



**CITY OF DANBURY**  
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PLANNING COMMISSION  
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MINUTES  
SEPTEMBER 20, 2021

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The web-based special meeting hosted on Zoom was called to order by Chairman Arnold Finaldi at 3:00 PM.

Present were Robert Chiocchio, Helen Hoffstaetter, Perry Salvagne, Joel Urice, and Arnold Finaldi. Also present was Planning Director Sharon Calitro and Deputy Planning Director Jennifer Emminger.

Absent were Alternate members Kevin Haas and Gary Renz.

Mr. Urice made a motion to accept the August 18, 2021 minutes. Ms. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with five ayes.

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PUBLIC HEARING:

Nejame Plaza LLC – Application for Special Exception/Revised Site Plan Approval to permit Storage of Concrete Aggregates or Manufacture of Concrete & Concrete Products, Storage of Bituminous Product, Storage or Sale of Building Materials, & Storage of Construction Equipment (Nejame Pool Industrial Site) in the IG-80 Zone - 44 Payne Road (N12004) - SE #776.

Mr. Urice made a motion to table and continue this hearing. Mr. Chiocchio seconded the motion and it was passed unanimously by voice vote with five ayes.

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REFERRAL:

8-3a Referral: Petition of 3 Lake Avenue Extension LLC to Amend Sections 2.B., 5.B.2.b.(19), and 5.B.5.g. of the Zoning Regulations. (Amendments to existing definitions, defining a new use (“transitional shelter for the homeless”), & adding this new use as a special exception use to the CA-80 zone).

Chairman Finaldi said this is a referral which means this Commission is supposed to review the file and the staff report and render an opinion as to whether they feel it complies with the Plan of Conservation & Development (POCD). He explained that this

is a matter that will come before the Zoning Commission in a public hearing format and that is the time for the applicant and the public to speak. No one besides staff and the Commission can speak at this meeting because it is not an application that this Commission will be deciding. They are acting in an advisory capacity on this matter. He then said copies of the petition and the Planning Department staff report on this matter can be accessed through the links on the agenda.

Mrs. Calitro reviewed her staff report dated September 9, 2021. She said there is a letter from the applicant's attorney attached to the petition that details why they believe this should be approved. She described the CA-80 zone and the uses permitted in it. She then went through her comments in the report as well as the section on compliance with the POCD. She said the Commissions may want to consider additional language be added to the petition regarding limiting this use to be the only one use on the site. Lastly she reviewed the comments in the conclusion of the report. She then offered to answer questions from the Commission.

Mr. Urice mentioned the number of units in the hotel compared to the 48 room restriction. He said that would eliminate the use of the Crown Plaza hotel. Mrs. Calitro noted that the restriction came from the petitioner as it is their proposal. Mr. Urice said his concern is the size of the building and only using a portion of it. He said this also means that this will not happen at the hotel located within the Reserve or the Crown Plaza as that would only be about a quarter of the rooms. He said he does not have a problem with adding the recommendation that this shelter be the only use on the site. Mrs. Calitro said the petitioner is limiting the number of supportive rooms to 48 and the other rooms could be used as shelter rooms. She said the reason the two other hotels were included in the report was because any other lots that qualify needed to be mentioned in the report. Mr. Urice said he thinks the limitation on the number of rooms and the location restrictions are both artificial because they make this site the only one that comply with them.

Mrs. Hoffstaetter asked about if the laundry facilities or cafeterias that are mentioned are considered rooms or something else. Mrs. Calitro said they both are accessory uses to the supportive units and are not counted as rooms. Mrs. Hoffstaetter then asked if the additional language proposed is something they are supposed to mention or is it just for the Zoning Commission. Mrs. Calitro said in the past, this Commission has made similar recommendations on referrals. She added that the section in the Regulations that addresses non-conforming uses does restrict a property to only one non-conforming use on it. She also said it does not matter who this recommendation comes from; it could be the applicant, the Planning Commission, or the Zoning Commission could propose it.

Mr. Salvagne said although this is a different application than the previous one, he still has questions about this use as it relates to the POCD. He said he cannot make a either a positive or a negative recommendation as there is not enough information being provided. He said this use really is something completely new, a "new beast", as we do not know how or to what extent a facility of this size would affect the adjacent area.

Chairman Finaldi said he agrees with Mr. Salvagne that this is a whole new use. They cannot compare it to any other use as there is nothing like this in the Regulations. He said the CA-80 is odd zone because it is only located on Mill Plain Road. It was created as a combination of commercial and industrial uses in the late 1980's. He said the POCD is silent on issue of "transitional housing". He noted this is being proposed as a special exception use so it will require a full public hearing before the Planning Commission. He then asked for clarification on the Affordable Housing issue. Mrs. Calitro said all of the rooms (both shelter and supportive housing) would be counted toward the City's supply of Affordable Housing units.

Mr. Urice made a motion to give this a **positive** recommendation with the suggestion that this additional language be added to the proposed definition: "this use of the structure is restricted specifically to transitional shelter for the homeless as the principal use. There are no other uses allowed within this building or on the specific property". The following reasons were given for this motion:

- 1 The specificity of the proposed definition of a transitional shelter for the homeless and the additional use regulations in the CA-80 Zone addresses potential misinterpretation as to what the use is and must contain, and clarifies requirements for approval.
- 2 Income and occupancy restrictions ensure that the supportive units and emergency shelter rooms in the facility will add to the City's inventory of affordable housing units (as defined in the statute) for the purposes of the Affordable Housing Appeals List and any related moratorium application. The addition of affordable units, whether deed restricted or governmentally assisted, is a significant benefit to the City
- 3 The proposed amendment represents a combined and collaborative effort by the State and the petitioner to create a use under a new non-congregate model that safely addresses the housing and support of persons experiencing homelessness brought to the forefront as a result of the global pandemic.
- 4 The Land Development Plan Map of the POCD designates the lots in the CA-80 Zone as a mixture of limited and general commercial uses. The description of these uses is not intended to be inclusive of every use to be considered for each designation, but rather indicative of major land uses that may be supplemented by other complementary uses.
- 5 Although a homeless shelter is not listed in the POCD under either the limited or general commercial designations, it also is not listed under the C-CBD and RH-3 Zones where shelters are currently allowed by special exception. Therefore, we conclude that shelters are similar to uses noted, as well as uses already allowed, as permitted or special exception, within the CA-80 Zone.

- 6 This use is consistent with the housing section of the POCD which provides that the City should undertake actions to expand the supply of affordable housing. The definition of a transitional shelter for the homeless requires that the supportive units and emergency shelter rooms meet the definition of affordable housing within the meaning of CGS Section 8-30g.
- 7 Lastly, the housing section of the POCD also recommends actions that will help meet the housing needs of special needs groups, including the homeless. The establishment of this use which requires both supportive units and emergency shelter rooms as well as supportive services is an action that meets the needs of this special needs group.

The motion was seconded by Mrs. Hoffstaetter and passed by roll call vote with four ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Urice, and Chairman Finaldi) and one abstention (from Mr. Salvagne).

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Chairman Finaldi said there was nothing to discuss under Other Matters and noted that there was no Correspondence. He added that there were two Floodplain Permits listed under For Reference Only.

At 3:48 PM. Mr. Urice made a motion to adjourn. Mr. Chiochio seconded the motion and it was passed unanimously by voice vote with five ayes.

Respectfully submitted,

JoAnne V. Read  
Planning Assistant