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PLANNING COMMISSION
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MINUTES
JUNE 18, 2014

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

Present were Fil Cerminara, Joel Urice, Arnold Finaldi Jr. and Alternate Robert Chiocchio. Also present was Associate Planner Jennifer Emminger.

Absent was Helen Hoffstaetter.

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

Mr. Cerminara made a motion to accept the March 19, 2014 minutes and to table the April 2, 2014 minutes. Mr. Chiocchio seconded the motion and it was passed unanimously.

OTHER MATTERS

8-3a Referral -- Petition of the Main Street Partnership to Amend Secs. 4.C., 4.D., 5.D., 5.F., 7.E., 7.F., & 10.D. of the Zoning Regulations. (Amendments to the Downtown Revitalization Zone proposed by the Main Street Partnership) Zoning Commission public hearing scheduled for June 24, 2014.

Planning Director Dennis Elpern spoke in favor of these amendments. He said out of the full twenty-five page packet, the first four pages tell them all they need to know. The remaining pages are all of the actual amendments to the various sections of the Regulations. The packet includes a map of the DRZ. He said the intent of these amendments is to strengthen the downtown revitalization. Chairman Finaldi said he was surprised to see that package store was being removed from the permitted uses. Mr. Elpern said that this only affects the one package store located on White St. making it non-conforming. He added that the business owner had agreed not to open until 9AM in an effort to prevent inebriated people from hanging around the downtown. Mr. Urice questioned the elimination of funeral homes, asking if that would affect Green's. Mr. Elpern said it will not be affected as it is outside of the DRZ. There were no other questions. Mr. Urice made a motion to give this a positive recommendation for the following reason: "these amendments are consistent with the Downtown Plan adopted by the Main Street Task Force in 2010". Mr. Chiocchio seconded the motion and it was passed unanimously. Mr. Cerminara asked if there was anything in these amendments that would regulate the colors on the front of buildings.

Mr. Elpern said there was not; because when Town of Ridgefield tried to limit or regulate that, they were sued and they lost.

CONTINUATION OF PUBLIC HEARINGS

Chairman Finaldi said there were no new public hearings this evening and then announced that they would be tabling the following matters this evening:

A & J Construction -- Application for Special Exception/Site Plan Approval to permit "Outdoor Storage, Sale, Rental or Repair of Construction Equipment & Building Materials; and Screening of Earth Materials" in the IG-80 Zone -- 50-56 Payne Rd. (#M12009) -- SE #731.

Robert N. Talarico, Trustee -- Application for six (6) Lot Subdivision ("Middle River Hills") of 14.53 acres in the RA-40 Zone - 147-153 Middle River Rd. (#C10052) -- SUB #14-03.

Mr. Urice made a motion to table these two matters for this evening and continue the public hearings until the next meeting. Mr. Cerminara seconded the motion and it was passed unanimously.

Cotswald of Danbury -- Application for Special Exception/Site Plan Approval to allow cluster development ("Heatherwood Acres") in the RA-20 Zone -- Padanaram Rd. (#F07052) -- SE #735.

Chairman Finaldi said they had received comments from the City Traffic Engineer and also a handwritten letter in opposition from Romolo DeGrazia (Exhibit K).

Dainius Virbickas, Artel Engineering, said at previous hearing he went over all the details of this proposal. Since that meeting, they have received some additional comments from some City departments. They hope to submit revisions within a few days, although the requested revisions are not that much. He said they received comments from the City Traffic Engineer and their traffic engineer will address them later in the presentation. He distributed some 11" X 17" plans showing the cross-sections of the development as well as the cut and fill areas. He said this is a 73 acre parcel consisting of two pieces of land. They are concentrating the development in the southwest quadrant using about 20 acres. The balance of the land will be deeded to the City once this is approved. Using a map on the easel, he pointed out the areas where the retaining walls are proposed. He said the topography of the site is steep with the exception being the area where they are proposing to develop. There are some remnants of an old road that was started for the previous development that was approved for this site. They are proposing a substantial drainage system to control the runoff from the west and onsite. The sewer will be extended from main located on the property itself. The nearest water, aside from the water main located on the property, is located on the high school property. The Engineering Dept. has recommended they connect using that main. He said the cross section drawings are being used to show the existing grades. They will have to bring in some fill on the east

