



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
www.danbury-ct.gov

(203) 797-4525
(203) 797-4586 (FAX)

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BY: [Signature]

MINUTES
MAY 17, 2023

The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:32 PM.

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

Absent was Vice-Chairman Robert Chiochio. Chairman Finaldi noted that he cannot seat anyone to take Mr. Chiochio's place because there are no alternate members.

Chairman Finaldi also said that the minutes from the last meeting are not yet ready so they do not have to accept them this evening.

CONTINUATIONS OF PUBLIC HEARINGS:

Tower Investment Group LLP – Application for Special Exception/Site Plan Approval for Apartment House (“The Legacy On Main”), Bank, Trip Generation in excess of 500 vehicle trips per day [Sec. 3.E.2.], and Required Parking in excess 100 spaces [Sec. 5.F.2.b.] in the C-CBD Zone -- 30 & 34 Main Street (I15254 & I15335) – SE #792.

Mr. Salvagne excused himself and left the meeting as he is abstaining from this application.

Attorney Tom Beecher said they had submitted a lot of material and responded to staff comments since they were here in April and he would have each member of their team address their part of the application.

The first speaker was Donald Poland, PhD, Managing Director of Urban Planning & Strategy, Goman & York Property Advisors LLC in East Hartford. He said he had prepared a report that focuses on the municipal fiscal and economic impact analysis on the proposed development. He said he had reviewed the 2013 version of the Plan of Conservation & Development (POCD) and did not find the proposed development conflicting in any way. He said he also reviewed the Transit Oriented Development (TOD) study although this proposal is located outside the specified TOD. He said the most important part of this proposal is that it includes the redevelopment of an existing office building into multi-

family residential units. He said all of the information indicates that this proposal will benefit the downtown area and then spoke about the symbiotic relationship created when housing is located in the downtown. He then spoke extensively about various demographics and how he arrived at his conclusions. Additionally, he spoke about the municipal fiscal and economic impacts this proposal would have on the City. He then spoke about the changing commercial and residential landscape and how this proposal will affect the demographics, housing, and school district enrollments. He pointed out various statistics explaining how and why the community develops and how the growth can impact planning decisions. The report also addressed housing characteristics and how the number of proposed bedrooms in a residential unit has an impact on what type of tenants will be attracted to live there. He described how the municipal fiscal impacts are calculated based on revenues and expenditures relevant to the proposed development. The conclusion of the report states that the proposed multi-family units will generate approximately \$633,441 in net positive tax and user fee revenue to the City of Danbury each year—demonstrating and ensuring that the new housing does not create a fiscal burden on municipal services. In addition, the 208-unit redevelopment will create and/or sustain 65 temporary construction jobs, 24 permanent jobs, and generate \$3,315,331 in new consumer spending at local businesses. After speaking extensively on all of these issues, in closing, he said that the report has demonstrated that the proposed multi-family redevelopment of 30 Main Street will provide a positive municipal fiscal impact and economic impact for the City.

The next speaker was Traffic Engineer Joe Balskus from VHB. Mr. Balskus said that he had put together a little presentation that he would share with the Commission. In summary he said that the transportation impacts of the project were examined during the study area's weekday, morning, and evening peak hours at one existing intersection. An analysis of existing conditions was conducted for the study area in 2022 to compare future scenarios. A no-build condition for the year 2024 (the year the project is expected to be completed) was developed to create a base future condition without the project, incorporating background traffic growth. A build condition for the year 2024 was developed to evaluate future transportation conditions with the project constructed. The following are key findings of the transportation impact analysis: the proposed project is expected to remove approximately 70 entering trips and generate 50 exiting trips (reduction of 20 net total) during the morning peak hour, and generate 32 entering trips and remove 52 exiting trips (reduction of 20 net total), during the evening peak hour. Lastly he said that under 2024 build conditions, the intersection of Main Street at 30 & 34 Main Street site driveway maintains a Level of Service (LOS) of "D" or better, which is an improvement over the 2022 existing conditions.

Benjamin Doto PE spoke next. He said that he had made his presentation at the previous meeting and at that time he responded to a lot of the Departmental comments that had been received. He then said that since that meeting, he had submitted a formal response with a cover letter dated May 9, 2023. He said before he speaks about that, he wanted to share his screen because some of the staff comments that need to be addressed are architectural and Mike Kozlowski from Claris Design Build will speak about them.

