



**CITY OF DANBURY**  
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PLANNING COMMISSION  
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**MINUTES**  
**NOVEMBER 6, 2013**

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The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:35 PM.

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

Chairman Finaldi seated Mr. Chiocchio for the vacancy created by Mr. Keller's resignation. He also congratulated Mr. Ferguson on being elected to the Board of Education.

Mr. Urice made a motion to accept the August 21, 2013 minutes. Mr. Cerminara seconded the motion and it was passed unanimously.

Chairman Finaldi said the following application has been withdrawn and will be resubmitted at a later date:

Westconn Properties Inc. Application for Special Exception/Site Plan Approval to permit Medical/Professional Office Building in the CG-20 Zone 233 White St. (#J13144, #J13145, #J13146 & #J13181) SE #732.

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CONTINUATION OF PUBLIC HEARINGS

CT Institute for Communities Inc. - Application for Revised Special Exception/Revised Site Plan ("120 Main St.") to permit (1) Apartment House/Medical & Business Offices/Retail, (2) a combination of uses which will generate over 500 vehicle trips per day, and (3) shared parking in the C-CBD Zone Main St. & Boughton St. (#I14135 & #I14437). Shared parking on lots #I14379, #I14380, #I14381, #I14382, #I14383, #I14384, #I14385, #I14133 & #I14134 with access over #I14378 - SE #713.

Attorney Fran Collins, Civil Engineer Michael Mazzucco, Architect Keith Beaver and James Maloney from CIFIC were present this evening. Chairman Finaldi read a letter from Nolan Enterprises (who owns an abutting property) that was received in the Planning Office today. This letter requested that the applicant install a buffer between these properties. Attorney Collins said there were a few matters to discuss including requesting an extension to keep the public hearing open until the November 21<sup>st</sup> meeting in order to allow them to respond to the Engineering Dept. comments and get revised comments back from them. Keith Beaver then said he had met with City Traffic Engineer Abdul Mohammed regarding the crosswalk issues. The Commission had requested the same kind of signalization that was installed by WCSU on White St.; but since this is a State road, it will require their approval.

Michael Mazzucco discussed the water extension. He said the amount of water needed for fire protection has not yet been determined because the buildings will be sprinklered. The Fire Marshal wants new line. They showed eight inch line on the revised plans but if a ten inch line is necessary, that is what they will put in. It will have to go to City Council because the City will eventually take it over. He said they also looked at the sewage and compared it to Kimberly Place, Bishop Curtis homes and Wooster Manor to get an average. He said they will wait to hear back from Engineering before making a final determination. Attorney Collins said the last thing to discuss is the letter from Mark Nolan. Mr. Maloney said he would call Mr. Nolan to discuss the letter; the refuse container has been shown on the plan and the stormwater discharge has been addressed by Mr. Mazzucco.

Chairman Finaldi asked Mr. Maloney to address why they are not assigning a parking space to each unit. Mr. Maloney said they will do it provided it is needed; meaning if the resident has a car they will get a space. It will be first come, first serve. He said they do not want to waste spaces. He added that some of the residents will request a handicapped space, and some will not want one at all. He said they want to be flexible and reserve as many spaces as possible for visitors; they will keep them unassigned with the intent of using them for visitors. Mrs. Emminger said they need to continue the hearing as they are still waiting for information. Mr. Urice made a motion to continue the hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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A & J Construction – Application for Special Exception/Site Plan Approval to permit "Outdoor Storage of Construction Equipment & Building Materials; and Screening of Earth Materials", 50-56 Payne Rd. (#M12009) in the IG-80 Zone – SE #731.

Mrs. Emminger said Attorney Neil Marcus had requested this be continued this evening. The first thirty-five days have passed and out of the pool of sixty-five days, they have used about half of them. She added that they probably have two more meetings before the entire time period is up.

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## REFERRALS

8-24 Referral/October 2013 City Council Agenda Item #8: Request for Sewer Extension – 6 Somers St. (#J12146)

Mrs. Emminger asked if everyone had read Mrs. Calitro's report or if there were any questions. Since there were none, Chairman Finaldi asked that someone make a motion. Mr. Urice made a motion to give this a positive recommendation with the standard conditions because it is located within the existing sewer service area as shown in the Plan of Conservation & Development. Mr. Chiochio seconded the motion and it was passed unanimously.

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8-3a Referral Petition of 85 Liberty St., LLC/Calixto Jimenez for Change of Zone from RMF-4 to C-CBD at 6 Nichols St. (I14339). Zoning Commission public hearing scheduled for November 12, 2013.

