



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
AUGUST 1, 2018

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

Present were Arnold Finaldi Jr., Leah Glover, Joel Urice, and Alternate Kevin Haas. Also present was Associate Planner Jennifer Emminger.

Absent were Robert Chiocchio, Helen Hoffstaetter, and Alternate Gary Renz.

Chairman Finaldi asked Mr. Haas to take Mr. Chiocchio's place for the items on tonight's agenda. Mr. Haas said he had watched the videos of the previous two meetings.

Chairman Finaldi said they would postpone the acceptance of the minutes as Mr. Urice found an error in the June 6, 2018 minutes. He then acknowledged that there is a Boy Scout in the audience who is observing the meeting for a badge so he would be stopping throughout the meeting to explain what the Commission is doing.

PUBLIC HEARING:

Victorian Associates LLC - Application for Revised Special Exception/Site Plan Approval for Housing Incentive Option (Victorian Meadows) in the RMF-4 Zone - 120 & 128 Osborne St. & 17A Cleveland St. (J12093, J12093-1, J12115 & J12237) - SE #684.

Mr. Urice read the legal notice.

Bob Botelho, the owner of Victorian Associates, spoke in favor of this application. He said he wanted to discuss what they have done at Victorian Meadows and what they are proposing to do there next. He said throughout the entire development he has worked with the same team and they do not just build buildings, they take pride in the development. He then referred to the plans on the easel and said they are proposing to add thirteen more units. There will be six townhouses in Building 6 and three townhouses and four apartments in Building 7. He said they have used architectural details such as pediments and cupolas on all of the buildings. He distributed handouts containing photos of the site and said this will be the last phase of Victorian Meadows because there is no more land available.

He continued saying that all of the buildings were fully rented before they were completed. He added that he wanted this to be a nice place to live and he believes it is. He said the best part is that this is integrated housing containing mix of some Section 8 tenants and some higher income tenants. They currently have four handicap-accessible units and are proposing two more in one of the new buildings. He said this development fulfills a need in the community and he is very proud of it. He said he also built the two-buildings at Victorian Commons for the MHA (Mental Health Association).

Mark Kornhaas, Consultant with Artel Engineering Group, thanked Mrs. Emminger for her very thorough staff report. He said Victorian Meadows was approved under the Housing Incentive Option and the units they are proposing tonight also will be eligible for that. He said they started this development in 2009 and finished in 2013; five out of the thirty-nine units are affordable, and four are handicap accessible. He said the applicant had purchased two additional parcels, which will be added to Victorian Meadows. They rezoned these properties to RMF-4 leaving a 5,000 sq.ft. triangle still zoned R3, so it could not be used as part of the development. He said there will be two affordable units in the new buildings, one of which will be handicap-accessible. All access to the property will be through the existing Victorian Meadows driveway. He said this certainly is in character with the neighborhood, since both Cleveland and Osborne Sts. are mostly multi-family. He said comments have been received from all the City departments. He said lastly that due to them moving the sewer line, they will be able to landscape this new area to buffer it from the Cleveland St. view.

Mr. Urice asked if the triangular parcel will be landscaped for use as a common area. Mr. Botelho said there is a center court with a fountain that is used for common area. He continued saying that although they allow pets, the pets are not allowed in the courtyard, so the triangular parcel will help them retain the pet friendly environment.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one. He then stopped and explained to the Scout that the applicant had made their presentation and then there was an opportunity for public input and questions from the Commission. Mr. Botelho came forward and thanked everyone for their time.

Chairman Finaldi asked if they had responses from all of the departments. Mrs. Emminger said Engineering had some issues but revised plans were submitted today to address them, so they can close this tonight.

Mr. Urice said (for the Scout's benefit) that very few applications go through this smoothly. He added that frequently there is some issue that draws the attention of a Commission member and additional information is required. He said he had no questions this evening because this applicant has a record of building a stellar development. Mr. Urice then made a motion to close the public hearing. Mrs. Glover seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to item four under the Old Business on tonight's agenda so they can give Mrs. Emminger guidance for the resolution. Mrs. Glover seconded the motion and it was passed unanimously.

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

106 Federal Road LLC (Owner) - Application for Special Exception/Site Plan Approval for Grocery Store w/o the sale of Alcoholic Beverages/Gas Fueling Operation ("Cumberland Farms") Generating Over 500 Vehicle Trips Per Day in the CG-20 Zone Pursuant to Secs. 3.E.2., 5.A.2.a.(19), & 5.A.2.b.(2) of the Danbury Zoning Regulations - 106A Federal Rd. (L09012) - SE #763.

