CITY OF DANBURY

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PLANNING COMMISSION
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MINUTES
OCTOBER 6, 2010

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

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

Absent were John Deeb and Alternates Paul Blaszka and Helen Hoffstaetter.

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

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Chairman Finaldi said there were no new public hearings scheduled for this evening.

CONTINUATION OF PUBLIC HEARING:

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 were up 10/5/10 -30 day extension will be up 11/4/10*.

Dainius Virbickas, PE from Artel Engineering spoke in favor of this. He said there will be no caustic materials stored in this building. The things that will be stored there are automotive parts, supplies, and dry goods. The purpose of this addition is to expand the existing storage area as they have a tremendous amount of inventory to store. Mr. Virbickas said that all six shipping boxes /trailers will be removed once this addition is built and a note has been added to the plan saying that they will be removed. He said he also added a note on the plan indicating that all four parcels will be combined. He said the Engineering Dept. wanted the soil tested regarding the stormwater drainage design. He said it is designed for a 15-25 year storm and this testing has been done to prove it will function. He said both Planning Dept. Staff and the Commission had asked him to move the parking in front of the building to the rear of the building if at all possible. He said they would like to keep two handicapped and one compact space in front of the building, but they will eliminate the other two spaces to rear. They are also eliminating a parking space that is displaced by the handicapped access to the front of the building. He said the Highway Dept. had questioned the curb cut; but unfortunately this site is basically one long curb cut. They cannot put in curbing because of the placement of the existing loading docks. They have suggested painting it and hopefully that will delineate it so it stands out.

Mrs. Emminger questioned why they chose to add a two-story steel addition to a one-story brick building. Aesthetically it is not really pleasing and that is what you see when you approach the lot. Mr. Urice pointed out that the steel addition is more aesthetically pleasing than the trailers that are

there now. He then asked about fire protection. Mr. Virbickas said the existing building is fully sprinklered and there will be a full masonry fire wall between it and the addition. Mr. Urice asked if the applicants would be okay with a condition that there is no storage of flammable liquids in the addition. Mr. Virbickas said he would check with his clients. Mrs. Emminger said she would check with the Fire Marshal to see what kind of requirements they have for storage of flammable liquids. Mr. Manuel asked if the use changes, would they have to add sprinklers. Mr. Virbickas said that could be up to the Building Dept. or Fire Marshal's office. Mrs. Emminger said an item like that would be caught during the permit review process.

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

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

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NEW BUSINESS:

Germantown Plaza Associates LLC - Application for Special Exception to allow a Medical Office (in the existing Germantown Plaza) in the CG-20 Zone - 30 Germantown Rd. (#J11361) - SE #370. *Public hearing scheduled for October 20, 2010.*

Chairman Finaldi said this application 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 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 the Commission members should have received a draft resolution from Mrs. Emminger. Mrs. Emminger then distributed a revised resolution to the members. Mr. Urice said he had listened to the tape of the September 15th meeting so he was eligible to vote on this. Mrs. Emminger said she had spent a great deal of time on this to be sure every detail was addressed. The existing building was approved in 2000 for use as a 4,200 sq.ft. fast food restaurant with a drive-thru. Approval of this application reduces the area approved for the fast food restaurant to 1,200 sq.ft. and makes it an accessory use to the convenience market. Additionally, the applicant is aware that approval of this Special Permit/Site Plan renders the previous approval null and void. This is stated in Sec. 10.C.3.c. of the Zoning Regulations. She said the condition regarding the proposed traffic signal at the intersection of White and Byron Sts. references the proposed change it will have on the LOS. There also is language about the synchronization of the traffic signals on White St. at its intersections with Federal Rd. and Triangle St. She said she also added a condition stating that any increase in the size of the gas station and/or convenience market including the drive-thru would require the property owner to come back to the Planning Commission for approval. There also is a condition that the Planning Dept. and the City Traffic Engineer have to approve the design and placement of the traffic signal. And lastly, she said there are conditions regarding the conveyance and easements being filed and requiring the Highway and Engineering Depts. to sign off on the sidewalk improvements and signage before the Certificate of Zoning Compliance can be issued by the Zoning Enforcement Officer. Mr. Urice made a motion to approve per the revised resolution that

they received tonight. Mr. Cerminara seconded the motion and it was passed unanimously with four votes. Mr. Manuel did not vote as he was not present for the public hearing.

