



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

PLANNING COMMISSION  
(203) 797-4525  
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**MINUTES**  
**FEBRUARY 6, 2013**

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The special meeting was called to order by Chairman Arnold Finaldi Jr. at 6:30 PM

Present were Kenneth Keller, Helen Hoffstaetter, Arnold Finaldi Jr. and Alternate Michael Ferguson. Also present were Planning Director Dennis Elpern and Deputy Planning Director Sharon Calitro.

Mr. Elpern said they are here to discuss and make a recommendation on the proposed Capital Improvement Budget for fiscal year 2013/2014. He mentioned there is a special meeting on Monday night, February 11, 2013 that will kickoff the Tarrywile study. He said Mrs. Calitro did a great job putting this budget together. Mrs. Calitro reviewed the proposal and went over some of the specific requests. She explained that the form looks different because it was changed to look more like the final product as it shows up in the City budget book. Mr. Keller made a motion to approve the budget as presented. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

At 6:50 PM, Mr. Keller made a motion to adjourn this special meeting. Mr. Ferguson seconded the motion and it was passed unanimously.

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**EXECUTIVE SESSION**  
**COUNCIL CAUCUS ROOM**  
**7:00 PM**

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The Executive Session was called to order by Chairman Arnold Finaldi Jr. at 7:00 PM.

Commission members present were Kenneth Keller, Helen Hoffstaetter, Arnold Finaldi Jr. and Alternate Michael Ferguson (seated for Joel Urice). Also present were Special Corporation Counsel Daniel Casagrande, Assistant Corporation Counsel Robin Edwards, Deputy Planning Director Sharon Calitro, Associate Planner Jennifer Emminger and Director of Public Works Antonio Iadarola.

Chairman Finaldi said the purpose of the Executive Session is to discuss the Town of Bethel vs. City of Danbury Planning Commission.

At 7:05 PM, Mr. Keller made a motion to go into Executive Session and to invite Mrs. Calitro, Mrs. Emminger, Mr. Iadarola and Attorneys Casagrande and Edwards to join them. Mr. Ferguson seconded the motion and it was passed unanimously.

At 7:40 PM, Mr. Keller made a motion to come out of Executive Session. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Mr. Keller then made a motion to authorize Corporation Counsel to proceed as discussed. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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REGULAR MEETING  
CITY COUNCIL CHAMBERS – THIRD FLOOR  
7:30 PM

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

Present were Kenneth Keller, Helen Hoffstaetter, Arnold Finaldi Jr. and Alternate Michael Ferguson. Also present was Associate Planner Jennifer Emminger.

Absent were Fil Cerminara and Joel Urice.

Chairman Finaldi asked Mr. Ferguson to take Mr. Urice's place for the items on tonight's agenda.

Mr. Ferguson made a motion to accept the December 5, 2012 & January 16, 2013 minutes. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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Chairman Finaldi asked that someone make a motion to move the two floodplain permits listed under For Reference Only to Old Business Ready for Action. He said that since the agenda was prepared, the final reports have been prepared and they can discuss and take action on them tonight.

Mr. Keller made a motion to move both floodplain permits from For Reference Only to Old Business as items one and two. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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PUBLIC HEARINGS

7:30 PM - Lemle Danbury - Application for Special Exception/Revised Site Plan Approval for Change of Use from Business Offices to Medical Offices (One Plaza West) in the CA-80 Zone - 100 Mill Plain Rd. (#C14058) - SE #728.

Mr. Keller read the legal notice regarding this application. Attorney Paul Jaber spoke in favor of this. He said the applicant is also the owner of the property. This is a 70,000 sq.ft. office building located across the street from the intersection of Aunt Hack Rd. with Mill Plain Rd. The reason they are here is because they want to change 2,900 sq.ft. of space within the building from business office to medical office. Since the Regulations were changed several years ago, medical offices are a special exception use in almost every zone. He said there will be no exterior changes to the building and no additional trips generated by the medical use. The parking will not be

affected by adding the medical use; they will still have sixty spaces in excess of the required amount. In closing, he said this is simply a new tenant in an existing office building.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one. He then asked Mrs. Emminger if they were waiting for any departmental reports. Mrs. Emminger said they were not because there were no changes proposed that would require any other departments to look at this. It is simply a change of use for a small amount of space with no changes to the site.

