



**CITY OF DANBURY**  
 155 Deer Hill Avenue  
 Danbury, CT 06810

*Environmental Impact Commission*

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**MINUTES**

**April 11, 2007**

**Common Council Chambers 7:00 PM**

Next regularly scheduled meeting date **4/25/07**, 7 pm.

**ROLL CALL:** The meeting was called to order by Chairman Gallo at 7:09 pm. Present were Chairman Bernard Gallo, Bruce R. Lees, Matthew Rose (late), Jon Fagan, Jessica Soriano; 5 were present to start the meeting.

Absent were William Mills, Alt. Kurt Webber, Alt. Mark Massoud.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Soriano at the request of Chairman Gallo.

**OLD BUSINESS:**

**113 West King Street**

**Regulated Activity # 645 R**

**Frank Hordos/ F.D.J., LLC**

Assessor's Lot #B06023, RA-80 Zone.

Date of Receipt: 12/13/06.

Revisions to septic & drainage systems.

First 65 Days: 2/16/07. Second 65 Days: 4/22/07. John F. McCoy, PE, JFM Engineering. Baroody, MM, BM met with engineer 1/31/07 on site. **Extension** letter received 2/20/07. Danzer's report received 3/14/07. Report by Baroody received 3/14/07. Additional data requested 3/14/07 by Massoud. Revisions received 3/19/07. NYC DEP watershed comments received 3/28/07. Received opinion letter from Robin Edwards, Corporation Council 4/11/07 regarding **ZBA 06-93** stipulation. Gallo introduced this item. John McCoy, PE, identified himself and placed his plan SE1 on the easel. McCoy said none of actual leaching components are now within the regulated area. We've heard from NYC DEP. We heard from Corporation Council, McCoy continued, and my client has not filed the variance on the City Land Records yet. Thirdly, we have made notification to the CT DEP with regard to threatened or endangered species. As of 11 am today, I talked to Dawn McKay at the DEP, and she said a reply is about a week away still; she's about a week behind. They would comment on it in the next week or so. McCoy said that leaves us in a pickle because we are out of time. I spoke to Pat and Dan Baroody today. What I guess I am asking for, is for you folks to ask for your decision with the condition that the CT DEP report is favorable. We are more than happy to do additional planting, McCoy said. I've asked a guy in Norwalk to come up with a planting plan, and he will

come up with something. Westney asked, since you are looking to subdivide on this property, therefore having to move the septic, have you worked out any plan as to how it will fit on this tight area? McCoy replied that Baroody already said he will bring it to you when it's approved. It will all be uphill of the 100' setback, well uphill. This septic area would be for that future house; that's why we're moving this septic area, McCoy explained. When we do the subdivision application, it will be shown to you. Chairman Gallo said to note that Matt Rose has arrived at 7:15 pm. McCoy and Westney discussed how the project went from what you had before to where you are now. Westney asked how did you get in this quandary? McCoy said we were positive we had to go down that road. We had looked at it before, but chose not to do down that road at that time. But then, McCoy said, it did mathematically open up the door to allow another residence. We applied for the permit 18 months ago maybe, and we proceeded that way, and during that time my client asked me to review the possibility. McCoy said we know we have hurdles ahead of us. Ultimately, whether or not we get an approval, looking at the site today, if we move forward with this plan we'll have less disturbance than previously, McCoy said. As Danzer said, the critical wetland is really the main bog. And as Danzer said, these perimeter wetlands are really wetland pockets that were all flagged as wetlands, which McCoy discussed. We have taken your comments to heart; we have pulled everything out of that area; we went with a more expensive, more efficient system. Chairman Gallo asked are there any further questions? Westney said you said there's less disturbance with this plan, but if you have two septic, two houses, that's significantly more disturbance ultimately. McCoy agreed, yes, if the subdivision goes through, you're right. Fagan had a question for McCoy regarding EIC purview, that being how does it affect these wetlands. Fagan said I appreciate that you've gone through the steps, but this may be the first time some Commissioners have reviewed a plan within the watershed. Fagan made a motion for a summary **approval**. Soriano seconded the motion. Gallo asked are there any remarks. Fagan said there are two remarks: to add condition nine and condition ten. Rose abstained. Westney opposed. The motion carried at 7:24 pm with four in favor.

