



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
NOVEMBER 18, 2020

The web based meeting hosted on Zoom was called to order by Chairman Arnold Finaldi at 7:30 PM.

Present were Robert Chiocchio, Helen Hoffstaetter, Perry Salvagne, Joel Urice, and Arnold Finaldi Jr. Also present were Planning Director Sharon Calitro and Deputy Planning Director Jennifer Emminger.

Absent were Alternates Kevin Haas and Alternate Gary Renz.

Mrs. Hoffstaetter made a motion to accept the November 4, 2020 minutes. Mr. Salvagne seconded the motion and it was passed with four AYES (from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi). Mr. Urice abstained from the vote as he was not present at the meeting.

Chairman Finaldi said that the next virtual meeting is scheduled for December 2, 2020. Mrs. Emminger then said they would need to hold a special meeting in December as there is no second meeting scheduled due to the holidays. She suggested holding the special meeting on Wednesday, December 16, 2020 which would be a regular meeting night. All of the Commission members said they are available for that date.

Chairman Finaldi then explained the Zoom meeting process and how the public could access this meeting. He added that all votes taken at this meeting would be by roll call.

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

West Miry Holdings LLC – Application for Special Exception/Site Plan approval for Aircraft hangar, aircraft maintenance, flight instruction, & storage in the IL-40 zone – 49 Miry Brook Road (F19004) – SE #778.

Chairman Finaldi said the Commission members should have received a draft resolution from Mrs. Emminger. Mr. Urice announced that he had watched the video of the November 18th meeting so he was eligible to vote on this application. Mrs. Emminger said the resolution is pretty straightforward; the FAA has approved the plans and the Airport

Administrator's concerns were satisfied. There is a condition that all comments in the November 4, 2020 Engineering letter need to be satisfied before any construction permits are issued. She said the Floodplain Permit still needs to be approved which they will hopefully do at the December 2, 2020 meeting. Mrs. Hoffstaetter made a motion to approve this application per the draft resolution dated November 12, 2020. Mr. Urice seconded the motion and it was passed unanimously by roll call vote with ayes from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi.

REFERRALS:

8-24 Referral – November Council Agenda Item #3: Request to Purchase City Owned Land at 19 Mountainville Avenue (J16032).

Mrs. Emminger referred to her report saying that Council had received a request from John & Eileen Mitchell to purchase a portion of City-owned land which abuts their rear property line. Mrs. Emminger shared her screen to show a GIS map of this parcel. The land the Mitchells want to buy is a small rectangle that abuts their rear property line. It is part of Rogers Park, although it is located on the outside of the park's fence. The Mitchell's have been maintaining this strip of land for many years and have offered to pay to have a new survey done and filed on the land records. The Rogers Park fence does not follow the property line which results in several strips of land being located outside of the fence and abutting the Mitchells and several other lots rear property lines. This led to an intense discussion on why selling this land would set a dangerous precedent for the City. Some of the issues that came up during this discussion were: similar requests that have previously been made, the concept of adverse possession, the use of public open space, the suggestion of a temporary easement, and the possibility that the other neighboring properties in the same situation will also request to buy the City owned land that abuts their properties. Chairman Finaldi then pointed out that they are only making a recommendation on this and he feels this is something that should be judged on a case-by-case basis. Chairman Finaldi then asked for a motion. Mr. Chiochio made a motion to give a this request a positive recommendation subject to (1) obtaining positive input from the Director of Recreation and the Department of Public Works, (2) obtaining the updated survey that identifies the parcel to be acquired and provides for sufficient land on the west side of the fence for the City to maintain its fence, (3) Corporation Counsel's input and any other conditions the City Council deems necessary, and (4) all final documents and maps should be approved as to form and content by the Office of the Corporation Counsel prior to the sale. Mr. Salvagne seconded the motion. Chairman Finaldi took a roll call vote and the motion was passed with four AYES (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi) and one NAY (from Mr. Urice).

8-24 Referral – November Council Agenda Item #4: Request for Renewal of Sewer Extension (granted April 2017) for 28 & 30 Tamarack Avenue (I11127& I11126).

Mrs. Emminger said this is a request to renew the approval of this sewer extension which was approved by the Council in April 2017, These are two non-conforming properties that are currently under construction. Mr. Urice made a motion to give this request a positive recommendation subject to compliance with the standard Public Works/Engineering Department requirements for public sewer main extensions and all final plans and documents should be approved as to form and content by the Office of the Corporation Counsel prior to acceptance by the City and recording on the Danbury land records. Mr. Chiochio seconded the motion. Chairman Finaldi took a roll call vote and the motion was passed unanimously with five AYES (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi).

8-24 Referral - November Council Agenda Item #5: Acquisition of Land at 25 Miry Brook Road (F19001).

Mrs. Emminger again referred to her report saying that Deputy Corporation Counsel Les Pinter has requested that Council approve the acquisition of 25 Miry Brook Rd. This parcel is available for purchase due to a 2018 Federal bankruptcy proceeding. She said there was a similar proposal considered by City Council in 2019, but it did not work out. She pointed out that the language in the new resolution is different than the 2019 resolution. She added that the funding to make the purchase is proposed to be available from the FAA or from open space funds. Lastly she said that this type of acquisition for the Airport (DXR) was included in the approved CIP (Capital Improvement Program). There was some discussion as to where exactly this parcel was located. Mrs. Emminger again shared her screen to show the Commission members a GIS map of this area of the Airport. The properties in the immediate area were identified by the use that was on each and there was no further discussion. Mr. Urice made a motion to give a positive recommendation for the request to acquire this parcel for the purposes noted in the Planning Department staff report dated November 16, 2020, subject to approval of all final documents as to form and content by the Office of Corporation Counsel. Mr. Salvagne seconded the motion. Chairman Finaldi took a roll call vote and the motion was passed unanimously with five AYES (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi).

Chairman Finaldi said there were two special exception applications listed under the New Business on tonight's agenda. Both of them are scheduled for public hearing on December 2, 2020. He said there were three Floodplain Permits also listed under the New Business. There is no action needed this evening on any of these. He added that all of these applications are on file in the Planning & Zoning Office.

Chairman Finaldi noted that the 2021 meeting schedule was listed under Correspondence and had been sent to all of the Commission members. He then asked if there was anything to discuss under Other Matters and there was nothing. He then said there was one floodplain permit listed under For Reference Only.

At 8:15 PM, Mr. Urice made a motion to adjourn. Mr. Chiochio seconded the motion and it was passed unanimously by roll call vote with five ayes.

Respectfully submitted,

JoAnne V. Read
Planning Assistant