



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
JULY 18, 2018

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

Present were Robert Chiochio, Arnold Finaldi Jr., Leah Glover, Helen Hoffstaetter, Joel Urice, and. Also present was Associate Planner Jennifer Emminger.

Absent were Alternates Kevin Haas and Gary Renz.

Chairman Finaldi said they would postpone the acceptance of the minutes, as they were not yet completed.

PUBLIC HEARING:

Kilco LLC - Application for Special Exception/Site Plan Approval for (1) Contractors Office; (2) Screening & Processing of Earth Materials; (3) Storage of Concrete Aggregates; (4) Storage or Manufacture of Bituminous Products; (5) Outdoor Storage or Sale of Construction Equipment or Building Materials; and (6) Storage, Sale, Rental, or Repair of Construction Equipment in the IG-80 Zone - 10 Old Sherman Turnpike (M12015 & M12016) - SE #764.

Mr. Urice read the legal notice. Chairman Finaldi said the staff report, a copy of the site plan, and the traffic report were e-mailed on July 16, 2018.

Attorney Neil Marcus spoke in favor, saying this is an interesting parcel with a long history. It is part of an old junkyard with was formerly located on White St. but now is at the end of the Old Sherman Turnpike. He said the Kilian family has operated this location as a yard for many years handling various materials. They also crushed rocks there, which previously was not allowed. He said a recent amendment to the Zoning Regulations now allows it. He added that the new regulations came through this Commission as an 8-3a referral. After the new language was approved by the Zoning Commission, they had to go to the Environmental Impact Commission (EIC) for approval. He said this would be serving a need for the City especially since the City has been one of the biggest customers. They were requested to submit an operating plan and they also have a dust control plan. The MSHA (Mine Safety and Health Administration) have inspected this operation and he submitted a document from them (Exhibit A). He said it sounds like they are asking for a lot of permits but since this site has been operating for

so many years, they did not want to leave anything out. He added that there may be Saturday hours having to do with operations on the site; but certain uses will be prohibited on Saturday.

Benjamin Doto, PE, said he prepared the site plan and currently the site is not exactly in line with the current Zoning Regulations. The lot has to be 15 acres in size so they are doing a lot line revision to create the appropriate sized lot. He said the material storage on the site is fluid, the size of the piles changes during different times of year. He said the wetlands on the site are located toward the rear of the site. They are not disturbing any wetlands on the site, but the EIC wants them to install a swale, which will be done. He said they have a clean signoff from Engineering, the Fire Marshal, and the City Traffic Engineer. The site is regulated by the MSHA, which even addresses dust and decibel monitoring. The site accepts concrete, asphalt rock, and some earth materials. The hours of operation for crushing and screening are Monday through Friday, during daytime hours. He explained that this is truly a recycling center, the product is brought there and broken down and then it goes back out to be used. This eliminates the need for mines as they take a waste product and make something usable out of it. Having this location will eliminate illegal dumping and many of the surrounding municipalities are customers. He showed the Commission some photos of the site which were submitted with the application. He pointed out that the existing vegetative buffer really hides the site. He said they also applied for a Floodplain Permit even though no work is proposed within the floodplain. He added that there is net cut of 1,200 yards because of the swale and the reduction of the pile sizes. He said the site restoration plan is required so they site can be restored to the original condition. He explained that this will entail making the site flat and planting the disturbed areas with grass. He again mentioned that the stockpiles on the site will be changing sizes all the time depending on the time of year. Mrs. Hoffstaetter asked about the extra land to be added to the parcel. Mr. Doto said it is about twelve acres now, so they will be adding the additional land to bring it to fifteen acres. She then asked if they will be doing sales on the property and Mr. Doto said they do sales now, mostly large sales where the contractors come and pick up stuff.

Michael Galante from Frederick Clarke Associates referred to the aerial photo from his traffic report. He said this kind of business has very low volume traffic counts; maybe 50-60 truck trips per day. He said Summer is busiest time for this business and the overall Level of Service is A, which is not expected to change. Mr. Urice then said that since they are not changing operations, this really has a zero impact on the traffic.

Attorney Marcus suggested they take this opportunity to consider how this operation will impact the City, the only change is really that all of the operations on the site will now be legal. The purpose of this application is to approve the existing operation in a way that can be monitored. He continued saying that in all of the years of operation, there have been no complaints or operational problems on the site. He added that during the amendment public hearing, he presented records to demonstrate that many of the local municipalities use this site. Mr. Chiochio asked for clarification on the hours of operation. Attorney Marcus said it is a daily operation but crushing is prohibited on the weekends so as not to disturb any neighbors.

Chairman Finaldi asked if there was anyone to speak in opposition and there was no one. He then asked Mrs. Emminger where they are with signoffs from the various City departments. Mrs. Emminger said they might be able to close hearing since all of her comments have been addressed. She added that the City Traffic Engineer's comments are things that can be worked out with staff, so there is really no need to keep the hearing open. Attorney Marcus said he had nothing else to add. Chairman Finaldi said it is up to the Commission to decide if they should close the hearing tonight and give Mrs. Emminger guidance for the resolution.

Mr. Urice made a motion to close the public hearing. Mrs. Glover seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to item one under the Old Business so they can discuss it and give Mrs. Emminger guidance to prepare a resolution for the decision. Mrs. Hoffstaetter seconded the motion and it was passed unanimously.

CONTINUATION OF PUBLIC HEARINGS:

Chairman Finaldi announced that they would be switching the order of the agenda for the Continuations so they could do the Newtown Rd application first.