**37 Ironwood Drive**

**Regulated Activity # 616 R**

**Peter & Kristen Schretzenmayer**

Assessor's Lot# C11018, RA-40 Zone.

Date of Receipt: 1/10/07.

Deck addition.

First 65 Days: 3/16/07. Second 65 Days: 5/20/07. Revised plan rec'd. from Bob Young 2/16/07. 3/13/07 Received 65-day **extension** letter. Planting plan received 4/10/07. Gallo introduced this application. Bob Young came forward and identified himself, saying I have not been here for a few weeks. I shortened up the deck. The only thing last time was the planting, Young said. I showed all plans to Sean Hayden of the Northwest Conservation District, and he designed the wetland planting, which Young enumerated. Dan Baroody identified himself at the mic. I did review the planting plan, and agree with the Northwest Conservation District's choice of plants. Rose made a motion to **approve** with conditions per the 4/3/07 revised plan submitted 4/10/07. Soriano seconded the motion. The motion carried unanimously.

**60 Shelter Rock Road**

**Regulated Activity # 739**

**60 Shelter Rock Associates, LLC.** Assessor's Lot# K15107, IL-40 Zone.

Date of Receipt: 2/14/07.

Parking lot expansion.

First 65 Days: 4/20/07. Second 65 Days: 6/24/07. Ben Doto, PE, met Dan Baroody 3/ /07 on site. Revised site, grading, buffer, parking plans rec'd.4/3/07. Site visit 4/4/07 by Mills, Baroody. Site plan okayed by Deputy Fire Marshal 4/9/07, and Impact Report done by D. Baroody. Ben Doto, PE, identified himself at the microphone and put plan CO1 on the easel. Doto discussed changing the parking spaces, revisions in April, discussed the wetland south of the site, plus a chain link fence to prevent dumping all along the southern edge. Doto said he was asked also to clean up all debris by hand on property line, and do seeding. Chairman Gallo asked if there were any questions. Baroody identified himself stating I am submitting a screening report the for record. Mr. Doto shows a 15 to one ratio for mitigation, and staff recommends a summary ruling with 8 conditions; the fence and clean-up are noted on the plan, so that's tied in to the approval. Fagan made a motion to **approve** with 8 conditions of approval. Rose seconded the motion. Gallo summarized the motions and asked if there were any other remarks. The motion carried unanimously at 7:31 pm.

**Apple Ridge Road**

**Regulated Activity # 741**

**Melvyn Powers**

**c/o Commerce Park Realty, LLC**

Date of Receipt: 2/14/07.

Assessor's Lot # E17072, IL-40 Zone.

First 65 Days: 4/20/07. Second 65 Days: 6/24/07. Medical office building, parking. 2/20/07 Received Artel letter to Engineering re: Lake Kenosia Class II Watershed. Site is located in Aquifer Protection Zone. Site walk 4/4/07 by Mills, Baroody. Impact Report by Dan Baroody 4/11/07. Mark Kornhaas identified himself and his firm at the microphone and discussed saving the apple trees, which my client will try to do. Kornhaas said it went pretty smooth. Thank you for the report from the Health Department. Gallo said I did an on-site yesterday with Dan too. Baroody came forward and identified himself stating I would like to submit my screening report for the record; they have moved the activity as far out from the wetland as possible. Staff recommends a summary ruling, Baroody said, with 8 conditions of approval. Lees asked if there was any drainage needing stenciling. Kornhaas volunteered we would not have an objection to doing that; it all goes down to the Mill Plain Swamp ultimately. Gallo asked are there any other questions? Lees made a motion to **approve** with 9 conditions of approval. Fagan seconded the motion, and the motion carried unanimously at 7:36 pm.

**5 Sugar Hollow Road / Marcus Dairy Regulated Activity # 743**

**Sugar Hollow Associates, LLC**

Assessor's Lot#G17002, G17019, CG-20 Zone.

Date of Receipt: 2/28/07.