Mr. Keller made a motion to close the public hearing. Mr. Ferguson seconded the motion and it was passed unanimously. Mr. Keller then made a motion to move this to item three under Old Business, so they can give Mrs. Emminger some guidance for the resolution. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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7:40PM - E.W. Batista Family LP -Application for Revised Special Exception/Revised Site Plan Approval to allow uses generating over five hundred (500) vehicle trips per day in the C-CBD Zone - 2-12 Main St. & 155 South St. (#115045, #115046, & #115048) - SE #587.

Mr. Keller read the legal notice. Dainius Virbickas PE, Artel Engineering Group spoke in favor of this. He said the property owner, Ed Batista, is also here tonight. Mr. Virbickas said these properties are located on the corner of South and Main Sts. There are three parcels; one has the former bank building on it. That building is currently being renovated for use as a medical building. The other Main St. parcel has a bakery on it and the South St. parcel has two-family dwelling on it. A 2004 court stipulated approval allowed for the office building to remain on corner and a new building to be built with a Dunkin Donuts in the lower level, with a drive-thru window. Although this plan did not include the South St. parcel; it did receive approval from the DOT. The addition of the South St. parcel allows for some changes that really improve the traffic flow. The plan they are looking at tonight contains some important changes including expansion of the parking lot for the corner building. The access and egress remains the same, but there are some additional snow storage and buffer areas provided. The loading area has been reconfigured so it will work better for the delivery trucks. They also lengthened the stacking distance to ten vehicles for the drive-up. The previous plan only allowed a stacking distance of seven vehicles. He said the best change they were able to make is the pushing of the South St. driveway about 75 ft. to the west so the traffic. Since they can do that, the City Traffic Engineer will now allow the South St. driveway to be two-way. Mr. Keller asked if it will be restricted to right turn only. Mr. Virbickas said that is not necessary. Mrs. Emminger then said that Mr. Mohammed's (City Traffic Engineer) report has not been received yet. She said he is in favor of the two-way drive because he believes that the peak times are different. The time of day when Dunkin-Donuts is the busiest is not the same time as when South St. has stacking problems.

Mr. Virbickas continued saying the storm drainage is similar to the previous plan with some minor changes to make it better. He said the Planning Dept. Staff Report asked for some additional landscaping, so they have beefed up what they are proposing. He said the applicant is aware that this is a corner site and highly visible. He showed the Commission two renderings: one that is traditional and the second is

more colonial and was requested by the Planning Dept. Staff. Mr. Keller asked about signage. Mrs. Emminger said they are permitted one freestanding sign. Mr. Virbickas said they tried to keep this new plan as close to the previously approved one as possible. Ms. Hoffstaetter asked if they are making any attempt to coordinate the revisions being made to the medical building so it will look like the proposed building. She added that it would be nice if the color schemes were complementary and then she asked about the lighting. Mr. Virbickas said all of the existing lighting will be removed and replaced with LED lighting for energy efficiency. He said they had proposed a stockade fence along the western property line to buffer these buildings from the Condominium development located to the west of this site. Staff has asked for a more artistically pleasing fence, so they will be using the same fence as the one located at the Springside Ave. Dunkin-Donuts site. Mr. Keller asked if there was going to be signage notifying people that there is no left turn out onto Main St. Mrs. Emminger said that is something that will probably be discussed in Mr. Mohammed's report.

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 were still waiting for departmental reports. Mrs. Emminger said they were still waiting for several reports.

