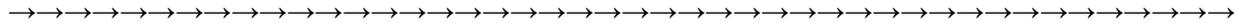




**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION  
(203) 797-4525  
(203) 797-4586 (FAX)

**MINUTES**  
**JUNE 20, 2012**



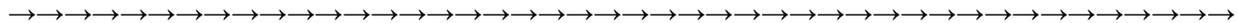
The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM

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

Absent was Kenneth Keller

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

Chairman Finaldi said the next meeting is scheduled for July 18, 2012 because the next regular meeting date falls on the Fourth of July which is a legal holiday and City Hall is closed. He also said they would table the acceptance of the minutes as listed on the agenda.



**PUBLIC HEARING**

7:30 PM – Ingersoll Property Holdings of Danbury LLC – Application for Revised Site Plan in acc. w/Sec. 10.D.7. of the Zoning Regulations for Special Exception #622 (approved 1/5/05 & revised 2/10/06) for Saturn/SAAB Dealership now known as "Ingersoll Auto of Danbury", 84 Federal Rd. (#K11111). – #622.

Chairman Finaldi read the legal notice. Benjamin Doto, PE spoke in favor of this application. He said this was originally approved as a Saturn and Saab dealership, then it was revised for Saturn and GM vehicles. Originally, there were a total of three buildings proposed, but only one was ever built. Since that time, there have been many changes in the automobile business and now this business has consolidated into a Chevy/Buick/Cadillac dealership. They still service many of the cars that they used to sell although they are no longer in production. Mr. Doto said the proposal before them this evening takes the footprint of what was phase two and adds it to the existing building. They also want to propose a new phase three. He said all of the landscaping, sidewalks, and storm drainage were installed to accommodate the originally approved plan with three buildings. He said there are three fire hydrants on the property now, and Fire Marshal Jim Johnson wants one more installed on Morgan Ave. which would service the back of this site as well as the Morgan Ave. neighborhood. He said the changes include a modification of the parking scheme and moving of the service area, but the general look of the building will carry along with the existing theme of the three dealerships. Mr. Urice asked about overcrowding on the site now. Mr. Doto said that is because they presently have a great amount of inventory on the



Ms. Hoffstaetter read the legal notice. Chairman Finaldi said they had received some of the reports by e-mail from Mrs. Emminger.

Attorney Ken Slater, from Halloran & Sage said Public Storage has been in business since 1970's and are one of the world's largest landlords. He said they are faced with a good problem because they have high occupancy and a big demand for additional units. When this was originally built, this was a permitted use, but the Regulations have changed. He said they are here tonight because both the use and trip generation make this a special exception use. He said this hearing would have to be continued because they are still waiting for some of the departmental reports. He then asked Mark Kornhaas from Artel Engineering to describe how the expansion would be accomplished.

Mark Kornhaas, Artel Engineering Group, said this site is located on the north side of Mill Plain Rd. about 400 feet east of Westwood Dr. He said presently there is the front building, a rear single story building and an area with a canopy. This proposal would replace the rear building with a three story building and also put a building where the canopy is located. There would be no changes to the front building or to the access to the site. The change will be that once the rear building is expanded, you will no longer be able to drive behind it. The driveway will be between the front and the rear building with the exit being the driveway where the canopy currently is located. The driveway between the two buildings will be two lanes wide, with one being a fire lane and the other being restricted to fifteen minute parking for drop-offs. The building that will be put where the canopy presently is will have roll-up doors. Mr. Cerminara asked if there will be outside storage units on the rear building. Mr. Kornhaas said no, it will be all inside climate control units. Both the front and the rear buildings will have fire suppression systems. Both of the new buildings will be built on the blacktop so there will be no excavation needed. Behind the rear building is an existing retaining wall so there will be no increase to the amount of impervious surface. Mr. Urice asked if there will be any changes to the stormwater management system and Mr. Kornhaas said no, none are necessary.

