



CITY OF DANBURY
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DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
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BY: JGT

**ENVIRONMENTAL IMPACT COMMISSION
MINUTES
Wednesday, April 27, 2022
7:00 p.m.**

ROLL CALL:

Bernard Gallo, Chairman, called the web-based meeting, held via Zoom, to order at 7:00 p.m. Present by roll call were Mary Cronin, Tom Giegler, and Alex Wolk. Absent were: Geoff Herald, Mark Massoud, and Matt Rose. Staff present were Abby Lewis, Public Health Inspector, and Mary Larkin, Secretary.

ACCEPTANCE OF MINUTES: Minutes of April 13, 2022

Motion to accept the Minutes of April 13, 2022 was made by Alex Wolk; seconded by Tom Giegler. There were no remarks. All in favor by roll call with Ayes by those eligible: Tom Giegler, Alex Wolk, and Bernard Gallo.

The next regular meeting is scheduled for **May 11, 2022**

NEW BUSINESS:

#1164 74 Sugar Hollow Road, Keeler Property Holdings, LLC, Neil R. Marcus, Esq., applicant, (G25009), IL-40 & LCI-40 Zones

Neil Marcus, Esq., of Cohen & Wolf, along Chris DeAngelis, of Cabezas DeAngelis Engineers and Surveyors, are representing Keeler Property Holdings, LLC. Mr. Marcus said this is a unique and bizarre situation because at the rear of the Ridgefield BMW dealer there used to be an indoor tennis facility, Ridgefield Athletic Club (RAC). They had site plan approval for the tennis courts, the bubble, the swimming pool, the clubhouse, and related parking. Although most of it lies within the town of Ridgefield, there is a little portion in Danbury. Back in the 70s they obtained got an EIC permit to work in the area adjacent to the wetlands, basically in the upland review area.

The site work was done and nothing was thought about it afterwards. In the 80s they obtained a site plan revision from the City of Danbury to renovate and upgrade an addition to the tennis facility but did not come back to the EIC. Planning did not require them to go to EIC because there was no work that involved the wetlands. About eight years ago Ridgefield BMW included an acquisition of the old tennis courts, knocked down or removed the bubble, removed the swimming pool, renovated the clubhouse and made it smaller and they used it for storage. Then they took the old parking area, improved it, and made it bigger to park additional cars. All of the approvals were from the Town of Ridgefield; however, they overlooked the portion that lies in the city of Danbury. The property was sold in the last year and during the sale of the building they were asked to get a certificate of zoning compliance. Chris DeAngelis and Attorney Marcus are working with Jennifer Emminger and staff to amend the last site plan to recognize the removal of the swimming pool, the tennis bubble, the reduction of the clubhouse, and improved parking. Mr. Marcus indicated that Ms. Emminger suggested since there are wetlands on the site, they should come back and show EIC what they are doing. Attorney Marcus indicated they are not seeking any permit, per se, because they are not doing any regulated activity, “more form than substance” and they are just showing the completed plan. They are trying to legitimize the work that was done years ago and not seeking to do any new work on the site. As part of the review process they are looking for an Administrative Review. Chris DeAngelis can handle any technical questions the Commissioners might have. Alex Wolk asked the Chair if this was something that staff would have to look at it before they acted on it. Abby Lewis, Public Health Inspector said she would like to do a site walk.

Motion to table for an administrative approval was made by Alex Wolk until the next regular meeting scheduled for May 11, 2022; seconded by Mary Cronin. All in favor with Ayes from Mary Cronin, Tom Giegler, Alex Wolk, and Bernard Gallo.

Attorney Marcus said anyone wishing to visit the site should call him.

#1148R 67 Old Boston Post Road, Susan Rubenovitch Fish & Larry Fish, applicants, Artel Engineering Group, LLC, Agent, (H22059) RA-20 Zone

Dainius Virbickas, P.E. with Artel Engineering Group. They are seeking a permit amendment as they were granted approval for construction of a deck and septic tank installation. Since receiving that approval the property owners had second thoughts, and they would like to put an addition on the house as well. The addition would not extend beyond the confines of the first story of the house.

Richard Janey, former Public Health Inspector, had indicated that anything beyond the deck would require EIC approval. They need to construct a septic system. There are no direct or indirect impact to wetlands. No wetlands loss. Wetlands are associated with Lake Waubeeka. Backyard property line connects to Lake Waubeeka. Nearest point to the wetlands would be about 35’ away and Mr. Virbickas anticipates work should not last beyond one week.

Mr. Virbickas offered to answer any questions. Mr. Giegler asked that the plan be displayed on the screen whereupon Mr. Viribickas walked the board through the site plan showing the location of the proposed septic, silt fencing, and the property’s proximity to Lake Waubeeka. Mr. Giegler asked if the tank was 25’ from the house. Mr. Virbickas indicated it is about 11’ from the deck. They are about 26’ away from the rear line of the house. The septic they are replacing is located adjacent to the back of the home. They will be fully compliant with current standards. Mr. Giegler said that as long as it meets all of the sanitarian requirements.