Parking lot expansion, improvements.

First 65 Days: 5/4/07. Second 65 Days: 7/8/07. Artel Engineering Group, LLC. Site walk 4/4/07 by Mills, Baroody. Airport's Engineering report rec'd. 4/11/07. Gallo

introduced this application, saying Mr. Marcus is here. Mark Kornhaas said we did receive the report from Jodie Chase, soil scientist. Kornhaas said she makes a couple of good points: maybe armoring the bank with riprap, at the very end you'll see that she approves of the method of brook crossing via a Conspan bridge. Kornhaas continued, with us tonight is Mr. Marcus who can answer some of your questions. Neil Marcus, Attorney at Law, identified himself at the microphone. Marcus said I am very familiar with this area as I lived on it for the first years of my life. On Sundays they have the 25, 50, and 75 years ago column in The New Times, and I recently read about the auction for the Great Danbury State Fair. This used to be part of the Fair property; the land exchanged to allow the DOT to build the highway interchange for the mall. This was really the parking lot to the Danbury Fair. Marcus continued, when the State took our parking lot for their ramps, we got the property from Wilmorite so we could create additional parking when we needed it. We've changed the operation of our plant, and we've looked at our parking, and we don't have enough. We decided that we had to connect it, as we have no curb cut on Backus Avenue. The Kissen Brook is named a Brook, but I know it as a drainage ditch; it has always been used to drain water down from Segar Street. It's sedimented, Marcus said. It was ripped up years ago when the City put the sewer line in. We have no specific plan to develop the property at this time, Marcus declared. We're looking at it, to be honest; we're looking at a lot of plans. But we're trying to connect with a box culvert. Marcus said we will clean up the site, the section on the far side of the Kissen Brook, where it's overrun with invasive species. We'll clean up particularly the bank of the Brook. It's a parking lot. It's been a parking lot. We will black top it, Marcus said. Now it's a combination of gravel and fairly mucky conditions. So that's our plan. We will probably come back to this Commission when we do have development plans. Marcus said. Hopefully, you understand what we're doing and why. Marcus asked are there any questions. Chairman Gallo asked are there any questions. Westney said yes: we had a discussion last time about the other area that could be used for parking without the culvert crossing. Marcus said you're talking about the graveled area. Basically our milk trucks park here and this is basically storage; we call this our "Spare Parts Department", Marcus said. That is an area that we currently use for parking. We need to effectively reuse the area that is now being used as a shipping terminal. We need to use it the way it is, Marcus continued. Without the additional parking over here; basically this plant is the history of my life; it goes back to '47, and it is rundown, Marcus said. This is the retail shopping area of Danbury: the Mall, Pier 1, Sports Authority. What Josh Weeks did on their lot, Marcus said; he put in a first class automobile showroom there. It is functionally out of line with what's in the area. Marcus said I got them to change Pier 1 to a commercial zone. The Castro Plant is now the Sports Authority. We changed all the Sugar Hollow Road to commercial, which left our plant kind of out of whack. Ultimately, Marcus said, we want to recondition the buildings, and to do that we have to have good decent parking. Commissioner Westney said, so to clarify, you're saying it'll still be used for storage of dead and dying equipment. Marcus said, once it's connected, then we will come in with a master plan, a site plan before this Commission. We are trying to get out of being a truck terminal, Marcus said. Our long range plan is to change the use of this property, but the first thing I need to know is where are we going to park, Marcus said. We will present that to you; that would be phase 2 of this project. We would have no objection to doing this at a later time when we are no longer using this as a truck terminal. Everything behind the fueling aisle will be phased out, Marcus said. Westney said, again to clarify, there's no remediation built into the plan to account for the crossing. Kornhaas interjected there's a floodplain here, and there would be some work required: we'd have to fill a little bit in the floodplain.

