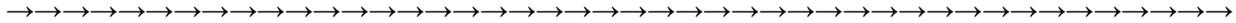




CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525
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MINUTES
SEPTEMBER 5, 2012



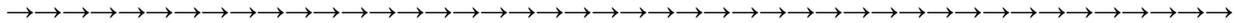
The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM

Present were, Arnold Finaldi Jr., Kenneth Keller, Joel Urice and Alternate Michael Ferguson. Also present was Deputy Planning Director Sharon Calitro.

Absent were Fil Cerminara and Helen Hoffstaetter

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

Chairman Finaldi said they had received the June 6, 2012 minutes and asked for a motion to accept them. Mr. Keller and Mr. Urice both said they were not present at that meeting so they could not vote on them. Chairman Finaldi said they would table the acceptance until the next meeting.



OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Town of Bethel - Application for Special Exception/Site Plan Approval for Water Storage Facility ("Eureka Lake Water Storage Tank") in the RA-80 Zone - 37 Long Ridge Rd. (#120026) - SE #727.

Chairman Finaldi said that this is a general discussion of the application as the Commission has no resolution yet or vote. The Commission needs to discuss this application and give direction to Staff.

Mr. Urice said he feels it was a good thing that the applicants met with the neighbors, although it does not seem to have resulted in any **substantive** changes to the **application**. He said he liked the idea of adding deciduous trees but **these additions just did not overcome his basic objections to placement of the tank in the location proposed in a residential neighborhood on a scenic road. He still believes this is not a location that is compatible with the nature of this neighborhood, the scenic road and the single family zone, and is therefore inclined to vote no.**

Mr. Keller said he has empathy for the Town of Bethel **and they need the water and he understands but, after listening to this numerous times, he feel there still might be a**

better place to put the tank. He concurs with Mr. Urice that it does not fit the character of the neighborhood on a scenic road in the place where it is. He applauds the fact that they did try to make improvements to the original plan that the PC had heard but his inclination is that he would not approve it either.

Mr. Ferguson said he concurs with Mr. Urice and Mr. Keller. He said it seems that an effort was made but more work **can be done on the matter.** He said **the biggest thing is the location of it and that it could be elsewhere. There could be a better spot if financial resources were put to it.** Also all the Commission heard from was people (**residents**) who were opposed to – if there had been some residents who spoke in support of it, that would be different. **He said he would agree with his fellow Commission members.**

Chairman Finaldi indicated that the applicants met with the neighbors but that it did not eliminate neighborhood opposition. There remained a significant amount of neighbors that came to the public hearing to voice their opposition. The issue for consideration is whether the changes made this time around are significant enough to warrant the Commission's reconsideration of its previous denial. He said he was glad to hear about the additional fire hydrant and the extra screening, but the short answer is **that it is not enough to overturn the Commission's previous decision.**

Mr. Urice noted that regardless of neighborhood opposition, it was his opinion that the Commission's inclinations regarding a vote would not be any different. He indicated that in and of itself, the tank was not in character with the neighborhood regardless of neighborhood opposition.

Mrs. Calitro noted that as a general rule of administrative law, unless the Commission finds there is a material change in circumstances, the Commission cannot change its decision, the Commission is precluded from changing its decision. From the project denied in 2009 as compared to the current application, the changes must be determined to be significant enough to warrant reconsideration otherwise the Commission is bound by its previous decision. Staff asked the Commission if this is what it has determined, that the changes are not significant, as indicated in this discussion, that it review the criteria in the Zoning Regulations as before and reiterate the finding relative to compatibility.

Mrs. Calitro read the criteria in Sec. 10.C.4.a of the Zoning Regulations so the Commission could comment on each. As to Section 10.C.4.a (1) whether the project will not emit noise, smoke, glare, odor, or vibration or other conditions which will create a nuisance having a detrimental effect on adjacent properties, this was not the basis for denial last time nor is it applicable for the current application. As to Section 10.C.4.a (2) as to whether the project is designed in a manner which is compatible with the character of the neighborhood; this was the previous basis for denial and remains such. As to Section 10.C.4.a (3) whether the project will create conditions adversely affecting traffic safety or which will cause undue traffic congestion; this was not the basis for previous denial. Finally, as to Section 10.C.4.a (4) as to whether the project will create conditions harmful to the natural environment or which will jeopardize public health and safety; this was not the sole basis for denial although there was some discussion in the Commission's previous decision regarding destruction of the natural environment for construction and placement of the tank.

