



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

**ENVIRONMENTAL IMPACT COMMISSION**  
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**REGULAR MEETING  
ENVIRONMENTAL IMPACT COMMISSION  
MINUTES  
CITY HALL – 155 DEER HILL AVENUE  
City Council Chambers  
Wednesday, August 23, 2023  
7:00 p.m.**

**ROLL CALL:**

Chairman Bernard Gallo called the meeting to order at 7:03 p.m. Present by roll call: Mark Massoud, Elizabeth Falk, Tom Giegler, Mary Cronin, Geoff Herald, and Matthew Rose (arrived during meeting). Staff present was Melissa Llera, Secretary, and Abby Lewis, Public Health Inspector. Absent was Alex Wolk.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Mary Cronin.

**ACCEPTANCE OF MINUTES:** August 9, 2023

Motion to accept the minutes of August 9, 2023 as presented was made by Geoff Herald; seconded by Elizabeth Falk. No remarks. All in favor with Ayes from Mark Massoud, Elizabeth Falk, Tom Giegler, Mary Cronin and Geoff Herald.

Next regular meeting is scheduled for **September 13, 2023.**

**OLD BUSINESS:**

**#1199 16 Marion St., Kutner, Bruce & Sharon, (H22119), RA-20 Zone, Proposed addition**

Sharon Kutner, homeowner, was present to represent the application. Mrs. Kutner acknowledged receipt and acceptance of the project impact report. She had no further comments.

Motion to approve No. 1199, 16 Marion St., summary ruling with 5 conditions as presented in report was made by Geoff Herald, seconded by Mary Cronin. All in favor with Ayes from Geoff Herald, Mark Massoud, Elizabeth Falk, Mary Cronin, and Tom Giegler.

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#1200 43 Moody Ln., Ofer, Adam, Nicholas Yuschak, Jr., Agent, CCA, LLC, (I07007), RA-20 Zone, Proposed addition and grading

Nicholas Yuschak Jr. of CCA, LLC, was present to represent the applicant. He stated that the applicant had viewed and accepted the project impact report, and had no further comments.

Motion to approve No. 1200, 43 Moody Ln., summary ruling with 6 conditions as presented in report was made by Geoff Herald, seconded by Tom Giegler. All in favor with Ayes from Geoff Herald, Mark Massoud, Elizabeth Falk, Mary Cronin, and Tom Giegler.

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#1198 76 West Redding Rd., Stasio, Dan, (H24031), RA-80 Zone, Code-complying septic systems.

Steve Trinkaus, professional engineer, present to represent the applicant. Mr. Trinkaus stated that the last time he was before the board they requested a letter from the Health Department stating that the septic systems were acceptable. He had requested this of the Health Department, but had not seen it yet. This application is for four cottages and septic systems on one property. The owner is seeking approval for the septic systems, so in the event of a failure, they could be repaired. Mr. Trinkaus stated that Joe of Housatonic Valley Association had reviewed the septic plans, and stated they were acceptable after a few changes had been made.

Mr. Gallo asked for clarification that the property has four septic systems. Mr. Trinkaus confirmed there are four septic tanks and four cess pools on the property. All the septic systems were looked at with the Health Department in regards to expansion to accommodate the possible four bedroom cottages. The proposed septic systems are as far from the pond and wetlands as feasible. Currently the owner is just looking for EIC approval in regards to the septic repairs/ expansions. Once they have a specific plan for the building expansions, they would submit a separate application in the future. Mr. Trinkaus knows the board expressed concern last meeting about issuing the blanket approval which is why the owner would find it acceptable to just address the septic systems with this application. The permit runs with the land, so Mr. Trinkaus states it is not possible to submit four applications for the septic work proposed. Mr. Gallo would like to check on the accuracy of that with Corporation Counsel, as he thought they could request four applications. Mr. Trinkaus finds that acceptable. He states the septic plans had been reviewed by the Health Department, and an EIC application was then submitted under the advisement of Abby Lewis. The owner is concerned the two-bedroom systems may be on borrowed time, so is hoping to have this approval in-place.

Geoff Herald requests clarification on the process if a septic system failed tomorrow. Mr. Trinkaus states that an EIC application for the one cottage affected would be submitted. Due to the statutes, there would be a minimum wait of two meetings for the approval. During this time, the owner would be forced to keep pumping the failing septic system. He then offered a process previously used by the Town of Redding in the event of septic failures in a regulated area. The

Redding Health Department would approve the work, and notify EIC they found it acceptable. An EIC application or approval would not be required. This had helped expedite the process in the event of a failure. Abby Lewis then clarified that in the event of a septic failure, the Danbury Health Department would not request or require EIC approval for the repair of the existing system since the owner has no choice. She also stated she had requested a letter from Joe for the septic systems. Joe did not feel comfortable issuing such letter as he is not sure what currently is on-site or if it is up to current code. Steve Trinkaus states that Joe is very familiar with the systems as he was on-site for the soil testing and reviewed the plans in the Southbury office. If EIC approval is not required for septic failures, Steve Trinakus states that he is willing to withdraw the application, and deal with things as they arise. He would plan on coming back when specific plans from the owner exist for each cottage expansion. The owner doesn't have any current plans within the next two to three years for expansion, but was most concerned in the event of septic failure. Geoff Herald feels due to the unique nature of the project that seeking advice from Corporation Counsel prior to withdrawing the application would be good. Mark Massoud states that not only is the application for expansion of the cottages to four bedroom in a regulated area, but also the septic systems to accommodate the four bedrooms. If a septic repair was done due to failure, it would only accommodate the current two bedrooms. He feels this is not a decision that should be taken lightly. Steve Trinkaus and the Board agree that consulting with Corporation Counsel prior to the next meeting is an acceptable step for both parties.

Matthew Rose arrived during the discussion of this application.

Motion to table No. 1198, 76 West Redding Rd., pending information from Corporation Counsel was made by Geoff Herald, seconded by Mary Cronin. All in favor with Ayes from Geoff Herald, Mark Massoud, Elizabeth Falk, Mary Cronin, Matthew Rose, and Tom Giegler.

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

Abby Lewis stated that this property is a subdivided lot. It doesn't meet the square requirements for zoning to place a single family dwelling or be a "buildable" lot. Until that is rectified, EIC cannot review the plan for the septic. Abby will reach out to the applicant to discuss the plans for this application.

Motion to table to No. 1188, 1 Mariana Farms Dr, for more information was made by Geoff Herald, seconded by Mary Cronin. All in favor with Ayes from Geoff Herald, Mark Massoud, Elizabeth Falk, Mary Cronin, Matthew Rose, and Tom Giegler.

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APPLICATION FOR ADMINISTRATIVE APPROVAL: None

ADMINISTRATIVE STAFF ACTIONS: None

VIOLATIONS: Barnum Road, Danbury, CT - Cease & Desist

Bernard Gallo stated he received a letter from counsel for the court. Mr. Gallo noticed some errors, so he sent it back to them. He should receive the letter back in about a week, and then will disperse to the other EIC members.

OTHER MATTERS: None

CORRESPONDENCE: None

ADJOURNMENT:

Motion to adjourn was made by Geoff Herald; seconded by Mark Massoud. All in favor with Ayes from Geoff Herald, Mark Massoud, Elizabeth Falk, Mary Cronin, Matthew Rose, and Tom Giegler.

Meeting adjourned at 7:22 p.m.

Respectfully submitted,

Melissa Llera  
Recording Secretary