



CITY OF DANBURY
155 DEER HILL AVENUE
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ENVIRONMENTAL IMPACT COMMISSION
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**REGULAR MEETING
ENVIRONMENTAL IMPACT COMMISSION
MINUTES
CITY HALL – 155 DEER HILL AVENUE
City Council Chambers
Wednesday, March 22, 2023
7:00 p.m.**

ROLL CALL:

Chairman Bernard Gallo called the meeting to order at 7:00 p.m. Present were: Elizabeth Falk, Geoff Herald, Mary Cronin, Tom Giegler, Mark Massoud, Matt Rose, and Alternate Alex Wolk.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited by all.

ACCEPTANCE OF MINUTES: February 22, 2023

Motion to accept the Minutes of February 22, 2023 was made by Geoff Herald; seconded by Elizabeth Falk. There being no additions or corrections, all in favor with Ayes by those eligible to vote: Elizabeth Falk, Tom Giegler, Geoff Herald, Alex Wolk.

Next regular meeting is scheduled for **April 12, 2023**

NEW BUSINESS:

#1139M 100 Reserve Road, SC Ridge Owner LLC, (C16022), PND Zone, Application to Modify & Amend EIC Permit No. 1139

Chairman Bernard Gallo notified the Commission and audience that a petition for a public hearing had been received and a motion would be needed to send this application to a public hearing.

Motion to move Application No. 1139M to public hearing was made by Geoff Herald; seconded by Mary Cronin. All in favor with Ayes: Mary Cronin, Elizabeth Falk, Tom Giegler, Geoff Herald, Mark Massoud, and Matt Rose. The public hearing will commence on April 26, 2023.

#1083 10 Old Sherman Turnpike, KILCO, LLC, (M12015 & M12016), IG-80 Zone, Request for Extension

Ben Doto, LPE, appeared on behalf of the applicant. Mr. Doto explained this is a work in progress, and the work will not be completed until sometime in the summer or fall and that is why they are asking for an extension. They will be going to Planning as well. No one in favor or opposed.

Motion to approve the request for extension of Application No. 1083 was made by Geoff Herald; seconded by Matt Rose. All in favor with Ayes: Mary Cronin, Elizabeth Falk, Tom Giegler, Geoff Herald, Mark Massoud, and Matt Rose.

#1099M 24 Hillandale Rd., Castellano, Dennis & Lisann, (F08086), RA-40, Application to Modify EIC Permit 1099

Charles Lichtenauer, Esq. appeared on behalf of applicant. Mr. Lichtenauer explained this is an application to modify the building footprint on a previously approved plan. After meeting with Mr. Gallo and staff, Mr. Lichtenauer and his client decided to request the modification.

#1188 1 Mariana Farms Dr., Piacente, Devin & Josemary, (B13048), RA-80, Feasibility of Subdivision

There was no one to present this application.

Motion to table Application No. 1188 to April 12, 2023 was made by Matt Rose; seconded by Geoff Herald. All in favor with Ayes: Mary Cronin, Elizabeth Falk, Tom Giegler, Geoff Herald, Mark Massoud, and Matt Rose.

OLD BUSINESS: None

PUBLIC HEARINGS:

#1185 30 & 34 Main, The Legacy on Main, (I15254 & I 15335), C-CBD Zone, Tower Investment Group LLP, Thomas Beecher, Esq. Agent, proposed renovation

Motion to open public hearing for Application No. 1185 was made by Matt Rose; Seconded by Geoff Herald. All in favor with Ayes: Mary Cronin, Elizabeth Falk, Tom Giegler, Geoff Herald, Mark Massoud, and Matt Rose.

Thomas Beecher, Esq., Collins Hannafin Law Firm, representing Tower Investment Group, LLC, owners of 30 & 34 Main Street. Ben Doto, the Project Engineer, was also present.

Mr. Beecher explained this is a 2.4-acre lot in the C-CBD zone and consists of the conversion of an existing office building with a bank on the ground floor and apartments above. The project also includes the construction of an additional apartment building to the rear of the existing building with four floors of apartments and a parking garage. There will be 48 units in the existing building and 160 in the proposed building. This project will be known as “The Legacy on Main” and will be beneficial to the redevelopment of the downtown and is consistent with the Plan of Conservation Development focusing on adding different types of housing particularly in the downtown. This site is served by City water and sewer. There are no wetlands on the property; however, they are downhill from and within 100’ of wetlands from the adjoining properties to the north. There will be no adverse impacts to that wetland.

