



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
MARCH 16, 2011

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The regular meeting was called to order by Vice-Chairman Kenneth Keller at 7:30 PM.

Present were Kenneth Keller, Edward Manuel Joel Urice and Alternates Helen Hoffstaetter and Fil Cerminara. Also present was Associate Planner Jennifer Emminger.

Absent were John Deeb, Chairman Arnold Finaldi Jr., and Alternate Paul Blaszkka.

Mr. Keller asked Mr. Cerminara to take Chairman Finaldi's place and Ms. Hoffstaetter to take Mr. Deeb's place for the items on tonight's agenda.

Mr. Keller said Chairman Finaldi was not present due to a death in his family. The Commission observed a moment of silence out of respect.

Ms. Hoffstaetter made a motion to accept the September 1, 2010 minutes. Mr. Cerminara seconded the motion and it was passed unanimously. Ms. Hoffstaetter made a motion to add the acceptance of the September 15, 2010 minutes to the agenda. Mr. Cerminara seconded the motion and it was passed unanimously. Ms. Hoffstaetter then made a motion to accept the September 15, 2010 minutes. Mr. Manuel seconded the motion and it was passed unanimously.

Mr. Keller explained that the next meeting is a special meeting scheduled for Tuesday, April 12, 2011. The regular meeting which had been scheduled for April 6, 2011 was cancelled due to a scheduling conflict. At this time there is no other meeting scheduled in April because the next regular meeting date falls on Passover, so no meeting was scheduled for that date.

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PUBLIC HEARING:

7:30 PM – SSR Development LLC – Application for Special Exception for Storage or Sale of Building Materials, Storage of Construction Equipment and Warehouse in the IL-40 Zone – 90 Shelter Rock Rd. (#K14233) – SE #708.

Ms. Hoffstaetter read the legal notice regarding this application. Benjamin Doto PE spoke in favor of this application. He said he has been here before for this particular site, when Habitat for Humanity got the approval to put their "Restore" on this site. He said they are here tonight for the uses on the site, not the traffic. The applicant plans to construct a second building on this site as soon as he finds a tenant. The applicant wants to get the

most flexible type of approval, so they don't have to come back for other uses. Mr. Doto then spoke about the history of this site. There is a CL&P easement that runs through it, so the new building has to be built outside of the easement area. This easement area is just under an acre and cannot be counted toward the building coverage; which is at about 19% excluding this area. He is hoping to put an 18,000 sq.ft. mixed use building in the back of the property. The front of the building will be office space and the rear will be industrial. It would be similar to what was recently approved at 22 Shelter Rock Lane. They are proposing a new parking lot and improvements to the existing driveway. There have been significant drainage problems which will be addressed. They also have a landscaping plan prepared by a Landscape Architect. There would be approximately 212 vehicle trips per day, which is an increase of 117 trips but not even close to the 500 number. He said there is a lot of ledge on the property and they will be lowering the grade significantly in the rear of the site. They will maintain a natural wood line and install a safety fence to prevent anyone from falling. He said the site has a history of drainage problems but they are proposing a significant stormwater management system which will address those problems. They have approval from EIC and will have sprinkler the building depending on the tenant. They are still working on the traffic issues with the City Traffic Engineer. Mr. Doto said Mr. Mohammed has suggested a bypass lane, but he did not have time to prepare a plan showing that for tonight's meeting. He said the Engineering Dept. has asked for a typical cross section of the grading and he will get that done and submitted. Also there will be a retaining wall along the front of the property and the City wants to be sure it is not in the right-of-way. He said they may have to raise the sidewalk up in order to have it fit in, since there is no sidewalk until you get to the Tobins Court property. Mr. Urice asked how much blasting will need to be done. Mr. Doto said it will be done gradually starting with the drilling in order to determine how much blasting needs to be done. He spoke about the Toll Brothers project in Bethel and how the way they did their blasting did not affect them. Mr. Keller asked if they will be hiring a geotech engineer. Mr. Doto said they will when the time comes.

Mr. Keller asked if there was anyone to speak in opposition and several people raised their hands.

Marcia Korczynski, 37 Topstone Dr. said she is concerned because the road is flooded all the time and in the winter the bottom of the hill becomes icy. She said there is wildlife in the area. Also concerned because they are not saying how the building will be used.

Ryan Hayes, 142 Shelter Rock Rd., said he too is concerned about runoff and icing. Also not too happy to hear there will be blasting. Traffic is a concern although it is not being discussed. If it is just going to be contractors driving in and out, he does not care, but if it means more big trucks on Shelter Rock Rd. that is not good.

Adam St Onge, 121 Shelter Rock Rd., said the obvious concern is blasting and traffic. Also because Shelter Rock School is there, they can expect a lot of children walking and crossing the road. Traffic is also a big concern.