Marcus said any work down here would require us to create floodplain storage. That's phase 2. Now we're doing the parking lot itself, Marcus said. Ultimately, if we're not running a truck depot here, and you know what, we're going to do it within the next five years, Marcus said. Our business is more New York oriented than Connecticut oriented these days, Marcus said. Now we are kind of on the edge; no longer in the center of our distribution area. I don't discount what Dainius Virbickas was saying. Lees asked would it not make more sense than to come to us with this whole proposal? Marcus said the problem is I can't use this area because I can't get to it. Marcus discussed what was the architect's reasoning. Lees said I'm asking for you to give it to us in one big plan. You should give it to us all in one application, Lees reiterated. Marcus replied, here's the thing: if I can't cross, then I'm not going to spend the money to do the project. I guarantee you that you will look at all this again, Marcus said. Marcus said again it's a drainage ditch. Lees said where is the need for the parking; you're making a crossing, and you're not showing me that you need that parking for another use, Lees said. (Tape #1 flipped to side B). Marcus said I'll be honest: two to three years down the road I'll need you to approve this 1-3/4 acre crossing. Marcus reiterated the need to show that we can get from there to there. By the way, if we ever use this building again, Marcus said, remember Art Kansler? He said the closer to the road the better in 1947. Your entrances to the uses to the site are really back here. I'm perfectly happy since I don't want to build this parking today; I just need the crossing, Marcus said. Lees said what I'm trying to do is to tie that crossing into the proposed use of that building. Marcus said, again, you could condition the approval based on the future proposal. I've got to get over level one before I can get to level two, which Marcus discussed. If it's approved as one master plan, but I have to know that I can get across. Marcus discussed the history of the land exchange. We don't have to build anything until we have the whole plan, Marcus said. At 8 pm, Westney asked did anyone do the site walk? Are there any comments from the site walk? Mills went on the fourth, Gallo said. Mark Kornhaas came back to the mic, saying Mr. Mills made a couple of comments at the site walk. Kissen Brook is a drainage ditch; the parking is lot broken up. Mills suggested we flatten it out a little bit; the word I think he used is filtered, Kornhaas said, and maybe some sort of treatment; an infiltration trench or something. Baroody said I think what Mr. Lees is getting at is we need an alternative analysis. We need to look at alternatives. Secondly, we received this just today; a brief analysis engineering report has arrived, and we need time to review it and to respond to it, Baroody said. These issues have to be addressed here before the airport can give a recommendation on this. Gallo asked does anyone else have questions? Jon Fagan asked who are these Hoyle, Tanner & Associates, Inc., and who hired them? Baroody said they were hired by the airport administration, Paul Estefan, which Mark Kornhaas confirmed at the microphone. Kornhaas said we concern, as I understand it, is not creating flooding on the airport property, Marcus said. We're aware of that. We'll do that, Marcus said. The alternative analysis: we've spent a lot of time trying to figure that out, so the only way to figure out how to do it is to cross the Kissen Brook. There are different types of spans and after one is put in, the bottom returns to the natural flow of the brook. Fagan said I was just curious from where this document appeared. The last Cons pan System done in this City was at Fieldstone Estates. Lees made a motion to **table**. Westney seconded the motion. Gallo asked is there any further discussion. The motion carried unanimously at 8:06 pm.

**79 Federal Road**

**Regulated Activity # 744**

**E.W. Batista Family Ltd. Partnership** Assessor's Lot #L09019,L09029. CG-20 Zone.

Date of Receipt: 2/28/07.

Dunkin Donuts, drive-thru / walk-in.

First 65 Days: 5/4/07. Second 65 Days: 7/8/07. Artel Engineering Group, LLC. Site visit 4/4/07 by Mills, Baroody. Plans mailed to State DEP, Diane Ifkovic on 4/5/07. Mark Kornhaas, PE, identified himself again and discussed the site walk done on a rainy day. He described having to go to the State. Kornhaas said, we noted that, that was one of Bill's comments. There's no gutter on the back. But we will basically pipe into our system, Kornhaas said, and into the infiltration system. Mills suggested a chain link fence and some plantings to keep out airborne papers and such, and we'll put up the signs like we did at Sandpit. It came out nice. We will get the calculations for pollutant loading to you. Chairman Gallo asked are there any questions. We are still waiting for a DEP report. Fagan made a motion to **table**. Lees seconded the motion, and the motion carried unanimously at 8:10 pm.

