



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

PLANNING COMMISSION  
(203) 797-4525  
(203) 797-4586 (FAX)

**MINUTES**  
**NOVEMBER 16, 2011**

~~~~~

The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:35PM.

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

Absent was Edward Manuel. Chairman Finaldi asked Mr. Cerminara to take Mr. Manuel's place for the items on tonight's agenda.

~~~~~

Chairman Finaldi reminded everyone that the next meeting is scheduled for December 7, 2011 and that is the only meeting in December. He then said they would table the acceptance of the minutes.

~~~~~

**PUBLIC HEARINGS:**

7:30 PM — DXR Aviation Center Assoc. — Application for Special Exception to allow Aircraft Hangar, Storage & Maintenance (DXR Aviation Center) in the IL-40 Zone — Wallingford Rd. (#G18017 & #G18018) — SE #718.

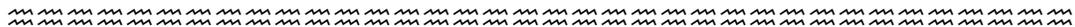
Mr. Keller read the legal notice. Benjamin Doto PE spoke in favor of this application. This is an approximately 2.1 acre parcel that contains three airplane hangars, a 12,772 sq. ft. hangar located along the western property line, an 8,077 sq. ft. hangar, as referenced above, and a 3,717 sq. ft. hangar located along the eastern property line. This proposal is to construct a 5,625 sq.ft. addition to the 8.077 sq.ft. structure. This business is also known as WestConn Aviation and it was formerly the site of Sadler Aviation. Mr. Doto said the applicant is proposing to make improvements to the existing parking lot and main entrance, to install concrete curbing and a sidewalk along Wallingford Road, and to add a storm water detention system. He said this property received several variances from the Zoning Board of Appeals. He added that they are required to provide five parking spaces but they will have eighteen spaces once the work is done. The property is currently served by City sewer and well and that will not change. The entire site is located within the floodplain so they need a floodplain permit which has already been applied for. Mr. Doto continued saying that this has been taken into consideration throughout the design process. He said they also had to file an application with the Federal Aviation Administration (FAA). He said the comments they did receive are all pretty straightforward. They do have to file the sewer easement on the land records.

Chris Orrifici, the owner of this business, said there is a deed restriction on this property that says this property can only be used for this kind of use. Mr. Keller asked what the Airport Administrator has to say about this proposal. Mrs. Emminger read the approval letter from Mr. Estefan into the record.

Carl Sayers, said he owns the abutting property and he is in favor of this. He said the Commission needs to get Mr. Estefan to clean the brook because there is any more rain today, Miry Brook Rd. will be flooded. He said he is concerned about flooding because the beaver dam is clogged with mud and this has to be cleaned and maintained. Mrs. Emminger said she will speak to Mr. Estefan about this issue.

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. 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 purposes. Ms. Hoffstaetter seconded the motion and it was passed unanimously.



7:40 PM — DRS Technologies Inc. — Application for Special Exception to allow use (DRS Consolidated Controls Facility Expansion) generating over five hundred (500) vehicle trips per day in the IL-40 Zone — 19-21 South St. (#K15080 & #K15081) — SE #719.

Mr. Keller read the legal notice. Mrs. Emminger distributed a packet of information which is already part of the file. She said they should have received her Staff Report and added that the Engineering Dept. and the City Traffic Engineer's comments were received this afternoon.

Attorney Harry Heller spoke in favor of this application. He introduced their team, Mark Vertucci, PE, the traffic engineer from Fuss & O'Neill, Joseph Lenahan III PE, the project manager also from Fuss & O'Neill, Mark Fernandez, Otte Architecture and Jerrold Day, Daylar Associates.

Jerry Day, the real estate agent, said they appreciate that the Commission has taken the time to listen to their presentation. He also thanked Mrs. Emminger saying that they have been working with her on this project for two years. He said about three years ago, they found that DRS needed to consolidate their operations at this location. They have been there since the early 1980's and the operations have outgrown the facility. The last stage of the structure was built forty years ago but now they have 300 high tech employees and they need more space. Actually they found they need about a 170% increase in space. They really wanted to stay at this location, but the difficulty increased as they evaluated their needs. It seemed as though a perfect expansion plan was impossible. They determined that the improvements would be both difficult and expensive but this is the optimal solution to their needs.

Attorney Harry Heller said this proposed expansion will allow the applicant to keep these jobs here. He said this site is actually two parcels of property, which will be combined once approval is granted. 19 South St. is currently a single family residence and once the

construction starts, the house will be used as the construction office. As soon as the construction is completed, the house will be removed. He continued saying that there are three uses permitted by right in this zone, (1) electronic manufacturing, (2) the accessory office component, and (3) research & development. The special exception is needed because of existing trip generation. They are not creating 500 new trips; it is just that this site never had a traffic review by the City Traffic Engineer. The increased traffic caused by the expansion will be possibly fifty employees who will be moving from a rented site on Shelter Rock Rd. This expansion will free up existing space to create additional manufacturing and R & D space within the building. There is an application pending before the Environmental Impact Commission to address the wetlands issues. There is a large wetland system that is infested with invasive species and they are proposing a plan to address this. There also is a EULA restriction on 19 South St. which simply says that due to spillage from two underground storage tanks, the use of the property is restricted to non-residential use. Attorney Heller continued saying that they are working with environmental consultants to insure that their plans will not result in any additional pollutants to the land. He said an evaluation from an environmental engineer will be submitted. Their traffic engineer will make a presentation this evening to explain his traffic report that was submitted with the application. He said there are still issues to be addressed, one is the required 20 foot landscaped strip along the front of the property and the other is that sidewalks have been requested along this same area. He said the landscape strip could cause sightline restrictions and there are significant physical and engineering constraints which could affect sidewalks being installed. These issues are still being worked on and will be addressed hopefully at the next meeting.

Joseph Lenahan, PE, said this site is basically in a bowl and the best location to expand is on the southern side. The eastern side is wetlands which are fed from the South St. drainage. He said there are currently two driveways and they propose to restrict the southern one to entrance only. The other driveway will need to be widened and the turning radius needs adjustment. There presently are 248 parking spaces on the site, they are proposing increasing that to 317 spaces, nine of which will be handicapped accessible. He described the changes to be made to drainage and how they will handle the runoff. He reiterated what Attorney Heller had said about the existing dwelling located on 19 South St. They are proposing putting in two retaining walls in the parking lot and also installing aprons at the curb cuts. The requirement for sidewalks brings up several issues. First there are substantial grade issues, and then there are also utility poles along their property line, as well as buried fiber optic cable that run along South St. There is no pedestrian connection as this area is mostly industrial. Mr. Keller asked if there are sidewalks on either side of this property. Mr. Lenahan said there are on the Party Depot property but they do not connect to anything. Ms. Hoffstaetter asked about the staff comment regarding removing trees on the adjacent property. Mr. Lenahan said that is no longer an issue since they decided to make the southern driveway entrance only. Mr. Urice asked if this is in the floodplain and Mrs. Emminger said it is not.

Mark Vertucci, PE said he would present findings of traffic impact study. He described the location based upon landmarks. The peak hours on South St. are 7:30-8:30AM and 5-6PM so they estimate 93 trips in the AM and 104 trips in the PM. He added that this is not every day because they don't all come in during peak hour. Attorney Heller said they have flex time program so they come in during different hours. Mr. Vertucci said the peak time is based on standards, not taking into consideration flex plans. There is a total 14-16 trip increase during the peak period. Mr. Urice questioned how he arrived at the peak numbers. Mr. Vertucci explained them again. Mr. Keller asked about the sight distances from both

driveways. Mr. Vertucci said they did capacity analysis and there was no change in the Level of Service (LOS). He added that the sight distances were measured according to the Dept. of Transportation (DOT) standards. Mr. Urice asked when the analysis was done. Attorney Heller said it was done in July 2011, but needs to be revised because the driveway use has been changed. Mr. Vertucci said he reviewed the accident data for the past three years and there have been no accidents caused by turning into or pulling out of either driveway on this site. He said the site is currently under review by the State Traffic Commission (STC) because there has never been a Certificate issued for the site. He said looking at this site before and after the proposed expansion, they expect there to be minimal traffic impact.

At this point, Attorney Heller came forward and said since their EIC hearing is scheduled for December 14<sup>th</sup>, he would ask that this be continued until the first January meeting of this Commission. He said they will continue to work with Mrs. Emminger to resolve the outstanding issues. Mrs. Emminger asked the Commission to give her the authority to negotiate the sidewalk issue. All of the members agreed to this.

Mr. Urice made a motion to continue this to the January 4, 2012 meeting. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

