



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

PLANNING COMMISSION  
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**MINUTES**  
**MAY 18, 2011**

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

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

Absent were John Deeb and Alternate Paul Blaszk. Chairman Finaldi announced that Mr. Deeb had passed away recently. He was an active member of this Commission for many years and only recently had been too ill to attend meetings.

Chairman Finaldi asked Mr. Cerminara to take Mr. Deeb's place for the items on tonight's agenda.

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PUBLIC HEARINGS:

7:30 PM - C & W Development LLC - Application for Special Exception for Sewage Treatment Facility ("Coffey Environmental Solutions") in the IG-80 Zone - 46 Beaver Brook Rd. (#K12176) - SE #710.

Mr. Keller read the legal notice. Attorney Paul Jaber spoke in favor of this application. He said William Coffey Jr., a principal of Pembroke Pumping, owns the subject property and is present this evening to answer questions. He said this site was previously approved in 2008 for an 11,000 sq.ft. contractor's office, and now they would like to change the use of part of the building to a contractor's office and garage and a 7,000 sq.ft. sewage treatment facility. He said this property is located in the IG-80 zone and has a stream on it. He said their original intention was to build this in two phases but complications with the Environmental Impact Commission have force them to change their plans and build it all at one time.

Benjamin Doto PE, gave a packet of information to Mrs. Emminger saying it was a summary of some points they will discuss. This was labeled **Exhibit A** and contained a facility & operations summary as well an article from a trade journal about Haphuk Inc., which is a private sewage plant located in Wheeling, WV. He said tonight he is handing in revised site plans which coincide with the approval they just received from the Environmental Impact Commission. EIC approval. A rendering was also submitted although it is not needed because this is a change of use in an existing building, but it was requested by staff. He said this is a proposal for an 11,250 sq.ft mixed use office and industrial contractors' garage. This is essentially the same site plan as the 2008 approval. The only difference is

the change of use being proposed for interior westerly portion of the building. This site is located at the intersection of Beaver Brook and Old Newtown Rds. across the street from the Board of Education building. It is similar to the mixed use located to the right. He then reviewed the facilities and operation summary. The space proposed for this is 5,400 sq.ft. in the westerly portion of building, the use of the easterly portion will remain as originally proposed. He said the building will be connected to the existing water and sewer mains.

They will only accept waste from septic tanks that serve residential homes and smaller commercial facilities. Everything else would go to the City's treatment facility. Tankers would be unloaded inside buildings and the liquids separated from the solids. Solids would then be hauled to a facility in Naugatuck. The City plant does not treat solids here either. Everything would be done inside the building. They would need to get a general permit from the DEP. They have a letter from DEP indicating they would issue this permit subject to the City's water pollution control facility issuing a prior permit. Once this is approved, then go to Public Utilities Dept. - David Day would have to sign off on this before DEP would issue the general permit. They will be limited to 50,000 gallons per day. The Prior site plan approval anticipated 65 vehicle (mostly trucks) movements in and out of the site, this proposal also estimates 65 trips per day.

This will not be open to the general public for the random off loading of sewage. It will be used strictly by the applicants and a few other professionals in this business. They expect 14-17 trips per day with each truck off-loading approximately 3,500 gallons. This should take a maximum of 15 minutes. The door to the outside will be closed during the off load. They will have the capacity to store 56,000 gallons on site. About four times per week, the solids will be trucked to Naugatuck. Majority of sewage is liquid that goes out to the sewers. There will be an internal floor drain system that will handle any spillage. The City Engineering dept. is concerned if the sewers will be able to handle this additional sewage. The applicant has contracted with Haestadt who has done all the mapping for the City. The customers at this facility will have a contract to off load there and a scheduled time to do it. The original driveway location was not suitable for this business. Mr. Keller asked if a study needs to be done to determine whether we need additional treatment facilities for sewage. Mr. Doto said the reality of this is that the City will still be treating this sewage, they are just adding a middleman.