side and cutting into the hillside on the west side. Mr. Urice said it looks like the whole hillside is being altered; why are they disturbing all this land. Mr. Virbickas said this is necessary as a part of the design of the drainage system. Mr. Urice asked if they were building a catch basin. Mr. Virbickas said you could say that. He added that they tried to make the disturbance to the land minimal. Mr. Urice asked about the area where there is a break in the retaining walls and why they can do that there. Mr. Virbickas said this area is a former road base leftover from the previous development. Mr. Urice asked if there are any catch basins proposed down there. Mr. Virbickas said there are none proposed there, only in the road itself. Mr. Chiocchio asked what materials the retaining wall will be made of. Mr. Virbickas said they will be made of "poured-in-place" concrete; the design will have to be approved by the Engineering Dept. before construction permits are issued by the Permit Center. Mr. Chiocchio asked where exactly the entrance to the proposed development is located. Mr. Virbickas said it is through the existing Eastwood Rd. cul-de-sac following over the old road bed. There were no other questions at this time.

Traffic Engineer Michael Galante, Frederick Clarke Assoc., said they received the City Traffic Engineer's comments this morning. Mr. Mohammed suggests enlarging and moving the cul-de-sac back onto the applicant's property. Chairman Finaldi questioned Mr. Mohammed's remark regarding the amount of parking. Mr. Galante said there are four spaces being provided for each unit. Chairman Finaldi asked if they were going to respond to Mr. Mohammed's comment regarding a proposed emergency access. Mr. Galante said there are many dead-end roads in the City that do not have an emergency access and all of these homes will have sprinklers. Chairman Finaldi asked if there is such a thing as a driveway that is too long. Mr. Galante said he has seen all different length driveways.

Attorney Peter Scalzo said they wanted to reinforce the fact that they just received Mr. Mohammed's letter today and they will respond to it. He said they had received the Fire Marshal's letter and they will be putting sprinklers into each unit. Mr. Urice pointed out the driveway issue saying there is no where else to park in the development. Mr. Galante said they would look into this.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and several people raised their hands. He said "for the record", these meetings are videotaped so everything that has already been said is in the record. He then asked that people confine their comments to the application before them and that they only speak if they have new information to present.

Gary Ackerly, 65B Padanaram Rd., said they are dramatically affected by the traffic in this area. He said there are times you take your life in your hands driving around this area. Everyone already drives too fast in this area, the addition of more cars will only hurt this area.

Tom Pura, 43 East Gate Rd. thanked the Commission for keeping the hearing open. He said the first thing he wanted to do was read a letter in opposition from Ray McGarrigal, 41 East Gate Rd. (Exhibit L). He pointed out the section of the Regulations that cites the standards that must be met in order for this to be approved. He mentioned the proposed retaining walls which will be built on land that you cannot stand on without falling forward. Mr. Urice asked what hour of the day has the worst

traffic. Mr. Pura said from 6:45 AM to 7:45 AM. At this point several people started shouting from the audience. Chairman Finaldi quieted the crowd reminding them that everyone would have a chance to speak.

Laura O'Brien, 37 East Gate Rd., said she will not repeat anything. She said she had brought photos of East Gate Rd. taken yesterday during the Danbury High School graduation which is one of the worst days for traffic on East Gate. She said planning should be done for the worst scenario, because the risk already exists. She added that it will only get worse if the volume of traffic is increased. The most important point is that all of the new traffic must go on East Gate Rd. to get anywhere. She said people were parked all over the street and when they were told they cannot park in certain places, they get an attitude or become defensive. She said many days there are lawn maintenance equipment and vehicles parked on the side of the road. She is very concerned about the traffic. She said it is not just a problem with the traffic volume; nobody obeys the speed limit on East Gate Rd. She submitted the packet of photos for the record (Exhibit M).

Suzanne Silverman, 29 East Gate Rd., spoke about the excessive traffic and said the density of this proposal is not in character with the neighborhood. She said much of the traffic is high school students who have no fear and usually drive too fast. There are already too many cars traveling in this narrow area; it is hard to imagine what it will be like with another hundred cars.

Tom O'Brien, 37 East Gate Rd., said the problem with the doing the traffic counts now is that school is out for the summer. He said much of the traffic in the neighborhood is generated by the high school. He added that the additional 39 vehicles from this development will make a bad situation worse.

Kathleen Mohr, 13 Hillandale Rd., said she is opposed because of impact on traffic and safety. She always uses East Gate as a shortcut although she could use Golden Heights. She said all the people who buy into this development will need to be driving SUV's due to the roughness of the area. She mentioned the visitor parking issue, asking where people will park when there is a party on this street. She questioned how emergency vehicles will get in and out of this development.

