



the driveway in fee simple. He discussed the definition of a driveway located between lots and submitted a rough sketch he had prepared, which was designated *Exhibit G*.

Mark Kornhaas from Artel Engineering then submitted a copy of his notes on this project, which were designated *Exhibit H*. He said common or shared driveways are not hidden issues, they are out in the open and regulated through the Subdivision Regulations. This is a unique situation because although there is plenty of frontage, they just cannot provide individual access to each lot. He then said this meets the criteria for approval. Mr. Manuel asked about grading the sightlines. Mr. Kornhaas said they have to do a considerable amount of grading but the site they have chosen for the driveway is at a more reasonable grade. Mr. Manuel asked about a letter from Attorney O'Grady requesting they submit paperwork. Attorney Mazzucco said they had submitted it to him a couple of weeks ago, but Attorney O'Grady has been on vacation. Attorney Mazzucco then said there would be a homeowners association who would raise the money from the homeowners to maintain the driveway. He then reiterated the language about the waiver request saying there would be no significant adverse effect. He then said this was very similar to a subdivision the Commission had approved earlier this year, Butler Ridge. He submitted a sketch he had made of the shared driveway for that project (*Exhibit I*), copies of the minutes regarding this application (*Exhibit J*) and a copy of the resolution of decision (*Exhibit K*). Mr. Urice asked how close the proposed retaining wall will be to the adjacent property owner. Mr. Kornhaas said it is about 10-12 feet from the line, but the property drops off. Mr. Keller asked if EIC had to review this. Mr. Kornhaas said they had submitted a soil scientist's report and the City's Environmental Inspector, Dan Baroody had made the determination that there are no wetlands on the site. Mr. Manuel asked if they will have to install guardrails and Mr. Kornhaas said they will need to provide some sort of barrier there.

Mrs. Calitro reminded the Commission that the Subdivision Regulations require that the waiver be approved first, before they can decide on the subdivision. She said a waiver is only issued in a case where the applicant can meet the regulations, but Attorney DeGalan's letter states that the driveways would not meet the requirements. She said in the case of the Butler Ridge proposal, they had first presented a plan showing that they could meet the requirements and then offered the alternative. She added that you must be able to comply with the regulations before you can ask for a waiver to them. Mr. Urice then said he had pursued this idea previously and still feels the applicant does not find it financially feasible to do individual driveways. Mrs. Calitro reiterated that the applicant has not yet shown that they can meet the Regulations. Mr. Urice said they did talk about it at a previous meeting, but they said it would tear up the property. Mr. Kornhaas said they had submitted an individual driveway feasibility plan. Chairman Finaldi asked if that represents proof that they could comply. Mr. Kornhaas said nobody probably would want to do this that way. He then submitted his copy of the plan which was designated *Exhibit L*. Attorney Mazzucco said the Subdivision Regulations do not say you must show that you can conform before you ask for a waiver. He said they have shown that it is theoretically possible to conform but no one interested in sound planning would prefer that plan to their proposal. He reminded the Commission that they have the option to request common driveways. In closing, he said their engineer had presented a plan that shows the most sensitivity to the land and the neighborhood. Mr. Manuel asked if the individual driveways can meet the grade requirements, why is one straight and the others are curlicues. Mr. Kornhaas said they could make them straighter but they would need to put in retaining walls. There were no other questions.





8-3a Referral – Petition of Ervie S. Hawley to Amend Sec. 8.C.4.c.(11a) of the Zoning Regulations. (Amend Required Off Street Parking Spaces for Medical Offices) Zoning Commission public hearing scheduled for August 22, 2006.

Mrs. Calitro said they had been provided with a copy of her Staff Report which explained what this request actually is and how she had researched what the applicants had presented. She said the major difference between this and previous similar petitions was that this applicant had hired a traffic engineer to prepare a traffic study which was submitted with the petition. She said she did extensive research and had found this to be a reasonable request. Mr. Keller asked if this would affect the new buildings being built at Danbury Hospital. Mr. Manuel said his concern is that it does not relate to how many doctors would be in the building. Chairman Finaldi described the on-site visit he had done with Mrs. Emminger to the Dunkin-Donuts site saying they had also noted the medical buildings on Sandpit Rd. and the large amounts of available parking at these buildings. Mr. Urice then asked what the pressing need is for this change saying he does not see any driving reason why they should change this. Mr. Manuel said it is an oversimplification to base parking strictly on square footage. Mr. Keller asked if the applicant owns 57 North St. since that was the building that generated the current parking requirement for medical offices. Chairman Finaldi said that he believed that building is under business condominium ownership with an association that runs the building. Mrs. Calitro said the Staff had considered the questions that Mr. Urice asked but based on the documentation the applicant presented and the results of her research they had made the determination that this is not an unreasonable request. She said it would be really difficult for the City to regulate this by the number of doctors as that is something that could change on a monthly basis and we would have no way of controlling that. Mr. Manuel said they need more detail on the number of exam rooms and the amount of traffic in and out of the building before they can decide this. Mr. Urice then reiterated his question about what the pressing need is for this change saying he does not see any driving reason why they should change this. Mr. Deeb made a motion to give this a positive recommendation for the following reason:

- Based on the Planning Dept. research as presented in the Staff Report, there is no consistent technical standard for the calculation of parking spaces for medical offices. This research also found that other municipalities are much more conservative than Danbury in their calculations, so this is a reasonable request.

Mr. Keller seconded the motion and it was passed unanimously by voice vote.

8-3a Referral – Petition of EPG Fuel Cell, LLC to Amend Secs. 2.B., 6.A.2.a., 6.A.4., 6.B.2.a. & 6.B.4. of the Zoning Regulations. (Add “Fuel Cell Generation Facility” as a Permitted use in the IL-40 & IG-80 Zones) Public hearing scheduled for September 12, 2006.

Mr. Keller made a motion to table this item. Mr. Blaszkowski seconded the motion and it was passed unanimously.

ZBA Referral #06-95 - N & M Properties LLC, 104 West St. (#H14183) to change pre-existing non-conforming use (ten-unit Boarding House) to a less intense non-conforming use (six-family dwelling). (CL-10 Zone) ZBA public hearing scheduled for August 10, 2006.

Mrs. Calitro said although precedent has been set in the past, the Zoning Regulations specifically state that no nonconforming use may be changed into another nonconforming use.

