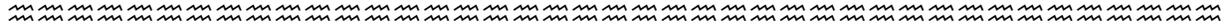




CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

MINUTES
JANUARY 5, 2011



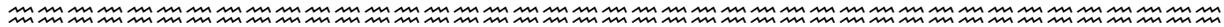
The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:45PM.

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

Absent were John Deeb and Alternate Paul Blaszk.

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

Mr. Cerminara made a motion to accept the July 27, 2010 minutes as presented. Mr. Keller seconded the motion and it was passed unanimously.



PUBLIC HEARING:

7:30 PM - White Street Duchess Property LLC - Application for Revised Site Plan in acc. w/Sec. 10.D.7 of the Zoning Regulations for SE #556 approved 10/6/10 for One Stop, 276-280 White St. (#K13031).

Mr. Keller read the legal notice. Attorney Neil Marcus said the reason they are here is to because they have one design revision. They want to relocate a diesel fueling station along the southerly property line. Michael Mazzucco, PE said they received a variance from the Zoning Board of Appeals to eliminate the landscape buffer between the Commercial and Residential properties, so they want to move the diesel island over there. Attorney Marcus said when this site was originally approved, this regulations was not in effect. They had gotten a variance previously for the property line along Shalvoy's Lane. This is the property line that runs along the Catholic War Veteran's and the area adjoining the VFW site. Attorney Marcus said they would put up a stockade fence although nothing adjoining this property is zoned residentially. He added that this entire neighborhood is pre-existing and non-conforming. They anticipate that there is a need for diesel fuel with the transfer station being located across the street. No one else in the neighborhood sells diesel. So the only change that this revision will bring to what has previously been approved is the addition of one diesel pump. Mr. Mazzucco said they expect most of their diesel traffic to come from the mid size trucks that are using the transfer station. Mr. Keller asked how they will restrict the larger trucks from attempting to come in since they will not be able to make the turn. Attorney Marcus said they will post a sign. Mr. Cerminara pointed out that many of the larger trucks already get their diesel from Mitchell Fuel on Federal Rd.

Mr. Urice asked if they will have any sound or odor buffers since the landscape buffer will not be there to prevent these things from traveling. He added that even though there is a non-conforming use there now, it could be replaced with a multi-family residential use. Mr. Mazzucco said it cannot be any worse than the odors from AWD. Mr. Urice said he is more concerned now because they will be pumping diesel into commercial vehicles. Attorney Marcus said there is a State law requiring vehicles to be turned off when fueling. And they will have the stockade fence there so it is not really going to make any difference. Mr. Urice reminded Attorney Marcus that the Commission must make a finding that there is no disturbance to noise or smell and said he is not sure he can make that finding.

Mrs. Emminger said she did not remember it being mentioned during the public hearing that there would be a diesel fuel pump on the island. Attorney Marcus explained that this is a special pump with one nozzle for gas and one for diesel. Mrs. Emminger then asked how they will monitor forcing the trucks to turn off their engines before fueling. Attorney Marcuse said State law requires it. Mrs. Emminger said the Fire Marshal is concerned about how the employees will monitor the diesel pump to determine that the motor is turned off. Attorney Marcus said they either can see the vehicle or will have camera watching the pump. Mr. Manuel asked why they would want garbage trucks coming to this site when they still plan to serve food. Attorney Marcus said this site has never been successful serving food but the primary business now will be a gas station. Mr. Cerminara asked if adding this additional pump will affect the daily number of trips. Attorney Marcus said gas stations are not trip generators, they are a drive by use not a destination use.

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

Mrs. Emminger said they are still waiting for (1) the Fire Marshal's comments which are necessary because this is a new diesel fueling station, (2) the Building Dept. has not yet approved the distances between the pumps and the building and (3) they are still waiting for the City Traffic Engineer's comments. Mr. Urice asked what precautions are being taken to prevent contaminants from leaking into the adjacent property. Mr. Mazzucco said they will be contained within the property because of the storm drainage system and the underground diesel tanks. Mr. Cerminara asked the size of the diesel tanks. Mr. Mazzucco said 7,000 gallons of diesel/5,000 gallons of gas. Mr. Manuel asked what the previous measurements were. Mr. Mazzucco said it was 6,000/6,000 gallons. There were no other questions at this time. Mr. Keller made a motion to continue the public hearing. Mr. Manuel seconded the motion and it was passed unanimously.

