CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

MINUTES
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parking lot and part of the shopping center. The mortgage lender has required them to have this back up plan in case they cannot clean up the site to the satisfaction of the lender. Attorney Marcus said no matter what happens they will be cleaning up this site; so the City and the environment both benefit from this. They are hoping they don't have to build this, but they need to have this insurance. The goal is to allow the clean-up to go forward under any circumstances and then if necessary, allow them to rebuild on the same site. There would be no changes to the use, dimensions, lot lines, or traffic impact. If they have to use this plan, then they will have to go to ZBA, but they will address that as part of the approval. This will be the same plan as what they approved for the lot next door. The clean up will be done to City and State standards. Mr. Keller asked if they will be able to have both approvals. Mrs. Emminger said it is included in the staff report that it would be a condition of approval if they need to build this one, they will have to give up the other approval that they already approved. Attorney Marcus said approval of this will be conditioned upon failure to receive approval of the environmental cleanup, but they really want to go forward with the first plan where they swap the locations. They have been working on this project for about four years. He said he will work with the staff to be sure the language is conditioned properly. It will include a restriction that if they pull a building permit for this plan, that will invalidate the previous approval. Ms. Hoffstaetter asked for a sequence of events as to how this will go forward. Attorney Marcus said the first step is demo of existing gas station and clean-up of the site. If that occurs, then the property exchange is done and both the new gas station and the parking lot are constructed. He said if they can't get past step one, then they will go to Plan B, which is this one. Chuck Favazzo, the owner of the shopping center, said the lender is reviewing the plans, next is to remediate the soil and the groundwork through a specific program meeting State standards. He added that this is over a lengthy period of time, many quarters of a year must pass to their satisfaction. The lender has several chances to determine that they are not satisfied, which left Alliance hanging out there. Once the site is demolished, Alliance will be out of business if they cannot rebuild either on this site or the new site, so if they don't get approval this will stay the way it is now. Mrs. Emminger pointed out that the previous special exception approval had a condition requiring a map of the land swap to be recorded. If they do not comply with that condition then the special exception becomes null and void. Mr. Urice questioned if Mr. Favazzo was saying this process could take four years. Mr. Favazzo clarified that the swap will take place but the investigations will continue. Ms. Hoffstaetter asked what the chances are that the pollution may have bled into the clean site. Attorney Marcus said a clean-up of that site was a condition of approval before the shopping center was built.

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

Mrs. Emminger said we are still waiting for several reports so they need to keep the public hearing open. Mr. Urice asked to see a copy of the site plan. John Pugliesi, PE from Edward J. Frattaroli Inc., posted the plan on the easel and briefly reviewed the specifics of it. He described the storm drainage system and the proposed landscaping

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

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Venancio Realty LLC – Application for Special Exception to allow Garden Apartments ("Lauren Square") in the C-CBD Zone, 55 State St. (#I14424) – SE #674. *Public hearing opened 8/6/08. First 35 days were up 9/8/08 – 35 day extension granted to 10/9/08.*

Mike Mazzucco said prior to the last meeting they had submitted revised plans in response to various staff comments, but still waiting for comments on them. Mrs. Emminger said they had just received the revised plans before the last meeting. She is satisfied that they have addressed all of the comments and said that they need to close the public hearing.

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

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

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Sugar Hollow Road Assoc. LLC –"The Shops at Marcus Dairy", 3 Sugar Hollow Rd. (#G17002 & #G17019) – SE #663. *Public hearing closed 8/6/08 – 65 days will be up 10/9/08.*

Sugar Hollow Road Assoc. LLC – Application for Floodplain Permit – "The Shops at Marcus Dairy", 3 Sugar Hollow Rd. (#G17002 & #G17019) – SE #663.

Mrs. Emminger said she had emailed the final reports and the resolutions for these two matters to the Commission well in advance of tonight's meeting. She said many of the conditions are very simple issues that were discussed extensively before the preparation of these resolutions. Mr. Urice made a motion to approve this application for Special Exception per the resolution prepared by the Planning Dept.

Mrs. Emminger then explained the floodplain resolution and the steps the applicant went through to get to this point. She added that we had required some additional signage notifying the general public that certain portions of this area are prone to flooding. Mr. Urice made a motion to approve this Floodplain permit per this resolution also dated September 29, 2008 and revised October 1, 2008. Mr. Manuel seconded the motion and it was passed unanimously.

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Manuel asked for clarification that the roads mentioned were the new road that will be built as part of this subdivision. Mrs. Emminger said that is correct. Mr. Manuel made a motion to approve the Waiver to the Subdivision Regs. Mr. Blaszka seconded the motion and it was passed unanimously. Mrs. Emminger then reviewed the draft resolution for the subdivision. Mr. Urice stated that the Commission will be watching to see if this is developed in accordance with the approved plan with regard to the clearing of the lots. Mr. Manuel then made a motion to approve the subdivision per the resolution. Mr. Urice seconded the motion and it was passed unanimously.

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some additional regulation of this use: (1) Some aspects of this use could be considered a nuisance by owners of adjacent businesses, so this use should be the only use on the parcel. (2) All business operations should be restricted to inside the building and outside storage should be screened and limited to areas that are not in plain view. Mrs. Calitro said it is the Department's opinion that the proposed revised language will address the issues while still allowing this use. There was some discussion about some locations within the City where this use already exists and speculation as to whether these sites got any approvals. Mr. Urice then made a motion to give a negative recommendation because this Commission takes the position that cutting granite is more of an industrial use and does not belong in the general commercial zone. Mr. Keller seconded the motion and it was passed unanimously.

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