



not within the Public Water Supply Watershed area but the rear of the property is the Mill Plain Swamp. He said the two houses that were shown on "topo" map have been removed. The major difference between this and the previous application is that this will be entirely on ground level whereas the previous proposal was for a two story building. He said they have applied for a new floodplain permit because although it was granted for the previous request, this is a different structure. He added that the amount of disturbance is basically the same. He then explained how the drainage will work; and said the grading will be stabilized with gravel. Mr. Keller asked about the neighbor's buildings and the properties located across the street. Mr. Mazzucco said the neighbor's buildings are all commercial uses and he would have to report back at the next meeting on the properties across the street. Mrs. Emminger suggested that if there is residential use across the street, the Commission may require some additional street trees to help deflect headlights. Mr. Mazzucco said he met with the City Traffic Engineer and Mr. Mohammed requested they show the road widening in the front of the property as they had with the previous application. He said the amount of traffic generated by this use will be substantially less than the medical office would have generated. Mr. Keller asked how far from the traffic light this property is. Mr. Mazzucco said maybe 350 ft. but there are no issues with the sight lines. Mr. Keller asked about their existing facility. Mr. Clark said they have one in Pelham Manor, that is about 80,000 sq. ft. and another one in Suffolk County, that is about 20,000 sq. ft. He added that this proposal is very similar to the Suffolk County site. Mrs. Emminger asked about the elevation of storage area and if they have any contingency plans in the event of flooding. Mr. Mazzucco said even if the flooding gets to be two feet high, this equipment is able to handle that. Mr. Blaszk asked if they will have any crane equipment noting their proximity to the Airport. Mrs. Emminger said the Airport Administrator went far beyond his purview and made comments regarding other department's criteria. Mr. Mazzucco said he had responded to Mr. Estefan's comments. Mr. Manuel asked if they also stock equipment for sale and rental and Mr. Ahearn said yes. Mr. Urice asked about the drainage and potential for oil saturation into the ground water. Mr. Ahearn reiterated that they try hard to not do anything detrimental to the environment as they have been in business for one hundred years and are highly scrutinized. Mrs. Emminger said they are still waiting for a decision from EIC as well as the Engineering Department comments. She reminded the Commission that the performance standards as spelled out in the Zoning Regulations must also be complied with.

Mr. Keller asked if there was anyone to speak in opposition to this and one person came forward.

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Lynn Waller, 83 Highland Ave., said she is not actually against this but is not necessarily for it. She said she is concerned because Kenosia Avenue is a gateway for people coming into the City. She also mentioned the mobile home park since they are not protected from the noise this use might generate. She questioned if there would be any storage of hazardous materials on the premises.

Mr. Mazzucco asked the applicants to comment on storage of hazardous materials. Matthew Ahearn said they do not plan to store hazardous materials on the premises. JE asked where the facility will be

Mr. Blaszk asked if they could put in a buffer to protect the trailer park. Mr. Mazzucco said it is not directly next door to this property and there presently is a stockade fence, so they feel the regulation has been satisfied. Mr. Keller asked if there is security on the premises after hours. Mr. Ahearn said there would not be anyone there after hours, but the site is fenced in. Mrs. Emminger asked for a lighting plan. There were no other questions at this time.

Mr. Manuel made a motion to continue the public hearing. Mr. Urice seconded the motion.





Mr. Elpern said this is the proposed location of the Saturn of Danbury. The property was re-zoned to CG-20 and has Special Exception/Site Plan approval already. It is within the water service area. Mr. Manuel made a motion to give a positive recommendation provided the design and construction is acceptable to the Engineering Department. Mr. Urice seconded the motion.

8-3a Referral – City of Danbury by Dennis I. Elpern, Planning Director – Amend Sec. 5.G.6. of the Zoning Regulations. (Delete Location Requirement for Campus Research Park). Zoning Commission public hearing scheduled for January 10, 2006 – 35 day referral period will be up January 9, 2006.

Mr. Elpern spoke briefly saying this is a very important yet minor change being proposed. He read the purpose and intent saying when the regulations were written, it seemed reasonable to require the land to be adjacent to a college or university. When the recent re-zoning request came before the Zoning Commission, it became evident that only the applicant's property was eligible because of this requirement. This was not the original intent but suggests that this was special interest zoning which would benefit only one property owner. He said to change this language means that the Campus Research Park could be affiliated with a large corporation instead of just a college. Mr. Manuel asked how the CRP relates to other zones. Mr. Elpern said it is a commercial zone so you can not cross residentially zoned property to access it. He added that was one of the problems with the property that was the subject of the recent re-zoning request, which is why it was withdrawn. Mr. Urice then made a motion to give this a positive recommendation because it is not in conflict with the Plan of Conservation & Development. Mr. Blaszkowski seconded the motion and it was passed unanimously.

ZBA Referral #05-94 – Peter & Jill Scalera, 12 Bates Place (#I13276), Secs. 4.D.2.a. & 9.C.1.a., Use Variance to change from one non-conforming use to a different non-conforming use; and to eliminate the stipulation that the apartment must be owner-occupied. (RH-3 Zone) ZBA public hearing scheduled for January 12, 2006.

This property had applied for a Use Variance to change to a different non-conforming use during this past summer but that was denied. This request is similar in nature but also wants to allow the apartment to be rented to someone not involved in the (on-premises) business. The original variance was granted that way so as to discourage the absentee landlord situation both with the business and the apartment. The Commission read the hardship from the application and said they do not see any reason to encourage this variance be granted. Mr. Manuel made a motion to give this a negative recommendation for the following reason: Although it might be not be detrimental to change the business use, it would have a negative impact to eliminate the requirement that the apartment be owner occupied. Mr. Urice seconded the motion and it was passed unanimously.

Mr. Keller said there was nothing under Other Matters, five Cease & Desist Orders listed under Communications and two Requests for Floodplain Permits under For Reference Only. He noted that they had received a Schedule of the Regular Meetings for 2005 in error but the secretary had given all of them the correct 2006 schedule this evening.

At 9:00 PM, Mr. Manuel made a motion to adjourn. Mr. Blaszkowski seconded the motion.