Lynne Lukasik, 22 Eastwood Rd, asked that they consider the connection of Wynwood Rd to Eastwood Rd. because it is not quite a hairpin turn but it is a very sharp turn. She also questioned the 39 cars that the applicant's traffic engineer spoke about. She said from 7:00 AM to 8:00 AM she counted nine cars passing her window. She said her biggest concern is that she has a hearing impaired child who plays in her yard and she is concerned for her child's safety.

Bill McKinnon, 37 Eastwood Rd., said there are 42 units times two cars each equals 84 additional cars that will be added to the 64 cars for the houses on Eastwood Rd. He said more vehicle trips will only make things much worse on this road. He said also that they are half acre lots and the proposed houses are not in character with the existing neighborhood.

Edward Braca, 36 Eastwood Rd., said he lives across the street from Mr. McKinnon and he can vouch for the fact that there are lots of kids in this neighborhood. He said more

cars on Eastwood Rd. will compound the existing traffic they have now. He asked where the kids who live in the new houses will go to school.

Jean Novacco, said she lives on Grace St. but owns a condominium on Padanaram Rd. She spoke about the economic impact these additional homes will have on this area. She said she wrote a very long letter which she wants all of the Commission members to read. One of her main concerns is the excessive high density being proposed because it will create a burden on water, sewer and the storm drains. She said all of this overbuilding will soak up the demand for housing and the older homes will not be able to be sold. She said flooding has long been a problem on Padanaram Rd. This is all part of the same watershed and decisions made years ago are causing problems now. She said the City has no money to fix old problems nor do the property owners, decisions made now will have long-term impacts. She continued to speak about the housing market and all of the overbuilding the City has permitted. Chairman Finaldi asked her to please confine her comments to this application. She said the more new housing that is approved, the less the likelihood that people who have lived here for ten years or more will regain their housing values.

Ken Gucker, 89 Padanaram Rd., said the City Traffic Engineer's report says all they need to know. It is contrary to what the applicant and their engineers have told them. He asked what the Fire Marshal had to say about the proposed cul-de-sac. He said the parking will definitely be a problem because the driveways are just big enough to hold two cars. They are saying the garages will provide two more parking spaces, but how many people use their garages for their cars. He said he was at the wetlands meetings when a second emergency accessway was discussed but it would require them to cross over the wetlands, so they would have to go back to EIC. He said the Padanaram valley gets saturated with water so much so that it causes trees to die. This proposal is not really in character with the neighborhood. He said the issues that these neighbors have brought up are the truth in contrast to the rosy view the applicant is presenting. He said he believes what they are proposing will not work on this site and there will be long term consequences. In closing, he said the EIC approval stated that any changes to the plan they approved would require the applicant to go back to them.

Romolo DeGrazia, 105 Padanaram Rd., wanted to verify that all of the Commission members received his letter. Chairman Finaldi said it was mentioned it earlier in the meeting. Mr. DeGrazia said this construction will cause problems that may not show up immediately but will be long term issues. It just does not fit in the neighborhood.

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

REFERRALS

8-3a Referral -- Petition of Gera Danbury LLC d/b/a The Matrix Corporate Center to Amend Secs. 6.A.2.a.(11) & 6.B.2.a.(9) of the Zoning Regulations. (Add "Natural Gas Power Generation Facility" to existing Fuel Cell Power Generation Facility language.) Zoning Commission public hearing scheduled for June 24, 2014.

Mrs. Emminger said Mr. Elpern has not yet finished the Staff Report so they need to table this. Mr. Urice made a motion to table this matter. Mr. Cerminara seconded the motion and it was passed unanimously.

8-24 Referral/June 2014 City Council Agenda Item #8: Request to Extend Previous Sewer Extension approval to serve 55 Newtown Road.

Mr. Urice made a motion to give this a positive recommendation with the standard conditions (subject to compliance with the Engineering Dept. design and construction conditions and submission of all plans and documents satisfactory to Corporation Counsel in terms of form and content prior to acceptance and recording). Mr. Chiochio seconded the motion and it was passed unanimously.

NEW BUSINESS

MMP Realty LLC - Application for Revised Special Exception/Revised Site Plan (in acc. w/Sec. 10.D.7.a.) for Additions to Existing Structure (Cartus Corporation) & Parking Lot Improvements in the IL-40 Zone -- 40 Apple Ridge Rd. (#E17061) - SE #509. Public hearing scheduled for July 2, 2014.

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

Chairman Finaldi said under For Reference Only, there is listed one public hearing scheduled for July 2, 2014.

At 9:20 PM, Mr. Chiochio made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.