intersections. He said they also reviewed the existing conditions for the year 2022 and also for the year 2024 when the project is expected to be completed. He said most of the trip generation (75-80 trips) is

expected to come from pass by traffic and the amount of new traffic brought by this development will be very low around 48 trips in the morning and 43 trips in the evening. He said their findings indicate that after this is completed, the traffic around these three intersections will remain at a Level of Service (LOS) of C or better.

Chairman Finaldi expressed concern that traffic coming from Great Plain or Sandpit Road that intends to take the right turn into this site will cause a backup because the roadway is only one lane wide at this point. Mr. Balskus responded saying that this area is approximately 18-19 feet wide and that is plenty wide enough. He also said that it is not a concern because this is not the kind of use that will have a lot of cars waiting to enter into the site. He added that neither the Fire Marshal nor the Engineering department commented on that, even with the fire station being located on the abutting property. Attorney Beecher then jumped in saying that a car entering this site has the option of using the second driveway to enter the site. Mrs. Hoffstaetter then questioned the internal traffic flow once a car enters the site. She said the rendering shows all the cars heading in the same direction, so what happens when they want to leave the site and go in the other direction. Mr. Balskus said the flow is expected to be that they enter the site via the access-only driveway and then leave the site via the two-way driveway. He repeated that gas stations are not a destination, they are convenience stop. Mrs. Hoffstaetter asked what happens when the car enters at the second driveway, because there is not room for them to turn around to be facing the correct way to exit the site via the egress driveway. Mr. Balskus said it would be self-regulating because cars are not going to stop if there is a line at the pumps already; they would come back later. Mrs. Hoffstaetter said there does not appear to be adequate space for a car to turn around on the site and if they cannot exit through the access-only driveway, how would they get out of the site. Mr. Balskus said that will not be a problem because we are only talking about 48 trips per day and the people will learn to enter the site via the preferred direction. Mr. Chiocchio then asked how the car will get out if they are facing in the direction of the access-only driveway. He asked if there is enough room to go around the pumps. Again Attorney Beecher spoke, saying that there are two ways to circle around, one is the area closer to the road and the other is in front of the entrance to the convenience store. Mr. Balskus repeated that this will be self-regulating because the people who will stop there will not stop unless it is convenient for them to exit after they get their gas. He added that despite the Commission's concerns, this will work out because gas stations that have controlled access work out to be self-regulating.

Attorney Beecher pointed out that this previously was a gas station with the same pump layout. Mr. Chiocchio then asked if someone could make a left turn into the access-only driveway. Attorney Beecher said he thought that would be extremely difficult based on the City Traffic Engineer wanting the driveway to be made narrower and to not allow left turns into the site. Mr. Balskus reiterated that gas stations are a convenience stop, so if people have difficulty entering or leaving the site, they will go somewhere else to get gas. He added that it all comes down to convenience. Chairman Finaldi then asked Mr. Balskus if he could provide some sort of simulation model to demonstrate what he is saying will happen. Mr. Balskus said he did not think that was warranted in this situation but he could

try to come up with something. He then repeated that since neither the Fire department nor the City Traffic Engineer had concerns about this issue, it may not be warranted. He added that he did not think it was necessary for this site but if the Commission wants it, he will see what he can do. Chairman Finaldi said they would wait to see what the City Traffic Engineer has to say about this. Mr. Balskus said he would also speak to the Planning department staff to see what they think about this. Mr. Virbickas then said they had looked at the interior circulations for tanker truck access but had not considered cars. Mrs. Emminger then said they are still waiting for a traffic circulation plan to be submitted but they are also talking about a convenience store being on this site, and they will be receiving deliveries too. She said she thought it would be helpful to see a plan with the cars queuing up at the pumps, to see how many cars would fit before they block the intersection. She said ideally this plan could actually show how the circulation is going to work. Mr. Balskus said that could be shown but you generally don't see cars waiting to get to the gas pumps very often because gas is a convenience stop. Mrs. Emminger said that she did not agree with that because she knew of several situations where the cars get backed up waiting to get to the pumps and that is the result of a poor design. She added that what they need here is a well-designed plan that prevents queuing onto Germantown Road. Attorney Beecher said their presentation was done for tonight.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one. He then asked for a motion to continue this hearing.

Mrs. Hoffstaetter made a motion to continue the public hearing. Mr. Salvagne 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:

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.

Chairman Finaldi asked the Commission members to give staff guidance so a draft resolution of approval can be prepared. Mr. Chiochio said there really are no issues as they really are not adding more antennas, they are just replacing some that are being taken down. Mrs. Hoffstaetter said she agreed with Mr. Chiochio and if there are any RF issues, the applicant has assured them that they will be addressed. Mr. Salvagne and Mr. Haas said they did not really have anything to add to what has been said. Chairman Finaldi said he sees this site every day and this will not be a significant change as there already are several antennas there.

NEW BUSINESS:

8-3a Referral: Petition of the City of Danbury by Sharon B. Calitro, Planning Director to Amend Section 3.G.11. of the Zoning Regulations. (Revise Electric Vehicle Charging Station (EVC) regulations to comply with Section 5 of Public Act 22-25.) Public hearing scheduled for April 25, 2023.

8-3a Referral – Petition of the City of Danbury by Sharon B. Calitro, Planning Director to Amend Secs. 2.B., 3.G., & 10.B.2. of the Zoning Regulations (Establish outdoor dining establishments as a permanent accessory use to restaurants, amend the definition of accessory use to clarify the size of accessory use in proportion to principal use, and add fee for new outdoor dining accessory use permit, pursuant to Public Act 22-1, Section 2). Public hearing scheduled for April 25, 2023.

Chairman Finaldi said both of these items will be discussed at the April 19, 2023 meeting.

OTHER MATTERS FOR DISCUSSION & POSSIBLE ACTION:

Request for Five-Year Extension of Site Plan Approval for Kilco LLC, 10 Old Sherman Turnpike (M12015 & M12016). SE #764. Approved August 1, 2018.

Mrs. Emminger said the applicant is just starting to work on this development as they just got their sewer extension approved by the City Council. Mr. Chiochio made a motion to approve the request for a five year extension. Mr. Salvagne seconded the motion and it was approved unanimously by voice vote with five ayes (from Mr. Chiochio, Mr. Haas, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

Request for one-year extension on Pondview Estates, Corner Pond Court, SUB #14-01. Subdivision approval granted April 2, 2014, four one-year extensions have been granted.

Mrs. Emminger verified that the maximum time for an extension is five years and this project has had four one-year extensions. She said it was hoped that we would receive the paperwork to accept the road but there have been some hiccups which have held this up. She said we have been assured that the last few documents will be forthcoming and we did receive a renewal Letter of Credit for the road bond. She continued saying if the Commission grants this extension tonight, it will bring them to the full five years permitted by State Statutes. Mrs. Hoffstaetter made a motion to approve the request for a one-year extension. Mr. Salvagne 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).

Chairman Finaldi said there was no Correspondence and under For Reference Only there was one public hearing and three floodplain permits. He asked if there was anything else to discuss under Other Matters and there was nothing.

At 8:47 PM. Mr. Chiocchio made a motion to adjourn. Mr. Salvagne 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).

Respectfully submitted,



JoAnne V. Read
Planning Assistant