



CITY OF DANBURY
155 DEER HILL AVENUE
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PLANNING COMMISSION
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MINUTES
APRIL 3, 2013

The meeting was called to order by Acting Chairman Joel Urice at 7:33 PM.

Present were Fil Cerminara, Helen Hoffstaetter, Joel Urice and Alternates Robert Chiocchio and Michael Ferguson. Also present was Associate Planner Jennifer Emminger.

Absent were Chairman Arnold Finaldi Jr. and Kenneth Keller.

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

Ms. Hoffstaetter made a motion to accept the February 20, 2013 & March 20, 2013 minutes. Mr. Cerminara seconded the motion and it was passed unanimously.

CONTINUATION OF PUBLIC HEARING

Hawley Realty - Application for Special Exception/Site Plan Approval for Medical Office in the RH-3 Zone - 39-41 Hospital Ave. & 3 Forest Ave. (#12009, #12010 & #12011). - SE # 729.

Attorney Paul Jaber said he and David Hawley were present to answer questions and then turned the presentation over to Benjamin Doto PE, to review the changes that have been done in response to Departmental comments.

Benjamin Doto said they are still waiting for the final Engineering letter. He said the Architect changed the façade of the building so it looks good from all sides. He said the lighting plan has been submitted; it calls for cut-off lighting which will definitely not shine onto any neighboring properties. He said he will do one complete response letter once the report is received from Engineering. Mr. Doto said letters were received from the Fire Marshal and the City Traffic Engineer and they have no issues. He added that all of the Planning Staff comments have all been addressed.

Mr. Urice asked if there was anyone to speak in opposition to this and there was no one.

Mrs. Emminger asked them to keep hearing open, but if they could give her guidance for the resolution pending any major issues that Engineering might have. Mr. Urice said he does not see any problems with this plan. Any concerns he may

have been had were addressed by the revisions that were made. Ms. Hoffstaetter and Mr. Ferguson said they are both fine with this.

Ms. Hoffstaetter made a motion to continue the public hearing. Mr. Chiochio seconded the motion and it was passed unanimously.

REFERRAL

ZBA Referral – Application #13-13: SST Automotive Inc., 52 Miry Brook Rd. (#F19049), USE VARIANCE to Sec. 6.A.2.a., to allow limited sales of automobiles in conjunction with and accessory to an existing automotive repair facility. (IL-40 Zone) Zoning Board of Appeals public hearing scheduled for April 11, 2013.

Mrs. Emminger read from application to explain exactly what they are asking for. She said this property is located in an IL-40 Zone which does not allow retail sales. There are two buildings on the lot. One (29,000 sq.ft.) is used for furniture manufacturing and distribution. The other (13,000 sq.ft.) is the auto repair. A Waiver to Site Plan requirements allowed the auto repair facility to go in the one building with a condition prohibiting outside storage of motor vehicles. The General Repairer's license was approved by the Zoning Commission on June 8, 2010.

Mr. Urice said he has issues with this because of the basic premise of allowing retail in the IL-40 zone. He said the purpose of this zone is to provide an area for expansion of the industrial base in the City. The uses allowed in this district are of a limited and light industrial nature that if appropriately developed can be compatible with abutting commercial and residential uses. Sales are prohibited for this reason and approving this request would set a dangerous precedent in the City. He continued saying that there also does not seem to be any hardship. The applicant knew that he could not sell motor vehicles when he leased this space, so how can they claim a hardship by not being allowed to sell cars. Additionally, the place is in a rather unkempt; there are just too many cars. He said they are high-end vehicles but there are many more than what they originally agreed to have parked there. Ms. Hoffstaetter said their business model couldn't have changed that much since they moved there in 2010. She said she agrees that they should not give this a positive. Mr. Cerminara asked if there is any precedent anywhere in the City for allowing sales in the IL-40 Zone. Mrs. Emminger said there are none that she knows of. Ms. Hoffstaetter made a motion to give a negative recommendation for the following reasons:

- Approving this would set a dangerous precedent in the City. The reason retail is not allowed in this zone is because the intent of IL-40 is to provide an area for expansion of the industrial base in the City. There already is much more being done on this site than what the site plan approval was granted for. Lastly, the applicant knew when they leased this space for this business that sales were not permitted, so how can they claim a hardship now because they cannot sell cars.

Mr. Ferguson seconded the motion and it was passed unanimously.

OTHER MATTERS

Daniel & Elisabeth Henvy - Request for Lot Combination (convert four-lot re-subdivision into two lot re-subdivision - 8.007 ac.), Long Ridge Rd. (#J19011, #J19012 & #J19013), Portion of SUB #06-03.

Mrs. Emminger explained that this is technically a request for a lot combination or to convert a four-lot re-subdivision into a two-lot re-subdivision. She said this was approved after many revisions as the Rosato subdivision. There were a lot of developmental constraints on this property. It did not get built because of the cost. The new owner bought the three lots and Mr. Rosato kept the lot with the house on it. They are not required to hold a public hearing for this but the Commission has purview over any changes to an approved subdivision. Mr. Urice asked if it will become one large lot. Ms. Hoffstaetter asked if we know where the house will be on the big lot. Mrs. Emminger said she has a map showing a proposed location. Ms. Hoffstaetter asked if they would be using the existing driveway rather than cutting a new one. Mrs. Emminger said that is correct. Mr. Urice asked for comments or a motion. Mr. Cerminara made a motion to approve the lot combination. Mr. Ferguson seconded the motion and it was passed unanimously.

The only matter listed under For Reference Only was the public hearing for the POCD Amendments which is scheduled for June 12, 2013.

At 8:00 PM, Mr. Cerminara made a motion to adjourn. Ms. Hoffstaetter seconded the motion and it was passed unanimously.