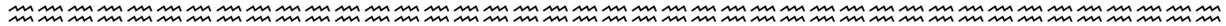




CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

MINUTES
OCTOBER 5, 2011

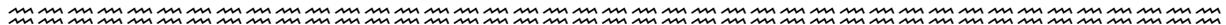


The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30PM.

Present were Edward Manuel, Joel Urice, Helen Hoffstaetter and Arnold Finaldi Jr. Also present was Associate Planner Jennifer Emminger.

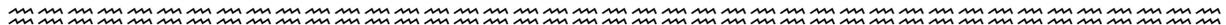
Absent were Kenneth Keller and Alternate Fil Cerminara. Chairman Finaldi noted that at last night's City Council meeting, Ms. Hoffstaetter has been appointed as a regular member of the Commission. He added that there are still two vacant alternate positions.

Chairman Finaldi reminded everyone that the next regular meeting is scheduled for October 19, 2011 and the following meeting, which had been scheduled for November 2, 2011 has been cancelled.



Ms. Hoffstaetter made a motion to accept the May 31, 2011 minutes. Mr. Manuel seconded the motion and it was passed unanimously. Chairman Finaldi said they would table the acceptance of the June 15, 2011 minutes until the next meeting.

Chairman Finaldi welcomed a Newspaper Writing class from WestConn that was present to observe the meeting.



PUBLIC HEARINGS:

7:30 PM — City of Danbury by Dennis I. Elpern, Planning Director — Application to Amend Chap. 2, Sec. B.7. of the City of Danbury Subdivision Regulations. (Downtown Revitalization Zone fees)

Chairman Finaldi read the legal notice. Mrs. Emminger said these are changes that will clarify the Subdivision Regulations. This will add much more detailed language regarding accessways, flag lots, free splits, and more specific regulation of driveways. It also adds language for joint driveways, clarifies grade requirement, and identifies acceptable paving materials. And makes these Regulations consistent with the Zoning Regulations. There were no questions from the Commission members.

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

Mr. Manuel made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Manuel made a motion to move this to item #3 under Old Business. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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7:45 PM — Acme 2 Realty LLC – Application for Special Exception for Shared Parking (“64/66 West Street”) in the CL-10 Zone – 64 & 66 West St. (#114092, #114091 & #114093) – SE #717.

Chairman Finaldi read the legal notice. John McCoy, PE from JFM Engineering, spoke in favor of this application. He said they are requesting to increase the occupancy of a church located in the building at 64 West St. This increase would require them to share parking with the property at 66 West St. He said the Planning Department is also reviewing a site plan application to permit a partial change of use from office to a church at 64 West St. and to reconstruct the parking lot at 66 West St. The church will only need the additional parking on the weekends, during the week the office can use the additional parking. He submitted a letter from the property owner acknowledging what they are proposing to do on this site. This was designated exhibit A. Once the church occupancy is increased to 130 seats, they will need a total of 33 parking spaces. There are 34 spaces available between the two properties. As part of the site plan review, the Planning Dept. has requested a long term lease be executed to assure these spaces will be available. He said the property owner is trying to bring the site into conformity with the Regulations, while trying to accommodate someone who wants to rent the space.

Mr. Urice asked if the lease is restricted. Mr. McCoy said it is not currently but will be amended once this is approved. Mr. Manuel asked how the space is laid out that they can accommodate a change from 40 seats to 130 seats. Mr. McCoy said the area is currently vacant, but if this is approved, they will fit it up. Mr. Urice said so when the church is being used, there will be no parking available for the office. And when the office is full, there will not be enough parking for the church to be at full capacity. Mr. Manuel asked how they will enforce the office space not be allowed to use the building on Sunday. Mr. McCoy said the same enforcement action would be taken against whichever of the tenants violates the lease. Mrs. Emminger said at this point, it would be a zoning violation to be handled by the Zoning Enforcement Officer.

Gary Michael, owns 70 West St., said this property has been dormant for several years. He expressed concern that the back portion of the property is unpaved. He asked if it will be lit at night because if not, it will not be safe as there are some unsavory characters in this area. He also said he was worried about them parking on the street as well as on site.

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

Mrs. Emminger said in response to the comment about the lighting that is something that can be addressed as part of the site plan review. The Commission cannot address it, but she can as part of the site plan review. JE said respond to comment of lighting it can be addressed as part of site plan review. She said there is no additional lighting proposed but that area has been paved and cleaned up so it is open and very visible.

Mr. Urice suggested that they add language saying that any change of use in either building or change in the lease will require them to come back before the Commission. Mrs. Emminger said that is in the Zoning Regulations and she has already asked that it be added the plan. She said if they really want it though, she can craft some language to that effect.