**94-102 Newtown Road**

**Regulated Activity # 745**

**Danbury – Newtown, LLC**

Assessor's Lot # M11002, CL-10 Zone.

Date of Receipt: 3/14/07.

Starbucks Coffee drive-thru / walk-in.

First 65 Days: 5/18/07. Second 65 Days: 7/22/07. Ben Doto, P.E., 9.46 acres. Jon Fagan recused himself. Chairman Gallo introduced this application. Ben Doto, P.E., took the mic and identified himself again. This is a current spot at Expect Discounts, a former Pathmark. A new Starbucks Coffee shop is proposed, Doto said. You are probably familiar with the site: this is the entrance. Doto said, we are in front of you tonight because of the Still river and Limekiln Brook. You can see that the regulated area encroaches into the parking lot. The only thing we're doing is tying in to a sewer main that runs through the property. The tap is going to be in the parking lot, Doto said, and we have no control over what we have to do there. It's basically a sea of asphalt now. We are putting detention in there. Doto described the current leak off right into the wetland. We're reducing the flow a little bit. The State's flow system we're not touching, Doto said. They have the right to do that. I only have one alternative: we took the proposed building and pulled it close to Newtown Road. Chairman Gallo asked are there any questions. Lees asked who is the owner of the parking lot? If there will be any drains, may we ask to label those catch basins as a condition of approval? Ben Doto said not a problem at all. We're also putting new curbing on this one island, to channel people darting across that parking lot. Lees said it seems like example for Administrative Approval. Baroody said that staff agrees with Mr. Lees that this be moved to Administrative Approval, since it's outside of the regulated area and over 200 feet from the Still River. Lees made a motion to **move this to Administrative Approval**. Westney seconded the motion. Gallo asked if there were any questions. The motion carried at 8:15 pm with Fagan recused.

**15 Hillendale Road**

**Regulated Activity # 748**

**Elio Ferreira**

Assessor's Lot # F08097, RA-40 Zone.

First 65 Days: 5/18/07. Second 65 Days: 7/22/07. Ralph J. Gallagher, Jr., PE. DEIC wants site visit. Received a letter 4/2/07 with concerns from neighbors Nancy & Robert Green. Gallo said we will be tabling this for more information. Mr. Ferreira do you have something new to add? Note that Jon Fagan is back on the panel. Elio Ferreira identified himself and his address at the microphone. My engineer Ralph J. Gallagher, Jr., received a letter from the City Engineering Department, Ferreira said. With conflicts of schedules, we were unable to meet with Dan. We met with Dave Null and Farid Khouri. We discussed the plan and Engineering Department recommendation. We are revising our plan to implement these recommendations, which Ferreira enumerated. I notice on tonight's agenda, Ferreira continued, that Dan received a letter from the neighbors, the Green family, presenting their concerns with the erosion, the runoff. I do sympathize with them. I've been there and I have seen this problem, Ferreira said. This is why I'm tackling this problem. (Secretary Lee handed out the Green's letter). We can then satisfy all their concerns. My concerns are identical to theirs, Ferreira said. They are seeing their lot disappearing. I'm seeing my lot disappearing, and Ferreira referred to the photos he brought to the last meeting. They are afraid; are we going to make it worse? Their concerns are like my concerns. We want to do it right: stop the erosion or minimize it, Ferreira concluded. Chairman Gallo said that's why we have to wait for those reports and table it tonight. Fagan made a motion to **table** this. Lees seconded the motion. The motion carried unanimously at 8:21 pm.

**NEW BUSINESS:** N.A.

**APPLICATIONS FOR ADMINISTRATIVE APPROVAL:** N.A.

**ADMINISTRATIVE STAFF ACTIONS:**

**Danbury Town Park/Lake Candlewood Regulated Activity # 752**

**City of Danbury Public Works Dept.** Assessor's Lot # 108007, RR-10 Zone.

Date of Receipt: 4/11/07. Westerly stone sea / retaining wall repair.