Mr. Keller made a motion to continue the public hearing. Mr. Ferguson seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Jennings Oil Co. -- Application for Floodplain Permit - 30 East Franklin St. (#113016) - SP #03-04.

Mrs. Emminger distributed a draft resolution. She said this was an extremely complicated review. A revised site plan was approved for the construction of a roof structure, a containment area for fuel transfer pumps and improvements to the storm drainage system. In response to CT DEEP requirements, the property owner has prepared a Stormwater Pollution Prevention Plan that consist of several measures designed to provide increased environmental protection of the fuel oil operation on the site. Portions of the subject property are located within the Floodway and the Numbered AE Flood Plain of the Padanaram Brook. Work proposed within the regulated floodplain includes minor grading, paving of the gravel parking lot, repair of the retaining wall along the Padanaram Brook, and the installation of the storm drainage system. In addition to the site work, the applicant is proposing work in the floodway along the Padanaram Brook that includes the stabilization of a drainage outlet along the bank of the brook and work on the deteriorating retaining wall. The applicant's engineer has indicated that the discharge pad and rip rap for the drainage outlet has been designed so there would be no increase of fill within the floodway. The applicant's engineer stated in his letter dated May 21, 2012 that the proposed work will not result in an increase in fill or average elevation of the site. The Engineering Dept. has approved the proposed grading and drainage improvements. Based upon all of this information, the provisions in Secs. 7.A.5. & 7.A.7. of the Zoning Regulations has been met. Mr. Keller made a motion to approve this per the resolution. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Interstate Business Center, LLC - Application for Floodplain Permit - "Prindle Lane Centre", Prindle Lane (#D14001) - SE # 603.

Mrs. Emminger said this too was a complicated review and has been going on for a long time. She said this permit was held up by the Railroad and the STC, but the applicant is looking to start construction of a "Homewood Suites" on the site. A special exception/site plan approval was originally granted in October 2008 for a commercial development consisting of a 40,000 sq. ft. office building, a 5,880 sq. ft. restaurant and a 124-unit hotel. A revised site plan was approved in October 2012 for minor changes to the portion of the development related to the Homewood Suites. A portion of the subject property is located within the Unnumbered A Flood Zone of the Still River. Sec. 7.A.6 of the Zoning Regulations allows the Commission to reasonably utilize available data to establish a known base flood elevation for an area. Based on a hydrologic and hydraulic analysis performed by Tighe & Bond, the established 100-year flood elevation at the site driveway culvert crossing is 454.42 ft. The proposed site work within the floodplain is confined to a small amount of fill associated with the paving of the access drive. The proposed buildings are located outside of the designated floodplain. The grading plan shows that continuous access above the established base flood elevation is available through the site driveway. The Engineering Dept. has approved the proposed grading and drainage improvements. Based on this information, the provisions of Secs. 7.A.5.c. and 7.A.6. the Zoning Regulations have been met. Mr. Ferguson made a motion to approve this per the resolution. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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Lemle Danbury - Application for Special Exception/Revised Site Plan Approval for Change of Use from Business Offices to Medical Offices (One Plaza West) in the CA-80 Zone - 100 Mill Plain Rd. (#C14058) - SE #728.

Chairman Finaldi asked the Commission members to give Mrs. Emminger guidance as to what kind of resolution she should prepare. Mr. Keller said there really are no issues, this is pretty simple. Mr. Ferguson and Ms. Hoffstaetter said they agreed with Mr. Keller. Mrs. Emminger said she would prepare a draft resolution for the next meeting.

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NEW BUSINESS

Petition of WestConn Properties Inc., 10 Meadow St. (#113181) for Change of Zone from R-3 to CG-20. Zoning Commission public hearing scheduled for February 26, 2013.

Chairman Finaldi said this petition would be discussed at the next regular meeting.

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Chairman Finaldi said there was nothing under Correspondence, Other Matters or For Reference Only.

At 8:25 PM, Mr. Keller made a motion to adjourn. Mr. Ferguson seconded the motion and it was passed unanimously.