Abby Lewis asked when the soil testing was done. Mr. Virbickas said, it was 2016 with Peter Dunn (retired sanitarian) and when it was conducted they did it for a small addition on the north side of the home. When Mr. Virbickas and Mr. Dunn went out they were done with post hole and probes. Deepest was 46" and shallowest was 32". Design was based on worst case scenario. Soils were surprisingly good from his recollection. From a health standpoint, if they wish confirmation holes prior to installation, he would oblige. Abby Lewis will look into it.

Motion to table was made by Alex Wolk to May 11, 2022; seconded by Tom Giegler. All in favor by roll call with Ayes from Mary Cronin, Tom Giegler, Alex Wolk, and Bernard Gallo.

OLD BUSINESS:

#1161 95 Mill Plain Road LLC, Diamond Point Development, Doto, Ben, Agent, 95 Mill Plain Road, (C14003) CA-80 Zone

Ben Doto, P.E. representing Diamond Point Development, has nothing more to add at this time. Chairman Gallo explained we did not have a chance to do anything on this application.

Motion to table made by Alex Wolk until the next regularly scheduled meeting on May 11, 2022; seconded by Mary Cronin. All in favor by roll call with Ayes from Mary Cronin, Tom Giegler, Alex Wolk, and Bernard Gallo.

#1141R 12 Great Pasture Road, Draper, Laurel, Michael Mazzucco, Agent, (L16010), IL-40 Zone

Michael Mazzucco P.E. reviewed the report with the applicant and had no problems with the Project Impact Report. He would like to add those notes to the plan with the revision. Applicant will install the silt fence property and reinforce with hay bales

Motion to approve with 13 conditions made by Alex Wolk; seconded by Mary Cronin. Public Health Inspector Abby Lewis wants to conduct another site walk to verify installation of the silt fencing. All in favor by roll call with Ayes from Mary Cronin, Tom Giegler, Alex Wolk, and Bernard Gallo.

#1162 132 & 136 Padanaram Road, Otto, Hans, Ben Doto, Agent, (E06047 & E06048), RA-80 Zone

Ben Doto, P.E. representing the applicant, agrees with all of the conditions proposed by staff. Commissioner Tom Giegler asked if there are any provisions for the runoff from the driveway to the road? Mr. Doto said, "Yes." He further explained that some driveway drainage goes toward some of the basin, which was installed years ago. Some sheet flow will go into the lawn and then across. Lot 2 has some curbing and then at the end near the right there is a level spreader filtration trench, which is about 30' long, six feet wide and two feet deep. The roof drains go into there as does most of the driveway drainage and also the upstream drainage that goes across the driveway. Mr. Doto continued explaining the specifics of the drainage. Mr. Giegler thought this plan was a better one. Mr. Doto said it will be easy to maintain and to let the contours do what they do now.

Motion to approve with 11 conditions by Alex Wolk; seconded by Tom Giegler. No remarks. All in favor by roll call with Ayes from Mary Cronin, Tom Giegler, Alex Wolk, and Bernard Gallo.

**# 1163 42 Kenosia Avenue, DC-7 Properties, LLC dba Superior Products Distributors, Inc.,
Michael Mazzucco, Agent, (E17086), IL-40 Zone**

Mike Mazzucco P.E., representing the applicant. Mr. Gallo explained that we haven't had a chance to do anything on this application. Mr. Mazzucco said he let the applicant know and he asked if anyone had any questions. No questions.

Motion to table until the next regular meeting on May 11, 2022 was made by Alex Wolk; seconded by Mary Cronin. All in favor by roll call with Ayes from Mary Cronin, Tom Giegler, Alex Wolk, and Bernard Gallo.

PUBLIC HEARINGS: None

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:

ADMINISTRATIVE STAFF ACTIONS: None

VIOLATIONS: 21A Virginia Avenue, Danbury, CT

Thomas Beecher, Esq. on behalf of Larry Cote property owner. Mr. Beecher said that Mr. Cote has done everything the City and himself and Paul Szymanski has asked him to do. He lined the perimeter of the back of his property with erosion control fencing and he has retained Michael O'Connor, of Unicorn Management in Danbury, who will do the soil testing. Mr. O'Connor will finalize his scope of services with Mr. Cote after he receives a cad file from Paul Szymanski which outlines the areas and the depths of fill that are on the property. Mr. Beecher spoke with Paul Szymanski of Arthur Howland and Associates who reports his office has completed the field work and hopes to have volume calculations for the next meeting. Mr. Beecher told Mr. O'Connor that when he is ready to do the soil testing, he should coordinate the testing with EIC & Sean Hearty.

Mr. Gallo asked about the large pile of soil in front of the house. Mr. Beecher said that it was removed and the removal had been cleared with Sean Hearty. Mr. Beecher said nothing has been done in the back or the side of the house. There were no further questions.

All parties agreed to table this until May 11, 2022.


OTHER MATTERS: None

CORRESPONDENCE: None

ADJOURNMENT:

Motion to adjourn made by Mary Cronin; seconded by Tom Giegler. All in favor by roll call with Ayes from Mary Cronin, Tom Giegler, Alex Wolk, and Bernard Gallo. Meeting adjourned at 7:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mary S. Larkin".

Mary S. Larkin
Recording Secretary