



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
SEPTEMBER 7, 2011

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

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

Absent were Edward Manuel and Alternate Fil Cerminara Chairman Finaldi noted that the Commission has two vacant seats due to the passing of Mr. Deeb and the resignation of Mr. Blaszka.

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

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Ms. Hoffstaetter made a motion to accept the April 27, 2011, May 4, 2011 & May 18, 2011 minutes as presented. Mr. Keller seconded the motion and it was passed unanimously.

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PUBLIC HEARINGS:

7:30 PM — Hawthorne Terrace Assoc. — Application for Special Exception for Water Pumping Station & Water Storage Facility ("Hawthorne Terrace Lower Well House") in the RA-80 Zone — Forty Acre Mountain Rd. (#K02079 & #K02080) — SE #715.

Mr. Keller read the legal notice. Ron Litke PE from Roald Haestadt Engineering and Kelly Green, PE from the City Engineering Dept. spoke in favor of this. Ms. Green said this proposal is to construct a water storage tank and some other improvements to the site. These properties are owned by the applicant and the City is taking over this water system, so the site must be upgraded to City standards. She said the proposed work consists of rebuilding the existing well house, installing a standby generator, building a water storage tank, landscaping and driveway improvements. They were granted a variance in August to reduce the front and side setbacks. The site currently had no standby power so they will be putting in a propane generator. Mr. Litke pointed out that they also will be putting in a sidewalk to make the access easier. Ms. Green said the variance was filed on the City Land Records today. Ms. Hoffstaetter questioned how the neighbors feel about this. Mrs. Emminger said this application came from the neighbors, so that is not a problem. Mr. Urice said he was on the Council when this work was approved.

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

Mr. Urice made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to Old Business for discussion. Mr. Keller seconded the motion and it was passed unanimously.

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7:45 PM — Boehringer Ingelheim Pharmaceuticals Inc. — Application for Revised Site Plan approval for “Parking Lot Revisions” in acc. w/Sec./10.D.7. of the Zoning Regulations — 39 Briar Ridge Rd. (#D17001) — SE #317.

Mr. Keller read the legal notice. Paul Vitaliano, PE from VHB and Tom Sinno from Boehringer spoke in favor of this application. Mr. Vitaliano used an aerial photo of the entire site to point out the areas where the revisions will be made. The proposal is to build two parking lots (a 40 space and a 163 space) and to do landscaping. For the 40 space lot, there is only a net gain of 33 spaces because they are losing some other spaces. The 163 space lot will be six feet lower than the existing lot so it won't be visible from the road. All of the islands will have trees and they are trying to save as many existing trees as possible. There is no sidewalk system in the existing parking lot or the proposed new one.

Chairman Finaldi asked if there was anyone to speak in opposition to this and a few people came forward.

Mary Reynolds, 15 Library Pl., reminded them to be concerned and to avoid devastation to both the wildlife and the trees. She especially asked that they be as humane as possible toward the trees.

Benjamin Chianese, Briar Ridge Rd., said the residents seem content with this; there is not issue with the lighting. He added that the parking area will not be seen from the road because it is shielded. The biggest concern was the noise from vehicular traffic but they are adding extra trees to help absorb the noise.

Chairman Finaldi asked if they were waiting for anything. Mrs. Emminger said no but there were some comments received from the Engineering Dept., which can be conditioned as part of the approval.

Mr. Urice made a motion to close the public hearing. Mr. Keller seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to item #2 under Old Business. Mr. Keller seconded the motion and it was passed unanimously.

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CONTINUATION OF PUBLIC HEARING:

Boehringer Ingelheim Pharmaceuticals Inc. — Application for Revised Site Plan approval for “RDG Pilot Plant Replacement Project” in acc. w/Sec./10.D.7. of the Zoning Regulations — 39 Briar Ridge Rd. (D17001) — SE #317.

Len Lustrino, Director of Engineering for Boehringer and Carole Kuzian, PE from CE & IC spoke in favor of this. Mr. Lustrino said they had to make some modifications to the plans and also had received a Notice of Presumed Hazard from the FAA. He said the changes that were made to the plans were housekeeping to comply with the Zoning Regulations. Mrs. Emminger said she had received all of the responses with the exception of the City Engineering Dept. The EIC approval was received this afternoon. Mr. Lustrino said that Doug Ravatt also from the Engineering Dept at Boehringer has been working with the FAA on the Notice. Mr. Ravatt said their case will go out for public comment but it's an open and shut case because the top of their building is below the Airport.

Paul Estefan, Airport Administrator for the City of Danbury, said he wanted to clarify what exactly the Notice was about. The FAA requires each point of the building to be submitted separately. He explained that satellite based navigation makes for more rigid standards than when the building was built. He said that the comment period will last for about 120 days. After that they could come back with comments such as putting a light on the building. He suggested the Commission approve this contingent upon them receiving a favorable report from the FAA. Mr. Keller asked if he thought there was a possibility the FAA would come back with a negative report. Mr. Estefan said the FAA used to review these things by plan, now everything is based on models. He said he has no problems with this proposal and he believes it will get a favorable report.

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

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

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Hawthorne Terrace Assoc. — Application for Special Exception for Water Pumping Station & Water Storage Facility (“Hawthorne Terrace Lower Well House”) in the RA-80 Zone — Forty Acre Mountain Rd. (#K02079 & #K02080) — SE #715.