Mike Kozlowski, Claris Design Build, explained the changes that they had made to tie in the existing lower level of the front building. He said that his associate, Phil Clark had met with the Planning Department staff and they had agreed that certain architectural changes needed to be made. He said they looked at the proposed materials and color palette and decided to bring the limestone veneer that they are using on the rear building to the front building as well. He said due to the existing configuration of the bank, and the fact that most of the bank customers would be walking through the center section of the building, there was no way they could add more windows. He said lastly, they decided to tone down the color that is on the upper clapboard band that runs along the top of both buildings. He said they believe that this last item really ties everything together architecturally. He said they had only prepared this one rendering to get everyone's feedback, but if everyone likes it, they will provide further renderings for the next meeting.

Mr. Doto then referred to the color site plan that was presented at the previous meeting and explained the various revisions that had been made. He said they had revised the handicapped calculation at the request of the Building Official Jim Schullery. He added that the City Traffic Engineer had asked them to straighten out the crosswalk so it aligns with the pedestrian entrance to the garage and also about the possibility of a lighted crosswalk. Mr. Doto said he had discussed this with Mr. Balskus and they did not feel it was necessary, so they have proposed an additional light pole in conjunction with some building mounted lights which will light up the crosswalk at night. He said they also added 32 more EV charging stations; these are in addition to the two charging stations behind the building, and 30 more located in one of the upper levels of the parking garage. The only dedicated parking spaces are the ones for the bank and that is only during banking hours. He added that the CBD zone does not have any visitor parking requirements because it relies on a lot of shared parking. The intent is that the tenants can park anywhere they want except in those spaces designated for the bank. He said the Engineering Department comments mainly had to do with adding notes to the plans. They are proposing to extend the City water main because the Fire Marshal wants a hydrant on the site. He said the proposed easement for this is also shown on the revised plan. Lastly, he said they also acknowledge that if this site plan is approved, they will then need to work with Planning staff to prepare a phasing plan for the actual construction.

The last speaker was Landscape Architect Abigail Adams, A2 Land Consulting, who said this is a straightforward, yet beautiful planting plan. She said the end island plantings are a combination of maple trees and a mix of evergreen shrubs, rhododendron, and ornamental grasses. She said the central islands have been left open to allow for the water main and fire hydrant easement. There also are some low shrubs and evergreens on the end islands to screen the refuse, generator and transformer areas. She spoke about the trees along the front of the building and said the sides of the building have been left open for maintenance purposes. Along the back of the site, there will be hydrangea and rose of Sharon bushes for some color. In closing, she said the intent of this plan is to have a great four season interest by the choices of plantings and also have them be sturdy enough to hold up in the parking lot situation that will exist there.

Chairman Finaldi asked if any of the Commission members had questions for any members of the team and there were none.

Attorney Beecher said for clarification purposes, he wanted it on the record that Dr. Poland's report was prepared in November 2022, the month before the 2023 Plan of Conservation & Development was approved and became effective on December 1, 2022.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and two people raised their hands.

City Councilman Duane Perkins, 22 Main Street, said he is not for or against this but has some comments. He asked if there would be an increase in traffic generation and also if anyone had contacted the Connecticut Department of Transportation (CTDOT) since Main Street is a state road. He asked how many students they expected these units to generate. He also asked if all of the units will be designated affordable and if any of them would be specifically directed toward senior citizens. Lastly he said with regard to the landscaping, he does not want to see any Norway Maple trees, he said they could even add more Rose of Sharon because that is so pretty.

City Councilman Paul Rotello, 13 Linden Place, said his question was that during the annual flushing, where would the water go?

Attorney Beecher said this project does not contain any affordable housing although the Nolan family owns or manages over one hundred affordable housing units in the City. He said they are waiting for their Traffic Engineer to provide additional traffic counts, so that will have to wait until the next meeting for an answer. Dr. Poland said he uses a detailed methodology to determine total school enrollments. He said since 92% of the units are studios or one bedroom units, the projected number of students from this development is twelve. He added that it is the number of bedrooms that drives the number of school-age children. Lastly he said that 42% of the rental units in Connecticut are no children. Ms. Adams said there are no Norway Maples proposed as they are an invasive species. She said instead there will be two different varieties of red maples. She then said she will look at adding more Rose of Sharon although they are trying to maintain the evergreen appearance. Mr. Doto said there will be a fire hydrant located on the center island of the front building and it will drain to the catch basin located in the street.