Also speaking in favor of this was Therese Wheaton, Crystal Environmental in PA. She submitted a packet (**Exhibit B**) containing documentation about her business and a flow chart of how this works. She said she has been involved in solid/water separation facilities since 1992. She spoke extensively about this type of business continuously stressing how clean it can be. She said her company's process produces some of the cleanest discharges in the nation. She said this has become a clean business because the environmental rules are more stringent for transporting waste materials. She explained the dewatering process in great detail and said they can produce the highest quality water that will then go into the City sewer plant. She said it is very important to process and seal the air correctly because every time you move liquid waste you can emit some odor. She said limiting the amount of odor is very important especially in areas where there are people. She then said despite all efforts, there still could be a slightly earthy smell. She then said the maintenance plan is not yet written up because the specifics are not yet laid out.

Mr. Doto said for further clarification when truck is off loading, the doors will be shut and the air system will be on. The next truck will not come in until first one is done off loading. Any discharges can be controlled because they have on site storage. Mr. Keller asked where

the closest residential area is. Mr. Doto said there are residential uses across the street although this area is zoned IG-80 and IL-40. He said the original approval required screening because of the residential uses nearby. Mr. Doto said the proposed bays are not facing those residential uses. Mr. Urice asked if the applicant would agree to a condition of operating hours.

Joseph Balskus, PE and Traffic Engineer from Tighe & Bond said this use is not a high traffic generator so the traffic generated will not have significant impact. There will be no change to the LOS as much of the traffic is already on this road. Mr. Keller asked Mrs. Emminger to confirm that there is no change to the trip generation since the previous plan was approved.

Chairman Finaldi listed the guidelines for those speaking in opposition. Stick to the application as presented. Do not repeat yourself, if you have said before it has been recorded. Also please state your name and address when you first approach the microphone. Direct all comments and questions to the Commission. After all of the opposition speaks, then the Commission will ask the applicant's representatives to address the comments and answer the questions. Before calling the first person up to speak, he said it has already been established that this hearing will definitely be continued.

Jim Kelly, 38 Beaver Brook Rd. said he is concerned about the quality of the air that is coming out of this building. He said the air and odor emissions from the building must be controlled. He suggested that the only way to control air emissions is by using activated charcoal. And that he did understand the proposed system as Ms. Wheaton described it. He submitted a petition in opposition signed by 50 homeowners on Beaver Brook Rd. This was designated as **Exhibit C**. In closing, he said that they can call it an earthy smell, but its still an odor.

Mary Jane Schwebler, said she has lived on Broad St for 35 years. Her main concern is the odor and the traffic. Any additional trucks will be a problem, especially between 8AM and 5PM when traffic is extremely heavy on Beaver Brook Rd. She said the nearest house to this property is only 100 ft. away. The people who live in this neighborhood already have odors, although the City does a good job, but on a warm summer night you cannot sit outside because of the earthy smell.

Nunzio Sasso, 40 Beaver Brook Rd., said he lives right next door to the site in a legal non-conforming three-family house. He said his family lives there and he has two tenants. He said he can't sit in his living room without smelling sewage from the City's plant. He runs a business and is ready to take care of any problems that he causes. So he expects the same from the Coffeys'. He then pointed out that the school administration building is proposed to be used as classroom space in an emergency situation.

Melinda Murphy, Broad St. said her issues are the smell and the traffic. She asked if there will be future expansions of this if it is successful.

Robert Taylor, 53 Beaver Brook Rd., said he knows the Coffey family. He is concerned about odors and traffic. He added that he would like the Police to park in his driveway to see the accidents that happen on this road.

Kimberly Bourassa, 2 East Broad St., asked how the stuff that goes into the City system will be measured. She said this is already a dangerous corner and adding any more traffic to

this area will make a bad situation worse. She then asked if we really need another sewer plant.