Mr. Kornhaas then said the applicants want to ask from feedback from the Commission regarding the aesthetic features of the new building. Since most of it will not be visible, they wondered if the front building might benefit from the aesthetics instead of putting them on the rear where they will not be seen. Chairman Finaldi said he agrees there are some aesthetic issues to consider, they certainly don't want to see a big three-story building looming over the front building. Ms. Hoffstaetter asked if they means they would spruce up the front building and the rear one would have no windows. Mr. Kornhaas said the applicants felt that since this is a bowl shaped property, the view is different depending on which direction you are coming from. He added that rear building will be about seven feet higher than the front building. The Commission members said they would think about this and discuss it again at the next meeting.

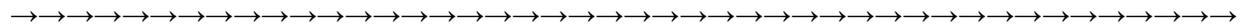
Steve Cipolla, Traffic Engineer from Frederick Clarke Assoc, said he had prepared the traffic report. He said both driveways provide excellent access and site distances. He said he used the ITE trip generation rates to calculate the existing generation. On Saturday, the midday peak is 33 trips and the additional traffic that would be generated is at most 19 trips at Saturday, midday peak. He said this type of use does not generate traffic during normal peaks of morning rush and evening rush - most of the traffic for this type of use is generated during weekends. He said he had received comments from the Police Chief and the City Traffic Engineer and both said this will have a limited impact on Mill Plain Rd. traffic.

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

Marilyn Jugis, 71 Mill Plain Rd., said she has about three acres located next to this site. She said this property has been mishandled and misrepresented by the previous owner who undercut the mountain. She said now these people have undercut it even more so the mountain is moving and although it sounds funny, it is true. She said her stone walls are moving, her breezeway cracked, and her fields have been damaged. She added that all of her plantings that were on the side are pushed over at a 45 degree angle She said she knows they are not going to do any more digging, but now they want to go up in height so she will have to look at an even taller building. She added that they did a nice job when they built this, but because of all the problems she is opposed to this.

Mr. Kornhaas asked Mrs. Jugis if she would give him permission to walk her property to see the damage and what is going on there. He pointed out on the map where he wanted to walk and said he would report back to the Commission. Mrs. Emminger said she would go with him. Mrs. Jugis agreed to let them walk her property.

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



CONTINUATION OF PUBLIC HEARING:

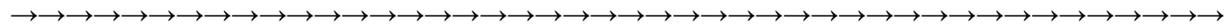
STLJ LLC -- Application for new Special Exception/Revised Site Plan Approval for (1) Bank with Drive-through use and (2) use (Bank) generating over five-hundred (500) vehicle trips per day in the CG-20 Zone, both to be incorporated into existing Special Exception #376 (Stew Leonard's) previously approved as high traffic generator - 99 Federal Rd. (#L08031) - SE #376.

Attorney Catherine Cuggino said they had received approval from the Environmental Impact Commission (EIC) and responded to the Planning Dept. staff report. She added that they would be responding to the Engineering Dept. and the City Traffic Engineer's reports, but they are willing grant an extension if the Commission feels it is necessary. She said with her this evening are Jim Rotondo, PE, Doug Hempstead from Stew Leonard's and their traffic engineer, Henry Dittman from Milone & McBroom.

Jim Rotondo, PE said he would go over some of the changes since last meeting. He said they had talked about sidewalk treatment along the front of the bank, and now they are also proposing a sidewalk along the edge of the driveway. The original proposal called for a painted pedestrian walkway, now they are looking at a concrete sidewalk that would be flush with the grade about three feet back from the driveway. They also are adding a split rail fence similar to what is on the Norwalk site to be located between driveway and sidewalk area. He said they also revised the plan to address storage of the garden center products. Chairman Finaldi asked about the existing sidewalk that runs from Stew's to the Walgreens. He said you can't walk from one to the other without crossing a parking lot. Mr. Rotondo said the proposed fence will be removable so they can get vehicles in and out of there during the off-season. The garden center area is used for additional parking during the off-season; the intent of putting in the sidewalk intent is to have continuity from Walgreens across the front of the bank building to the front of Stew's.