Mark Perry, 6 Skyline Dr., said his property is sort of an abutting property. There are nine other people who directly face this property and they are all in opposition. They will lose the vista if you cut the trees down. He said this is really about going from IL-40 uses to IG-80 uses. He said there is an old style sewer pipe that runs down the property and it has been collapsing over the past few years. A dozen homes use this pipe, but the blasting will probably make it cave in and block off the sewer. The noise and light pollution from the

new building will definitely affect these neighbors. He said there is IG-80 land available less than a mile away that can be used for this purpose. He said this applicant owns property on Plumtrees Rd. where they already store vehicles. And Zoning has been out there to tell them to clean it up. He said the basic beef is that they should settle for the IL-40 uses instead of trying to put these IG-80 uses on this site. Mr. Urice asked him if he owns the property adjacent to where they want to make the cut. Mr. Perry said he does.

Mrs. Emminger said just to clarify this, the applicant is not asking for a zone change. They are asking to get approval for a use that is a special exception in the IL-40 Zone.

Tom Saadi, 24 Tobins Court, asked that maps be turned around so public can see. Mr. Keller explained that the applicant makes the presentation to the Commission and that is why the maps are facing them instead of the audience. He said he has mixed emotions about being here because the Tarlton family has been a part of the history of Danbury. He then said he is wearing three hats tonight. First, he is a 22 year resident of this neighborhood, second, he is a former land use commissioner, and third, he is a City Councilman. He mentioned the special exception standards in the Zoning Regulations, specifically regarding the traffic. He said in the past, the traffic didn't back up there, but now it does. He said he is also concerned about the blasting and the time frames for construction of the building. He said a sidewalk would be advisable because there are many more pedestrians in this area. He added that it is difficult for the neighbors because they don't know who the tenant will be. He asked that the hearing be continued so the neighbors have time to get their questions answered.

Samuel Burd, 23 Faiths Lane, speaking as President of the Woodland Hills Homeowners Assoc., said he would reiterate the concerns that Mr. Saadi had expressed. He said they are concerned about a traffic increase especially on the Plumtrees Rd. end. This is kind of a blind area because they are being asked to make a decision on a shell application.

Mr. Doto spoke in rebuttal to the opposition's comments. It seems as though traffic is consistent theme. He said he has worked on other projects in this neighborhood and the City Traffic Engineer is cognizant of the traffic issues. Shelter Rock Rd. experienced a lot of development over a short period of time. When Woodland Hills was built they did widening and a major realignment of the road. When Tobins Court was built, the road was again widened. The increase in traffic on Shelter Rock Rd. was caused by the residential development especially Woodland Hills and Tobins Court. The Plumtrees Rd. property owned by the applicant (that Mr. Perry made reference to) has been cleaned up. He said the Moody's have done some things to help the traffic flow on Shelter Rock Lane including installing a turning lane to make access to their property easier. A turning lane in this situation will enhance the ability to keep traffic flowing. He then said that making a decision on a shell of a building is a standard procedure. They could have just gotten a site plan approval to put the building in, but then if they found a tenant who was a contractor, they still would have needed the special exception. The warehouse use seems to generate the least amount of vehicle trips per day and the existing driveway is being re-used. This type of use already exists on this property, they are just proposing a little more. Regarding Mr. Perry saying this will affect the view of the vista; the ledge cut will put the building below the surrounding grade so it will not block any views. And it will not create noise and light pollution because all the neighbors on Skyline will be looking at is the roof of the building. They are not increasing the runoff so this should not affect the drainage. Mr. Keller said the residents seem to be concerned that the road drainage has not been fixed to their satisfaction. Mr. Doto said the City did the work but the neighbors are still

complaining. He added that they are aware that the neighbors would like to see sidewalks here. Finally, he said the property that the applicant owns on Plumtrees Rd. has approval for a 26,000 sq.ft. building that will be constructed as soon as he finds a tenant. He said if the tenant is a special exception use, then they will have to come back to this board for approval.

Mr. Manuel made a motion to continue the public hearing. Ms. Hoffstaetter seconded the motion and it was passed

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CONTINUATION OF PUBLIC HEARING:

Danbury Hospital - Application for Special Exception to permit a use ("North Tower Clinical Addition") generating more than 500 trips per day in the RH-3 Zone - 24 Hospital Ave. (#I12001 & #J12232) - SE #707.

Attorney Brian Smith said the team members would briefly follow-up on the unresolved issues from the previous meeting. He said present this evening are Morris Gross from Danbury Hospital, Joe Balskus from Tighe & Bond, Chuck Croce also from Tighe & Bond, Steve Dougherty and Kyle Slocum from the SLAM Collaborative and Rob VanAkin from Gilbane Construction.

Morris Gross again thanked the Commission for taking the time to hear this. He added that this is very complex but it will make a dramatic difference in healthcare.

Joe Balskus said they have resolved most of the traffic issues. He went through a list describing each intersection and the type of changes they will make there to improve service. He added that they will be tweaking the timing on the traffic signals. He referred to a letter to the City Traffic Authority from the City Traffic Engineer, dated 3/16/11 and a Tighe & Bond letter dated today. He said they feel they will be maintaining the LOS despite additional trips. Mr. Urice asked about signage changes. Mr. Balskus said that has not yet been specifically decided, but everything possible will be done to enhance the safety of the patients and visitors.