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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 closed 9/1/10. 65 days to make decision will be up 11/4/10.*

Chairman Finaldi said the Commission members should have received a draft resolution from Mrs. Emminger. Mr. Urice said he had listened to the tape from the September 15th meeting. Chairman Finaldi said that means there are three members eligible to vote on this. Mrs. Emminger said she took plenty of time on this resolution because the multiple uses made it more complicated. She added that the easement rights are not a big deal because both properties are owned by the same entity. Mr. Urice said the language in paragraph #8 about the easement containing language about maintenance responsibilities is a good this because the ownership could eventually change. Chairman Finaldi said this is quite different from the White St. application that they just voted on, mostly because this has the benefit of a larger piece of land. Mr. Urice made a motion to approve this per the resolution. Mr. Cerminara seconded the motion and it was passed unanimously.

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REFERRALS:

8-24 Referral/September 2010 Council Agenda Item #8: Request for Sewer Extension/Mulvaney Properties LLC, Saw Mill Rd. (#A17005)

Mrs. Emminger reviewed Mrs. Calitro's report on this request. This 22 ac. parcel is located in the IL-40 Zone at the end of Saw Mill Rd. along the Ridgefield border. The request says it will be a mixed use project. The site currently has an office building located on it. There was no other information given as to what the proposed mixed use will consist of. The report also pointed out that this parcel is located within the Lake Kenosia Class II Watershed. The Plan of Conservation & Development states that development within the watershed should receive water and sewer service but is restricted by the Zoning Regulations (Class II public water supply watershed) in an effort to prohibit or control potential sources of pollution. Mr. Manuel made a motion to give this a positive recommendation with the standard conditions. Mr. Keller seconded the motion and it was passed unanimously.

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8-24 Referral/September 2010 Council Agenda Item #9: Request for Water and Sewer Extensions/Ridge Developers LLC, 12 Clapboard Ridge Rd. (#H12002)

Mrs. Emminger again referred to Mrs. Calitro's report, which explained that these utility extensions were previously approved by the Council and have had extensions also approved, most recently in March 2009. The proposed extensions are intended to serve a multi-family development on this site. Site Plan approval for such a development was granted by the Planning Dept. in 2007. Mr. Urice noted that this Commission had previously given this same request a positive recommendation. He then made a motion to once again give a positive recommendation with the standard conditions. Mr. Manuel seconded the motion and it was passed unanimously.

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8-24 Referral/September 2010 Council Agenda Item #10: Request for Easement Extension/Plumtrees Plaza LLC, Intersection of Newtown & Plumtrees Rds.

Mrs. Calitro's report said that this request is to extend an existing easement area located behind Plumtrees Plaza. The reason for this request is that the property owner is negotiating with a potential tenant who requires access to the rear for their 75 ft. long tractor trailers. The existing easement area falls short of what is necessary to allow the tractor trailer movements. The approximately 23,000 sq.ft. area is part of the City's sewage treatment plant land and will require grading and stabilization. They have not yet submitted a plan for that work. The report also suggests that this easement allow the applicant to have the same rights over this additional space as they do over what the existing easement covers. Mr. Urice made a motion to give this a positive recommendation subject to both Corporation Counsel and Public Utilities approval of the lease, the improvements and the grading plans. Mr. Keller seconded the motion and it was passed unanimously.

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OTHER MATTERS FOR REVIEW AND POSSIBLE ACTION:

Mr. Urice questioned the moving of earth materials that is going on at Prindle La. Mrs. Emminger said the Commission gave them approval to remove fill as part of the State project.

Letter from Surveying Associates requesting Lot Line Revisions for Peterson's Farm Subdivision.

Mrs. Emminger explained this request and showed the Commission members the map. There were no questions. Mr. Keller made a motion to approve these revisions as shown. Mr. Manuel seconded the motion and it was passed unanimously.

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Chairman Finaldi noted that there was nothing listed under Correspondence and under For Reference Only; there were listed six applications for Floodplain Permits.

At 8:30 PM, Mr. Urice made a motion to adjourn. Mr. Keller seconded the motion and it was passed