Chairman Finaldi said the draft resolution dated July 26, 2018, was emailed to the Commission members. Mrs. Emminger pointed out some of the more specific conditions and one date that needed to be changed. She said they also still need to go to the Zoning Board of Appeals for a Certificate of Location Approval. Lastly, she said as discussed, if the State DOT requires changes to the plan, it will come back to the Planning Department and the City Traffic Engineer as an administrative review, rather than come back before the Commission. Mr. Urice made a motion to approve this per the resolution as revised this evening. Mrs. Glover seconded the motion and it was passed unanimously.

Route 6 Plaza LLC -Application for Special Exception/Site Plan Approval for Retail Stores Generating Over 500 Vehicle Trips Per Day in the CG-20 Zone- 56 & 62 Newtown Rd. (L12025 & L12027) - SE #765.

Chairman Finaldi said the draft resolution dated July 26, 2018, was emailed to the Commission members. Mrs. Emminger said there was one outstanding comment from Engineering on the fire flow and the lots must be combined into one. Also it mentions the road work proposed to be done by DOT and how that figures into this approval. Mr. Urice made a motion to approve this per the resolution. Mr. Haas seconded the motion and it was passed unanimously.

Kilco LLC - Application for Special Exception/Site Plan Approval for (1) Contractors Office; (2) Screening & Processing of Earth Materials; (3) Storage of Concrete Aggregates; (4) Storage or Manufacture of Bituminous Products; (5) Outdoor Storage or Sale of Construction Equipment or Building Materials; and (6) Storage, Sale, Rental, or Repair of Construction Equipment in the IG-80 Zone - 10 Old Sherman Turnpike (M12015 & M12016) - SE #764.

Chairman Finaldi said they also have a resolution dated July 26, 2018 from Mrs. Emminger for this item. Mrs. Emminger said the purpose of this application is to legalize an operation that has existed for a long time. She said the applicant and his attorney worked with the staff to amend the Regulations and now they need to have

their uses approved under the new Regulations. She said there also is a Floodplain Permit, which they will act on at one of the next meetings. She said this is conditioned so that the grant of special exception will not be issued until the lots are combined to make the fifteen-acre parcel. This must be done because the parcel must comply with the Regulations in order to do screening on the site and for the approval to be valid. She went over the standard conditions and said the irrevocable license is an existing thing, not something new. Also for the screening operation, all required State of Connecticut permits must be obtained and the buffer must be kept in place. Mr. Urice made a motion to approve this per the resolution dated July 26, 2018. Mr. Haas seconded the motion and it was passed unanimously.

Chairman Finaldi stopped again to clarify the difference between the past two applications for the Boy Scout. He explained that the thing that makes a use a Special Exception could be the traffic it generates or the use itself.

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Chairman Finaldi explained that they now would discuss the public hearing and the the application in order to give staff an idea of what they think the issues are, so a resolution of approval can be prepared.

Chairman Finaldi asked for comments from the Commission members. Mr. Urice said this is a simple application and they have a history with this developer. They know he does nice projects and crosses all his T's and dots all of his I's. Mrs. Glover said the presentation was very thorough and she has no questions. She added that since this is an extension of an existing project, she knows he will maintain the same high standards.

Chairman Finaldi stopped to explain that this developer is known to the Commission and always has worked with them to make the process easier. Mrs. Emminger said a revised landscaping plan still needs to be submitted and the water main extension will have to go before the City Council. Lastly, she said the Affordable Housing Contract is being finalized by Corporation Counsel's office and will need to be approved by City Council and signed by the Mayor.

REFERRALS:

8-3a Referral - Petition of The Women's Center of Greater Danbury, Inc. to Amend Secs. 2.B., 6.A.2. & 6.A.5. of the Zoning Regulations. (Add "Transitional Housing Facility" to the IL-40 Zone.) Zoning Commission public hearing scheduled for August 28, 2018.

Chairman Finaldi said this item would be discussed at the August 15, 2018 meeting as they are waiting for the Planning Department staff report.

Chairman Finaldi then said there was nothing listed under Referrals, New Business or Correspondence. There is one Floodplain permit listed under For Reference Only. He asked if anyone had anything to discuss under Other Matters and there was nothing.

At 8:40 PM, Mrs. Glover made a motion to adjourn. Mr. Haas seconded the motion and it was passed unanimously.