CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
www.danbury-ct.gov

MINUTES
JULY 20, 2022

The web-based meeting hosted on Zoom was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were Robert Chiocchio, Helen Hoffstaetter, Perry Salvagne, and Arnold Finaldi Jr. Also present was Deputy Planning Director Jennifer Emminger and Planning Department Intern Allie Smith.

Absent were Alternates Kevin Haas and Gary Renz.

Mrs. Hoffstaetter made a motion to accept the July 6, 2022 minutes. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with four ayes (from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

PUBLIC HEARING:

G & J Partners/Danbury Retail Management LLC – Application for Special Exception/Site Plan Approval for (1) Fast Food Restaurant [Sec. 5.A.2.b.(16)] with (2) Drive-Thru Use [Sec. 3.E.8.], (3) Medical Office [Sec. 5.A.2.b.(14)], and (4) Cumulative Uses Generating Over 500 Vehicle Trips Per Day [Sec. 3.E.2.] in the CG-20 Zone – 1 Sugar Hollow Road (G17001) – SE #788.

Chairman Finaldi read the legal notice regarding this application.

Attorney Ward Mazzucco spoke in favor of this application. He shared a PowerPoint presentation and pointed out the site on a map. He said Backus Avenue is located to the north, Sugar Hollow Road is located to the east, and the Shops at Marcus Dairy are to the south and west. He said the Kissen Brook is also located to the west and the site is located in the floodplain of the Still River so a revised floodplain permit will also need to be approved. He added that the Environmental Impact Commission (EIC) approved their plans on May 25, 2022. He said with him this evening are PE Jake Modestow from Stonefield Engineering, Traffic Engineer Gregory DelRio, from Hardesty & Hanover, and Project Manager Max Nathan, from Danbury Retail Management.
Jake Modestow, PE from Stonefield Engineering spoke next. He said the proposal is to demolish the former Pier One 9,926 sq.ft. building, and to construct a 5,178 sq.ft. building to be occupied by two tenants, a 2,458 sq.ft. fast food restaurant (Chipotle Restaurant) with a drive-through window, and a 2,720 sq. ft. medical office. The proposed single-story building would generally occupy the same location and finish floor elevation as the existing building. He said the property is approximately a little over one acre in size and is zoned CG-20. He said the site improvements include the redesign of the parking lot, associated grading, landscaping, the installation of a storm drainage system, and the construction of a concrete sidewalk and driveway apron. He continued saying that they proposed to use the existing 32 ft. wide two-way driveway on Sugar Hollow Road and the existing driveway on Backus Avenue would be closed. He explained that this is the new model of a drive-through window, where there is no order window or order board. People pre-order their food through the Chipotle website and then just pick it up from the drive-through window. He said he worked with Mrs. Emminger to design the queuing to be sure that all of the waiting vehicles will be contained within the parking lot. He said the site is to be served by municipal sewer and water connections. He said they tried very hard to not disrupt the site when they were doing the design. He added that the proposed uses require a total of 37 parking spaces and they are providing a total of 53 spaces. He also spoke briefly about the proposed lighting, saying that they need to make some revisions to the lighting plan in response to comments in the Planning Department staff report. Lastly he said they will be submitting revised plans in response to the various staff comments.

Gregory DelRio, traffic engineer from Hardesty & Hanover, said he and Michael Galante prepared the traffic report. He spoke briefly about the site and noted that the Backus Avenue ingress/egress has been eliminated, so the only way into the site is from Sugar Hollow Road. He said the proposed development will result in a combination of vehicle trips: 146 during the weekday morning, 161 during the weekday afternoon, and 154 on Saturday during the midday peak. He added that CT DOT allows a pass-by credit of twenty percent, so that changes the numbers to 116, 129, and 122 new vehicle trips during these peak hours. He explained that there will be no change in the level of service on the area roadways and intersections. In conclusion, he said that this proposal will not require any off-site road improvements, but they suggest the City look into adjusting the traffic signals timing plans to minimize potential impacts and delays.

Councilman Paul Rotello, 13 Linden Place, said this has always been such a prominent site, but the location of the entrance is always seemd out of place. He said he is glad to see that they are closing off the Backus Avenue entrance. He asked if there is a consideration to have a cannabis dispensary located on this site. Mr. Modestow said that was not their intent, they are hoping to get a dental office in the medical space.

Councilman Benjamin Chianese, 5 Briar Ridge Rd, said he wanted to echo Mr. Rotello’s comments. He said he had concerns but they have been addressed. He asked if the plans had been approved by the EIC and also where the grease trap would be located.
Max Nathan, the project manager, spoke next saying that they are not entertaining any cannabis related businesses for this site. He added that they are looking for either an urgent care center or a dental office. He said in response to Mr. Chianese, the grease traps (as approved by EIC) will be located under ground between the building and the north side. He said this was a tough site because it has three front yards.

Chairman Finaldi asked Mrs. Emminger where they are in the review process. Mrs. Emminger said we are in the middle and still waiting for responses from several City departments, so we need to continue the public hearing.

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

Mrs. Hoffstaetter made a motion to continue the public hearing. Mr. Salvagone seconded the motion and it was passed unanimously by voice vote with four ayes (from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagone, and Chairman Finaldi).

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

95 Mill Plain Road LLC – Application for Special Exception/Site Plan Approval for Self Service Storage (Diamond Point Development) in the CA-80 Zone – 95 Mill Plain Road (C14003) – SE #787.

Mrs. Emminger reviewed the draft resolution saying there was a date referenced that needs to be corrected. She pointed out the additional requirements including the blasting permit, the notification measures, the grading permit, and the easement language. She said the lighting plans need one thing updated also. Mr. Chiocchio made a motion to approve this application per the draft resolution dated July 18, 2022, as revised on July 20, 2022. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with four ayes (from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagone, and Chairman Finaldi).

REFERRAL:

8-24 Referral – July City Council Agenda Item #3: Sidewalk Easement & Land Conveyance- 32 Miry Brook Road (F19017).

Mrs. Emminger explained that this is a request to accept a 249 sq.ft. parcel for highway purposes and a sidewalk easement along the frontage of property located at 32 Miry Brook Road. The road conveyance and sidewalk easement were conditions of approval on the site plan #2020-01 which was approved administratively by the Planning Department on June 25, 2020. Mr. Salvagone made a motion to give this a positive referral subject to the standard conditions: All final plans and documents should be approved as to form and
content by the Office of the Corporation Counsel and the Department of Public Works prior to acceptance by the City and recording on the Danbury Land Records. Mr. Chiocchio seconded the motion and it was passed unanimously by voice vote with four ayes (from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

NEW BUSINESS:

8-3a Referral - Petition of Delaware MMP Realty LLC (property owner)/City of Danbury, 40 Apple Ridge Road (E17061 & E17061-1) for Change of Zone from IL-40 to RA-40. Zoning Commission public hearing date to be determined. THIS WILL BE DISCUSSED AT A FUTURE MEETING.

Chairman Finaldi noted that this petition is on file in the Town Clerk’s and the Planning & Zoning Office and will be discussed at a future meeting.

Chairman Finaldi asked if there was anything to discuss under Other Matters and there was nothing. He then said there was nothing under Correspondence and under For Reference Only, there were three floodplain permits listed.

At 8:21 PM, Mrs. Hoffstaetter made a motion to adjourn. Mr. Chiocchio seconded the motion and it was passed unanimously by voice vote with four ayes (from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi).

Respectfully submitted,

JoAnne V. Read
Planning Assistant