CITY OF DANBURY

155 DEER HILL AVENUE
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PLANNING COMMISSION
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MINUTES
APRIL 7, 2010

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The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were Kenneth Keller, Edward Manuel, Arnold Finaldi Jr. and Alternates Fil Cerminara and Helen Hoffstaetter. Also present was Associate Planner Jennifer Emminger.

Absent were John Deeb, Joel Urice, and Alternate Paul Blaszka.

Chairman Finaldi asked Mr. Cerminara to take Mr. Urice's place and Ms. Hoffstaetter to take Mr. Deeb's place for the items on tonight's agenda.

Chairman Finaldi said they would table the acceptance of the minutes.

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CONTINUATION OF PUBLIC HEARINGS:

Peregrine Acquisition Corp. − Application for Special Exception to permit a use ("Mill Plain Plaza") generating more than 500 trips per day in theCA-80 Zone − 102 Mill Plain Rd. (#C14014) − SE #535. *Public hearing opened 3/17/10 – 35 days will be up 4/20/10.*

Joe Balskus, PE and traffic engineer from Tighe & Bond, said he is submitting his response to the comments and also to Mr. Urice's two questions. He said he had met with the City Traffic Engineer today and finalized everything. They will adjust the sight line and add some widening near Aunt Hack Rd. Mr. Mohammed is okay with this plan, so they will not be doing any left-turn lanes because DOT did not want them. He said he had revised the trip generation using the eighth edition of the ITE standards. He offered to answer questions but there were none. Mrs. Emminger clarified the extent of work being agreed upon in terms of Prindle La. improvements and what would be done with this project. There will be site drive widening along the frontage to afford two bypass lanes, and sliver widening to create a consistent shoulder.

Joe Canas, PE also from Tighe & Bond said he had been waiting to submit the final set of revised plans until the traffic issues were resolved. He said there was some concern about being able to go around the building and get back out, so he prepared truck turning templates which will be included in revised plans. He said the questions about emergency access are also addressed in the revised plans. There were no other questions. Mrs. Emminger said that because the revised plans are just being submitted, they have given us 7 day extension to keep the public hearing open until the next meeting. She added that later in the meeting, under Other Matters, the Commission can give her guidance so she can prepare the draft resolution.

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

Mr. Keller made motion to continue public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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could give her guidance as to what they want in the resolution. Ms. Hoffstaetter made a motion to move this to Other Matters for discussion purposes. Mr. Cerminara seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Four Star Realty LLC − Application for Special Exception to permit a use (Fast Food Restaurant w/Drive-thru) generating more than 500 trips per day in the CG-20 Zone − Newtown Rd. (Cutoff) & 5 Mountainview Rd. (#M10028 & #M10029) − SE #693. *Public hearing closed 3/17/10 − first 65 days will be up5/20/10.*

Chairman Finaldi said the members should have received a draft resolution from Mrs. Emminger. Mr. Keller said he had listened to the tapes of the March 3rd meeting so he is eligible to vote on this matter. Mrs. Emminger said she had added two conditions: one about the lot combination and one that Mr. Mohammed had wanted that will require a revision to the approved plan. Mr. Keller asked what they are going to do about the neighbor who was worried about the lighting. Mrs. Emminger said once they have a definite tenant, they will submit a lighting plan to the Planning Dept. for review and approval. Chairman Finaldi reminded him it had been determined that it would be impossible for the headlights to shine into this neighbor's house, due to grade differences and existing fencing. Mr. Keller then made a motion to approve this per the resolution. Ms. Hoffstaetter seconded the motion and it was passed unanimously with the exception of Mr. Manuel who abstained from the vote since he was not present for the public hearing.

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NEW BUSINESS:

John E. Haga − Application for five (5) lot subdivision ("Capitola Estates") in the RA-40 Zone − 3, 5, 7, 9, 11 &13-15 Capitola Rd. (#G07113, #G07114, #G07115, #G07116 & #G07006, − SUB #96-03. (Same application approved 1996 but approval lapsed before site work was done) *Public hearing scheduled for 5/5/10.*

UB Danbury Inc. − Revised Site Plan for previously approved Special Exception ("Airport Plaza") in accordance with Sec. 10.D.7.b. of the Zoning Regulations − Backus Ave (#F17010 & #F18001) − SE #381. (The subject parcel is adjacent to 20-28 Backus Ave.) *Public hearing scheduled for 5/19/10.*

Chairman Finaldi said these two applications would be on file in the Planning Office.

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REFERRALS:

8-24 Referral/April CC Agenda Item – Ives Trail Easements Acquisition.

Mrs. Emminger reviewed the Deputy Planning Director's report. She said that the Council has approved the acquisition of easements from the Lake Waubeeka Association. These will be used for the expansion of the Ives Trail Greenway. This acquisition complies with the 2008 Open Space Bond Initiative and all parties are satisfied with the easement documents. A map was provided with the report showing the location of the parcels. There were no questions. Mr. Keller made a motion to give this a positive recommendation for the above reasons. Mr. Cerminara seconded the motion and it was passed unanimously.

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OTHER MATTERS FOR REVIEW AND POSSIBLE ACTION:

Chairman Finaldi said they had moved two matters here so they could discuss them and give Mrs. Emminger some guidance regarding the draft resolutions for the next meeting.

Peregrine Acquisition Corp. − Application for Special Exception to permit a use ("Mill Plain Plaza") generating more than 500 trips per day in theCA-80 Zone − 102 Mill Plain Rd. (#C14014) − SE #535. *Public hearing opened 3/17/10 – 35 days will be up 4/20/10.*

Mrs. Emminger said she had already seen the plans that Joe Canas had shown them and Joe Balskus addressed all of the traffic questions. She said the City Traffic Engineer's concerns have been worked out and DOT has the ultimate say anyway. Mr. Keller mentioned the left turn out of the site. Mrs. Emminger said they also have a joint passway behind 100 Mill Plain Rd which comes out at a light at Aunt Hack Rd. She added that if the DOT makes any changes, this will have to come back to either the Dept. or the Commission. Ms. Hoffstaetter asked if cleaning up an oil spill is a concern of this Commission. Mr. Canas said it is not something that the Commission needs to be concerned about. He then pointed out exactly where it was and said it is all cleaned up now.

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Wooster School Corporation – Application for two (2) lot subdivision (111.38 ac.) in the RA-40 Zone – Miry Brook Rd. & Noteworthy Dr. (#E19001) – SUB #08-03. *Public hearing opened 3/17/10 − first 35 days will be up 4/20/10.*

Mrs. Emminger reiterated that this is application is for the physical subdivision only. The real fireworks will be when they hold the hearing for the cluster development. This application is simply about a line on a map; all they are looking at is one house. Mr. Keller said they do need to make sure that the avignation easements are clear on the record. Mrs. Emminger said they would be noted on the final subdivision plan that gets filed in the Town Clerk's office. She said she understands the Airport Administrator's concerns but the notes will be on the approved plan. She then reminded them that at this time all they are really looking at is the subdivision findings. This plan has already been approved by this Commission and nothing has changed. Mr. Manuel asked how the deed restriction worked out for the subdivision they approved on Cannonball Dr. Mrs. Emminger said it was more of a problem than a solution, so when they looked at this Wooster subdivision last year, they had it put on the map instead of using the deed restriction.

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There was nothing under Correspondence and listed under For Reference Only were two applications for Floodplain permits and one public hearing scheduled for May 5, 2010.

At 8:45 PM, Mr. Keller made a motion to adjourn. Ms Hoffstaetter seconded the motion and it was passed unanimously.