



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
NOVEMBER 3, 2021

The web-based meeting hosted on Zoom was called to order by Vice-Chairman Joel Urice at 7:35 PM.

Present were Robert Chiochio, Helen Hoffstaetter, Perry Salvagne, Joel Urice, and Alternate Kevin Haas. Also present was Deputy Planning Director Jennifer Emminger.

Absent were Chairman Arnold Finaldi and Alternate Gary Renz.

Vice-Chairman Urice asked Mr. Haas to take Chairman Finaldi's place for the items on tonight's agenda.

Mrs. Hoffstaetter made a motion to accept the October 20, 2021 minutes. Mr. Chiochio seconded the motion and it was passed unanimously by voice vote with five ayes.

Mr. Salvagne said he had watched the video and reviewed the documents from the last meeting so he is eligible to discuss this application.

OLD BUSINESS:

Nejame Plaza LLC – Application for Special Exception/Revised Site Plan Approval to permit Storage of Concrete Aggregates or Manufacture of Concrete & Concrete Products, Storage of Bituminous Product, Storage or Sale of Building Materials, & Storage of Construction Equipment (Nejame Pool Industrial Site) in the IG-80 Zone - 44 Payne Road (N12004) - SE #776.

Vice-Chairman Urice said they had closed the public hearing at the October 20, 2021 meeting and now they need to give Mrs. Emminger guidance so she can prepare a resolution for the decision on this application. He asked the Commission members for their comments on this matter.

Mr. Chiochio said he is okay with the changes that were made to the site plan but wants a condition limiting the size of the concrete mixer to 1-2 yards and the stone cutting hand tool to 16-18 inches. He also mentioned the mountable divider in the driveway and the outstanding comment from the Engineering Department. Mrs. Hoffstaetter said she agreed

with all of Mr. Chiocchio's comments and recommends that they approve this with the conditions that he mentioned. Mr. Salvagne said he also agrees with both Mr. Chiocchio and Mrs. Hoffstaetter that this should be approved as long as the Engineering comments are satisfied. Vice-Chairman Urice then said he also agrees with what has been said, although he would like the screening and the mountable divider to be done in the first phase of the construction. Mrs. Emminger said she would check on the divider because it does not make sense for them to do it while the construction is being done, so that may have to wait until later. Vice-Chairman Urice said as long as the Engineering Department concerns are satisfied. He then said he would caution the applicant that they have little leeway here with regard to complying with the conditions of approval.

Mrs. Emminger said there are a handful of outstanding comments that cannot be satisfied until after the approval is granted because they require the submission of revised plans and that cannot be done now because the public hearing is closed. She said that the Engineering Department had given an okay to close the hearing and approve this pending the satisfaction of the straggling comments. She said the resolution also would include a condition limiting the construction related activities and repairs that are specifically ONLY to take place behind or inside the building. She said she would include language regarding the screening to take place during the first phase as well as pruning the hedge along Payne Road. Lastly, she said the size of the two specific pieces of equipment would be spelled out and also that they must abide by the operations plan as submitted. She said she would review the conditions with the Zoning Enforcement Officer to be sure they are enforceable. Mr. Haas asked if they would be putting any time constraints put on the phases of construction. Mrs. Emminger pointed out that the site plan approval is only good for five years and one five year extension and the point of phasing the work is to get the site improvements done before the building is constructed. She said this is a good point though because the question will arise as to what happens in the interim regarding the types of work that are restricted to being done behind or inside the building. Vice-Chairman Urice said just because the building is not done yet, does not relieve them of the restriction that certain types of work MUST be done inside the building. Mrs. Emminger said she would speak to the project team and the Zoning Enforcement Officer to find out when the pre-fab building will be put up and work through the language for the phasing time frames. She added that until the building is up, they cannot do the uses that are supposed to be done inside of or behind the building unless they can comply with that condition. Vice-Chairman Urice said once the approval is granted, the applicant will have to abide by the conditions of approval and it will no longer matter what had been going on previously. Mrs. Emminger stated that due to the complexity of this application, the resolution may not be ready until the December 1, 2021 meeting.

REFERRAL:

8-24 Referral – October 2021 City Council Agenda Item #4: Acceptance of City Roadway – Corner Pond Court, Pondview Development LLC.

Mrs. Emminger said this was a twelve-lot subdivision that was approved in 2014. She added that this acceptance also includes acceptance of several drainage easements in favor of the City. She said Engineering has been monitoring the road construction throughout the process and this Commission had reduced the road bond in 2015 from \$575,123 to \$199,875 with their approval. After a positive recommendation from this Commission, Council will refer this to an ad hoc and once they approve the acceptance, then the bond will be released. She added that we do not see many of this type of referral anymore because we don't get too many subdivisions that require the construction of a roadway.

Mr. Chiochio made a motion to give this request a positive recommendation subject to completion of the outstanding items noted in correspondence from the Engineering Division of the Department of Public Works dated October 27, 2021 and submission of all final plans and documents required for dedicated/conveyance in form and content acceptable to the Engineering Division of the Department of Public Works and the Office of the Corporation Counsel. Mr. Haas seconded the motion and it was passed unanimously by voice vote with five ayes.

NEW BUSINESS:

8-3a Referral - Petition of the City of Danbury by Sharon B. Calitro, Planning Director to Amend Sections 3.C., 10.B.2. & 10.C.4.(a)(2) of the Zoning Regulations. (Amendments pursuant to Public Act 21-29: Opt out of Parking Requirements, Amend Zoning Permit Fee Schedule to Add Provision Authorizing Charging of Fee for Expert Consultant, and Amend Language in Additional Requirements for Approval of Special Exceptions and Special Permits relative to use of the word "character") *Public hearing scheduled for December 14, 2021.*

Vice-Chairman Urice said this petition would be on file in the Planning & Zoning office and they would discuss it and make their recommendation at a future meeting.

Vice-Chairman Urice said the Correspondence from the DEEP that was listed on the agenda was provided for general informational purposes only and there is no action required.

At 8:05 PM, Mrs. Hoffstaetter made a motion to adjourn. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with five ayes

Respectfully submitted,

JoAnne V. Read
Planning Assistant