



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
SEPTEMBER 21, 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 Alternates Fil Cerminara and Helen Hoffstaetter. Also present was Associate Planner Jennifer Emminger.

Absent was Edward Manuel. Chairman Finaldi noted that the Commission has two vacant seats due to the passing of Mr. Deeb and the resignation of Mr. Blaszk.

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

Chairman Finaldi said they would table the acceptance of the minutes until the next meeting.

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PUBLIC HEARINGS:

7:30 PM — 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

Mr. Keller read the legal notice. Ray Vergati, HPC Development, spoke in favor of this. They want to collocate with the existing antenna on the roof of the Mall. There is a need to improve the service in the area as well as within the Mall. He said they are talking about nine panel antenna which will be located on the façade of the elevator located on the parking deck. Everything will be painted so they will not stand out. The equipment cabinet will be located on the lower parking deck with a secure steel fence surrounding it.

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

Mrs. Emminger said these will be below the Nextel antennas in height. She added that we have a verbal okay from the Airport Administrator and also an FAA report saying this is no hazard.

Mr. Keller made motion to close. Mr. Cerminara seconded the motion and it was passed unanimously. Mr. Urice made a motion to move this to number 3 under Old Business so they can discuss it. Mr. Cerminara seconded the motion and it was passed unanimously

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7:45 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.

Mr. Keller read the legal notice. Ben Doto, PE, explained that this exact application had been approved on June 15, 2011. He said unfortunately the applicant was unable to record the approval on the Land Records within the required sixty day time period. He said there are no changes to the previously approved plans, so they really just need for the Commission to reapprove this. He asked that the Commission incorporate the record of the previous approval into this re-submitted application. Mr. Urice made a motion to incorporate the entire previous application for the same into the record. Mr. Keller seconded the motion and it was passed unanimously. Mrs. Emminger said she had reviewed the plans and they are the same as what was approved in June. There were no questions.

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

Mr. Urice made a motion to close the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to item 4 under Old Business. Ms. Hoffstaetter 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. Ms. Kuzian said regarding the letter from the City Engineering Dept., they can comply with everything in that letter. Mr. Lustrino said that his associate Mr. Ravatt, is still working with the FAA to get approval but it may not be granted for several months. Mrs. Emminger said everything in the Engineering letter is minor and can be addressed. Airport Administrator Paul Estefan said they will have to work the details out with the FAA, so maybe that should be a condition of their approval.

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

Mr. Keller 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 matter to item 5 under Old Business so they can give Mrs. Emminger some guidance. Mr. Keller 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.

Chairman Finaldi said they had received a draft resolution from Mrs. Emminger. He asked if there were any comments. Mr. Urice made a motion to approve this per the resolution dated 9/8/11. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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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 said she had spoken to Tom Sinno from Boehringer about the Commission’s concerns regarding the landscaping in the front. The result of the discussion was that she added a condition to the resolution to address this. Mr. Urice made a motion to approve this per the resolution dated 9/15/11. Mr. Keller seconded the motion and it was passed unanimously.

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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.

Chairman Finaldi asked if there were any comments or anything special the Commission wanted Mrs. Emminger to include in the resolution. Everyone agreed that the standard language they have been using for these types of applications seems to be more than adequate. Mrs. Emminger pointed out that the proposed antenna will not be any higher than any of the existing ones so there should be no negative impact.

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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.

Mr. Urice made a motion to re-approve this application per the resolution dated June 17, 2011 and approved June 15, 2011. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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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.

Chairman Finaldi asked the Commission members if they had anything specific for Mrs. Emminger to add to the draft resolution. Mr. Urice said they just want a resolution to approve with the standard terms and conditions. He then added that there probably

should be something in there about the FAA approval being required. Mrs. Emminger said she would take care of this.

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NEW BUSINESS

8-3a Referral — Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 10.B.2. of the Zoning Regulations. (Downtown Redevelopment Zone Fees) Zoning Commission public hearing scheduled for October 11, 2011.

8-3a Referral — Petition of Madeline Ridge LLC, 2 Scuppo Rd. (#F14124) for Change of Zone from RA-40 to RMF-4. Zoning Commission public hearing scheduled for October 11, 2011.

Chairman Finaldi said these would be on file in the Planning & Zoning Office.

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REFERRALS:

8-24 Referral/August 2011 City 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 parcel was originally intended to be a municipal stadium, but that fell through. It currently is being used for soccer fields. This parcel is located within Phase 3 of the Reserve and is proposed in the PND Master Plan for “municipal” use. The land across Old Ridgebury Road is zoned CA-80. There has been interest from a private developer to use this parcel for a shopping center. Unfortunately shopping centers are not allowed in the PND and also the “municipal” designation of the land restricts its use to uses such as: schools, police/fire stations, or utilities. If this is sold, it should be rezoned to CA-80. This rezoning would resolve that issue because shopping center uses are permitted in CA-80. The Master Plan would have to be amended to delete Phase 3. Mr. Keller asked if this will come back to them. Mrs. Emminger said it could if it is re-zoned and again if a shopping center is proposed there. Mr. Urice made a motion to give this a positive recommendation with the suggestion that if it is sold with the intent to be used for commercial purposes, it should be re-zoned so that neither the Master Plan nor the uses allowed in the PND Zone will have to be amended. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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8-3a Referral — Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 6.B.2., 6.B.5. & 7.C.3. of the Zoning Regulations. Zoning Commission public hearing scheduled for September 28, 2011.

Mrs. Emminger said these amendments are very specific. Their purpose is to remove the existing definition of septage, to add a definition for sewage works and to add a minimum lot area requirement for this use. She said this language mirrors the Code of Ordinances and the new definition specifies that sewage works be owned or operated by the City. It also specifically defines sewage works to include collecting, pumping, treating and disposing of sewage. This use of sewage works is only allowed in the IG-80 zone and is

specifically prohibited in the Public Water Supply Watershed Protection zones. She added that the Zoning Regulations are permissive not prohibitive - they specifically say what you can do, so anything not listed is not allowed. There was no further discussion. Mr. Keller made a motion to give this a positive recommendation for the following reasons: This amendment will define sewage treatment facilities in a manner consistent with the definition in the City Ordinances and to establish minimum lot sizes for this use. Ms Hoffstaetter seconded the motion and it was passed unanimously.

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8-24 Referral/September 2011 City Council Agenda Item #9 — Request for time extension of Sewer Extension for Berkshire Shopping Center, 67 Newtown Rd.

Mrs. Emminger explained that this site already had approval for a sewer extension, this is just a request for a time extension of that approval. She reminded the Commission that a special exception/site plan was approved by the Commission in 2008, but there have been subsequent site plan revisions since that time and that is why they need the extension. Ms. Hoffstaetter made a motion to give this a positive recommendation subject to the applicant meeting all requirements of both the Engineering and Public Utilities Depts. and the submission of all plans and documents in form and content acceptable to Corporation Counsel's Office prior to recording. Mr. Cerminara seconded the motion and it was passed with ayes from Ms. Hoffstaetter, Mr. Cerminara and Mr. Urice.

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There was nothing under Other Matters or Correspondence. Under For Reference Only were listed two applications for Floodplain Permits and a public hearing scheduled for the October 5, 2011 meeting. Also, it was noted that the regular meeting scheduled for November 2, 2011 has been cancelled.

At 8:15 PM, Mr. Cerminara made a motion to adjourn. Mr. Urice seconded the motion and it was passed unanimously.