Attorney Beecher turned the presentation over to Ben Doto, LPE. Mr. Doto handed out a site plan and a rendering of the outside design of the buildings and explained the wetlands are within 100’ of the property. The existing house will be demolished to make room for a proper driveway entrance to the site, currently the driveway is awkward. The exit by bank will be eliminated, but the bank drive-thru will remain and converted to a right-turn exit only. The proposed building is larger with a three-story parking below with four-stories above for apartments. Parking garage occupies the whole footprint. Residential structure will be U-shaped with a courtyard on top of the garage. There is a church to the north and the low wetland area is behind the church. All drainage on this portion of Main Street drains south. Wetlands drain into their site via an 18” pipe runs through to the Enclave and down to Rogers Park through multiple buildings. Current drainage patterns will remain. Technically, this is a regulated activity because it is within the 100’ area. Currently the site has 162 parking spaces and will increase to 303, with the bulk being in the garage. There will be only 53 surface spots. All parking will be shared between the two buildings and the bank. There will be sidewalks throughout the site and a new storm water management system. There is an existing early 1980’s detention system. They will be installing an underground pumping system and increasing the size. Peak flows will be reduced, and the parking garage will have an oil/water separator in it. Drainage from the garage is maintenance water, rainwater, and snow melt, which will go into the sanitary sewer as it is not allowed to drain to the storm water system. Outside parking will be significantly reduced. Abigail Adams is the Landscape Architect. Mr. Doto displayed Sheet L1 indicating a reduction of the impervious coverage. The C-CBD zone allows building right up to the property line with unlimited coverage.

Commissioner Geoff Herald questioned the underground drainage. Mr. Doto explained it currently sits under the front of the proposed building. Mr. Doto thinks maybe a ditch ran there years ago. They will structure and reroute around to the front of the building to street area. Existing 18" concrete pipe will be replaced with a smooth HTP plastic pipe. Commissioner Mark Massoud asked if there were any issues with meeting quantity/quality standards. Mr. Doto said that the water quality trigger is when you add an acre of impervious surface, and they are actually reducing the impervious area. They are not in a watershed. As far as water from parking garage, it has to go to an oil/water separator. The water quality benefits are a slight reduction in impervious area, and bigger detention system. Mark Massoud asked about the reduction does not trigger MS4 requirements? Mr. Doto said that there will be rooftop drainage, which is considered cleaner than pavement drainage.

There being no other questions from the Board, Chairman Gallo asked if there was anyone from the public wishing to speak. Dwayne Perkins, 22 Main Street, a member of the City Council, has two areas of concern. One is the long-term prospects for underground maintenance of water systems and the second is a potential ownership of the property in the future. Some properties change ownerships, properties are developed and proprietors go bankrupt. What assurances do they have that underground systems will be maintained during the life of the project? Mr. Perkins said the old jail had a clogged pipe and every rain event causes floods. Once the pipe was cleared, it doesn't flood. Once the building is constructed and built out, how can they be assured of cleaning on a regular basis. Should a bond be put in place? No other comments from the public.

Mr. Doto said the maintenance issues, if approved in wetlands, will go to the Planning Department and then be reviewed by the Engineering Department, which reviews technical issues, and there is always a caveat at end because the system is private for maintenance by the owner. Mr. Doto said it is not uncommon for EIC to require a maintenance schedule and plan be submitted--generally a spring and fall checklist; however, this time the wetlands discharge to the property. Attorney Beecher said a partnership, primarily the Nolan family, is the owner of the property, and he is not aware of any plans to sell the property, "although, you never know".

Motion to close the public hearing and send Application No. 1185 to staff for a Project Impact Report on April 12, 2023 was made by Geoff Herald; seconded by Mary Cronin. No remarks. All in favor with Ayes from Mary Cronin, Elizabeth Falk, Tom Giegler, Geoff Herald, Mark Massoud, and Matt Rose.

APPLICATION FOR ADMINISTRATIVE APPROVAL: None

ADMINISTRATIVE STAFF ACTIONS: None

VIOLATIONS:

Barnum Road, Danbury, CT - Cease & Desist

Mr. Gallo explained that everyone has a copy of the letter in their folders with recommendations for a resolution of the violation.

OTHER MATTERS: None

CORRESPONDENCE:

Notice of Permit Application for the Use of Pesticides in State Waters by Stahl Holdings LLC, DBA: The Pond and Lake Connection. Location: Enclave Pond

ADJOURNMENT:

Motion to adjourn was made by Geoff Herald; seconded by Mary Cronin. All in favor with Ayes from Mary Cronin, Elizabeth Falk, Tom Giegler, Geoff Herald, Mark Massoud, and Matt Rose. Meeting adjourned at 7:30 p.m.

Respectfully submitted,



Mary S. Larkin
Recording Secretary