Route 6 Plaza LLC -Application for Special Exception/Site Plan Approval for Retail Stores Generating Over 500 Vehicle Trips Per Day in the CG-20 Zone- 56 & 62 Newtown Rd. (L12025 & L12027) - SE #765.

Ben Doto PE spoke in favor, explaining that Attorney Beecher is out of town this week. He added that both David and Matthew Hawley are here representing the applicant. He said this is a 2½ acre parcel and they are proposing a 3,600 sq.ft. addition to the existing shopping center. He said the DOT is planning to widen and install a median on Newtown Rd. as part of a 2019 project, so that was taken into consideration when the plans were done for this addition. Mrs. Hoffstatetter asked if there are any items that are showstoppers or possibly could change and have an impact on these plans. Mr. Doto said there are none and the State project is definitely going to happen as the funding is in place. He added that the proposed median would help to regulate the use of the driveways on Newtown Rd.

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

Mr. Urice made a motion to close the public hearing. Mr. Chiocchio seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this item to number two under Old Business so they can give Mrs. Emminger guidance to prepare a resolution for the decision. Mr. Chiocchio seconded the motion and it was passed unanimously.

106 Federal Road LLC (Owner) - Application for Special Exception/Site Plan Approval for Grocery Store w/o the sale of Alcoholic Beverages/Gas Fueling Operation (“Cumberland Farms”) Generating Over 500 Vehicle Trips Per Day in the CG-20 Zone Pursuant to Secs. 3.E.2., 5.A.2.a.(19), & 5.A.2.b.(2) of the Danbury Zoning Regulations - 106A Federal Rd. (L09012) - SE #763.

Attorney Joe Williams from Shipman & Goodwin, said they have received a series of comments from various City departments and they have responded to all of them. He said they are still working on the egress issues but are also waiting for comments from DOT.

Patrick O’Leary, PE from VHB, submitted a revised Illustrative site plan (designated Exhibit B). He said it was a challenge reconfiguring the site for both tenants and there was a slight disagreement with DOT regarding the egress from the site. The signalization system is outdated so it will be upgraded to current standards. He said they have responded to all City staff comments but DOT has the final say on the reconfiguration of the intersection. Mrs. Hoffstaetter asked about the traffic signals being linked and Mr. O’Leary said some of them are time-linked and that will continue. Mrs. Glover announced she had watched the video of the meeting from the meeting when this hearing was opened.

Mr. Urice said he wanted to be sure that the access and egress to the hotel is delineated somewhere. Mrs. Emminger said there are easements on file in the land records. Attorney Williams said he had submitted copies of them, with most recent easement being recorded in 2017 (Vol. 2385/Pgs. 381-382). He added that the language in the easement has remained the same throughout the years.

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

Mr. Urice made a motion to close the public hearing. Mr. Chiochio seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to Old Business so they can discuss it and give Mrs. Emminger guidance so she can prepare a resolution for the decision. Mrs. Glover seconded the motion and it was passed unanimously.

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

Kilco LLC - Application for Special Exception/Site Plan Approval for (1) Contractors Office; (2) Screening & Processing of Earth Materials; (3) Storage of Concrete Aggregates; (4) Storage or Manufacture of Bituminous Products; (5) Outdoor Storage or Sale of Construction Equipment or Building Materials; and (6) Storage, Sale, Rental, or Repair of Construction Equipment in the IG-80 Zone - 10 Old Sherman Turnpike (M12015 & M12016) - SE #764.

Chairman Finaldi asked the Commission for comments. Mrs. Glover expressed concern regarding the wording of the revocable license. . Mrs. Emminger said she would get

proper counsel on the language. She said she recommends keeping it handled administratively. Chairman Finaldi said he also recommends trusting the Planning Department to handle this. Mrs. Emminger then said the conditions that need to be in the resolution include the lot line revision to meet the 15-acre requirement, the tree line inspection, the restoration plan and the bond requirement. There was some discussion as to the City Traffic Engineer's comments about installing a gate on the roadway.

Route 6 Plaza LLC -Application for Special Exception/Site Plan Approval for Retail Stores Generating Over 500 Vehicle Trips Per Day in the CG-20 Zone- 56 & 62 Newtown Rd. (L12025 & L12027) - SE #765.

Chairman Finaldi asked the Commission for comments. Mr. Urice said this should be a pretty clean approval although DOT has the final say on the roadway. Mrs. Emminger said there are still some important notes and changes that need to be made to the plans. Chairman Finaldi said he agreed with Mr. Urice and the other Commission members said they did but had nothing else to add.

106 Federal Road LLC (Owner) - Application for Special Exception/Site Plan Approval for Grocery Store w/o the sale of Alcoholic Beverages/Gas Fueling Operation ("Cumberland Farms") Generating Over 500 Vehicle Trips Per Day in the CG-20 Zone Pursuant to Secs. 3.E.2., 5.A.2.a.(19), & 5.A.2.b.(2) of the Danbury Zoning Regulations - 106A Federal Rd. (L09012) - SE #763.

Chairman Finaldi asked the Commission for comments. Mrs. Hoffstaetter said the revisions that were submitted have satisfied all of the issued. Mr. Urice said he would like to see the realignment of the intersection happen. Mr. Chiochio said he agreed with the others and it would be nice to have this on this spot. Mrs. Glover said she also thinks this is a good thing for the site as well as the City. Chairman Finaldi said he also agreed with everything that has been said, this will definitely be an improvement to the area.

Chairman Finaldi said there was nothing listed under Referrals, New Business or Correspondence. There is one Floodplain permit listed under For Reference Only. He asked if anyone had anything to discuss under Other Matters and there was nothing.

At 9:25 PM, Mr. Urice made a motion to adjourn. Mr. Chiochio seconded the motion and it was passed unanimously.