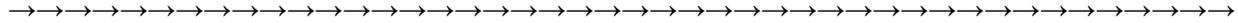




**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION  
(203) 797-4525  
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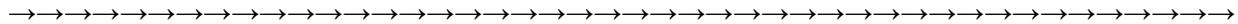
MINUTES  
MAY 7, 2012



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

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

Absent was Helen Hoffstaetter.



PUBLIC HEARING

7:30 PM -- Sawmill Road Property, LLC - Application for Special Application to allow use (Belimo Air Controls [USA] Inc.) generating over five hundred (500) vehicle trips per day in the IL-40 Zone - Turner Rd. (#A17001) - SE #724.

Mr. Keller read the legal notice. Attorney Chris Donohue spoke in favor of this application. He said this site is the location for the former Novo Labs Facility which has been vacant for numerous years. The applicant is proposing to demolish the building and construct a 200,000 sq.ft. manufacturing building to replace their facility currently located on Old Ridgebury Rd. The new facility will be 55,000 sq. ft. of office space and 145,000 sq. ft. of manufacturing space. The property consists of approximately 34 acres of land in the IL-40 zone. This lot was created in 2011 as a result of a free split. The property has single family development to the south in the town of Ridgefield and to the west is undeveloped land in Southeast, NY. On the north side is the Reserve, which is zoned PND and to the east is undeveloped IL-40 land. He said they currently have an application for a height variance which is expected to be heard by the ZBA later this week. They also have filed an application with the Environmental Impact Commission and are waiting for a decision from them. Lastly since the property is located within the Lake Kenosia Watershed Environmentally Sensitive Area, and classified as a Class II Watershed Area, they are also waiting for the Health Dept. to review this proposal. He then introduced the project engineer, Darin Overton.

Darin Overton, PE from Milone & McBroom, said in addition to demolishing the existing structure and constructing a new building, they are also proposing to do improvements including two new parking areas, a minor widening to the existing driveway, landscaping and the installation of a storm water management system. They propose to use the existing driveway which is off of Turner Rd. There will be some minor widening done to improve maneuverability for tractor trailers and emergency vehicles. The new building will continue to be served by the existing municipal water and sewer connections. He added

that although they are in place, they may need upgrades. They have to apply to the City Council for a water main extension so they can install additional fire hydrants. The Council will also have to formally accept the new fire hydrants. He said they have submitted grading, erosion and sedimentation control plans as well a storm water management system as part of this application. Mr. Keller jumped in here asking if they will need to do any blasting. Mr. Overton said it will not be necessary to blast.

Paul Baldinger, design collaborator for SLAM Collaborative, spoke about the design of the proposed building. It will be three levels with the middle level being the main floor. Both the lower and main levels are designed to take advantage of the natural downward slope which runs from north to south. They also wanted to bring in as much natural light as possible. The overall design was done to mitigate the scale of the building. This company believes in design innovation, environmental responsibility and fairness to their employees and customers. There will be a significant amount of glass in north east section of the building. Mr. Keller asked if they would be using solar panels. Mr. Baldinger said photo voltaic cells on the roof.

Attorney Donohue said he had received a call from someone representing the Ridgefield neighbors with some questions and Betty Brosius from Ridgefield Planning Office had sent a letter with some questions. He said he wanted to try to answer them on the record; there will be two daily work shifts not three. Since fill will be removed they probably will not need to import any fill. They have not hired any contractors yet because the purchase of the property is tied to site plan approval. Some of the other questions cannot be answered yet because they are at the very beginning design stages. Safety is of paramount importance for all and they want to work with the neighbors. They do intent to maintain control over the construction process, but they do not know how long it will take to do the work. It could take from 12-18 months but the hours and days of construction are double-edged because if they limit them it could take longer. And finally all construction traffic will be directed to I-84 because that makes the most sense.

Alan Mess PE , from Barkan & Mess Traffic Engineers offered to answer questions. Mr. Urice questioned how they arrived at the number of employees per shift. Mr. Mess said the projected number of manufacturing employees is a total of 325, 275 for the first shift and 50 for the second. The bulk of production and research staff will arrive at 7AM. Mr. Urice asked if this would cause a problem for Boehringer. Mr. Mess said he does not know the exact work shifts but they would be using a different exit from I-84 than the Boehringer employees use.

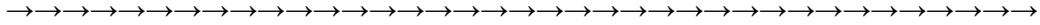
Chairman Finaldi asked if there was anyone to speak in opposition to this application and several people came forward.

Jon Katz, Ridgefield, said he has traffic questions because the counts that they were given and LOS was computed based only on the proposed staff, not on the number of employees per shift. He said these employees will be exiting and entering at 3:30 PM every day which is the exact time that school buses are dropping off kids. He questioned the legitimacy of a traffic study that was prepared without taking into consideration the entirety of the traffic. He also asked if site plan review is separate from the special exception review and what is the standard regarding lighting and how will that be reviewed.

