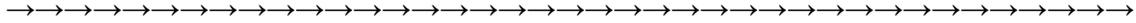




CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

MINUTES
JANUARY 16, 2013



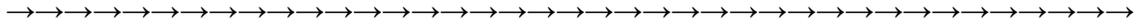
The meeting was called order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were Fil Cerminara, Helen Hoffstaetter, Joel Urice, Arnold Finaldi Jr. and Alternate Michael Ferguson.

Absent was Kenneth Keller.

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

Chairman Finaldi said they had not yet received the December 5, 2012 minutes. Mr. Urice made a motion to table acceptance of these minutes. Ms. Hoffstaetter seconded the motion and it was passed unanimously.



Chairman Finaldi said there are no new public hearings and nothing under Old Business so they will start with the New Business.

NEW BUSINESS

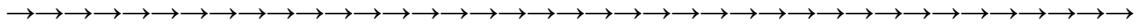
Lemle Danbury - Application for Special Exception/Revised Site Plan Approval for Change of Use from Business Offices to Medical Offices (One Plaza West) in the CA-80 Zone - 100 Mill Plain Rd. (#C14058) - SE #728. Public hearing scheduled for February 6, 2013

E.W. Batista Family LP - Application for Revised Special Exception/Revised Site Plan Approval to allow uses generating over five hundred (500) vehicle trips per day in the C-CBD Zone - 2-12 Main St. & 155 South St. (#J15045, #J15046, & #J15048) - SE #587. Public hearing scheduled for February 6, 2013

Chairman Finaldi said both of these will be on file in the Planning & Zoning Office

Petition of Ervie Hawley Jr. for Change of Zone from R-3 to RH-3 at 39-41 Hospital Ave. (#J12009, #J12010 & #J12011). Zoning Commission public hearing scheduled for January 22, 2013.

Mr. Urice made a motion to move this matter to number six under the Referrals on tonight's agenda. Mr. Cerminara seconded the motion and it was passed unanimously.



REFERRALS

8-3a Referral – Petition of First-Cut Holdings, LLC, Sawmill & Turner Rds. (Portion of #A17001) for Change of Zone from IL-40 to RMF-6. Zoning Commission public hearing was opened January 8, 2012 & continued pending receipt of this recommendation.

Mrs. Emminger reviewed Mr. Elpern's Staff Report. This is a thirteen-plus acre site located adjacent to the site approved for Belimo. It is abutted by Crown Point (The Reserve) residential development, some light industrial uses and the Ridgefield town line. Abutting that line and located in Ridgefield, there is residential development. The permitted density under the proposed RMF-6 could be 97 units although that will be affected by the substantial wetlands located on the site. The applicant has stated they only intend to develop 70 units. The Plan of Conservation & Development indicates that this site should be developed as light industrial or office. Although the creation of The Reserve changed the land use patterns in this area, this parcel is not part of that development. This petition also does not comply with the zone change criteria in Sec. 10.1.3. of the Zoning Regulations. Mrs. Emminger said there are various residential densities surrounding this site. They are proposing to keep Turner Rd. zoned IL-40 because the Regulations do not allow access to an industrial site through residentially zoned property. This works as far as the law is concerned but traffic for Belimo would still have to pass by this residential site. The density will seem more intense because it will be located all in the same area to avoid the wetlands. The proposed 70 units will result in a lower density than the Crown Point development that it is being compared to. And there is no guarantee that the applicant will only build 70 units. In closing, Mr. Elpern points out that the impact from the proposed 70 units may not be any worse than if the property was developed under the IL40 Regulations.

Mrs. Emminger said she had forwarded the Commission members the letter from the Ridgefield Planning Director, Betty Brosius and a letter from Belimo stating that this was always the way the property owner intended to develop this parcel. Mr. Urice said one of the things that bothers him about this is that this is not an extension of The Reserve, although the applicant is trying to portray it that way. He said they gave a negative recommendation to another west side parcel to rezone from IL40 to RM and it was it was changed anyway. Rezoning this parcel would isolate the Belimo site. And there is nothing standing in the way of the applicants building this property out to the maximum density of 97 units vs. the 70 units they are saying they intend to build. He said he realizes that the wetlands would limit the density somewhat, but there is no guarantee.

Chairman Finaldi said he had spent time on this site when they reviewed Belimo application. He said he also drove around the abutting residential neighborhood in Ridgefield. He pointed out that the Ridgefield residents don't seem to be as vehemently opposed to residential as they were to the Belimo proposal. Also the Town of Ridgefield is in favor of this. He said Mr. Urice makes a good point about the

gradual erosion of IL- 40 land, but there is no demand for it. He acknowledged that it has been suggested that we should save that land for the future. He asked Mrs. Emminger to read the special exception uses permitted in the IL-40 zone

After Mrs. Emminger read the sixteen special exception uses, Chairman Finaldi said some of them are clearly incompatible with this area. He added that due to the surrounding residential developments, he sees this area as residential. Mr. Urice asked Mrs. Emminger to read the permitted uses in IL-40 to the Commission. Ms. Hoffstaetter then said she agrees with Mr. Urice because Danbury has been doing well bring in new businesses. She added that the tax base is an issue they need to protect.