Mr. Urice asked about the relocation of the utility pole. Mr. Balskus explained the options of the City instigating the move versus the Hospital doing it. He said no matter who instigates it; the Hospital will have to pay for this to be done. He said they haven't spoken to CL & P yet, but they will ultimately determine when it gets done. He continued saying this is a very expensive thing to do and it will benefit everyone to get it moved but it will have no impact on the LOS. Mr. Manuel said if they are going to move the Emergency Room, they will need to improve that corner. Mr. Urice asked if the ambulances have the equipment to control the traffic signal. Matt Cassavechia, Director of Emergency Medical Services, said the new ambulances have it and the old ones will be retrofitted. Mr. Balskus said you don't have to have that to get through traffic. Paul Estefan, then came forward as the Emergency Mgmt. Services Coordinator, saying he is involved in a regional group that has made it a priority to fund other towns so that everyone can get this equipment. Mr. Keller asked about signage. Mrs. Emminger said they will encourage the applicant to work with the Zoning Enforcement Officer to design signage that complies with the regulations. Mr. Keller asked Mr. Balskus what the signs will look like. Mr. Balskus said they will be

hospital graphic signs, which are pretty standardized. He added that it is their intent to get the bulk of the roadwork done before school starts in fall 2011.

In closing, Attorney Smith submitted a letter with an attachment detailing how they have complied with the criteria in Sec. 10.C.4. of the Zoning Regulations. He asked that they approve this application. This document was designated Exhibit C.

Mr. Keller asked if there was anyone to speak in opposition to this and there was no one.

Mrs. Emminger said we have received all final okays from the various City Depts. She added that revised plans will have to be submitted to reflect the changes they have proposed.

Mr. Keller asked that someone make a motion to close this. Mr. Cerminara made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Urice made a motion to move this to number one under the Old Business on tonight's agenda. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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NEW BUSINESS:

Sugar Hollow Associates LLC – Application for Revised Site Plan in acc. w/Sec. 10.D.7. of the Zoning Regulations for SE #663 originally approved 10/1/08 for “The Shops at Marcus Dairy”, Backus Ave. & Sugar Hollow Rd. (#G17002 & #G17019). *Public hearing scheduled for May 4, 2011.*

Mr. Keller said this would be on file in the Planning & Zoning Office.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Danbury Hospital – Application for Special Exception to permit a use (“North Tower Clinical Addition”) generating more than 500 trips per day in the RH-3 Zone – 24 Hospital Ave. (#I12001 & #I12232) – SE #707.

Mrs. Emminger asked what the Commission wanted included in the resolution. Mr. Urice said he wants to be sure this covers the things that were discussed but are not in writing. The plans should be consistent before we issue any approvals. Mr. Manuel said the improvements must be made and in a timely basis. Mr. Keller said his concern is the impact from the blasting; due diligence must be done to be sure no harm done to any neighbors.

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REFERRALS:

8-3A Referral – Petition of Crawford Holdings LLC, 62 Miry Brook Rd. (#E19018) for Change of Zone from RA-40 to R-O. *Zoning Commission public hearing scheduled for 3/22/11.*

Mrs. Emminger asked if everyone had read the staff report prepared by the Planning Director. Everyone said they had but Mr. Keller asked Mrs. Emminger the Department's concerns about this. Mrs. Emminger said the permitted uses in the R-O Zone, the possibility of subdivision and the lack of compliance with the Plan of Conservation & Development. Mr. Urice said he has concerns about the possible intrusion into the residential neighborhood. He added that there is no assurance that the development of the rear part of the lot will be compatible with the residential uses. Ms. Hoffstaetter questioned what was meant by the contradiction in the staff report. Mrs. Emminger said that Attorney Jaber had said he was quoting the Plan of Conservation & Development but Mr. Elpern could not find the quoted language anywhere in the Plan. Mr. Urice said with the shape of this lot, there is no way it would not be an intrusion into the residential neighborhood. Mr. Urice made a motion to give this a negative recommendation for the following reasons:

- This could create an intrusion into the residential neighborhood. There is no assurance that the rear part of lot will not be developed in a manner that is incompatible with the abutting residential properties. Finally, this does not comply with the Plan of Conservation & Development.

Mr. Manuel seconded the motion and it was passed unanimously.

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8-24 Referral/March 2011 Council Agenda Item #4 - Request for Sewer Extension for 21 Hospital Ave. (#112148)

Mrs. Emminger reviewed the staff report prepared by Mrs. Calitro. This is the site of the former Melillo Florist and already has public sewer serving it. This request proposes a row house containing five units. There have been variances granted for this site in order to allow this density. The parcel is .34 acres in size and zoned RH-3. It is located within the existing sewer service area as shown in the Plan of Conservation & Development. Mr. Manuel made a motion to give this a positive recommendation with the standard conditions for a positive recommendation with the standard conditions for public utility extensions. Mr. Cerminara seconded the motion and it was passed unanimously. .

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There was nothing under Correspondence and under For Reference Only there were four applications for Floodplain Permits and one public hearing scheduled for April 12, 2011.

At 10:15 PM, Mr. Manuel made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.