Patrick Clarke, 10 Scuppo Rd., said his concerns are environmental. It seems as though they are building as little as possible into the terrain; don't you usually build as much as possible into the land. He asked if there will be solar panels on the building. Chairman



Mrs. Emminger asked that they table these for this evening. Mr. Urice made a motion to table these three applications for floodplain permits. Mr. Cerminara seconded the motion and it was passed unanimously.



Sawmill Road Property, LLC - Application for Special Application to allow use (Belimo Air Controls [USA] Inc.) generating over five hundred (500) vehicle trips per day in the IL-40 Zone - Turner Rd. (#A17001) - SE #724.

Chairman Finaldi said they had moved this here for discussion and to give Mrs. Emminger some feedback. Mr. Urice said he is not comfortable with the traffic report or the way the site plan was presented. He added that he does not have problems with the idea of demolishing the existing structure and replacing it with a similar one; he just has some concerns about safety. He also said wants the radii on Turner and Sawmill Roads adjusted before the issuance of any construction permits. Mrs. Emminger said the applicant offered to construct a sidewalk along the frontage of their own lot. Since it is not on the plan, she said she would put it in the final staff report: the improvements the applicant has offered to make to the bituminous sidewalk will be completed at the same time as the radii road improvements are done. She added that this should directly address the idea of improving the safety of the area for the children.

Mr. Cerminara and Chairman Finaldi walked the subject properties with Mrs. Emminger. Chairman Finaldi said is this parcel is quite unique in terms of the topography and it also is very well camouflaged. He said he is comfortable with this. Mr. Keller said he was much more comfortable after seeing the overhead pictures. Mr. Ferguson said he agreed with Mr. Keller and even thought they should have been presented first. Mr. Urice said the traffic is not a huge issue because they did address it; there will be more cars than there are today but not to any detriment. Mrs. Emminger suggested he might want to walk the site because when you are out there and you see the difference in slope, it makes things much clearer. She added that the grades gently slope up and you can only slightly see the houses. Mr. Urice asked if they are within the flight path; if they will need a Federal Aviation Administration (FAA) ruling. Mrs. Emminger said the Airport Administrator has encouraged them to apply to the FAA since they are seeking an 8 foot height variance from the Zoning Board of Appeals (ZBA). Mr. Urice said if that is denied, then they can't approve this application. He added that it is foolish to get the FAA involved if it is not necessary. Mrs. Emminger said they were advised to err on the side of the caution.



NEW BUSINESS

Joseph J. & Paul F. LoStocco - Application for Special Exception to allow Outdoor Storage of Construction Equipment (Decker Family Rental) in the CG-20 Zone - 108 Federal Rd. (#L09024) - SE #725. Public hearing scheduled for May 16, 2012.

8-3a Referral - Petition of Taryn A. Aiello, 9 Whitlock St. (#115234) for Change of Zone from RA-8 to R-3. Zoning Commission public hearing scheduled for May 22, 2012.

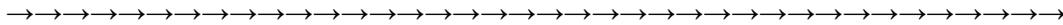
Chairman Finaldi said these would be on file in the Planning & Zoning Office at City Hall.



REFERRALS:

8-24 Referral/April 2012 City Council Agenda Item 15: Request for Water Extension for 2A Arch St. (#H12050).

This request is for a proposed single family home. This is a pre-existing, non-conforming lot and is within the existing water service area as shown in the Plan of Conservation & Development. Mr. Urice made a motion to give this a positive recommendation with the standard conditions and the note that the site must be developed in accordance with the Zoning Regulations and the restrictions noted in Section 9.B.1.a. Mr. Keller seconded the motion and it was passed unanimously.

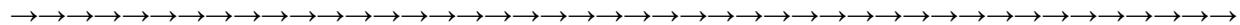


8-3a Referral - Petition of Commerce Park Realty LLC & Eagle Road LLC to Amend Sections 6.A.2.a.(16) and 6.B.2.a.(12) of the Zoning Regulations. (Change existing language from “manufacturing, etc. of candy” to “manufacturing, etc. of food” in both Industrial zones) Zoning Commission public hearing scheduled for May 8, 2012.

Mrs. Emminger said this is a petition to amend the permitted uses in both the IL-40 and the IG-80 zones. Both zones permit “*Manufacturing, compounding, processing, packaging or treatment of candy, cosmetics, drugs, pharmaceuticals, or toiletries*”. This amendment would replace the word candy with the word food. The petition lists the reason this should be granted as: “*The Zoning Regulations do not allow the processing of food products. We believe this is an oversight in the regulations and in order to clarify the same, would suggest the elimination of the word candy and the substitution of the word food*”. Mr. Urice made a motion to give this a positive recommendation for the following reason:

- Considering the range of other products which can be manufactured, assembled, compounded, processed, packaged, or treated in these zoning districts; there is no good reason to limit the processing of food to only candy.

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



Chairman Finaldi said there was nothing under Other Matters, Correspondence or For Reference Only.

At 9:45PM, Mr. Urice made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.