Attorney Beecher said most of the Departmental comments have been received and they are still working on the traffic so he asked that they keep the public hearing open. He added that he had submitted an extension letter to keep the hearing open. Mrs. Emminger acknowledged receipt of the extension letter and said they need to keep the hearing open until they receive the final comments from the City Traffic Engineer.

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

Mr. Salvagne returned to the meeting at this time.

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.

Attorney Tom Beecher said the plans have been revised and submitted to the various departments. Michelle Micoli from Artel Engineering then described the changes that had been made in response to the Departmental comments. She referred to additional photos that had been taken by Dainius Virbickas, the project engineer. She said the photos demonstrate that there is adequate room to get through the site. Mrs. Hoffstaetter asked questions regarding how much room there is between the gas pumps and the front door to the convenience store. She also asked if the bypass lane will be marked so that no one parks there. Ms. Micoli said that area will be marked no parking. Attorney Beecher suggested cross-hatching the area. Speaking next was Traffic Engineer Joe Balskus, who said he had met with the City Traffic Engineer to discuss the specific traffic improvements. He said those revisions were submitted today for approval. He said the applicant does not see the need for the video system that that the City Traffic Engineer has requested they install. At this point, Mrs. Emminger said that Staff feels the video system is warranted and has asked that the Commission make it a condition of the approval. The last speaker was Landscape Architect Abigail Adams, who said she had made her presentation at the previous meeting. She added that since that time, she had made some revisions based on the latest site plan revision, but there were no significant changes. Attorney Beecher then said that is everything they have to present this evening, and asked to make his final comments after any opposition speaks.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one. He then asked Mrs. Emminger if they are ready to close the public hearing. Mrs. Emminger said the City Traffic Engineer has not yet reviewed the revised plans or the final comments from Mr. Balskus. She added that the Commission needs to determine if they are going to require the video detection system. Attorney Beecher then said they have addressed all of the comments and really want to close the hearing tonight. Chairman Finaldi asked Attorney Beecher if the applicant will abide by whatever the Commission decides regarding the video detection system. Attorney Beecher responded that they would comply with whatever the Commission deems necessary.

Mr. Salvagne made a motion to close this public hearing. Mr. Haas seconded the motion and it was passed unanimously by voice vote with four ayes (from Mr. Haas, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi). Mrs. Hoffstaetter made a motion to move this matter 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 four ayes (from Mr. Haas, Mrs. Hoffstaetter, Mr Salvagne, and Chairman Finaldi).

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

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 said they need to give Staff guidance so they can prepare a resolution for the next meeting. He then said he was initially concerned about the tightness of this site, but the videos that Mr. Virbickas had provided have proven it can work. He added that they are getting the crosswalk and sidewalks as well as the video detection system, so he feels they have addressed his concerns. Mr. Salvagne said he agreed with most of what Chairman Finaldi said although he is still concerned about the traffic. Mrs. Hoffstaetter said she still believes this site is too tight, but hopefully having the bypass lane will help with that. Mr. Haas said he does not see how this can work as the site is just too tight. Chairman Finaldi said that is a concern but he is not comfortable issuing a denial over this. Mrs. Emminger said the resolution will include the requirement that the site plan be revised to show the no parking notation on the bypass lane area, and will also include specific language regarding the design of the crosswalk.

REFERRALS:

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 C-CBD. Zoning Commission public hearing scheduled for May 23, 2023.

Mrs. Emminger reviewed the Planning Department Staff Report dated April 10, 2023. She said this consists one lot contains a non-conforming two family dwelling, one lot is vacant, and the third lot contains a single family dwelling. These three lots together consist of approximately 36,000 sq.ft., just a little under an acre. The applicant had submitted a similar petition earlier this year for a change of zone to RMF-4 but that was withdrawn so they could submit a petition that was consistent with the POCD. The Staff Report details the area surrounding the subject properties and the change to C-CBD is more appropriate because the CBD zone allows a variety of commercial and multi-family uses. The 2023 Future Land Use Map (FLUM) designates these parcels as appropriate for downtown mixed use development. She continued saying that this rezoning would extend the CBD zone and provide the opportunity for a mix of uses on the combined properties. There was some discussion regarding the surrounding area and how this proposal would affect it. Chairman Finaldi asked if there were any other questions and hearing none, he asked for a

motion. Mr. Salvagne made a motion to give this zone change a positive recommendation for the following reasons:

- (1) The 2023 Plan of Conservation & Development (POCD) Future Land Use Map (“FLUM”) designates the subject parcels as appropriate for downtown mixed use; this complies with the recommended strategy to extend the C-CBD zone; and the rezoning will provide opportunity for a mix of uses on these properties.
- (2) This complies with the zone change criteria in Section 10.I.3. of the Regulations because the density permitted by C-CBD is compatible with the surrounding residential densities; these parcels are accessed from a busy arterial road (South Street); public water and sewer services are available; the subject properties are relatively level and if there are any wetlands, they would be assessed for any potential impact during the development process.

Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with four ayes (from Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas, and Chairman Finaldi). The following reasons were given for this recommendation:

8-3a Referral - Petition of Bright Ravens IS Danbury, LLC to Amend Sections. 5.B.2.a, 5.B.4., & 8.C.4.f. of the Zoning Regulations. (Add “Hotel Conversion” as a Permitted Use with Specific Use Requirements to the CA-80 zone and add parking calculation to the Off Street Parking Table.) Zoning Commission public hearing scheduled for May 23, 2023.

Mrs. Emminger reviewed the Planning Department Staff Report dated May 11, 2023. She said this petition proposes a new use “hotel conversion” to be permitted in the CA-80 zone. This would allow for the conversion of an existing hotel into a multi-family apartment house which may include a mix of other uses. The CA-80 zone exists only on the City’s west side and starts at Exit 4 and follows the roadway to the New York state line. The CA-80 zone was created in 1984 and combined lands zoned IL-40 and CG-20 into a limited commercial arterial zone. Over the years, uses have been added but uses consisting of multiple residential dwelling units as well as fast food restaurants have been specifically prohibited. This hotel property was purchased at auction in 2021 and the applicant had engaged in multiple conversations with the Planning staff regarding the prohibition on residential dwellings being located in this zone. There is mention of an Innovation Studio being allowed in this new use, but there is no definition of the term included. The applicant’s attorney has noted that this proposed Innovation Studio use would allow the Danbury Hackerspace, currently located at the Danbury Library to move their operation to this facility once approved. The Staff Report notes that the Hackerspace use was permitted at the Library as an accessory use to the Library. Their attorney also has stated that the need for hotels is on the wane and this proposal would be a constructive reuse of an existing hotel. The Staff Report questions the validity of the statement regarding the need for hotels. Also the term “apartment house” is a defined use in the Regulations and this proposal refers to ‘multi-family apartment use’ which is a different use than what is defined in the

regulations. The Staff Report requests that the applicant use terminology that is consistent to what already exists in the Regulations. The Staff Report questions the conversion of hotel rooms into apartments, primarily their size and location; and also housing affordability and open space. The lack of proximity to transit friendly locations is also discussed since there are only two hotels in the City that meet the criteria for this proposed use and both are located off Mill Plain Road which already has tremendous traffic issues stemming from its proximity to I-84. This proposal does not comply with the POCD and does not change the existing CA-80 zone into a mixed use zone. As written, this proposal creates a new use that is only permitted on two parcels located in this zone. The conclusion of the Staff Report points out that this is a proposal for an amendment to the CA-80 zone, so the fact that the applicant contemplates this specific development on this site does not mean he will be bound to develop it in that way. The Staff Report also proposes that the purpose of this petition seems to be to create a specific use that was not permitted when the applicant purchased this property. In order for this proposal to be approved by the Zoning Commission, they will need to document why it complies with the POCD and also that it will not have a negative impact on the health, safety, or welfare of the general public. There was a tremendous amount of discussion on this proposal and the eight-page Staff Report. Chairman Finaldi said that since his business has relocated to this side of the City, he has had a tremendous education on the traffic issues in the Mill Plain corridor. He expressed concern over the lack of required open space, the question of affordability, and also that there are no density requirements attached to this. Mr. Salvagne said this is tough situation because we are looking for creative or adaptive ways of re-using older vacant buildings. He said it is frustrating because this is an answer but not quite the right answer. Mrs. Hoffstaetter said this is a good start in addressing housing needs but it needs much more work. Mr. Haas said the applicant needs to figure out something that they can do with this site, but this proposal is not it. Chairman Finaldi asked for a motion on this and Mrs. Hoffstaetter made a motion to give this a negative recommendation for the following reasons:

