CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
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MINUTES
MARCH 4, 2009

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residential use. Mrs. Emminger added that the Zoning Enforcement Officer would do a physical inspection of the site to determine that the use has been vacated and ceased, so the applicant will not be able to use the new building until this issue is addressed. She said additionally, EIC has approved this and the Engineering Dept. has signed off on this. There was no other discussion.

Chairman Finaldi asked if there was anyone to speak in opposition and there was no one.

Mr. Urice made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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2) existing road curves shall not be eliminated unless they are found to be a definite traffic safety hazard.
3) Grades shall not be altered by cut and fill operations unless it is necessary to insure road safety.
4) Designated roadways shall not be widened unless it is necessary to eliminate or lessen existing or potential safety hazards.
5) Effort shall be made to preserve the existing steepness of side slopes.
6) Roadside wild flowers, ornamental shrubs, wildlife and trees shall be preserved.
7) Any stone walls that are removed must be rebuilt along the untraveled portion of the scenic road.
8) Any paving that is proposed as part of the alteration or improvement must be proven to be necessary to maintain the road in good and sufficient repair and in reasonably safe condition for travel.

Mrs. Emminger said the Deputy Planning Director's report describes the work necessary for this driveway. First it will require regrading within the right-of-way and along the driveway in order to meet grade requirements. The banks of the driveway will be lowered to provide safe sight distances and a flowering seed mix consistent with the scenic road guidelines will be planted. Additionally, no stone walls will need to be removed and they will install a connection from the on-site drainage basin to the existing basin in the right-of-way.

Mr. Keller asked if there are any issues with sightline and Mrs. Emminger said there are none. She added that Mr. Elpern and Mrs. Calitro had done an on-site inspection and found that this really is the only suitable location. She added that they are not proposing to take down any trees or stone walls. Mr. Manuel said the Weidels' were instrumental in getting the scenic road ordinance passed so they certainly will be sensitive to these requirements. He added that he walks this area frequently and he believes that this is the best location for a service driveway. Chairman Finaldi said since Mr. Manuel lives on this road, the Commission can rely on his testimony with regard to the potential impact. Ms. Hoffstaetter asked if the neighbors will have a chance to speak and Mrs. Emminger said the Common Council will hold a public hearing on this matter.

Mr. Urice then made a motion to give this a positive referral based on the following findings: this alteration will have no adverse effect on the scenic characteristics of the roadway. It will enhance the public safety because they will be providing safe sight distances in both directions and also on-site drainage improvements. Since this property has no other improved road frontage, this appears to be the best location for this driveway. Based on the description of the work necessary as well as the scenic road requirements, it appears that this alteration will have a minimal impact on the scenic roadway. Mr. Manuel seconded the motion. Mrs. Emminger then pointed out that the drainage improvements will most likely necessitate removal of a 72 in. maple tree and also cause a portion of the driveway to be at the maximum permitted grade of 12%. These conditions must be approved by the Zoning Enforcement Officer and Highway Dept. prior to them issuing the zoning and road opening permits. Chairman Finaldi then called for a vote on the motion for a positive referral and the motion was passed unanimously with five AYES (from Mr. Keller, Mr. Manuel, Ms. Hoffstaetter, Mr. Urice and Chairman Finaldi).

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Mrs. Emminger explained that when this subdivision was approved, the Engineering Dept. had set the bond amount at $92,500.00. At that time, there were still outstanding Engineering comments that needed to be addressed by the applicant. It took 3-4 years for their engineer to get a final signoff from Engineering and once that was received, the Engineering Dept. assessed the amount of work to be done and increased the bond amount to $247,000.00. Mr. Urice asked why it took them so long. Mrs. Emminger explained that there were several different engineers involved in review and it just took a long time. Mr. Urice asked if anything about the extension of the cul-de-sac has changed. Mrs. Emminger said it has not, it just took two years to get the final signoff and now they want to get the permit to construct roadways, so the Commission needs to approve the increase in the bond amount since it was part of the resolution of approval. She said the reason for the increase is that Engineering has determined they will need more money to cover the drainage work. She said Corporation Counsel has reviewed the new bond and the language has amended to cover any crossover time. Mr. Manuel made a motion to approve the increase in the bond amount. Mr. Urice seconded the motion and it was passed unanimously.

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