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CONTINUATION OF PUBLIC HEARING:

Wooster School Corporation - Application for Lot Line Revision to previously approved subdivision in the RA-40 Zone - Miry Brook Rd. & Noteworthy Dr. (#E19001) - SUB #08-03.

Mr. Manuel said he is not eligible to participate in this matter. Chairman Finaldi asked Ms. Hoffstaetter to take his place for this matter. Attorney Neil Marcus said they had kept this open so Mrs. Emminger could review the revisions and the notes on the plans. Mrs. Emminger said they had shown that they could get a driveway in from Noteworthy Dr. Mr. Keller asked if the dwellings will be demolished at the end of the school year and Attorney

Marcus said that is correct. She then asked Attorney Marcus if the statutory requirements for filing a lot line revision map are the same as for a subdivision map. He said it will need to be done before they can apply for the cluster development. He added that they don't have to demolish the houses until they want to use the lot. Mrs. Emminger said they will be conditioning the approval so the map will not be legal and valid until they demolish the houses. Mr. Urice asked if they could file the map without demo-ing the houses. Mrs. Emminger said that the Chairman is not going to sign the map until the houses are demolished.

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 the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to item number two under the Old Business on tonight's agenda so they can give Mrs. Emminger some guidance as to how to prepare the resolution. Mr. Keller seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

40-44 Mill Plain Rd - Application for Special Exception to Allow Uses Exceeding 500 Vehicle Trips per day in the CA-80 Zone - 40-44 Mill Plain Rd. (#E15110) - SE #705.

Chairman Finaldi said they did not have a quorum to vote on this at the last meeting. Mr. Keller said he had listened to the tapes from the December 1, 2010 meeting, so he now is eligible to vote. Mrs. Emminger said there is one correction to the resolution. She added that number four has to be removed because we now have the signoff from Engineering. Mr. Urice made a motion to approve this per the amended resolution. Mr. Keller seconded the motion and it was passed with three ayes (from Chairman Finaldi, Mr. Keller and Mr. Urice).

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Wooster School Corporation - Application for Lot Line Revision to previously approved subdivision in the RA-40 Zone - Miry Brook Rd. & Noteworthy Dr. (#E19001) - SUB #08-03.

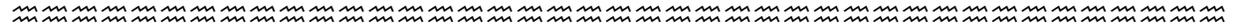
Chairman Finaldi said they need to give Mrs. Emminger some guidance on this. Mrs. Emminger said Mr. Estefan is satisfied with all of the notes that have been added to the map. Mrs. Emminger said they will be conditioning the approval so the map will not be legal and valid until they demolish the houses. Mr. Urice said now that he knows the Chairman will not be signing the mylar until the houses are demolished he is satisfied that they will not be able to file it until that is done. He said as long as the conditions they have discussed are included, this will be fine.

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OTHER MATTERS FOR REVIEW AND POSSIBLE ACTION:

Request for Lot Line Revision (Equal Area Exchange) for Lots 1 & 2 of Cannonball Estates - 32 & 34 Cannonball Drive. Original approval granted December 6, 2006 - SUB #06-08.

Mrs. Emminger explained that this is an equal land swap. One of the houses was placed too close to the property line but it was not realized until the second house was finished. They two property owners have agreed to make a land swap, so they both are conforming. Mr. Keller made a motion to approve this. Mr. Manuel seconded the motion and it was passed unanimously.



Chairman Finaldi said there was no New Business or Referrals this evening and under Correspondence is the schedule of Regular meetings for 2011. Under the For Reference Only were two applications for Floodplain Permits.

At 9:00 PM, Mr. Urice made a motion to adjourn, Mr. Keller seconded the motion and it was passed unanimously.