





was oversized to begin with, the Stormwater detention system is not an issue. Michael Kallas, who is one of the applicants, said he wanted to speak regarding the windows or the lack of windows. He said there is a big demand for three bedroom apartments in the downtown area and they were hoping to satisfy this demand. They found the site and decided to propose this development but they cannot do any it with any fewer units. He said he is not happy about the lack of windows, but this area is basically commercial. Nobody from the neighborhood has complained or spoken in opposition to this proposal. He said the Planning Director's interpretation of the Regulations prohibits the windows although they do seem to allow them in certain situations. Mr. Manuel asked why they couldn't get a variance. Mr. Kallas then asked if they could approve it and later change it to allow the windows. Mrs. Emminger said they can go to ZBA but it would have to be done before the hearing was closed. Mr. Doto spoke briefly about the proposal for the adjoining property, since he is the engineer for that project also. There were no questions from the Commission.

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

Mr. Deeb made a motion to close the public hearing. Mr. Kennedy seconded the motion and it was passed unanimously.

Spruce Mountain Terrace LLC - Application for a five (5) lot Subdivision (15.0465 acres) in the RA-80 Zone and Request for Waiver to Chapter 4, Sec. B.6.1. & B.6.2. of the Subdivision Regulations - Spruce Mountain Trail (a/k/a 34 Spruce Mountain Rd.) (#G21005) - Subdivision Code #05-04. Public hearing opened June 1, 2005. 35 days will be up July 5, 2005.

Michael Mazzucco PE spoke in favor of this. He said two of the applicants, Mario Luis and Attorney Mike McGetrick, are also present tonight. They received the Planning Department Staff report this afternoon, so they will now revise the plans in response to Planning, Engineering and Fire Marshal's comments. Mr. Mazzucco said they expect the administrative approval from EIC shortly. He said they also received the Airport report today and have no problems imposing the deed restrictions as proposed. He submitted a GIS map showing the existing houses off the road since they are asking for a waiver to allow three more houses. He added that this will also be reflected in the revised plans they will be submitting. Mr. Manuel asked about the language for the deed restriction. Attorney McGetrick said he worked it out with Paul Estefan. He added that he will be the attorney for the LLC selling the houses and they will put it into the language of the deeds so the buyers will be aware of it. This should alleviate any concerns the City should have about approving new building lots near the Airport.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and Airport Administrator Paul Estefan said he wanted to clarify his letter. Mr. Estefan said people call his office all the time and complain about the noise. They were not made aware when they bought their house that being located near an airport means planes take off and land all day long. He said he is trying to limit the City's exposure by this additional language. Mr. Manuel said they are not really giving the City rights by doing this; they are just putting the buyers on notice. Chairman Finaldi questioned why the City should owe people an explanation about noise when they buy a house near an airport. Mr. Estefan said there are many variants to noise transmission such as cloudy versus sunny days. Also as the



Twelfth BRT Development LLC – Application for Special Exception for Garden Apartments “Hillside Gardens” in the R-3 Zone – Hospital Ave. & Jeffrey Court (paper road) (#J11215, #J11216, #J11217 & #J11218) – SE #628. Public hearing closed May 25, 2005. 65 days will be up July 29, 2005.

Mr. Deeb made a motion to table this matter until the next meeting. Mr. Manuel seconded the motion.

Agri Ventures Realty LLC/Agway Store – Application for Special Exception for uses (Residence, Retail, Office & Warehouse) generating in excess of 500 vehicle trips per day – 92 Mill Plain Rd. (#D14008) – SE #632. Public hearing closed June 1, 2005. 65 days will be up August 14, 2005.

Mrs. Emminger said she had distributed a resolution at the last meeting. Mr. Deeb made a motion to approve both the special exception and site plan per the resolution dated June 1, 2005. Mr. Kennedy seconded the motion and it was passed unanimously by voice vote.

Savings Bank of Danbury – Application for Special Exception for uses (Banking & Office) generating in excess of 500 vehicles trips per day - 90 Mill Plain Rd. (#D14007) – SE #631. Public hearing closed June 1, 2005. 65 days will be up August 14, 2005.

Mr. Manuel made a motion to approve both the special exception and site plan per the resolution dated June 1, 2005. Mr. Blaszka seconded the motion and it was passed unanimously by voice vote.

MMP Realty LLC – Application for Special Exception/Revised Site Plan for revisions to existing parking lot at “Cendant Mobility Services” – 40 Apple Ridge Rd. (#E17061) – SE #509. Public hearing opened June 1, 2005. 35 days will be up July 5, 2005.

Mrs. Emminger distributed a prepared resolution dated today. Mr. Blaszka made a motion to approve the revised site plan/special exception per this resolution. Mr. Deeb seconded the motion and it was passed unanimously by voice vote.

Mr. Manuel made a motion to move item #4 under For Reference Only to item #7 under Old Business. The motion was seconded by Mr. Blaszka and passed unanimously by voice vote.

Oakland Ave. Associates LLC - Request for Floodplain Permit – “Two-Family Dwelling”, Oakland Ave. (#I11048) – SP #05-11.

Mrs. Emminger said the applicant is proposing to construct a two-family house and excavate a small area within the floodway. The property is located in a numbered "A" zone and the first floor elevation for the proposed structure is about 2 feet above the base flood elevation. The applicant is proposing to excavate soil within the floodway to balance fill volume from the foundation construction. This proposal had been submitted to the Environmental Impact Commission (EIC) because of its proximity to Padanaram Brook. EIC's function is to propose remediation to protect the wetlands or watercourses on or around a parcel. It was also sent to DEP (State Dept. of Environmental Protection) since it proposed development within the floodway. The plan submitted to EIC was substantially different than what was submitted to both DEP and the Planning Department. The response