Frances Dorset, 59 Beaver Brook Rd., said his property is located directly opposite this site. Sometimes he just sits on his doorstep and watches all the traffic on Beaver Brook Rd. because he cannot believe how many cars use it. He is concerned about the odor from the off-loading as well as other trucks sitting there waiting for their turn. He said this may be zoned IG-80 but most of the neighborhood is used as residential. He suggested that there must be other uses that could be made of this property. The air in this neighborhood already smells of sewage, so how can they guarantee the air quality. How much do these residents have to absorb.

Kathleen Kelly, 38 Beaver Brook Rd., said everyone spoke eloquently about odor issue, so she wants to talk about the traffic. It already is an issue and any additional traffic will turn it into a huge problem.

Hernan Rojas, 4 Broad St., said their resale value is already affected by the City's transfer station and sewage treatment plant. To add this is just not fair to them as property owners,

Mike Barrett, 24 Beaver Brook Rd., said there has been a lot of talk about traffic and smells, but what about airborne pathogens that could be emitted. He said there are at least sixteen children on Beaver Brook Rd. who could be affected by this. And what about if these pathogens get into the air ducts, they could be carried through to the schools. He submitted an article from Cornell University titled "*What are the Dangers of Living near a Wastewater Treatment Facility?*" This was designated **Exhibit D**.

Norbert Mitchell, 1-13 Federal Rd., said his property backs up to their property. He said he has tried to bring the sewer line out to his property before and he was told him it was not big enough. So how can they say they will have sewer. Chairman Finaldi said we are still waiting for information from the City Engineering Dept. so there will be more information at the next meeting.

Jessica Grainger said she owns two properties on Olive St. and is leery of the issues despite being farther away from the site. She asked why we need this place if the City facility handles millions of gallons per day. She said the wind and weather will affect how the odors are transported. She asked: How long will doors be open during normal working day. What happens if doors fail to close? Is there a backup plan in case the air handling system fails. She suggested that maybe they should get an independent unbiased expert to evaluate this system. Is there risk of overflow? What happens to the trucks that test high for PH levels? Will they be sent away without offloading? Will there be employees working in the building and will they be safe?

Annette Scully, 29 Beaver Brook Rd., said she is concerned about anymore smell since they already have it from AWD up the street; now they will have it from both ends. She said if you don't live on Beaver Brook Rd. you have no concept of the amount of traffic that goes over it on a daily basis. She asked why we need this when there already is one on Plumtrees Rd.

Vinny Torcasio, 2 Old Newtown Rd. said he has been traveling this road for 26 years and the traffic is horrible with the garbage trucks from AWD driving way too fast. He said the

triangle in between this property and the School Administration building is also a very dangerous spot. He said no one has mentioned the one-way bridge as another traffic issue. He then claimed it was insulting to the audience that Mr. Doto did not know where nearest residence was, when it is only 50 ft away. He said his property was contaminated by Risdon and he cannot sell it. If this goes in here, what is going to happen to the neighborhood?

Mr. Keller asked minimum distance that a sewage treatment plant must be from residential use. Mrs. Emminger said there are no additional requirements attached to this use since they are talking about the IG-80 Zone. She added that some of the houses in the IL-40 zone. Attorney Jaber said they will address all of these comments and questions at the next meeting. He said they will bring a map showing which lots are used residentially. Mr. Keller asked for an accident report. Mrs. Emminger said the applicant's traffic engineer should provide that.

At 9:45 PM, Mr. Keller made a motion to continue the hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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CONTINUATION OF PUBLIC HEARINGS:

SSR Development LLC – Application for Special Exception for Storage or Sale of Building Materials, Storage of Construction Equipment and Warehouse in the IL-40 Zone – 90 Shelter Rock Rd. (#K14233) – SE #708.

Benjamin Doto PE referred to the letter received from Councilman Tom Saadi which asked about the bypass lane and the distance to the fire hydrant. He said the hydrant is 10-15 ft. from the gutter line. The proposed access lane is being moved 12-18 inches closer to the gutter line. He added that if there were a problem with the location of the hydrants, then they would be moved, but that is not the case.

