



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
JULY 7, 2011

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

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

Absent were John Deeb and Edward Manuel. Chairman Finaldi noted that there is a vacant alternate position since Mr. Blaszkza resigned.

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

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Mr. Urice made a motion to accept the April 12, 2011 minutes. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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Chairman Finaldi said there were no new public hearings on the agenda. He also mentioned that the microphones still are not working

CONTINUATION OF PUBLIC HEARINGS:

Plumtrees Plaza LLC – Application for Special Exception for use (Grocery Store) which (combined with other uses on the site) will generate over 500 vehicle trips per day – 59 & 63 Newtown Rd. (#L12018, #L12021 & portion of #L12014) – SE #714.

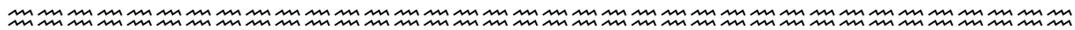
Attorney Paul Jaber said this is a simple change of use from retail to an 18,000 sq.ft. grocery store. All of the issues have been resolved except for the required islands along Newtown Rd. a/k/a Rt. 6. There was an old variance that eliminated them but all of the landscaping has died and has to be replaced. The only other issue was the question about the sidewalk. Again, he said that they want to waive the requirement for now because the State DOT is going to change the elevation. He said this will necessitate them doing something different. The City's Public Works Dept. is going to move their driveway so it is located at the intersection with Old Newtown Rd. Mr. Doto pointed out on an aerial photograph where the sidewalks would be located if they put them in now. With the DOT taking some of the land, the area in front of this shopping center would be impacted. Attorney Jaber said DOT has already told them that they would be tearing up the sidewalk. Mr. Keller asked what the timeline is for this work. Attorney Jaber said it is set to be done

within 3-5 years. Mrs. Emminger said that HVCEO, the regional planning agency, says the proposed work is still in the early design stages. And once the design is finalized, then the takings have to be done. Chairman Finaldi asked why they would need sidewalks here since there never have been any here and no one walks on Newtown Rd. Attorney Jaber suggested that they could put in blacktop sidewalks. Mr. Urice asked about the concrete apron along the Plumtrees Rd. side. Mr. Doto said they will be repairing the aprons as they are serviceable so repairs will more than suffice. He reminded the Commission that this a change of use with the addition of a loading dock, so it really does not merit new aprons.

Chairman Finaldi asked if there was anyone to speak in opposition and there was no one.

Mrs. Emminger said they are still waiting for a signoff from the Construction Services Dept. who had requested the concrete aprons. Mr. Doto said they had planted evergreens along the flat area located next to the easement area in the rear of property; but they did not plant any on the sloping area.

Ms. Hoffstaetter made a motion to close the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously. Mr. Keller made a motion to move this to number two under the Old Business on tonight's agenda so they could give Mrs. Emminger some guidance. Mr. Urice seconded the motion and it was passed unanimously.



C & W Development LLC – Application for Special Exception for Sewage Treatment Facility (“Coffey Environmental Solutions”) in the IG-80 Zone – 46 Beaver Brook Rd. (#K12176) – SE #710.

Chairman Finaldi said the reports and the PowerPoint presentation was sent to the members by e-mail. Attorney Paul Jaber said this is just a simple change of use application. This site was already approved for a contractor's office and now they just want to use a part of it for another use. He said the design they are looking at tonight has evolved from the one presented at the first hearing. This is as a result of the neighbors and the City Dept.'s comments. They are going to present the floor plan and the operational plan and then show how the odor control filtration system works. They decided that the place in the video does not mirror the proposed operation so they decided not to show it

Attorney Jaber continued saying that the City plant separates the liquids from the solids and then treats the wastewater while the solids are released to a separate area. The proposed plant will not treat the wastewater. They will just separate the liquid from solids and the liquid will be sent to the City plant, while the solids will be carted away. This is really a dewatering system although it will be licensed as a treatment facility. They will not be using any chemicals or treating any of the waste. A list of similar facilities will be given out, but there are no facilities on the east coast that are similar to what is being proposed. Mr. Urice asked if he is telling them that there is nothing to compare this to. Attorney Jaber said this is different from all the other facilities because it will have fully sealed containers. There will be a second containment room inside the building and all of the trucks will go through both of them. He said no one else has this and they also designed biofilter and carbon systems to control odors. That will be explained by George Federico. This is all so advanced that there will be no odor. He added that the DEP was so impressed by this that they issued a letter. He submitted a document that he said was a summary that explains the operating process and remediation plan (designated **Exhibit L**). He said the

Planning Dept. Staff had suggested they have a contract with any outside haulers, so he submitted a copy of the draft they have worked up (**Exhibit M**). He also submitted an operating plan (**Exhibit N**) and a list of four dewatering plants (**Exhibit O**). He said EIC had required them to present a spill control plan so he submitted a copy of that for the file (**Exhibit P**). He added that although this would never happen, the possibility does still exist, so they have to be prepared.

