



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
JANUARY 20, 2010

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

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

Absent were John Deeb, Edward Manuel and Alternates Fil Cerminara and Paul Blaszk.

Chairman Finaldi asked Ms. Hoffstaetter to take Mr. Deeb's place for the items on tonight's agenda.

Mr. Urice made a motion to accept the December 16, 2009 & January 6, 2010 minutes. Mr. Keller seconded the motion and it was passed unanimously..

PUBLIC HEARING:

7:30 PM – New Hope Baptist Church – Application for Special Exception for Shared/Proportionate Parking in the RMF-4 Zone – 8-10 Dr. Aaron B. Samuels Blvd. (#115018) – SE #691.

Mr. Keller read the legal notice. Attorney Fran Collins and Reverend Ivan Pitts spoke in favor of this. Attorney Collins said the church would like to operate a day care center during the week daily until 6PM. This additional use would require fourteen additional parking spaces that they don't have. The proportionate parking is good solution for them because the existing parking at the church is used primarily for nighttime and weekend activities. The day care can use the parking during the daytime weekday hours with no substantial overlapping. Rev. Pitts said there are sixty-two parking spaces on the site and they have three full-time people on staff. He said the church activities are held during the hours that the day care is not open. He added that he did an analysis of other day care centers in the area of same size, so he knows this will work. Mr. Urice asked if day care use in the evening would be considered church attendees, not day care and Rev. Pitts said that is correct. Attorney Collins reviewed the findings that the Commission must make in order to approve this application. Mr. Keller asked Mrs. Emminger if there was anything else they need to look at. Mrs. Emminger said all they are deciding is if the church can use their parking in this manner. This did not even go out to any departments for comments that will be done during the next step, which is for them to submit a revised site plan application for the change of use. She said she already asked that the plan be revised to reflect both the parking for the church and the day care.

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

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 number two under the Old Business on tonight's agenda for discussion purposes. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

MetroPCS of NY LLC as Agent for 25 Germantown Rd. LLC – Application for Special Exception for Rooftop “Wireless Telecommunications Facility” in the RH-3 Zone – 25 Germantown Rd. (#J11381) – SE #690. Public hearing closed 1/6/10 – 65 days will be up on 3/11/10.

Chairman Finaldi said they should have received a draft resolution from Mrs. Emminger. Mr. Urice said this is pretty straightforward and made a motion to approve this per the resolution. Ms. Hoffstaetter seconded the motion. Mrs. Emminger said she had added a condition about the stealth panel being painted to match the exterior of the building. Chairman Finaldi called the vote and the motion to approve this was passed unanimously.

New Hope Baptist Church – Application for Special Exception for Shared/Proportionate Parking in the RMF-4 Zone – 8-10 Dr. Aaron B. Samuels Blvd. (#I15018) – SE #691.

Mrs. Emminger asked for comments from the Commission members as a guide for her in preparing the draft resolution for the next meeting. She added that only one thing needs to be conditioned; the revisions to the site plan that she had requested. Mr. Urice said he could not think of anything else except that he wanted to be sure it included the standard conditions. All of the Commission members agreed with Mr. Urice.

NEW BUSINESS:

Four Star Realty LLC – Application for Special Exception to permit a use (Fast Food Restaurant w/Drive-thru) generating more than 500 trips per day in the CG-20 Zone – Newtown Rd. (Cutoff) & 5 Mountainview Rd. (#M10028 & #M10029) – SE #693. Public hearing scheduled for 3/3/10.

Peregrine Acquisition Corp. – Application for Special Exception to permit a use (“Mill Plain Plaza”) generating more than 500 trips per day in the CA-80 Zone – 102 Mill Plain Rd. (#C14014) – SE #535. Public hearing scheduled for 3/17/10.

8-3a Referral – Court Mandated re-hearing of the 2007 Petition of Cioffoletti Construction Co, Inc., Shelter Rock Rd./Parcels A & B a/k/a 18 Plumtrees Rd. (#L13121 & #L13122) for Change of Zone from IG-80 to RMF-10. Zoning Commission public hearing scheduled for February 9, 2010.