Mr. Urice said it is difficult to say that it is designed in matter that is compatible with character of neighborhood, because there is a pristine hardwood **forest in this area and**

the tank will be located very near the road. From a construction standpoint, it will all take place very near the road. He commented that this is a scenic road and doing clearcutting will definitely impact the aesthetic value of the scenic road.

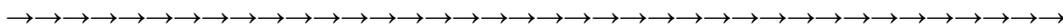
Mrs. Calitro clarified for the record that the scenic road designation on Long Ridge Road starts and ends at different location along Long Ridge Road, not along this frontage, and that it was to be understood that Mr. Urice is just using the word “scenic” as descriptive of the area. Mrs. Calitro noted that Staff now has direction based on this discussion and will prepare a draft resolution for consideration by the Commission prior to the next meeting.



REFERRALS

8-24 Referral/August 2012 City Council Agenda Item #16: Sidewalk Easement & Fire Hydrant Easement Rights from Ingersoll Property Holdings of Danbury, LLC, 84 Federal Rd

This is a request to accept a sidewalk easement and water main extension for the fire hydrant to be located on Morgan Ave. The sidewalk easements run along the property line with Morgan Ave. and the water main bisects the property. This plan was approved by this Commission as part of the special exception that was granted in August of this year. Mr. Urice made the motion to give this a positive recommendation with the standard conditions, Mr. Keller seconded the motion and it was passed unanimously with ayes from Mr. Ferguson, Mr. Urice, Mr. Keller and Chairman Finaldi.

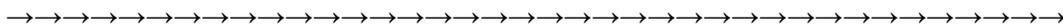


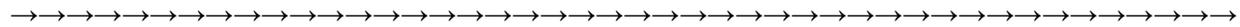
8-3a Referral -- Petition of Toll CT III LP, Saw Mill Rd & 13-37 Old Ridgebury Rd. (#A16002 & #C16012) to Revise the Master Plan of The Reserve (PND Zone). Zoning Commission public hearing scheduled for September 11, 2012.

Mrs. Calitro reviewed Mr. Elpern’s memo regarding this petition. She said there are really only two changes. The first is about the thirteen acre parcel that was given to the City; the text and map have been revised to reflect the uses that are permitted on the site. The second change eliminates some of the office space in one area and re-apportions the residential units among several sites. Mr. Urice asked if the overall density is being reduced because of the reduction in the amount of office space. Mrs. Calitro said there is no change to the total number of residential units. There also is an update that reflects what has already been built at this site. Mrs. Calitro also said Toll Bros is the master declarant and responsible for all of the parcel’s compliance with the Master Plan. Mr. Ferguson made a motion to give this a positive recommendation for the following reasons:

- This amendment to the Master Plan addresses two specific changes as well as providing an update of the construction that has occurred on the site in the past ten years.

Mr. Urice seconded the motion and it was passed unanimously.

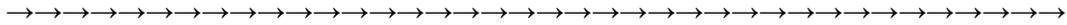




OTHER MATTERS FOR DISCUSSION & POSSIBLE ACTION:

Proposed Lot Line Revision between 193-207 Great Plain Rd. (#I05099) & 209 Great Plain Rd. (#J04072).

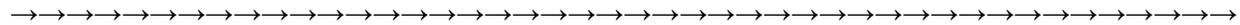
Mr. Ferguson made a motion to table this item until the next meeting. Mr. Keller seconded the motion and it was passed unanimously.



Mrs. Calitro said she had received a letter from the developer of Petersons Farm requesting a one year extension on their approval. She asked that they make a motion to add this request to the agenda, so they can discuss it further. Mr. Urice made a motion to add this to tonight's agenda. Mr. Ferguson seconded the motion and it was passed unanimously.

Request for a one-year extension for the Petersons Farm subdivision SUB #03-02

Mrs. Calitro said they are trying to wrap up road, the as-built drawings and final documents for this project. This is one of the approvals that fell within the new time frames as specified in the Public Act that was passed last year. This approval is at nine years and needs just one more year to finish the road and all of the paperwork. Mr. Urice made a motion to grant a one-year extension on the approval. Mr. Keller seconded the motion and it was passed unanimously.



Chairman Finaldi said there was nothing under Correspondence and there were two Floodplain permits under For Reference Only. Mrs. Calitro said the Winter Brothers application has been withdrawn. The secretary said she was not aware of that when she prepared the agenda.

At 8:00 PM, Mr. Keller made a motion to adjourn. Mr. Ferguson seconded the motion and it was passed unanimously.