- (1) This amendment is inconsistent with the Plan of Conservation & Development (POCD) Future Land Use Map (FLUM) classification of the CA-80 zone as a commercial corridor, which does not permit dwelling units. Also, this amendment does not transform the CA-80 zone into a mixed-use district, it instead creates a new use that will only be allowed on two specific sites in the CA-80 zone.
- (2) The proposed amendment is lacking in several areas: There are no open space or density requirements, both of which are included in other zones which permit multi-family development. It does not address affordability or include income restrictions and the proposed unit sizes are much smaller than what exists in other areas of the City. Also, the question also arises as to whether these proposed units would actually address the housing needs of the City. The amendment uses the terminology “multi-family apartment use” and “innovation studio”, neither of which is defined rather than using the existing language in the Regulations.
- (3) Despite the applicant providing a conceptual idea as to how this project could be developed, this is an amendment to the entire district, so it could potentially impact any

property located in the CA-80 zone.

- (4) The two sites that meet the criteria for this use are located in areas that are not pedestrian friendly and are far from neighborhood amenities and mass transit. This would result in residents having to use cars thus creating additional traffic in the Mill Plain Road corridor which already experiences tremendous traffic congestion.

The motion was seconded by Mr. Haas and passed unanimously by voice vote with four ayes (from Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas, and Chairman Finaldi).

8-3a Referral – Petition of the City of Danbury by Sharon B. Calitro, Planning Director, to Amend Sections 5.B.2.a. & b. of the Zoning Regulations. (Change Dependency Treatment Center from Permitted Use to Special Exception Use.) Zoning Commission public hearing scheduled for June 27, 2023.

Mrs. Emminger reviewed the Planning Department Staff Report dated May 1, 2023. She said the purpose of this petition is to change this specific use from a permitted use to a special exception use. She explained that there is no change proposed to the definition of Dependency Treatment Center. She said this use was added to the Regulations in 2000 at the request of Midwestern CT Council on Alcoholism (MCCA) should be subject to a special exception review which considers more factors than a permitted use does. This facility is the only one in Danbury and making this a special exception use would help to limit the potential for others to locate in the CA-80 zone. The existing MCCA facility would continue to exist as a non-conforming use. During the 2000 public hearing process to add this use, the Planning Commission gave it a negative recommendation because they believed it should be a special exception use. She said this proposal complies with the Plan of Conservation & Development (POCD) because it will balance the competing public and private demands on available land within the City. Chairman Finaldi said he thinks this is a good idea because it gives the City an extra level of review by requiring a public hearing and also special exception uses must comply with the standards in Section 10.C.4. of the Regulations. Mrs. Hoffstaetter said she agreed with what Chairman Finaldi said and added that by making this a special exception use, the City can avoid the possibility of a proliferation of this type of use. Mrs. Emminger reminded the Commission members that they need to cite how this complies with the POCD in their motion. Chairman Finaldi asked if any of the Commission members had anything to add and Mr. Salvagne made a motion to give this a positive recommendation for the following reasons:

- (1) Changing the Zoning Regulations by categorizing this use as a special exception rather than a permitted use is appropriate at this time to protect the health, safety, and welfare of the general public.
- (2) This change will allow the Planning Commission to exercise a more discretionary review process to determine if this use is appropriate for the site and also permit them

to impose conditions or modifications to meet the required findings in Section 10.C.4. of the Zoning Regulations.

- (3) Amending the Zoning Regulations to regulate land uses and their location within the City as deemed necessary by the Zoning Commission is consistent with the role and function of the Plan of Conservation & Development (POCD).

Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with four ayes (from Mrs. Hoffstaetter, Mr. Salvagne, Mr. Haas, and Chairman Finaldi).

NEW BUSINESS:

Down Home Associates LLC (Property Owner) – Application for Special Exception/Site Plan Approval for Self Storage (Putnam Three Self Storage) in the IL-40 Zone - 7 Great Pasture Road (L16001) – SE #794. Public hearing scheduled for June 21, 2023.

Down Home Associates LLC – Application for Floodplain Permit for Self Storage (Putnam Three Self Storage) in the IL-40 Zone - 7 Great Pasture Road (L16001) – SE #794.

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

Chairman Finaldi said there was no Correspondence and listed under For Reference Only, were three applications for floodplain permits, one of which was withdrawn.

At 9:45 PM, Mrs. Hoffstaetter made a motion to adjourn. Mr. Haas seconded the motion and it was passed unanimously by voice vote with four ayes (from Mr. Haas, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

Respectfully submitted,



JoAnne V. Read
Planning Assistant