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PLANNING COMMISSION
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MINUTES
DECEMBER 4, 2013

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

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

Absent was Alternate Robert Chiocchio.

Chairman Finaldi said since Mr. Chiocchio is their only alternate, he has no one to seat for the vacancy created by Mr. Keller's resignation.

Chairman Finaldi asked for a motion to table acceptance of all of the minutes. Mr. Urice made a motion to table the acceptance of all the minutes listed on the agenda. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Chairman Finaldi also announced that this is the only meeting scheduled for the month of December and the first meeting date in January falls on New Year's Day, so the next regular meeting of this Commission is scheduled for January 15, 2014.

PUBLIC HEARING

Peregrine Acquisition Partners LLC/CRD, LLC – Application for Revised Special Exception/Revised Site Plan Approval for uses generating over 500 vehicle trips per day (Grocery Store, Package Store, Retail & Office), “Mill Plain Plaza” – 102 Mill Plain Rd. (#C14014) – SE #535.

Chairman Finaldi read legal notice and said Mrs. Emminger had emailed the staff report to the commission members. He added that a report from the City Traffic Engineer was received late this afternoon and has been distributed to the Commission members. Attorney Paul Jaber spoke in favor of this application. He said the applicant principles are the Caraluzzi family who currently operate stores in Bethel, Newtown, Georgetown and hopefully Danbury. He said with him this evening are: Civil Engineer Ben Doto, Traffic Engineer Joe Balskus, and Mark Caraluzzi representing the family. He described this site as a four acre parcel located east of the Duchess restaurant and immediately adjacent to the big office building at 100 Mill Plain Rd. He added that Aunt Hack Rd. is directly across the street from 100 Mill Plain Rd. The CA-80 zone runs along the Mill Plain Rd. corridor. This proposal is a change of use; the property currently has approvals that were granted in April 2010 and are good for ten years. The current owner is selling the property to the applicants and virtually this proposal is for the same building as was approved in 2010. They are proposing an additional 3,000 sq.ft. to the building to accommodate a mezzanine, small office area and the

mechanicals. The main difference is that grocery stores are traffic generators. Mr. Urice asked if the retail space is the same. Attorney Jaber said it is actually less because grocery stores need storage which does not require parking. So this also requires less parking than the previous approval did. He said the public hearings for the proposed grocery store beer and package store sales are scheduled before the Zoning Commission next week. Mr. Urice asked if they have provided the necessary documentation regarding the distance requirement between package stores. Attorney Jaber said a surveyor's document was provided and is part of this file. He said the reason they are here tonight is because although the change to grocery store requires less parking, it causes an increase in trip generation that is greater than what the previous special exception was granted for. He asked that the 2010 file be incorporated into this file.

Benjamin Doto PE, spoke next, referring to a color rendering (prepared by 72 Architects) that was on the easel. He said the main difference between this and the previous approval is the appearance of the building. The previous building was just a retail box; this shows the grocery store taking up most of the length of the building with the package store located on the left and another small retail business on the right. He said the footprint, curb cuts and parking layout remain unchanged with the exception of a few parking spaces being removed to allow for cart corrals. He said some of the columns along the walkway were changed, but there also were no changes to the utilities or drainage. He said they have received some minor comments from Building and Engineering which will be addressed by revisions to the site plan. He added that very little has changed on the site plan and this new proposal actually requires less parking.