Mr. Urice made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to #4 under Old Business. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Danbury Mall LLC/T-Mobile Northeast LLC — Application for Special Exception for Wireless Telecommunication Facility (CT-11816) in the CG-20 Zone — Danbury Fair Mall/7 Backus Ave. (#F16015 & #F17002) — SE #716

Chairman Finaldi said they had received a resolution from Mrs. Emminger. He asked if anyone had anything they wanted to change or add. Since there was nothing, Mr. Urice made a motion to approve this per the resolution dated 9/27/11. Ms. Hoffstaetter seconded the motion and it was passed unanimously with the exception of Mr. Manuel, who abstained from the vote as he was not present at the public hearing. Chairman Finaldi explained this process to the WestConn class in the audience.

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Boehringer Ingelheim Pharmaceuticals Inc. — Application for Revised Site Plan approval for “RDG Pilot Plant Replacement Project” in acc. w/Sec./10.D.7. of the Zoning Regulations — 39 Briar Ridge Rd. (#D17001) — SE #317.

Chairman Finaldi said they should have received a draft resolution from Mrs. Emminger. Mr. Manuel said he was not eligible to vote on this since he was not present for the public hearing. Mrs. Emminger said the Town of Ridgefield is currently going through a similar process for the portion of this proposal that is located in Ridgefield. She added that they approved the application although they have not yet settled with the FAA. Mr. Urice made a motion to approve this application. Ms. Hoffstaetter seconded the motion and it was passed unanimously with the exception of Mr. Manuel who did not vote.

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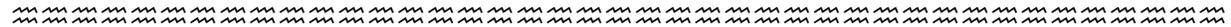
City of Danbury by Dennis I. Elpern, Planning Director — Application to Amend Chap. 2, Sec. B.7. of the City of Danbury Subdivision Regulations. (Downtown Revitalization Zone fees)

Mr. Urice made a motion to approve this application because getting this language into place will encourage development. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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Acme 2 Realty LLC – Application for Special Exception for Shared Parking (“64/66 West Street”) in the CL-10 Zone – 64 & 66 West St. (#I14092, #I14091 & #I14093) – SE #717.

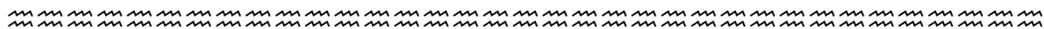
Mrs. Emminger asked for some guidance in preparing the resolution. Mr. Urice said it is pretty straight forward, the only extra thing would be the caveat to restrict hours of operation. Mrs. Emminger said she also thought they should require the leases to be filed on the City Land Records.



REFERRALS:

8-3a Referral – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 10.B.2. of the Zoning Regulations. (Downtown Revitalization Zone Fees) Zoning Commission public hearing scheduled for October 11, 2011.

Chairman Finaldi said they had all read the staff report as part of the first public hearing this evening. The Planning Director put both issues on one report since they are basically the same petition, this one is for the Zoning Regulations. This petition will reduce the permit fees for any proposed development within the Downtown Revitalization zone. This reduction in fees is part of an incentive package designed to attract developers to this area. Mr. Manuel made a motion to give this a positive recommendation for the following reasons: This was one of the public incentives included in the Main Street Renaissance Task Force report. The reduction in permit fees will let potential developers in the downtown know that the City is willing to work with them. Mr. Urice seconded the motion and it was passed unanimously.



8-3a Referral – Petition of Madeline Ridge LLC, 2 Scuppo Rd. (#F14124) for Change of Zone from RA-40 to RMF-4. Zoning Commission public hearing scheduled for October 11, 2011.

Mrs. Emminger reviewed Mr. Elpern’s staff report on this petition. She said the Plan of Conservation & Development indicates that this parcel should be used for single family development. The Plan also had indicated the same use for lots to the immediate west, which have since been rezoned to RMF-4. She said the rezoning of this parcel could allow a maximum of ten dwelling units, unless they apply for the Housing Incentive Option, which could possibly allow them up to sixteen units. She added that would be dependent on the site constraints. The petition does point out that the adjacent RMF property was rezoned after Plan of Conservation & Development was approved. In 2005, a petition to rezone this and the buffer lot was denied for several reasons, one being that there would be no transition zone to protect the adjacent RA-40 zone. She said the biggest change with this petition is that it does not contain the northern lot which eliminates the concern over there not being a formal delineation between the single and multi family zoning. She said Mr. Elpern’s report points out there are steep slopes along the western and northern portions of the lot, so really the only area that could be developed is the southern portion. Mr. Urice said that after visiting this site, he came to the conclusion that the lot that is to remain RA-40 is not really a buffer. This means that the RMF zone will encroach into the RA-40 zone. Chairman Finaldi asked Mrs. Emminger if staff takes a position on this petition. Mrs. Emminger said the staff report stands as the Department’s position. Mr. Urice made a motion to give this a negative recommendation for the following reason: The proposed

multi-family zone will encroach into the RA-40 zone because there really is no buffer between them. Ms. Hoffstatter seconded the motion and it was passed unanimously.



There was nothing under Other Matters or Correspondence and under For Reference Only there were listed two applications for Floodplain Permits.

At 8:20 PM, Mr. Urice made a motion to adjourn. Ms. Hoffstatter seconded the motion and it was passed unanimously.