Mrs. Emminger said they should have received a staff report yesterday from the Planning Director. This property is located at the corner of Nichols and Liberty Streets across from the Old Oak Restaurant. It is in the midst of a very dense multi-family zone and is split down the middle by the zone line. This lot is too small to support a multi-family dwelling and a single family dwelling would be completely out of character with this neighborhood. They also own the abutting property at 85 Liberty St. and they would like to continue the mixed use located on that parcel but they need parking. During the last hurricane, this lot sustained substantial damage and the property owner wants to clean it up. So the proposal is to demolish the structure at 6 Nichols St. and put in a parking lot. Parking lots are not allowed in the RMF zones and that is why they want to rezone this. There is not a lot that can be done with this lot due to the small size, the most they could put on it would be a single family home and that is not in character with the rest of the neighborhood. They know they have to put up a buffer once it is rezoned because it abuts residential property. Chairman Finaldi said well they try to not have zone lines cut through properties so this would fix that situation. Mr. Urice asked what else could be done with this lot. Chairman Finaldi said this is a Zoning Commission matter and all they are doing is making a recommendation. Mrs. Emminger said staff has no objection to this proposal.

Mr. Chiochio made a motion to give this a positive recommendation for the following reasons: The small size of the lot severely restricts what it can be used for, but this proposal would "square-off" these two lots and allow for the applicant to install the required parking. Mr. Cerminara seconded the motion and it was passed by a 4-1 vote with Mr. Urice voting against the motion.

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8-3a Referral Petition of Equity One, Inc. to Amend Sections 5.B.2.b. & 5.B.5.d. of the Zoning Regulations. (Add fast food restaurants per specific criteria to CA-80 Zone) Zoning Commission public hearing scheduled for November 12, 2013.

Mrs. Emminger said they should have received the staff report prepared by the Planning Director. This petition is an attempt to add fast food restaurants to the CA-80 zone with two very specific conditions that must be met. The two proposed conditions are: *it must be situated on a parcel of land located within fifteen hundred (1500) feet of an entrance or exit ramp serving an interstate highway system, and on a parcel of land located on a portion of a highway having not less than four (4) travel lanes.* Mrs. Emminger said fast food restaurants are major traffic generators as Mr. Elpern points out in his report. The report also said that it appears this petition is designed to allow a drive thru window as the Starbucks in the shopping center located at Exit 2. There is not much land available that meets the proposed conditions. The conclusion in the report is that even with the proposed conditions, allowing fast food restaurants will contribute to increased traffic in this area.

Chairman Finaldi briefly described how the CA-80 zone evolved on Mill Plain Rd. and how when it was first created in the late 1980's there was no retail allowed. The pre-existing retail uses were allowed to remain and it was not until 1995 that the zone was amended to allow retail uses. He said this Commission has spent a lot of time looking at proposed and existing development on Mill Plain Rd. and it is always a tricky situation. The reason for that is because it has such a high volume of traffic that adding any use that generates traffic will only serve to make the level of service deteriorate even further. Mr. Urice then said that the proposed conditions just about amount to spot zoning; because they significantly limit where this use would be allowed. He said he does not agree with the applicant's theory that the road can handle this kind of traffic because it already has this kind of traffic. He said the

traffic on Mill Plain Rd. already is a nightmare and there are approved projects yet to be built which will also add to the traffic. Mr. Chiochio asked what this specifically will affect. Mrs. Emminger said presently a drive-thru window is allowed only for banks as a special exception use and fast food restaurants are prohibited. Ms. Hoffstaetter asked if this will impact Exit 4 and Exit 2. Mrs. Emminger said it only impacts Exit 2 because Exit 4 is located at the boundary of the CG-20/CA-80 zone line. Mr. Ferguson asked how the Duchess got approved if fast food is not allowed. Chairman Finaldi explained that the use was pre-existing and non-conforming because it was the site of the Moffa's Hot Dog Stand for many, many years. Mr. Chiochio asked about the Starbucks in the shopping center. Mrs. Emminger said the shopping center was approved for straight retail and the Zoning Enforcement Officer at that time issued a permit for the Starbucks without investigating their operation. They have requested a drive-thru window and the current Zoning Enforcement Officer denied it based on the fact that we consider them pre-existing and non-conforming. Mr. Urice suggested they not just look at this as being for the Starbucks, they need to consider any fast food restaurant could end up there. Chairman Finaldi referenced a similar situation in Norwalk where they do have a drive thru Starbucks. He said that is what this could become and he sees no redeeming qualities to having a fast food restaurant near the entrance/exit ramps to the highway. Mr. Cerminara added that if this is approved, it could gradually creep further down the roadway. Mr. Urice made a motion to give this a negative recommendation for the following reason:

Even with the specific conditions being proposed in this petition, this change has the potential to make an already bad situation worse.

Ms. Hoffstaetter seconded the motion and it was passed with five votes. Mr. Cerminara abstained from voting as he owns property at the beginning of Prindle Lane.

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Chairman Finaldi asked if there was anything to discuss under Other Matters and there was nothing. He said listed under For Reference Only were a floodplain permit and a public hearing scheduled for November 20, 2013.

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