8-3a Referral – Petition of All Granite & Marble Corp. to Amend Sec. 5.B.2.a. & 5.B.4. of the Zoning Regulations. Zoning Commission public hearing scheduled for February 9, 2010.

Chairman Finaldi said the first two applications would be on file in the Planning office and the Commission would look at the last two items at their next regular meeting.

REFERRALS:

8-3a Referral – Petition of The Windmere LLC, 44 Old Ridgebury Rd. (#C16006) for Change of Zone from IL-40 to RMF-4. Zoning Commission public hearing scheduled for January 26, 2010

Mrs. Emminger reviewed the Planning Director’s staff report and asked if everyone had looked over the additional information received from Attorney Jaber. There were no questions on the staff report and all of the Commission members said the additional documentation was helpful. Mr. Urice asked why they are saying that this re-zoning will cut down on commercial traffic when the building is empty now. And they are saying that this project will bring in money for the City. Mrs. Emminger said the financial part is not relevant to their decision. She said the staff report gave trip calculation for 79 units which is what they have stated they would put there; but the previous use of professional office was a trip generator. Mr. Urice asked if the parking lot revision that they had looked at over the summer for this property was based on them stating that their tenant needed additional parking. Mrs. Emminger said that was what had been presented to staff. Mr. Urice said that is in direct contradiction to what is being presented here. Also this is in conflict with the Plan of Conservation & Development because that has this as light industrial land. He added that if they developed this to its full potential, they would hit the trip generator and this would be a special exception. Mrs. Emminger said that is correct, they could get the zone change, sell it and who ever buys it could bring in that application. She reminded the Commission that they need to look at all the uses permitted in the proposed zone. Chairman Finaldi said the proposed density is greater than what is permitted in the nearby RMF-10 zones. Mr. Keller said the staff report is neutral, but it presents all of the info they need in order to make a decision. He said he is concerned about the density and then the Praxair building located across the street; will that be next piece to come in for a zone change? Ms. Hoffstaetter said the IL-40 land is valuable and reducing the amount of it is a concern that they need to seriously look at. Mrs. Emminger then showed the Commission a color coded map showing the remaining IL-40 and IG-80 land left in the City. Mr. Urice said can we really afford to lose more industrial space, especially because there have been other re-zonings where nothing has happened. He pointed out Kennedy Place and said nothing has been done there because right now the economy is not supporting new development. He added that if the economy turns around, we will need more industrial land because we certainly have plenty of multi-family land left. Mr. Keller said clearly last summer, the applicant thought there was going to be an industrial use or they would not have spent so much time and effort on trying to get the expanded parking area approved. He said he does not feel good about going against the Plan of Conservation & Development or reducing the amount of Il-40 zoned land in the City. He suggested that this zone change might not be encouraging the most appropriate use of this land. This would be the only multi-family parcel on Old Ridgebury Rd. They are suggesting that the density of this proposal would act as a transition zone, but the RMF-4 zone of Briar Woods was supposed to be the transition zone, at what point do we stop. Mr. Urice said if we don’t have any light industrial land left, we certainly will not ever see any light industrial uses here again.

Mr. Urice made a motion to give this a negative recommendation for the following reasons:

- This is in conflict with the Plan of Conservation & Development.
- There is concern for the continued loss of industrially zoned land, as it is a key factor for the future economic development of the City.
- Rezoning this parcel would make it compatible with the adjacent Briar Woods condominiums, but would allow considerably higher densities than the Ridgebury Hills development across Briar Ridge

Rd. and the nearby Kensington Woods and Willow Grove developments. And because of all this it is questionable whether this parcel would actually serve as a transition zone.

- If this is approved, it would constitute the only multi-family residential zoned land abutting Old Ridgebury Rd.

Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Chairman Finaldi mentioned that they should have all received the schedule of regular meetings for 2010. There was nothing under Other Matters and listed under For Reference Only there were two applications for Floodplain Permits and the public hearings scheduled for the 2/3/10 meeting. It also was noted that the Commission will review and make a recommendation on the proposed CIP at that same meeting.

At 8:15 PM, Mr. Urice made a motion to adjourn. Mr. Keller seconded the motion and it was passed unanimously.