Benjamin Doto PE spoke about the changes they had made to the plan. He said the changes they had made to the interior of the building had caused the area allotted for this use to be increased to 9,000 sq.ft., which leaves 2,250 sq.ft. for the contractor's garage use. He said this is all broken down on the site plan. The parking plan and vehicle trips decreased slightly because there is less office space. He said the design for this is similar to the building at 50 Beaver Brook Rd. The differences are the color and that none of the activities that will go on in the building will be visible from the front. Mr. Urice asked why the number of bay doors had changed; originally there were four, then two and now five. Mr. Doto said there also are overhead doors on the inside of the building. He added that there would only be two trucks in the building at a time and there would be no opening of the overhead doors while the trucks are offloading. He said he had prepared a two-diagram to help clarify what will happen when a truck pulls into the building. He submitted the two page document (**Exhibit Q**). He also submitted a de-watering schematic (**Exhibit R**) and sheets showing the features of each component (**Exhibit S**). He said one or two trucks pull in and the overhead doors close. The pumper is hooked up and the sewage is off-loaded as shown on the schematic. The overhead doors will be coordinated to open and close at the same time. He added that it looks like the best time will be off-peak pumping at night. Dave Null and Dave Day are reviewing the report prepared by Haestadt regarding this procedure. The grit box and de-watering containers will be disconnected and taken offsite once they are full. The biofilter will be on at all times while the fluid is moving through the system. They decided to use only closed top containers as an extra precaution against odor. And if the discharge is to occur during off-peak time, then an employee will be onsite to monitor it. It is their intent to be open 8AM to 5PM daily. Mrs. Emminger asked if the underground tanks will be accessible for repairs. Mr. Doto said there will be access to them for maintenance purposes. Mr. Cerminara asked how much a normal septic tanker truck holds. Mr. Doto said about 3,500 gallons and most residential tanks are between one and two gallons.

George Federico, from GoTDM, spoke about their systems that address air and water pollution. He showed a PowerPoint presentation and submitted copies for the members and the file (**Exhibit T**). He said the target is to not let odors get outside the property. It is impossible to have no odor, but their systems should contain and control the odor.

Mr. Urice asked what they are doing to prevent a breach of these systems. Mr. Doto said the entire system will have redundant valves throughout it so they can be shut down at various points.

Chairman Finaldi asked if there was anyone to speak in opposition to this application. Before calling on the first person, he asked the following of all speakers: (1) Please try to confine the comments to the application as submitted. (2) Please do not repeat things you have already said, all of the meetings have been tape recorded, and your comments are included in the minutes of those meetings. And if necessary, we can listen to the tapes at any time to hear these comments again.

Mary Jane Schwebler, 10 Broad St., said she has spoken twice because it is important to speak up. She said free enterprise is a wonderful thing but this will affect them.

Phyllis Shook, owns property on Beaver Brook Rd., said she does not wish to chastise the Coffey's; they have been good neighbors. Her concern is the increase in traffic that this will cause. Also she asked where the tankers will park while waiting for access to the building.

Kathleen Kelly, 38 Beaver Brook Rd. said she expected them to bring a special engineer tonight to discuss how these facilities will ensure no leakage. Instead we had Attorney Jaber assuring us that this is groundbreaking stuff, which is not the same. She asked if no one has this system how do we know how foolproof it is.

Bill Carboni, said he was an engineer from Newtown who was asked by some of the property owners to look at the file. He immediately asked why the Commission would even consider this application. He went through the conditions necessary for approval. He said it seems like the systems they are proposing would work but no provisions have been made for a power failure. There is no lockout device which would keep the doors closed until off-loading is finished. Although this is a mixed-use neighborhood, this use is not compatible. It seems like the application is lacking with respect to the traffic issue. Since the plans have been changed, there has been a 67% increase in the floor area but the traffic study has not been updated to reflect this. He questioned the trip generation being tied to 50,000 gallon per day maximum, saying this could easily be changed. It also does not account for any deliveries or pick-ups that may occur at the site. The total number of trips generated is not where the problem will be with this traffic report. It does not evaluate the intersection and the vehicle turning movements do not show enough information. He said he just does not believe they have presented enough information to determine this will not have an impact on the traffic. Also, the proposed amounts that will be transferred to the City plant is more than the pipes that serve this site can handle. He asked if there really is a need to have another dumping station within a mile of the existing municipal facility which is not functioning at full capacity. He said he found a letter in the file from the City asking DEP to not issue a general permit until they have completed their review of this proposal. He continued saying that the applicant is saying that all they will do is send the liquids to the City plant, but that is not true. There will be an additional concentration of solids that will burden the City's system. The city has not given this proposal their blessing. There is insufficient information being provided to enable them or this Commission to make a decision. He added that other issues arose tonight during their presentation which they did not address. There are no double walls, there has been no provision made for an emergency generator and the proposals for monitoring the system are woefully lacking. In closing, he also asked why they expanded the size of the place from the original application.