Joseph Balskus, PE, Director of Traffic & Parking at Tighe & Bond, spoke next. He said he is very familiar with this site as he has done a lot of work in this area over the past few years. Using an aerial photo, he pointed out the existing signalization on the road, saying Prindle La. is due to be signalized very shortly. He said he did traffic work for both the Reserve and the Prindle La. applications and historically traffic volumes are decreasing on Mill Plain Rd. Since 2007, there are less people driving; fewer teenagers are getting their licenses; more people are carpooling and telecommuting. He said this use will increase the traffic volume, essentially doubling what it was approved for previously. The sight lines and driveways are not being changed from what was approved. The latest traffic analysis (for exiting the site driveway) shows a level of service (LOS) of E, which is up from the previous LOS of F. He said there is an easement which allows this property to access to the light at the Aunt Hack intersection. The property owner was required to obtain this as part of the previous approval because it was realized that Mill Plain Rd. at peak, is not easy to get out onto. So instead of all traffic trying to turn left out of the driveway, they are diverting some of it through the accessway which exits to the signalized Aunt Hack intersection. Mr. Urice asked how he can say the traffic will be diverted; people are creatures of habit and will use whatever is easiest. Mr. Balskus said if the driveway gets backed up, people will go to the other exit. Mr. Urice said they are just counting on people to balance their exiting from the site. Mr. Balskus said there are things that can be done to make people aware of the alternate exit and to encourage them to use it. They can post internal signage directing them to the other driveway; but they believe that once patrons know there is an alternative, it will be self-regulating. He added that they are proposing a dedicated turning lane into the site which will require some road widening along the front of the site. He said regarding the City Traffic Engineer's letter; he does not like the proposed turning lanes or the no restrictions on

left turns from the site. Mr. Urice said he does not see any of that in the letter. Mr. Balskus said Mr. Mohammed is just telling them what he wants to see there. They still need to look at the truck access and general egress from the site. He said he still has to meet with Mr. Mohammed as well as the State DOT. He added that they are different schools of thought on restricting turns, so everyone has to agree if that is to be done. He said presently trucks can get around the building but it is tight, so that design also needs more work.

Attorney Jaber said they had just received the City Traffic Engineer's report tonight so they will respond to it at the next meeting.

Mrs. Emminger said she had received two letters in favor of this application and one in opposition. Chairman Finaldi said they would read the two in favor now and the one in opposition after he calls for opposition. Ms. Hoffstaetter read a letter from the owner of 100 Mill Plain Rd. and Mr. Urice read one from Todd Payne representing 98 Mill Plain Rd.

Chairman Finaldi asked if there was anyone to speak in opposition and one person came forward.

Scott Savage, the owner of 93 Mill Plain Rd., said he is not necessarily in opposition but has an issue with traffic plan he examined in the Planning office. He said to clarify, he does not oppose the use; he opposes the traffic situation. He said his tenants rely on people having access to his shopping center; but this proposal will result in traffic gridlock. He said the proposed widening is not enough; he thinks they should make it two lanes each way. He said no one will use the alternate egress that goes out to the Aunt Hack intersection. He pointed out that when the Stop & Shop was built; the road was widened to two lanes and signalized at both ends. He said his concern is for his tenants and he believes the plan as proposed will add to the existing congestion on Mill Plain Rd. He said he does not like being here because this looks like a nice project. Mr. Urice then read the letter in opposition, which was from Mr. Savage (Westmill LLC) and expressed the same concerns that he spoke about.

Joe Balskus spoke in rebuttal to Mr. Savage's comments. He said the area shown on the map as crosshatched represents improvements being done by the owner of Prindle La. and once these improvements are done, the road will be restriped. He added that regarding making the road four lanes, the DOT wanted to do this but the plan was shot down by the City. He added that he believes four lanes would make things more difficult than what they are proposing here. Although there would be more capacity, traffic turning into the site would have to cross two lanes.

Mr. Savage came forward again and said it is nice that the traffic engineer wants to provide a turning lane for the hotel, but what about his property. Chairman Finaldi responded saying that would discuss that at the next meeting. Mr. Balskus said they would look into it.

Ms. Hoffstaetter made a motion to continue the public hearing to January 15, 2014. Mr. Cerminara seconded the motion and it was passed unanimously.

CONTINUATION OF PUBLIC HEARING

RonJohn's Pit Stop/John Lasczak – Application for Special Exception/Site Plan Approval for uses generating over 500 vehicle trips per day (Existing Gas Station/Proposed Convenience Store) in the CN-20 Zone – 58 Padanaram Rd. (#H09076) – SE #733.