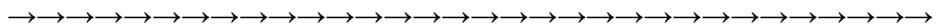
Mr. Cerminara said he agrees with Chairman Finaldi. His reason is that this site is the lower part of the land that seems to belong more with the lower residential development. He said he feels that residential development will just be more compatible. Chairman Finaldi said the topography of land puts Belimo up the hill from this parcel and creates a natural separation. He also reminded them that this is thirteen acres and very few of the IL-40 uses would demand a site of that size.

Mr. Urice asked Mrs. Emminger how much of The Reserve is built out. Mrs. Emminger said she is not sure, but tried to come to a rough number. Mr. Urice pointed out that although The Reserve is approved as mixed use development, all we have seen there is residential development, no business. He added that there still is a lot of space there that is approved for residential but not yet built.

Chairman Finaldi asked someone to make a motion to approve so they can discuss this. He added that a motion to deny could be denied which would mean they still would have to make a motion to approve. Mr. Cerminara made a motion to give this a positive recommendation for the following reasons:

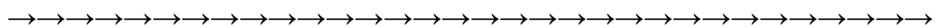
- The topography of the land puts Belimo up the hill from this parcel and creates a natural separation, so this lower part of the land seems to belong more with the residential development located below.

Mr. Ferguson seconded the motion and it was passed with three AYES (from Mr. Cerminara, Mr. Ferguson and Chairman Finaldi) and two NAYS (from Mr. Urice and Ms. Hoffstaetter).



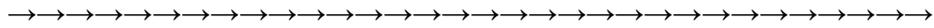
8-24 Referral/December 2012 City Council Agenda Item #5: Acceptance of Traffic Light Easement - Sugar Hollow Rd.

This is a request to accept the traffic light easements required in conjunction with the development of The Shops at Marcus Dairy. Mr. Cerminara made a motion for a positive recommendation subject to review and approval of all plans and documents in form and content acceptable to the Engineering Department and Office of Corporation Counsel prior to acceptance and recording on the Danbury Land Records. Mr. Urice seconded the motion and it was passed unanimously.



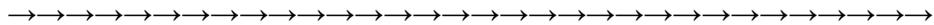
8-24 Referral/December 2012 City Council Agenda Item #6: Request for Sewer Extension to 39 Hospital Ave. & 3 Forest Ave. (#J12009 & #J12011)

This is a request for a sewer extension for two lots located on the corner of Hospital and Forest Aves. These lots are currently zoned R-3 but are the subject of a rezoning petition (to RH-3) that is currently before the Zoning Commission. These properties currently contain single family dwellings in serious disrepair but the application for sewer extension indicates that a three bedroom unit would be what the service is for. The Staff Report suggests that although these lots are within the proposed sewer service area, they should not make any recommendation until the rezoning is decided. Mrs. Emminger pointed out that historically, when there is a question as to what the development will contain, this Commission generally waits until there is a definite use approved for the site. Mr. Urice then made a motion to table any recommendation because of the petition to rezone these properties that is currently before the Zoning Commission. Once a decision is made on the rezoning petition, this request will be considered by the Commission. Mr. Cerminara seconded the motion and it was passed unanimously.



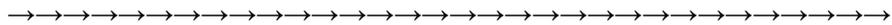
8-24 Referral/January 2013 City Council Agenda Item #5: Acceptance of Sidewalk Easement from DXR Holdings LLC for Land Adjacent to Danbury Airport/Wallingford Rd.

This sidewalk easement was shown on plans approved by the Commission in December 2011 and granting this easement was a condition of that special exception approval. Mr. Urice made a motion for a positive recommendation subject to review and approval of all plans and documents in form and content acceptable to the Engineering Department and Office of Corporation Counsel prior to acceptance and recording on the Danbury Land Records. Mr. Ferguson seconded the motion and it was passed unanimously.



8-24 Referral/January 2013 City Council Agenda Item #6: Easement Acceptance for Rights to Drain, 14 Ironwood Dr. (#C11002).

This is a property owned by Alison Benincasa and is located at the end of Ironwood Dr. It has recently been developed with a single family dwelling. Mr. Urice made a motion for a positive recommendation subject to review and approval of all plans and documents in form and content acceptable to the Engineering Department and Office of Corporation Counsel prior to acceptance and recording on the Danbury Land Records. Mr. Ferguson seconded the motion and it was passed unanimously.



Petition of Ervie Hawley Jr. for Change of Zone from R-3 to RH-3 at 39-41 Hospital Ave. (#J12009, #J12010 & #J12011). Zoning Commission public hearing scheduled for January 22, 2013.

Mrs. Emminger asked if anyone had any questions about the Staff Report prepared by Mr. Elpern. There were none but Chairman Finaldi asked her to summarize it. She said