Mrs. Emminger asked that the Commission give her some guidance as to what they want to do with this. Mr. Urice said it seems pretty simple and this will be a City project. Chairman Finaldi asked if anyone had any concerns they wanted addressed in the resolution and everyone agreed that just the standard conditions, nothing out of the ordinary.

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Boehringer Ingelheim Pharmaceuticals Inc. — Application for Revised Site Plan approval for “Parking Lot Revisions” in acc. w/Sec./10.D.7. of the Zoning Regulations — 39 Briar Ridge Rd. (#D17001) — SE #317.

Mrs. Emminger asked for guidance on this too. Chairman Finaldi asked if anyone had any concerns they wanted on the record. Mr. Urice again said this is fairly simple and unless there are Departmental concerns, nothing seems to jump out. Mr. Keller said Mr. Urice is right and asked Mrs. Emminger to just include the standard conditions.

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NEW BUSINESS

Danbury Mall LLC/T-Mobile Northeast LLC — Application for Special Exception for Wireless Telecommunication Facility (CT-11816) in the CG-20 Zone — Danbury Fair Mall/7 Backus Ave. (#F16015 & F17002) — SE #716. Public hearing scheduled for September 21, 2011.

City of Danbury by Dennis I. Elpern, Planning Director — Application to Amend Chap. 2, Sec. B.7. of the City of Danbury Subdivision Regulations. Public hearing scheduled for October 7, 2011.

Chairman Finaldi said these applications would be on file in the Planning & Zoning Office at City Hall.

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REFERRALS:

8-24 Referral/August 2011 Council Agenda Item #1 — Request for Ad Hoc for Sale of Thirteen (13) acres of City-owned land on Old Ridgebury Road.

Mrs. Emminger said this matter is to be tabled again. Mr. Keller made a motion to table this matter. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Urice said he felt they should just vote on it now.

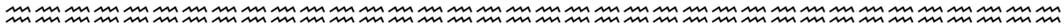
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8-24 Referral/August 2011 Council Agenda Item #9 — Request for reconsideration of Purchase of City Land on Lake Ave. Ext.

Chairman Finaldi said this matter had been tabled at last month's meeting to allow for additional information. He noted that they had received an additional report from Mrs. Calitro. Planning Dept. staff met with the applicant to discuss this matter. During this meeting, the applicant acknowledged that he understood that adding this parcel to his existing lot would result in a lot that is still non-conforming. Also there is still a question as to whether this lot is actually vacant and available. Corporation Counsel is looking into this question because if this lot is already dedicated for highway use; it means it cannot be sold. If it is not dedicated, than it can be sold to this applicant.

Mr. Urice said we don't know if road widening will ever need to be done and without that assurance he feels they should not sell it. If the applicant buys it and the State decides to widen the road, the City will have to take it back. He added that the facts have not changed since the previous request, only the semantics have changed. The previous negative recommendation from this Commission was based on not knowing if the State will be using this to widen the road.

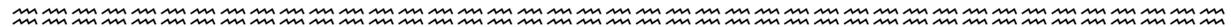
Mr. Urice made a motion to give a **negative** recommendation for the following reasons: *The facts have not changed since the previous request and there is no pressing need to sell this property since we don't know if the State plans to use this land for expansion of the roadway.* The motion was made by Mr. Urice, seconded by Mr. Keller and passed unanimously with ayes from Chairman Finaldi Ms. Hoffstaetter



8-3a Referral – Petition of Scott Benincasa & David Benincasa to Amend Secs. 2.B., 5.B.2.a.(12), 5.B.5.d., & 8.C.4. of the Zoning Regulations. (Add “Indoor Shooting Range” as a Special Exception Use to CA-80 Zone.) Zoning Commission public hearing scheduled for September 13, 2011.

Chairman Finaldi said they should have received the Planning Dept. Staff Report prepared by Mr. Elpern. Mr. Urice said it is good idea to require an engineer experienced in building shooting ranges to layout the structure. And they seem to have added enough standards to make this a use that we won't see all over the City. He said really his only issue is that he believes there should be more parking than one space per booth; he feels they should add one space per employee. Mr. Keller said he does not think this is something we really need in Danbury. He then asked what kind of people would go there. Mr. Urice said he would go to a place like this and there is a need. There are many people who have to carry a gun as part of their job, and those people need a place to practice. Mr. Keller reiterated that he did not see the need for this use in Danbury or anywhere.

Mr. Urice made a motion to give this a positive recommendation with the suggestion that they amend the parking requirement to read: *1 space per shooting booth, plus one per employee*. Ms. Hoffstaetter seconded the motion. The reason given for this recommendation was: *Making this a special exception use, as well as the addition of design standards and criteria, will provide the Planning Commission the necessary discretion to limit the location of this use to appropriate areas*. Chairman Finaldi called for a vote on the motion and it was passed with three ayes (from Mr. Urice, Ms. Hoffstaetter and Chairman Finaldi) and one nay (from Mr. Keller)



There was nothing under Other Matters or Correspondence. Under For Reference Only there were two applications for Floodplain permits.

At 8:45 PM, Mr. Urice made a motion to adjourn. Mr. Keller seconded the motion and it was passed unanimously.