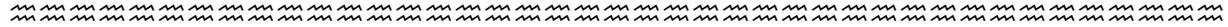




CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
FEBRUARY 16, 2011



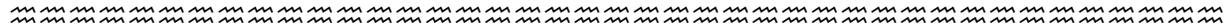
The regular meeting was called to order by Vice-Chairman Kenneth Keller at 7:45 PM.

Present were Edward Manuel, Joel Urice, Kenneth Keller and Alternate Fil Cerminara. Also present was Associate Planner Jennifer Emminger.

Absent were John Deeb, Chairman Arnold Finaldi Jr. and Alternates Paul Blaszkka and Helen Hoffstaetter.

Mr. Keller asked Mr. Cerminara to take Chairman Finaldi's place for the items on tonight's agenda.

Mr. Urice made a motion to accept the August 4, 2010 minutes. Mr. Manuel seconded the motion and it was passed unanimously.



Mr. Keller said there were no new public hearings scheduled for this evening so they would go right to the Continuation of the Public Hearing.

CONTINUATION OF PUBLIC HEARING:

White Street Duchess Property LLC – Application for Revised Site Plan in acc. w/Sec. 10.D.7 of the Zoning Regulations for SE #556 approved 10/6/10 for One Stop, 276-280 White St. (#K13031).

Attorney Neil Marcus said the comments from City Traffic Engineer and Police Chief Baker have come back and neither of them have any concerns about this. Mike Mazzucco, PE said Mrs. Emminger had brought to his attention that the setback for the pumps should be 15 ft. from the property line, so he submitted a revised plan to her today. Attorney Marcus said Mr. Urice had asked for additional information on the noise and fumes that would emanate from the pump at the proposed location. He said he contacted the company that installs the pumps and they said the same motor runs all of the pumps and there is no different noise or fumes because it is pumping diesel. He added that they were surprised this was questioned because the State of CT requires a fuel recovery system and the EPA did away with fumes years ago. He said Mr. Urice had also asked about the noise of diesel engines while fueling, but the State also has a rule that engines must be turned off while fueling. He said then he tried to find out the decibel level of a diesel engine while it is running, but no one had the info. He said he ended up speaking with someone from "ThermoKing", a company that manufactures refrigeration equipment for trucks. They told him that when you are standing next to a truck, the level is between 35-40 decibels. He said

then he went to Sec 12-14 of the City of Danbury Ordinances to figure out what the City allows. The daytime maximum is 55 decibels, the nighttime maximum is 45 decibels and it is never to exceed 88 decibels. He said they are way below that number so this is not an issue. He added that based on this, they have proven that this will not impact the VFW (Veterans of Foreign Wars) or the CWV (Catholic War Veterans) facilities.

Mr. Urice said he did his own research on odor and he agrees that 20 ft. is an adequate distance. He continued saying that the noise is an issue mainly when the engines are started up, not while they are idling. Mrs. Emminger said everything is in so they can close the hearing.

Mr. Keller asked if there was anyone to speak in opposition to this and there was no one.

Mr. Urice made a motion to close the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this to Old Business so they can give Mrs. Emminger some guidance in preparing the resolution. Mr. Manuel seconded the motion and it was passed unanimously.

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NEW BUSINESS:

Danbury Hospital – Application for Special Exception to permit a use (“North Tower Clinical Addition”) generating more than 500 trips per day in the RH-3 Zone – 24 Hospital Ave. (#I12001 & #J12232) – SE #707. Public hearing scheduled for March 2, 2011.

SSR Development LLC – Application for Special Exception for Storage or Sale of Building Materials, Storage of Construction Equipment and Warehouse in the IL-40 Zone – 90 Shelter Rock Rd. (#K14233) – SE #708. Public hearing scheduled for March 16, 2011.

Mr. Keller said these items would be on file in the Planning & Zoning Office.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

White Street Duchess Property LLC – Application for Revised Site Plan in acc. w/Sec. 10.D.7 of the Zoning Regulations for SE #556 approved 10/6/10 for One Stop, 276-280 White St. (#K13031).