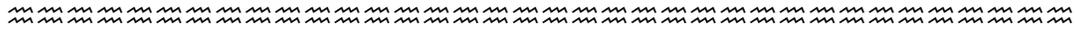
He said Councilman Nero had spoken to both he and the City Traffic Engineer, Abdul Mohammed. Trucks do take longer to turn than cars do and they are so much higher than cars. He submitted a sight line sketch (Exhibit B) and said there is more than just the driveway. Another question was asked regarding the geo-technical draft specifications. Mr. Doto said that Kristian DaCunha is present this even as a representative for the applicants. He added that the conditions they have agreed to are: (1) they would offer pre-blast surveys for residents up to 200 ft, (2) they would be monitoring both the drilling and blasting, and (3) they would send notices to all residents within 500 ft. of this site. He submitted a letter stating these and said he had received an Engineering letter and there is nothing that cannot be addressed.

Councilman Peter Nero, 10 Michael St., said he represents the fourth ward. He said Mr. Doto had addressed all of his concerns about the trucks going up hill and making left turns. He thanked Mr. Doto for being so thorough.

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. Manuel seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this to number two

under Old Business so they can give Mrs. Emminger some guidance for the resolution. Mr. Keller seconded the motion and it was passed unanimously.

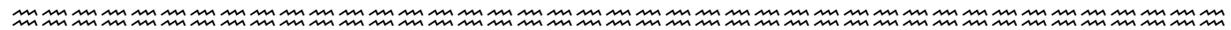


Sugar Hollow Associates LLC – Application for Revised Site Plan in acc. w/Sec. 10.D.7. of the Zoning Regulations for SE #663 originally approved 10/1/08 for “The Shops at Marcus Dairy”, Backus Ave. & Sugar Hollow Rd. (#G17002 & #G17019).

Dainius Virbickas, PE said they are still waiting for comments from the Engineering Dept. and the Fire Marshal. He said they had received the Staff comments and are working on a response. He said there were some questions raised regarding the trip generation. He had reviewed the Traffic Report from July 2007 and with these changes there is a decrease of 140 trips from the previous counts.

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

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



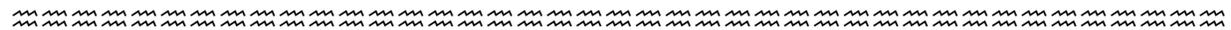
NEW BUSINESS:

Plumtrees Plaza LLC – Application for Special Exception for use (Grocery Store) which (combined with other uses on the site) will generate over 500 vehicle trips per day – 59 & 63 Newtown Rd. (#L12018, #L12021 & portion of #L12014) – SE #714. Public hearing scheduled for June 1, 2011.

Sugar Hollow Associates LLC – Application for Revised Floodplain Permit for “The Shops at Marcus Dairy”, Backus Ave. & Sugar Hollow Rd. (#G17002 & #G17019) – SE #663.

8-3a Referral – Petition of Scott Benincasa & David Benincasa to Amend Secs. 2.B. & 5.B.2. of the Zoning Regulations. (Add “Indoor Shooting Range” to CA-80 Zone) Zoning Commission public hearing scheduled for June 14, 2011.

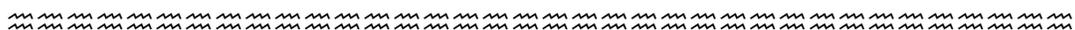
Chairman Finaldi said these would be on file in the Planning & Zoning Office.



OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

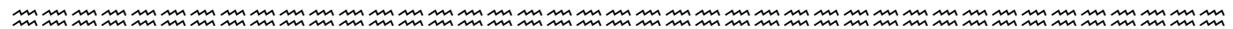
Sympaug Properties Inc. – Application for Special Exception to allow “Indoor Field Sports Arena” in the IL-40 Zone – Shelter Rock Lane (#L15001) – SE #709.