Phil Chiarella, Old Mill Plain Rd., said his family business is Danbury Septic Service LLC and they also own a porta-john business, so he knows a lot about this subject. He spoke about the old days when they would just open the truck and let the pumped stuff out. He said things are no longer like that, the City plant has one open tank which attracts tons of seagulls. Otherwise the City plan which was updated in the 1980's, is operating at 35-40% of its capacity. He asked who will take the load if there is a failed ph test. He expressed the idea that the whole system could be contaminated with one bad load. He asked how they will keep track of how much is going in. Will it be regulated or metered. Since most of these places have an outdoor wash down station, will there be one on this site. Will trucks be dumping by gravity flow or by pressure? What kind of security will they have on the site? Will it be surrounded by a chain link fence or left open. Will there be a traffic

light installed there; since it already is a very busy intersection. There is a volunteer Fire Station right there also. He said the big issue is really the traffic; they really don't need these vehicles hanging around waiting to offload. Depending on how it is done, this can be a time consuming process. Mr. Urice asked the size of his trucks. Mr. Chiarella said a 2,500 gallon truck takes just minutes to offload at gravity flow.

Nunzio Sasso, 40 Beaver Brook Rd., said his concern is the diesel fumes from the trucks going in and out. These fumes will accumulate while waiting to dump. Also the gasket in boxes can wear down from and then they will leak. He is also very concerned about the traffic, because with the Fire House and school building, this could end up a big mess.

Patricia Taylor, 53 Beaver Brook Rd., questioned if the fans will be running all the time or just when the trucks are in the building. She added that all the talk on how efficient this will be is mere speculation, since there is no other facility of this kind to compare it to. She then said she does not want their neighborhood to be guinea pig.

Tom Saadi, 24 Tobins Court, said he is concerned about this new concept advanced facility. He questioned if we want to be an experimental community. The letter that they have from the DEP was drafted while this was still conceptual. He said at a previous meeting, their odor expert absolutely guaranteed that the design would work. Then tonight he presents new plans and says the same thing about them, but he did not know about the doors opening and closing. He added that it does not seem like they will have security to prevent people from just wandering around the facility. And lastly, he said these voluntary remedies the applicant is offering are good but will they be transferable to a new owner. Something that must always be taken into consideration when looking at a questionable situation is that what if a new owner decides not to uphold all these things.

Robert Taylor, 53 Beaver Brook Rd., said he is concerned about the possibility of a methane gas explosion since everything will be inside the building.

Dave Bonan 18 James St., said he is concerned about leakage onto pavement followed by it running into the watercourse. He said he has asked to see this spill control plan that they said they have. Mrs. Emminger said it is in the EIC file since it was one of their requirements. Mr. Bonan said that he is not thrilled with the idea of the trucks sitting there idling while waiting to get inside the building.

Geno Octavio 3 Old Newtown Rd., said his house is located at the intersection and is also zoned IL-40. He submitted six photos of this area. (**Exhibit U**)

Rodney Smith, 11 Edgewater Cir., said he is still concerned about noise and odor issues. If they cannot prove that they can control them, this should not be approved.

Attorney Jaber said they are handing in everything in writing because conditions of special exceptions run with the land.

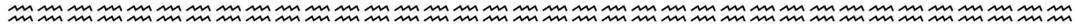
Mr. Keller made a motion to continue the public hearing. Mr. Urice seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

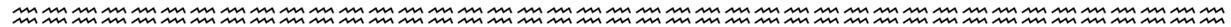
Sugar Hollow Associates LLC – Application for Revised Floodplain Permit for “The Shops at Marcus Dairy”, Backus Ave. & Sugar Hollow Rd. (#G17002 & #G17019) – SE #663.

Mr. Keller made a motion to table this matter. Mr. Urice seconded the motion and it was passed unanimously.



Plumtrees Plaza LLC – Application for Special Exception for use (Grocery Store) which (combined with other uses on the site) will generate over 500 vehicle trips per day – 59 & 63 Newtown Rd. (#L12018, #L12021 & portion of #L12014) – SE #714.

