



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

PLANNING COMMISSION  
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**MINUTES**  
**JULY 17, 2013**

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

Present were Helen Hoffstaetter, Arnold Finaldi Jr., Joel Urice and Alternates Robert Chiocchio and Michael Ferguson. Also present was Associate Planner Jennifer Emminger.

Absent was Fil Cerminara,

Chairman Finaldi noted that they have a vacant seat on the Commission as Mr. Keller resigned in June of this year. Chairman Finaldi then seated Mr. Chiocchio for the vacant seat and asked Mr. Ferguson to take Mr. Cerminara's place for the items on tonight's agenda.

Chairman Finaldi said the April 17, 2013 minutes had already been accepted at the June 19th meeting. He then added that the May 1, May 15, June 5, & July 3, 2013 meetings had been cancelled. Ms. Hoffstaetter then made a motion to accept the June 19, 2013 minutes. Mr. Urice seconded the motion and it was passed unanimously.

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**CONTINUATION OF PUBLIC HEARING**

M.M.E. LLC - Application for Special Exception/Revised Site Plan Approval to allow uses (Business Office, Manufacturing, & Warehouse) generating over five hundred (500) vehicle trips per day in the IG-80 Zone - 59 Eagle Rd. (#L10012) - SE #730.

Mark Kornhaas, Artel Engineering, said that all of the concerns were addressed at the last meeting except for an outstanding Engineering Dept. letter. He said Engineering has responded to the revised plans that were submitted since the last meeting and they are okay with everything, they are just waiting for the fire flow calculations. He said he received an e-mail from City Traffic Engineer Abdul Mohammed today and he is also okay with everything.

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

Mrs. Emminger said there is nothing outstanding; we are just waiting for the final signoff from the Engineering Dept. which is hold because Kelly Green is on vacation this week. Mr. Ferguson stated that he had watched the video of the last meeting so he is eligible to vote on this matter.

Mr. Urice made a motion to close the public hearing. Mr. Ferguson seconded the motion and it was passed unanimously. Ms. Hoffstaetter then made a motion to move this to item one and to move item one to number 2 under the Old Business on tonight's agenda. Mr. Urice seconded the motion and it was passed unanimously.

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#### OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION

M.M.E. LLC - Application for Special Exception/Revised Site Plan Approval to allow uses (Business Office, Manufacturing, & Warehouse) generating over five hundred (500) vehicle trips per day in the IG-80 Zone - 59 Eagle Rd. (#L10012) - SE #730.

Chairman Finaldi said they all should have received a draft resolution from Mrs. Emminger. Mr. Urice made a motion to approve this per the draft resolution. Ms. Hoffstaetter seconded the motion. Mrs. Emminger said there are some minor changes to the resolution; they need to insert the date the public hearing was closed and the map list needs to be updated since they received revised plans today. Mr. Urice revised his motion to include these changes to the resolution. Ms. Hoffstaetter revised her second to the motion. Chairman Finaldi called for a vote and the motion was passed unanimously.

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M.M.E. LLC - Application for Floodplain Permit for 59 Eagle Rd. (#L10012) - SE #730.

Mrs. Emminger said she also had some changes to this draft resolution. Again, the date the public hearing was closed has to be added and also that the building is approximately 12 ft. above the base flood elevation. She said the established base flood elevation for this area is 294 ft. and the applicant's engineer has indicated that minor cutting and filling will result in an increase of 94 cu.ft. of floodplain storage. She said the resolution includes all of the standard conditions including the requirement that an Elevation Certificate be submitted and that any change to the plans will require review and approval of a revised Floodplain Permit. Ms. Hoffstaetter made a motion to approve this Floodplain Permit per the revised resolution. Mr. Ferguson seconded the motion and it was passed unanimously.

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#### REFERRALS

8-24 Referral/July 2013 City Council Agenda Item #5 - Request for Extension of Time for Sanitary Sewer Extension Approval for 4 Cedar Crest Dr.

Mrs. Emminger said they all should have received the report prepared by Mrs. Calitro. Since there were no questions, she said this extension was originally approved in August 2003 and has expired. The applicant has requested an extension of that approval since the approved engineering plans have not changed.

Mr. Urice made a motion to give a positive recommendation for this request to renew the approval granted in 2003 subject to submission of all plans and documents required for acceptance/conveyance in form and content acceptable to the Engineering Department and the Office of Corporation Counsel prior to recording on the Danbury Land Records. Mr. Chiochio seconded the motion and asked for

clarification as to why they are asked to look at these. Chairman Finaldi explained that Sec. 8-24 of the State Statutes states that the City Council must refer any proposed municipal improvements, changes, or public utility extensions to the Planning Commission for an opinion before they can act on them. This Commission has thirty days to send a response to the Council. Mr. Urice pointed out that the Commission does not respond within a thirty-five day time period, it can be considered a positive recommendation. But if this Commission sends a negative recommendation, then a two-thirds majority vote of the Council is needed to approve the item. Chairman Finaldi then called for a vote on the motion to give this a positive recommendation and it was passed unanimously.

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8-24 Referral/July 2013 City Council Agenda Item #6 – Road Parcel Conveyances, Parcels X & Y, by Oakview, LLC for Chambers Road Subdivision.

Mrs. Emminger said this was also in the report. This request is for the conveyance of Parcels X & Y, which were created by the approval of a two-lot subdivision in 2005. The parcels are shown on TC Map #12129 and are located at the corner of King St. and Chambers Rd. Ms. Hoffstaetter asked why this is being done. Mrs. Emminger explained that the subdivision approval resulted in the roadway needing to be widened. So the property owner is required to convey the necessary land to the City as part of their approval.

Ms. Hoffstaetter made a motion to give a positive recommendation for this request subject to submission of all plans and documents required for acceptance/conveyance in form and content acceptable to the Engineering Department and the Office of Corporation Counsel prior to recording on the Danbury Land Records. Mr. Ferguson seconded the motion and it was passed unanimously.

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Chairman Finaldi said there was nothing under Other Matters and under For Reference Only there were two applications for Floodplain permits.

At 8:05 PM, Mr. Urice made a motion to adjourn. Mr. Ferguson seconded the motion and it was passed unanimously.