Chairman Finaldi said they had received a draft resolution from Mrs. Emminger. Mrs. Emminger asked if anyone had any questions about it. Mr. Urice made a motion to approve this per the resolution. Mr. Manuel seconded the motion and it was passed unanimously



SSR Development LLC – Application for Special Exception for Storage or Sale of Building Materials, Storage of Construction Equipment and Warehouse in the IL-40 Zone – 90 Shelter Rock Rd. (#K14233) – SE #708.

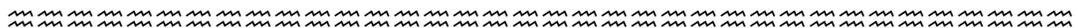
Chairman Finaldi said they had moved this here so they could discuss it and give Mrs. Emminger guidance as to what they wanted in the resolution. Mr. Keller said he is still not comfortable with the traffic despite the fact that the applicant has gone out of their way to accommodate the neighbors. He said he wanted the things they had discussed put into writing so they will be in the resolution and will go with the land if it is sold. Mr. Keller said he believes that there will be more truck traffic than predicted and that will cause a problem. Mr. Cerminara said that during the blasting, there will be more traffic than there ever will be when site is developed. Mrs. Emminger suggested that maybe they can require them to do the bypass lane before they start the construction.



REFERRALS:

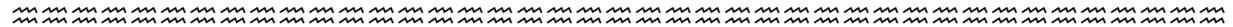
8-3a Referral – Petition of Sugar Hollow Associates LLC/Marcus Dairy Inc. to Amend Sec. 8.C.4.g. of the Zoning Regulations. (Amend “Handicapped Parking” language). Zoning Commission public hearing scheduled for May 24, 2011.

Mrs. Emminger reviewed the report prepared by the Planning Director. She said briefly this amendment proposes to include the handicapped parking within the amount of required parking. At this time, Danbury requires the number of handicapped parking spaces to be in addition to the number of required parking spaces. Mrs. Emminger said Danbury is the only town that does it this way. Mr. Urice said that would affect the number of parking spaces available. Mrs. Emminger explained that the handicapped spaces would be treated no differently than they are now. It would just mean that they would be added into the total number of required spaces instead of being in addition to that number. Mr. Urice then said while this does not affect the number of handicapped parking spaces, it does affect the number of parking spaces available on a given site. He added that he thinks they should leave well enough alone and leave it the way it is. Chairman Finaldi said this is just taking the “in addition to” and making it part of the original number of required spaces. Mr. Keller asked about the ADA requirements. Mrs. Emminger explained compliance with them is the Building Dept.’s responsibility as part of their review. This does not affect them; it does not affect the number of handicapped spaces that are required for a specific site. Mrs. Emminger briefly explained how the number of handicapped spaces is calculated. Mr. Manuel made a motion to give this a positive recommendation. Mr. Cerminara seconded the motion. Chairman Finaldi did a roll call vote and the motion was denied with three nays (from Mr. Keller, Mr. Urice and Mr. Cerminara) and two ayes (from Mr. Manuel and Chairman Finaldi). Mr. Urice then made a motion to give a negative recommendation. Mr. Keller seconded the motion and it was passed with three ayes and two nays. The reason for the negative recommendation was: Although this does not affect the number of handicapped parking spaces, it does change the total number of parking spaces which will be available.



8-24 Referral/May 2011 City Council Agenda Item #9 - Conveyance of Land & Sidewalk Easements from MBD Realty, LLC, Federal Rd. (#K10072).

Mrs. Emminger reviewed the report prepared by Mrs. Calitro. This is a request to accept a parcel of land along Swanson Ave./Federal Rd. and two sidewalk easements. All of these were a condition of approval of the site plan (SP #85-64) approved by the Planning Dept. in June 2009, and revised in April 2010. Mrs. Calitro's report suggested if they give a positive recommendation, they should include the standard language of "subject to review and approval of all documents and plans by the Office of Corporation Counsel and the Engineering Department as to form and content prior to recording". Mr. Cerminara made a motion to give this a positive recommendation with the stated condition. Mr. Keller seconded the motion and it was passed unanimously.



There was nothing under Correspondence or Other Matters. And under For Reference Only there were listed four applications for Floodplain Permits.

At 10:50 PM, Mr. Urice made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.