Mark Smith from To Design and Mike Frisbie, Hunter Development spoke in favor of this. Mr. Smith said the City is looking for them to install a sidewalk. They were going to look into it but do not feel there is enough room since they have a five foot planting strip with landscaping located where the sidewalk should be. He said they moved the canopy back a few feet where they nosed up against the water line easement but stayed out of it. Doing that gave them the room for a four foot sidewalk with varying width of green space. Their concern was that this just was not a great place for a sidewalk especially because of the high traffic volume on this roadway, but if they have to put a sidewalk in, this is how it will be done. He said they have addressed all staff comments except for one that came up today regarding the floodplain, but that can be taken care of without affecting the contour. Mr. Urice said he had watched the video of the previous meeting and he wondered if the retaining wall issued had been addressed. Mrs. Emminger said she had spoken to Kelly Green, a PE in the Engineering Dept. and Superintendent of Public Utilities David Day and they believe it is an abandoned water line easement. The City does not release these even when they are no longer used. She is still waiting for them to make a final decision, but believes they are leaning toward allowing the retaining wall. She added that the latest set of revisions was distributed this week in response to outstanding issues that still exist. She said the floodplain issue can be resolved and if they want to give her guidance tonight, she could prepare a resolution for the next meeting.

Ms. Hoffstaetter made a motion to continue the public hearing until the January 15, 2014 meeting. Mr. Cerminara seconded the motion and it was passed unanimously.

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION

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. (#114135 & #114437). Shared parking on lots #114379, #114380, #114381, #114382, #114383, #114384, #114385, #114133 & #114134 with access over #114378 – SE #713.

Mrs. Emminger said they had closed the public hearing at the previous meeting and now she needs the Commission to give her guidance so she can prepare a resolution for the decision.

Mr. Urice said he is comfortable with application but there needs to be revisions added to approval to be sure certain things come about. At the last meeting, the applicant said due to the sewer limitations, the mix of apartments (1 & 2 BR) may be affected. He suggested they add a condition to resolution that they will not change or reduce the numbers. He said his second issue is the crosswalk; he wants it in writing that the DOT approval of plans should be coordinated through City Traffic Engineer. those are his only comments.

Ms. Hoffstaetter asked if they will be conditioning this about the number of units versus the sewer capacity. Chairman Finaldi said they will. He then added that this is a tough and tight site but a good use for downtown Danbury. He added that ideally, there would be liberal parking but after looking at all the possibilities, this is a good plan. Mr. Urice said there is a real need for this senior housing, so they should do everything they can to get it built.

Mrs. Emminger said there are three things that should be in the draft resolution and they can let her know if they disagree. One is that the twenty-four (24) limited income units be properly designated (as limited income for the elderly) and there needs to be annual certification that they are maintained as such. Two is that they need to require a detailed phasing plan on how the housing component will be constructed along with the medical component. This will be reviewed with the Zoning Enforcement Officer to be sure everything is coordinated. Third is language about restricting the sewer capacity to what was approved in 2011. She said these three items are in addition to the typical comments that are included in every resolution.

Mr. Urice asked if there is anyway their comment about adjusting the mix could prevent a change to the mix. Mrs. Emminger said it will be based on the sewer capacity which is rated for one bedroom versus two bedroom units, so it could be affected. Mr. Urice said that is his concern because they did not really state how the number of units could be affected. Mrs. Emminger said it won't be any less than what the previous approval was granted for. Chairman Finaldi said they will have to rely on the City experts, because they are not engineers. Mr. Urice said this should have been answered. Mr. Cerminara said he agrees with what has been said and feels they have addressed the parking concerns.

Chairman Finaldi said listed under Other Matters was the regular meeting schedule for 2014. He said Mrs. Calitro asked them to add the following item to tonight's agenda: "Request for release of the cash bond that was held as security for the construction of Petersons Lane and Louis Allen Drive". Mr. Urice made a motion to add this item to the agenda. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mrs. Emminger said the documents for the City's acceptance of the roads have been filed on the land records and the City has accepted ownership and maintenance responsibility for both roads. Mr. Urice made a motion to release this bond. Mr. Cerminara seconded the motion and it was passed unanimously.

Chairman Finaldi said all that was listed under For Reference Only was one floodplain permit.

At 8:50 PM, Ms. Hoffstaetter made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.