

the existing driveway was used for. Attorney Jaber said it was used to access the lots. He said the City does not plan to sell off the road, because it may someday be used for access. Mr. Manuel asked if there was any other developable land here. Attorney Jaber said no, this four acres is the last parcel. Mr. Keller then said for the record, he lives at 80 Bear Mountain Rd. Mrs. Emminger asked if they plan on combining the two lots and Attorney Jaber said they do. Mrs. Emminger then said the Staff Report is not yet done as they are waiting for comments from the Fire Marshal and Engineering. There were no questions at this time.

Chairman Finaldi asked if there was anyone to speak in opposition to this application.

Reed Mitchell, 2 Park Place, said he is not opposed to this request, but is concerned about the language of this request. He said they should state exactly what it is that is being waived. Additionally, he said this applicant has a history of dividing parcels, so the Commission should limit this to only one lot.

Christie Strait, 53 Bear Mountain Rd., said she is very concerned because this borders her land. She said a lot of digging has gone on over the past year and since that she has a lot of water on her lot. She said she also is concerned about damage to her retaining wall.

Lynn Waller, 83 Highland Ave., said she is not against him building on this parcel, but asked that they restrict him to one house on both parcels.

Mike Cassavechia, 8 Buckskin Hgts., said he lives behind this. He said they already have a water problem and he is concerned about it getting worse. He said he is also concerned that there will be an additional house built on this property at a later date.

Attorney Paul Jaber said this is just a waiver to the requirement to install a town road. He added that this has to go to the Environmental Impact Commission before the applicant can get a building permit. Mr. Manuel asked what work has been done that could have caused the water problem that the neighbor had spoken about. Attorney Jaber said the only thing that has been done recently is the "perc test". Ned Murtishi then spoke, saying there is a man-made pond and that the previous owner had kept animals on the property. He said all that he has done is the "perc test" and some basic cleanup of the lot. Mr. Keller said he is curious since all of the opposition complained about it. Attorney Jaber said he doubts that anything was done to cause a water problem.

Mike Cassavechia spoke again saying this whole lot has been cleared and looks much different from what he saw on the map. He said he is not opposed to this but wants to see it done right.

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

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Nextel Communications of the Mid-Atlantic Inc. as Lessee – Application for Special Exception for Wireless Telecommunications Facility "CT 2925 Danbury" on Roof of Building – 13-21 Hakim St. (# G14054) – SE #643.

Mr. Keller read the legal notice. Attorney Daniel Leary from Cuddy & Feder spoke in favor of this application. He said they are proposing to install twelve antennas, three septers and a 12' X 20' equipment cabinet on this roof. He said this is the second preferred location as specified

in the Zoning Regulations. Scott Chasse PE, then said this equipment will be concealed behind a stealth shield. He said some of the City agencies had expressed concerns about the aesthetics, so they prepared some changes to the proposed screening. He said both the screening and the shelter would be custom matched to the existing exterior of the building. He said the antennas would be concealed; the top of them will be six feet above the existing roof height. This document was labeled Exhibit A. There were no questions from the Commission.

Chairman Finaldi asked if there was anyone to speak in opposition to this application.

Lynn Waller, 83 Highland Ave., said she is really concerned about this and cannot believe we are approving cell towers in residential neighborhoods. The existing structure is like a beached whale in their back yard. She said she is concerned about the height and questioned if it will interfere with her home electronics. She suggested that it is in the flight path and suggested they refer this to the Airport Administrator. She is also concerned about the increase in height directly behind her house.

Mrs. Emminger then said the Airport Administrator has no problems with this proposal. We forward all cellular antenna requests to him for comments. She reminded everyone that this request is not for a freestanding tower, it is for antennas to be installed on a rooftop, which is much different.

Richard Demurs, 21 Hakim St., lives right next door, said this was not advertised enough because no one from the neighborhood knew about it. He said he is also concerned about how this will interfere with his household electronics.