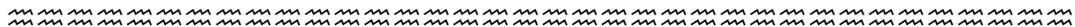
Mr. Urice said he is fine with this now; all of his concerns have been addressed. Mr. Cerminara said they make more noise when they empty a dumpster than when they pump diesel fuel. Mr. Urice mentioned the signage they had discussed that would restrict tractor trailers from this site. Mrs. Emminger said it is already shown on the revised plans that they will be approving.

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REFERRALS:

8-24 Referral/January 2011 City Council Agenda Item #7 - Open Space Bond Acquisition/Ives Trail Greenway - Easement on 155 Long Ridge Rd. (#124011) & Transfer of City-owned Parcel on Long Ridge Rd. (#123012).

Mrs. Emminger said they should have the staff report and map prepared by Mrs. Calitro. Getting the needed easements requires the City to transfer ownership of a vacant landlocked parcel to Noel Roy in exchange for an easement across his property. The parcel to be transferred will also be encumbered by an easement. These two easements connect to existing easements the City has obtained for the Trail. The staff report also said obtaining these easements is consistent with the City's Open Space Bond Initiative of 2008. Mr. Urice made a motion to give this a positive recommendation. Mr. Manuel seconded the motion and it was passed unanimously.



8-24 Referral/February 2011 City Council Agenda Item #2 - Request to consider the placement of a Cell Tower Facility at Richter Park facility on Authority land in a location yet to be determined.

Mrs. Emminger read the staff report prepared by Mrs. Calitro and the letter from the Mayor to the City Council. She read the purpose and intent from Section 3.E.6. of the Zoning Regulations: *"The purpose of this section is to accommodate the communication needs of residents and businesses by providing for the location of wireless telecommunication facilities, towers and antennas while protecting public health, safety, convenience and property values. The goals of this regulation are to encourage the location of wireless telecommunication towers and antennas away from residential neighborhoods; to protect natural and scenic vistas within the community, to encourage placement of wireless telecommunication towers, antennas and facilities upon nonresidential buildings or structures; to encourage joint use of new or existing towers and facilities; to minimize adverse visual and operational effects through careful design, siting and screening; to protect historic factors from potential adverse impacts; to reduce the number of towers and/or antennas needed in the future; and, to accommodate the need for wireless telecommunication towers and antennas while regulating their location and number."* Mrs. Emminger then said that there are location preference guidelines for the location of these facilities. And based upon the guidelines, Richter Park (which is zoned RA-80) falls under the least desirable location for a cell tower.

Maria Sanshyn, the General Manager of Richter Park, said there is no restriction in the bylaws of the park. She said they were contacted by a company who asked them to get permission from the City Council first because they don't want to waste time if they are not going to support this. Mr. Manuel said they could totally bypass the City Regulations and go to the Siting Council for approval. Mrs. Emminger pointed out that at this point this is just to get the authorization to continue the research. Mr. Keller said his concern is that this is the least desirable location. Mr. Urice said he believes that cell towers do not belong in residential neighborhoods; a more desirable location is a big piece of property not near any homes. Mr. Manuel made a motion to give this a positive recommendation. Mr. Cerminara seconded the motion and it was defeated with two ayes (from Mr. Manuel and Mr. Cerminara) and two nays (from Mr. Keller and Mr. Urice). Mr. Urice suggested they entertain another motion. Mr. Cerminara said the vote will come out the same and they will ultimately end up at a standstill. He asked if any of the other members intended to change their vote and all said no. Mr. Keller suggested they just send a memo stating that they

could not agree on a recommendation based on the information that was available. Mr. Urice, Mr. Manuel and Mr. Cerminara agreed that was what they wanted to do.

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CORRESPONDENCE:

Letter from Artel Engineering requesting six-month extension of approval for Subdivision #05-04 – Spruce Mountain Estates.

Mrs. Emminger said the original expiration date was 9/21/10 and one extension was already granted to 3/16/11. She added that we don't yet have the new bond because the Engineering Dept. has not been able to inspect the road due to the snow. She suggested we table this for now. Mr. Manuel made a motion to table this until they get the new bond. Mr. Cerminara seconded the motion and it was passed unanimously.

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Mr. Keller said that under For Reference Only there were three applications for Floodplain Permits.

At 8:25 PM, Mr. Manuel made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.