~~~~~

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

DXR Aviation Center Assoc. — Application for Special Exception to allow Aircraft Hangar, Storage & Maintenance (DXR Aviation Center) in the IL-40 Zone — Wallingford Rd. (#G18017 & #G18018) — SE #718.

Mrs. Emminger asked the Commission for some guidance on this application. She added that they still need to get a floodplain permit before they can do any work. Mr. Urice said he would like something in the resolution regarding the sidewalk issue but otherwise he has no problems with this proposal. Mr. Keller and Ms. Hoffstaetter said they felt the same way. Chairman Finaldi asked if she would include the language regarding combining the lots into one lot. Mrs. Emminger said she had standard language for that requirement and would include it.

~~~~~

NEW BUSINESS

Richard S. Jowdy — Application for two (2) lot re-subdivision (2.03 ac.) in the RA-40 Zone — Middle River Rd. & 1 Richter Dr. (#C10042 & #C10051) — SUB #11-02. *Public hearing scheduled for December 7, 2011.*

Four Star Realty LLC — Application for Special Exceptions (1) to allow uses generating over five hundred (500) vehicle trips per day at 108 Newtown Rd. & 5 Mountainview Terr. (#M10028 & #M10029), (2) to allow Convenience Store in acc. w/ Sec 5.A.2.b.(8) on 5 Mountainview Terr. (#M10028), and (3) to allow Service Station in acc. w/Secs. 3.E.9. & 5.A.2.b.(2) on 108 Newtown Rd. (#M10029), located in the CG-20 Zone — SE #720. *Public hearing scheduled for December 7, 2011.*

DXR Aviation Center Assoc. — Application for Floodplain Permit (DXR Aviation Center) — Wallingford Rd. (#G18017 & #G18018) — SE #718

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

