



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

PLANNING COMMISSION  
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MINUTES  
OCTOBER 20, 2021

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The web-based meeting hosted on Zoom was called to order by Vice-Chairman Joel Urice at 7:30 PM.

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

Absent were Chairman Arnold Finaldi, Perry Salvagne 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 6, 2021 minutes. Mr. Chiochio seconded the motion and it was passed unanimously by voice vote with four ayes.

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CONTINUATION OF PUBLIC HEARING:

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.

Attorney Ward Mazzucco spoke in favor of this application. He said they had continued this hearing to give them a chance to address the Engineering Department letter which was received about an hour before the last meeting. He once again went through his PowerPoint presentation and pointed out the interior screening fence that was added, as well as the existing screening of the site from all of the different directions. He mentioned the previous approval and referred to photos of the site. He pointed out the area where the City has requested a mountable curb be installed. He then said all of the proposed permitted and special exception uses on this site will serve the construction and pool installation businesses that the Nejame's operate. Project Engineer Ralph Gallagher then spoke briefly pointing out the changes that had been made to the site plan through this review process.

Attorney Mazzucco then said they have received approval from the Environmental Impact Commission, the Summary of Operations has been revised to the Staff's satisfaction, and they comply with all of the requirements in Section 10.C.4. of the Zoning Regulations. There were no questions from the Commission.

Vice-Chairman Urice asked if there was anyone to speak in opposition to this application and there was no one.

Mrs. Hoffstaetter asked Mrs. Emminger if the latest changes will satisfy the Engineering Department's concerns. Mrs. Emminger said the three minor outstanding comments have been addressed to the general satisfaction of the Engineering Department. Mrs. Hoffstaetter said the applicant had said they were willing to restrict the size of equipment used at this site. She added that her concern is if this property is sold with all of these approvals in place, the next owner might not be as cooperative. Vice-Chairman Urice said they can put something in the approval. Mrs. Emminger said the project team should be putting something on the record.

Tom Nejame, one of the owners of this business, said they do not want this to turn into a concrete plant. Their use of concrete is a small incidental part of their operation. He said the maximum size of their mixer would be a one-yard (less than three yards) capacity. He said they also use a diamond saw blade to hand cut pieces for trim around pools. He added that they always try to do this work outside because of the dust. He said they use a sixteen (not to exceed eighteen) inch diameter masonry cutting saw for this work. Vice-Chairman Urice said he would like to see the cement mixer limited to two yards and the use of both of these should be restricted to behind or inside the building. Mr. Haas asked if the Town of Bethel's concerns had been satisfied. Mrs. Emminger said she had reached out the Town Planner but there was nothing further from her. Vice-Chairman Urice asked Mrs. Emminger if all of the Engineering Department concerns were addressed. Mrs. Emminger said any remaining concerns are minor, the latest revisions are a significant improvement and she is confident that they will receive the final sign-off after the fire flow calculations are submitted. There were no other questions. Vice-Chairman Urice said they would wait until the next meeting to give Mrs. Emminger guidance as one of the members is not present this evening.

Mr. Chiochio made a motion to close the public hearing. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with four ayes.

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REFERRAL:

8-24 Referral – September 2021 City Council Agenda Item #11: Transfer of Properties on Driftway Road (E14023& D14059), Formerly Charles Ives Center LLC.

Mrs. Emminger reviewed her report saying that these two parcels were acquired by the City in 2008 after Charles Ives Center, LLC dissolved. Subsequent to the dissolution of Charles Ives Center, LLC, a new Charles Ives Authority for the Performing Arts was formed, which itself has been inactive. Both parcels are located in the RA-40 Zoning District, the Aquifer Protection Area, and the Lake Kenosia Public Water Supply Watershed Protection Zone. Municipal water services are available on Driftway Road. The Plan of Conservation and Development Land Development Plan Map designates these parcels as single-family use. She Tax Assessor Lot E14023 is approximately 17,859 sq. ft. in size and is a landlocked parcel with no frontage or access to Driftway Road. Its development for uses within the RA-40 Zone is questionable and would require variances if it could be developed at all. Tax Assessor Lot D14059 is approximately 44,000 sq. ft. in size and is a flag shaped lot with an accessway onto Driftway Road. Assuming it can be designed to accommodate a permitted use with a septic system, it appears it may be a developable lot. When these parcels were acquired by the City, Mayor Boughton indicated that conservation restrictions would be placed on the parcels to ensure their protection in perpetuity. It is necessary to confirm if these restrictions were ever recorded because it could affect the use of the parcels. Mrs. Hoffstaetter asked if they give this a positive recommendation, are they advising the ad hoc committee to recommend selling these to Western CT State University (WCSU). Mrs. Emminger said that is what a positive recommendation would indicate. Vice Chairman Urice asked if consideration had been given to offering these for sale to other adjacent property owners. Mrs. Emminger said this request is for the Commission to look at the possibility of selling these to WCSU, it did not include offering it for sale to others. Mr. Chiochio and Mr. Haas both said they think it should be offered to anyone who wishes to purchase it, not just to WCSU. Mrs. Emminger reiterated that this request only mentioned the sale to WCSU. Mr. Chiochio then made a motion to give a positive recommendation to the request that this land be offered for sale to Western CT State University or any other interested party. Mr. Haas seconded the motion and it was passed unanimously by voice vote with four ayes (from Mr. Chiochio, Mr. Haas, Mrs. Hoffstaetter, and Vice-Chairman Urice).

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OTHER MATTERS:

Request for Lot Line Revision (between lots #16, #17, & #18) on Shoreview Lane in the Pine Ledge Subdivision.

Mrs. Emminger said the Pine Ledge subdivision consisted of 24 lot and was approved in the late 1990's. She said this proposal is for an equal land swap between property owners. She said the reasoning has to do with the way the existing landscaping is laid out, but this proposal complies with the Regulations and it will not create any non-conformities. There were no questions from the Commission. Mrs. Hoffstaetter made a motion to approve this lot line revision. Mr. Chiochio seconded the motion and it was passed unanimously by voice vote with four ayes.

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At 8:37 PM. Mr. Chiochio made a motion to adjourn. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with four ayes

Respectfully submitted,

JoAnne V. Read  
Planning Assistant