First 65 Days: 6/15/07. Second 65 Days: 8/19/07. East Hayestown Road. Administrative Approval by D. Barody 4/4/07. Gallo introduced this item. Barody explained that his was an emergency repair, and the removal of two dump truck loads of dead seaweed. So I granted an emergency Administrative Approval to complete the work. Lees asked are they replacing the sea wall or just repairing it? Barody replied just repairing it.

**114 Federal Road**

**Regulated Activity # 746**

**Fairfield County Bank**

Assessor's Lot # L08015, CG-20 Zone.

Date of Receipt: 3/14/07. Bank façade renovation/ drive-thru / canopy.

First 65 Days: 5/18/07. Second 65 Days: 7/22/07. CCA, LLC. Abigail Adams, RLA. Administrative Approval by D. Barody done 4/5/07. Barody said that is the one that was moved to Administrative Approval, and we approved it.

Matt Rose said there was also some work being done at Kenosia Lake. Daniel

Baroody explained that the Kenosia Lake Association has retained Jack Kozuchowski to do work over there.

**CORRESPONDENCE:**

Aquatic Pesticide Permit Application from Connecticut Pond Services to treat Lake Wackawana (Allen Road) for duckweed, watermilfoil, purple loosestrife.

**EIC ADMINISTRATION & FUTURE AGENDA ITEMS:**

DEIC Guideline for material submission by Chairman Gallo: recommendation cut-off on the previous Friday at noon. Official Date of Receipt subject to State statute. Gallo said I recommended this in order to give staff time to get an agenda to us. It may be dropped off just before the EIC meeting, but it just may not make it to the agenda. Pat will contact all attorneys, engineers, contractors, and it will be posted in the Health Department to take effect May 2007. Baroody said, also, print it on our EIC application forms. Fagan suggested maybe make it effective at our next regular meeting 4/25/07. Baroody said this doesn't apply to the staff. If the applicant brings it in on Friday, and I pick it up on Monday, then I have only two days to analyze it and get it to you. Gallo asked Baroody what do you do Monday and Tuesday nights? You could work till midnight. Soriano, Fagan and Gallo offered comments. Gallo said there are times we are not reading what we're given. Gallo read the Guideline into record at 8:29 pm: **The Environmental Impact Commission strongly recommends that applicants and members of the public submit new material to the Commission no later than noon on the Friday prior to the meeting at which the material is to be presented. The Commission reserves the right to postpone consideration of any such materials in the event that this guideline is not followed.** Fagan made a motion to accept/support this new requirement following the 4/25/07 EIC meeting. Soriano seconded the motion to adopt this recommendation. The motion carried unanimously.

Acceptance of Minutes for March 28, 2007. Fagan made a motion to approve the minutes as presented. Lees seconded the motion and it carried unanimously at 8:30 pm.

EIC **623**, Construction Associates, Inc. permit transferred for 22 Kenosia Avenue to Kenosia Properties, LLC, on 4/4/07.

Who can use J. Soriano's training program pass this Saturday 4/14/07, Dayville, CT? Chairman Gallo asked if there were any takers, and there were none. Baroody told Gallo to take his wife and go to the casino afterwards.

**Route #37 & Stacey Road**

**Regulated Activity # 751**

**Acropolis Venture, LLC**

Assessor's Lot # G08033, G08102, RA-20 Zone.

Date of Receipt: 3/28/07.

Glen Brook Estates, LLC.

First 65 Days: 6/1/07. Second 65 Days: 8/5/07. 23 SF detached cluster dwellings. **Public Hearing** to commence 4/25/07.

**Padanaram Road**

**Regulated Activity # 749**

**Cotswold of Danbury, LLC**

Assessor's Lot #F07052, RA-20 Zone.

Date of Receipt: 3/14/07.

57 SF cluster residences, Tighe & Bond.

First 65 Days: 5/18/07. Second 65 Days: 7/22/07. Surveying Associates, P.C.  
74.15 acres. **Public Hearing** to commence 5/ 9 /07.

**ADJOURNMENT:** Motion to adjourn by Fagan. Second by Lees. Motion carried  
unanimously at 8:31 pm.\_

The next regular EIC meeting will be held on April 25, 2007.