~~~~~

REFERRALS:

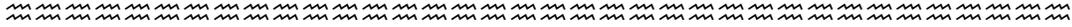
8-3a Referral/Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.G., 3.H., 3.I., 4.G., 5.A., 5.B., 5.F., 5.H., 8.B., 8.C. & 11.B. of the Zoning Regulations. Zoning Commission public hearing scheduled for November 22, 2011.

Deputy Planning Director Sharon Calitro spoke in favor of these amendments. She said the Commission members had been e-mailed some notes dated November 10, 2011, prepared by Mr. Elpern and they should use them to follow along as she explained the proposed changes. She said they added some new definitions and revised some existing ones. They deleted the existing definition for massage parlor and added one for massage therapy, since the term “massage parlor” is often slang for a less desirable use. This new definition is much more restrictive and specifically excludes sexual acts. At this point Mr. Urice questioned if this means that they can only have them as accessory uses. Mrs. Calitro said that is correct but that is not a change. We have never permitted them on their own as an independent use. She added that any that do exist are non-conforming. Mr. Urice said he was not sure this was a good idea. Mrs. Calitro said the idea is to have more control over what kind of business operates under this definition. She said people come in wanting to open a massage parlor and all they have is a bunch of empty rooms. This has always been considered an accessory use and they are trying to avoid the questionable nature of it. This change was meant to clarify the use not prevent it. She said they also added a definition for personal service use, the description of flag lots was clarified and yard requirements were cleaned up to clarify open space and projections. Tattoo Parlors and Body Piercing Studios were added to the CG-20 and CA-80 Zones as permitted uses. Neither of these was ever specifically allowed anywhere within the City. And Pawn Shops were removed from the C-CBD Zone.

She said changes were made to driveway location, access, grades and width. Also language was added to regulate bridges that are part of driveways. This was never previously addressed but the Engineering Dept. really wanted it put in the Regs. because they cannot regulate bridges that do not become public. Language was also added for DOT reviews of sidewalk locations as well as language enabling the Dept. or the Planning Commission to require sidewalks. The existing regulations say sidewalks may be required if there is frontage on a State road, but there was no provision dealing with City streets.

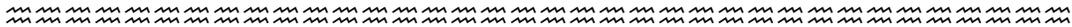
Several changes were made to Sec. 8, regarding off-street parking and loading. Shared parking was changed to a permitted use and will now be reviewed administratively. Parking in the Redevelopment Area was removed because there are no RDA parcels left. The section which addresses required parking in a mixed use building was revised and the opening sentence in Sec. 11.B.2.c. is being removed because the current language conflicts with the language in Sec. 9. This means that expansions of non-conforming uses will be prohibited.

Mr. Urice made a motion to give this a positive recommendation with the condition that the Planning Director clarify the change to massage therapist before the decision is made on this petition. Mr. Keller seconded the motion and it was passed unanimously.



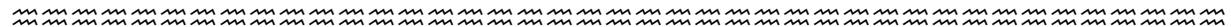
8-24 Referral/Nov 2011 City Council Agenda Item #5 - Request for Relocation of Sanitary Sewer Force Main - WCSU Westside Campus.

This is a request to relocate an existing sewer force main on the west side campus. The main serves the Magnet School located at the northern end of University Boulevard. This is necessary due to the construction of the Visual & Performing Arts Center at WCSU. The City Engineering Dept. is in favor of this plan. Mr. Urice made a motion to give this a positive recommendation subject to compliance with all standard requirements of the Engineering and Public Utility Depts. for sanitary sewer construction and easement acceptance including the submission of all plans and documents in form and content acceptable to the Office of Corporation Counsel prior to recording. Mr. Cerminara seconded the motion and it was passed unanimously.



8-24 Referral/Nov 2011 City Council Agenda Item #6 - Request for Renewal of Sewer and Water Main Extension Approvals for 25 Reynolds Rd. (#H08108).

This is a request to extend the time for the approvals previously granted for water and sewer extensions to serve this property. Mr. Urice made a motion to give this a **positive** recommendation for the request to renew the sewer and water main extension approvals subject to agreement by the Engineering Dept. Mr. Cerminara seconded the motion and it was passed unanimously.



Chairman Finaldi said that there was nothing under Other Matters or Correspondence and under For Reference Only were listed two applications for Floodplain Permits.

At 9:30 PM Mr. Keller made a motion to adjourn. Ms. Hoffstaetter seconded the motion and it was passed unanimously.