



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
AUGUST 15, 2018

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

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

Absent were Robert Chiocchio and Alternate Gary Renz.

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

Chairman Finaldi then asked if any of the members had watched the video of the August 1, 2018 meeting and Mrs. Hoffstaetter said she had viewed it today.

Mr. Urice made a motion to accept the minutes from the June 6, 2018 and June 20, 2018 meetings. Mrs. Glover seconded the motion and it was passed unanimously.

Chairman Finaldi noted that the minutes from the July 18, 2018 meeting were not yet complete so they would be listed on the next meeting agenda. He also reminded the Commission members to use their microphones when they are speaking.

PUBLIC HEARING:

Delaware Commerce Park LLC - Application for two-lot Re-Subdivision ("Commerce Park") of 6.718 acres in the IG-80 Zone - 6-16 Finance Drive (L11004) - SUB # 18-01.

Mr. Urice read the legal notice regarding this application. Chairman Finaldi said the Commission members should have received the staff report dated 8/14/18 and a map from Mrs. Emminger.

Attorney Thomas Beecher spoke in favor of this application. He said this a six to seven acre parcel owned by Mel Powers that is part of the original Commerce Park subdivision, which was approved in 1966. There are two buildings on the parcel, and each has been approved for manufacturing uses. The purpose of this application is to split this larger lot into two so each building has its own parcel. The proposed lots are identified on the subdivision plan as Parcel X (which will consist of approximately 80,000 sq.ft.) and

Parcel Y (consisting of the remaining 4.87 acres). He said there are no changes proposed to either building and both are served by municipal sewer and water. On June 28, 2018, the Zoning Board of Appeals (ZBA) granted a variance to reduce the side yard setbacks on both of the proposed parcels. The access to the site remains unchanged and the plans note that the appropriate easements will be filed. Attorney Beecher then described the surrounding properties and said this proposal will not have any impact on the health, safety and welfare of the area.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one. He then asked Mrs. Emminger if they had all of the departmental responses. She said they have everything and they could close the hearing tonight. Mrs. Hoffstaetter asked why this is designated as a re-subdivision. Attorney Beecher said this parcel was part of the original Commerce Park subdivision, so dividing this parcel into two parcels is considered a re-subdivision. Chairman Finaldi said he also found this confusing.

Mrs. Hoffstaetter 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 item to number two under the Old Business on tonight's agenda so they can give Mrs. Emminger direction so she can prepare a resolution.

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

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.

Chairman Finaldi said the Commission members should have received a resolution dated 8/9/18 by e-mail. Mrs. Emminger said the resolution includes the historic facts about the development and all the basic conditions are included. It spells out the details of which units are designated as affordable. It also references the Affordable Housing Contract which is ready to go to the City Council for their approval. Mr. Urice made a motion to approve this per the resolution which includes all the conditions they had discussed. Mr. Haas seconded the motion and it was passed unanimously.

Delaware Commerce Park LLC - Application for two-lot Re-Subdivision ("Commerce Park") of 6.718 acres in the IG-80 Zone - 6-16 Finance Drive (L11004) - SUB # 18-01.

Chairman Finaldi asked the Commission members for comments on this application. Mr. Urice said this is a pretty clear situation and he does not see any issues. Mrs. Hoffstaetter said she agreed with Mr. Urice since there are no changes of use proposed for either parcel. Mrs. Glover and Mr. Haas said they feel the same way.

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 the Commission members should have received a copy of the petition as well as the Staff Report by email. Mrs. Emminger read the definition and said this is being proposed as a special exception use with specific criteria. The main difference between this and a shelter is that in Transitional Housing there must be private bed and bath rooms and the women must be victims of domestic abuse. Mr. Urice asked if this is a gender neutral change. Mrs. Emminger and Chairman Finaldi both said there is no gender mentioned in the proposed definition.

Mrs. Glover pointed out that non-profits generally have their own charter and often are specifically directed at a certain group. Mrs. Emminger said the proposed amendments were crafted with the intent of serving any gender as long as they are victims of domestic violence and sexual assault. Mr. Haas asked if there will be bedrooms for staff above and beyond the twenty (20) bedrooms. Mrs. Emminger said she did not know for sure and would find out from the Planning Director. Chairman Finaldi suggested they give this a positive recommendation conditional on clarification of how the staff will be counted towards the twenty beds. Mrs. Hoffstaetter asked how the word temporary would be defined. Mrs. Emminger said this is not meant to be long term housing and the time frame for temporary is part of the operations, and is not a zoning issue. Mrs. Glover added that temporary transitional housing is usually defined on a case by case basis. Chairman Finaldi said he does not think they should set limits on how the word temporary should be defined.

Mr. Urice made a motion to give this a positive recommendation subject to clarification on the number of beds or staff housing requirements. The following reason was given for this motion: This use is compatible with the other uses permitted in IL-40 and the proposed language includes the specific use regulations necessary to address the need for temporary transitional housing. This is consistent with the POCD because victims of domestic violence and sexual assault should be included in the noted special needs population. Mrs. Glover seconded the motion and it was passed unanimously.

8-24 Referral - August City Council Agenda Item #4: Donation of Land from Estate of Victor G. Westman, Four (4) Parcels on Bear Mountain Rd. (H02056, H03058, H03073 & H04070).

Chairman Finaldi said it is always nice to end the meeting on a happy note. And this item is that; the Estate of Victor Westman has gifted five parcels of land to the City. He said the Commission members should have received Mrs. Emminger's staff report for this. This gift consists of five parcels on Bear Mountain Rd. totaling approximately 27

acres located in the RA-80 zone. The properties, which are near the 140-acre Bear Mountain Reservation, are comprised of four wooded parcels and the remaining parcel is the home of the late Mr. Westman. As a condition of the acceptance of the properties, Mr. Westman's Will/Estate requires that the City designate the properties as permanent open space.

Mrs. Hoffstaetter made a motion to give this a positive recommendation subject to the terms and conditions deemed appropriate by City Council and the Office of the Corporation Counsel and its designation as permanent open space. Mr. Haas seconded the motion and it was passed unanimously.

Chairman Finaldi said there was nothing listed under New Business or Correspondence and one application for Floodplain Permit listed under For Reference Only. He asked if anyone had anything to discuss under Other Matters and there was nothing.

At 8:15 PM, Mr. Urice made a motion to adjourn. Mrs. Glover seconded the motion and it was passed unanimously.