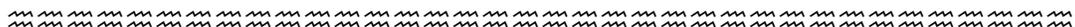
Mr. Keller said he still believes they need driveway aprons. Chairman Finaldi said it is too much to require them in addition to the sidewalks along Plumtrees Rd. Mr. Keller made a motion to table this matter. Mr. Urice seconded the motion and it was passed unanimously.



REFERRALS:

8-24 Referral/June 2011 City Council Agenda Item #16 – Acceptance of Road and Drainage Easement- Spruce Mountain Trail.

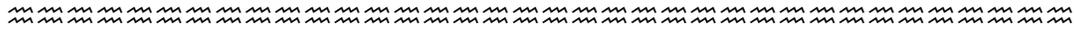
This is a request from 34 Spruce Mountain Trail LLC to accept the extended road as shown on the Final Subdivision Map (TC map #12222). The subdivision was approved in 2006. The cul-de-sac as shown on the Map constitutes the extension of Spruce Mountain Trail. They also have provided a drainage easement in favor of the City that is associated with the roadway. Mrs. Emminger explained that we had expected to have the final mylar tonight, but it was not yet ready. Mr. Urice made a motion to give this a positive recommendation subject to the Planning Commission’s approval of the revised mylar and review and approval of all documents and plans by the Office of Corporation Counsel and the Engineering Department as to form and content prior to recording”. Ms. Hoffstaetter seconded the motion and it was passed unanimously.



8-24 Referral/June 2011 City Council Agenda Item #17 – Request for Water and Sewer Extension – 66, 67 & 68 Reynolds Rd. (#I09004, #I09005, & #I09006).

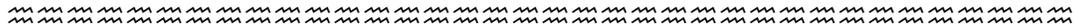
This is a request by BG Partners to extend public water and sewer to serve these three lots (Assessor’s #I09004, #I09005, & #I09006) on Reynolds Rd. The lots are zoned RA-40 and they are within the sewer service area shown on the map in the POCD. They also are served by the Cornell Hills Association water system. These lots had previously received approval for these extensions but the approval lapsed in June 2007. Approval of this request would re-instate that approval. Mr. Urice made a motion to give this a positive recommendation with the following standard conditions: (1) approval of the final design, construction, installation and inspection requirements of the City of Danbury and the Depts. of Engineering and Public Utilities, (2) reimbursement to the City for the costs of engineering plans as determined by the appropriate City dept., and (3) submission of all required legal documents in form and content acceptable to the Engineering Department

and Office of Corporation Counsel. Mr. Keller seconded the motion and it was passed unanimously.



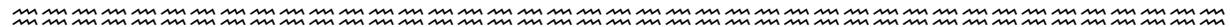
8-24 Referral/June 2011 City Council Additional Agenda Item - Request for Water and Sewer Extension for the Shops at Marcus Dairy/Sugar Hollow Road Associates, Sugar Hollow Rd.

This is a request for the extension of public water and sewer facilities to serve The Shops at Marcus Dairy on Sugar Hollow Rd. These utility extensions are part of the redevelopment of the site as approved by the Commission on June 15, 2011. Ms. Hoffstaetter made a motion to give a positive recommendation since this site is within an Existing Sewer Service area as shown in the Plan of Conservation & Development. This recommendation is subject to the standard Dept. of Public Works/Engineering Dept. requirements for public water main extensions and construction. And all final plans and documents should be approved by Corporation Counsel's office prior to acceptance and recording. Mr. Cerminara seconded the motion and it was passed unanimously.



8-3a Referral - Revised Petition of Scott Benincasa & David Benincasa to Amend Secs. 2.B. & 5.B.2. of the Zoning Regulations. (Add "Indoor Shooting Range" to CA-80 Zone) Zoning Commission public hearing scheduled for July 26, 2011.

The secretary explained that she had listed the public hearing date incorrectly on the agenda and that it is going to open next Tuesday, July 12, 2011. She also explained that the Planning Director is going to meet with the applicant's attorney to determine if any further language needs to be added. Ms. Hoffstaetter made a motion to table this matter. Mr. Keller seconded the motion and it was passed unanimously.



Mr. Keller made a motion to table the review of the revised mylar for SUB #05-04 that was listed under Other Matters as they did not receive it at the Planning Office today. Mr. Urice seconded the motion and it was passed unanimously.

Chairman Finaldi noted that the application for Floodplain Permit for Eastern Spanish Congregation of Jehovah's Witnesses at 9 New St. has been withdrawn. Mrs. Emminger explained that they found they did not need it. There were three other applications for Floodplain Permits still listed under For Reference Only.

At 10:55 PM, Ms. Hoffstaetter made a motion to adjourn. Mr. Urice seconded the motion and it was passed unanimously.