Mr. Urice said if the fence is removable, it will just be a driveway with a sidewalk across it. Mr. Rotondo said kind of, but the fence will be permanent during garden center season. Mr. Urice asked where the garden center stock gets off-loaded. Doug Hempstead, from Stew's

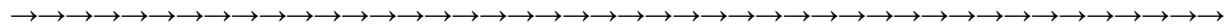




OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

City of Danbury Dept. of Public Utilities - Application for Revised Floodplain Permit (for Sewer Pump Station) - Danbury Police Dept., 375 Main St. (#H13305) - SE #655.

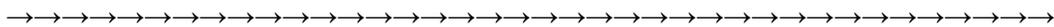
Mrs. Emminger said this site plan came in last Thursday and was approved on Monday. She added that she did not have time to prepare a written resolution for this as the Stew Leonard's application took up most of her time. She explained that the Police Station is located within the floodway and the back edge of the property runs along Padanaram Brook. They want to construct a small pump station here to deal with the elevation changes. The sewer line runs below the parking deck, so when the brook overflows, raw sewage gets dumped into the brook. The site plan for this pumping station has been approved; it will only contain the wet well. All of the electrical equipment is underground, She said there will be no filling, they are just working in the floodplain. There is no work proposed in the designated floodway. The Engineering Dept. has signed off on this, because it is made a motion to approve the Floodplain Permit. Ms. Hoffstaetter seconded the motion and it was passed unanimously.



REFERRALS:

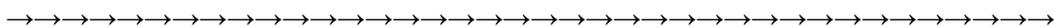
8-24 Referral/June 2012 City Council Agenda Item #5: Request for Sidewalk Easement/Patio for Old Oak Restaurant, Liberty St

This is a request to lease approximately 170 sq.ft. of the sidewalk on Liberty Street adjacent to the Restaurant for use as a three-season patio. This area would be covered with a retractable awning and delineated by use of a decorative fence. The awning and fence would be removed in the off-season. This area was widened and renovated in the late 1990's using decorative pavers and planters. Staff has expressed concern that the ADA requirements must still be complied with even if they do put in the patio. The report suggests that the Building Dept. review and approve the plan for ADA compliance before the City Council gives final okay. Mr. Urice made a motion to give this a positive recommendation subject to the standard conditions and also final approval of plans for ADA compliance by the Building Dept. Mr. Ferguson seconded the motion and it was passed unanimously.



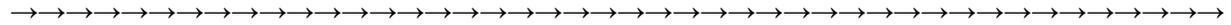
8-24 Referral/June 2012 City Council Agenda Item #6: Sidewalk Easement - Berkshire Shopping Center LLC/Staples, Plumtrees Rd.

This is a request to accept a sidewalk easement along the east side of Plumtrees Rd. Substantial renovations to this shopping center were approved in April 2008 and all revisions since then have continuously included this sidewalk easement. Mr. Urice made a motion to give this a positive recommendation with the standard conditions. Ms. Hoffstaetter seconded the motion and it was passed unanimously.



8-24 Referral/June 2012 City Council Agenda Item #7: Sidewalk Easement – Plumtrees Plaza LLC, Plumtrees Rd.

This is a similar request to accept a sidewalk easement along the west side of Plumtrees Rd... Renovations were approved in July 2011 to accommodate the construction of the Aldi's Supermarket including a new sidewalk along Plumtrees Rd. Mr. Urice made a motion to give this a positive recommendation with the standard conditions. Mr. Ferguson seconded the motion and it was passed unanimously. Mr. Urice pointed out that this will create a continuous loop of sidewalk because the two properties next to this have been approved for a new retail building.



Chairman Finaldi said there was nothing under Correspondence or Other Matters and there was one Floodplain permit under For Reference Only.

At 9:15 PM, Ms. Hoffstaetter made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.