Attorney Leary said the interference issues are through the FCC. He said they have their own RF expert, Yvan Joseph, who said they will not interfere with television or radio because they are only allowed to operate within their own bandwidth. Mrs. Emminger asked if they had provided documentation that demonstrates compliance with the FCC. Attorney Leary said this documentation was included in their submittal. Mr. Urice questioned the second most desirable location comment. Mrs. Emminger read from the Regulations about non-residential buildings located in commercial or industrial districts. Mr. Urice asked how this became more desirable since it is a residential zone. Mrs. Emminger explained that the building is considered non-residential and the Regulations do permit these antennas in residential districts if you can meet the standards which they can. She added that in the hierarchy of the Regulations, the only place that references residential districts is regarding towers not antennas. This specific section does not prohibit antennas. Mr. Keller asked what other locations they looked at. Ray Rigatti, site locator, said they also looked at the AAA Building on Lake Ave., but the owners of the building were not interested. Mrs. Emminger said Exhibit E lists some of the other properties in their search district, which included Ethan Allan. Mrs. Emminger said they have all of the Department responses as well as the Staff Report, so they are not waiting for anything else. She then asked the applicant for an explanation of how they will stealth the antennas. Attorney Leary explained that the antennas will be framed and enclosed with stealthing material so they cannot be seen. Mr. Blaszkowski said they are proposing to exceed the permitted maximum height of 35 feet to a height of 39.8 feet. Mrs. Emminger said it meets the requirement because page 3-7 of the Regulations says if the antenna is attached; it cannot be more than 12 ft above the maximum height. Mr. Urice asked about the signage on the equipment shelter. Mr., Chasse explained where exactly the signs would be placed. Mr. Urice said he did not think the neighbors should have to be looking at this sign. Mr. Chasse explained that this would be a 12" X 20" placard on the wall of the shelter. Mr. Urice asked what color the sign would be and Mr.





Mr. 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. The motion failed as there was no second. Mr. Manuel then made a motion to continue the public hearing. Mr. Blaszk seconded the motion and it was passed unanimously.

Crystal Beach Development Corp. – Application for Revised Site Plan for Special Exception Use (Poets Landing f/k/a Crystal Beach) in the RR-10 Zone – 16 Hayestown Rd. (#I09078) – SE #616. Has EIC Approval. Public hearing opened March 1, 2006 – first 35 days will be up 4/5/06.

Attorney Paul Jaber, Steve Sullivan, PE from CCA, and Architect Ray Sullivan all were present to speak in favor of this. Mrs. Emminger said there are some minor revisions, but nothing that can't be addressed by conditioning the approval. Chairman Finaldi said he has reviewed the files and spoken to the Staff about the March 1st meeting, which he was not present at. Mrs. Emminger said she had met with Brian Morgenroth from the Engineering Dept. and he had no problem with them closing and conditioning the approval.

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

Mr. Manuel made a motion to close the public hearing. Mr. Keller seconded the motion and it was passed unanimously. Mr. Manuel then made a motion to move this matter to Old Business. Mr. Deeb seconded the motion and it was passed unanimously.

First Nine Corporation – Application for five (5) lot subdivision (2.767 acres) in the RA-20 Zone and Request for Waiver to Portions of Chap. 4, Secs. B.11. & B.12. of the Subdivision Regulations – “Butler Ridge” – 36 Golden Hill Rd. & Ford Lane (#H11055 & #H11276) – Subdivision Code #05-11. Public hearing opened March 1, 2006 – first 35 days will be up 4/5/06.

Attorney Paul Jaber and Surveyor Paul Fagan spoke in favor of this application. Mr. Fagan said he and Mrs. Emminger met with the Fire Marshal this morning and the radius of the cul-de-sac will be made larger so a fire truck can make the turn without any problems. Mr. Finaldi asked the length of the driveway. Mr. Fagan said it is 300 feet. Mr. Keller asked about the sight lines and Mr. Fagan said they also are about 300 feet. Mr. Manuel questioned the lot frontage and Mr. Fagan said all of the lots meet the 50 foot minimum. He added that the strip which composes the accessway is considered part of the lot area. Another question would be to say that the driveways are contiguous serving the lots. There were no other questions at this time.

Chairman Finaldi asked if there was anyone to speak in opposition to this application.

Doreen McManus, 4 Golden Hill Ave., said the people on her street have wells, when will that be addressed? Mr. Keller said he had brought that up at the last meeting. Attorney Jaber said there will be no blasting so there is nothing to cause problems with the existing wells. He said that this project would be served by City Water and Sewer and the people on Golden Hill Ave. will continue to have their wells.



