CITY OF DANBURY

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PLANNING COMMISSION
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MINUTES
SEPTEMBER 15, 2010

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

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

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

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

Mr. Manuel made a motion to table the acceptance of the July 7, 2010 minutes. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Chairman Finaldi said there were no new Public Hearings scheduled for this evening, so they would move right into the Continuations.

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CONTINUATIONS OF PUBLIC HEARINGS:

John E. Haga − Application for Waiver to Sec. B.12, Chap. 4 of the City of Danbury Subdivision Regulations for five (5) lot subdivision ("Capitola Estates") in the RA-40 Zone − 3, 5, 9, 11 &13-17 Capitola Rd. (#G07113, #G07114, #G07115, #G07116 & #G07006) − SUB #96-03. *Public hearing opened 6/16/10. First 35 days were up 7/20/10. Additional extension granted to 9/15/10.*

John E. Haga − Application for five (5) lot subdivision ("Capitola Estates") in the RA-40 Zone (8.48 acres) − 3, 5, 9, 11 &13-17 Capitola Rd. (#G07113, #G07114, #G07115, #G07116 & #G07006) − SUB #96-03. *Public hearing opened 6/16/10. First 35 days were up 7/20/10. Additional extension granted to 9/15/10.*

Attorney Catherine Cuggino said they have come to the conclusion that they realistically cannot solve all problems with this application while in the public hearing process, so they are withdrawing it. They will work out problems and resubmit at a later date. Mrs. Emminger read an e-mail from Mr. Urice regarding this application into the record. Mr. Cerminara made a motion to accept the withdrawal. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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Shelter Rock Business Center LLC – Application for Special Exception for Warehouse/Truck Terminal/Storage Establishment & Wholesale Distributor ("Shelter Rock Business Center") in the IL-

40 Zone – Shelter Rock Lane-Parcel "AR"(#L15006) – SE #700. *Public hearing opened 8/25/10. First 35 days will be up 9/28/10.*

Benjamin Doto PE spoke, saying that he had submitted revisions earlier this week. He submitted a letter from the Fire Marshal asking them to eliminate the main access and to go with the shared driveway. He added that Engineering had made a comment about light pole conflicting with water mains in their review. He said there is no pole lighting anywhere on the property; all lighting is mounted on the building. He said they ran this through a computer program that simulates transversing through parking lots and driveways and there were no problems. He said that once this is approved, a revised site plan application will be submitted to the Planning Dept. for the adjacent property. He said although they don't have Engineering's final sign-off yet, he did the things that they asked for, so he is confident they will be satisfied.

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

Mrs. Emminger said she had received a sign off from the Highway Dept. on the latest revision. Mr. Urice expressed concern about the fire truck being able to fit behind the building. Mrs. Emminger said Deputy Fire Marshal John Osborne has reviewed this and said there is ample room for them to pull up to the hydrant. Mr. Doto pointed out the location of the existing hydrant and said an additional one will be installed because they need one every 500 ft. Mrs. Emminger said Engineering has not looked at these revisions yet. Mr. Doto said he responded accordingly to their comments and believes they will be satisfied with his revisions.

Mrs. Emminger said they could close this tonight and give her guidance so they could vote on it at the next meeting. Ms. Hoffstaetter made a motion to close the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously. Ms. Hoffstaetter then made a motion to move this to Other Matters so they could discuss it. Mr. Cerminara seconded the motion and it was passed unanimously.

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Levine Sapan Levine LLC – Application for Special Exception for Warehouse/Storage Addition ("Levine Automotive") in the IL-40 Zone – 3-5 Jansen St. (#K15093, #K15094, #K15095 & #K14136) – SE #702. *Public hearing opened 9/1/10. First 35 days will be up*

Mrs. Emminger asked that this matter be continued as they are still working out some details. Ms. Hoffstaetter made a motion to continue the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

White Street Duchess Property LLC − Application for Special Exception to allow Gas Station & Convenience Store ("One Stop") in addition to existing Drive-Thru Restaurant in the CG-20 Zone − 276-280 White St. (#K13031) − SE #556. *Public hearing closed 8/25/10. 65 days to make decision will be up 10/28/10.*

Chairman Finaldi said they would have to table the discussion and vote on this because they do not have an eligible quorum. Mr. Cerminara made a motion to table this matter. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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Chairman Finaldi said they need to give Mrs. Emminger some guidance on this application so she can prepare a resolution for the next meeting. Mr. Manuel said this looks pretty straightforward. He added that it was previously approved for a church, but that did not work out. Chairman Finaldi said as usual, Mr. Doto did a great job on this and he could see no reason why it shouldn't be approved. Ms. Hoffstaetter asked Mrs. Emminger if all of her comments had been addressed. Mrs. Emminger said they have and conditions will be added to be sure that the shared driveway works out. Ms. Hoffstaetter asked if the City Traffic Engineer has been satisfied. Mrs. Emminger said Mr. Doto has demonstrated that a truck can move through this. There was no further discussion.

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Chairman Finaldi said there was nothing Under Correspondence and under For Reference Only, there were listed six applications for Floodplain Permits.

At 8:15 PM, Mr. Manuel made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.