

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

Mr. Urice made a motion to close the public hearing. Mr. Manuel seconded the motion.

Blue Ribbon Development LLC – Application for (3) three-lot subdivision (1.17 acres) in the RA-8 Zone – “Jay 3 Subdivision” – 20 Deer Hill Ave. (#I16106) – Subdivision Code #05-08. Public hearing opened April 5, 2006 – first 35 days will be up 5/10/06.

Chairman Finaldi excused himself as he is abstaining from this matter. Mr. Manuel took over as Acting Chairman.

Attorney Neil Marcus said although they do not feel this should be a formal public hearing, he is requesting this matter be continued until the next meeting as their engineer was unavailable this evening.

Mr. Manuel asked Mrs. Emminger to read two items into the record, the first being the letter from the Fire Marshal who is not in favor of the speed bump. The second item was a letter submitted by Bernie Pane from Matt Flanagan of Bartlett Tree regarding the trench dug on the applicant's property. Mr. Manuel asked Attorney Marcus if had any comments on either document. Attorney Marcus said their engineer is working on revised plans to eliminate the speed bump. He said regarding the letter from Bartlett, the rights to underground roots on your neighbor's property are undefined in CT law. He said the letter may be interesting but he doubts it is germane. Mr. Manuel said it seems pretty obvious that the trench was dug to do damage. Attorney Marcus said it was dug for two reasons: (1) to determine if the roots extended into his client's property and (2) it was done because the professional pruner said roots need to be pruned the same as branches. He then said this is a side issue because about two weeks ago, it became clear that the number of affordable housing units in the City has fallen under 10% meaning that they now have the right to apply for a cluster development based on the affordable housing statute. Mr. Urice said he does not see how pruning roots relates to a trench being dug for the purpose. Also someone else asked why they would say the trench was dug for perc tests when they have already applied for a sewer extension. Mr. Manuel then asked if any of the opposition wanted to speak but he prefaced it with the request that they not repeat what has already been said.

Dominic Setaro Jr., 11 Deer Hill Ave., said a letter was sent to Attorney Marcus when the machine appeared on the property. His response was that it was there to do a perc test. He said he also met with Mr. Pane and Bartlett Tree and there definitely was damage done. He asked that they not continue the hearing since their engineer told us at the last meeting that he had all the reports and would respond by the next meeting which is tonight. It seems like they are stalling. Mr. Urice asked about this letter that was sent and Mr. Setaro said it was from their attorney but there was no written response from Attorney Marcus.

Charles Setaro, 27 Deer Hill Ave., said he is also opposed to continuing the hearing. At the last meeting, there were questions about the digging of the trench and we were told that the pruner was an expert and his credentials would be provided. Attorney Marcus has offered no additional information regarding why this was done, nor have these credentials been provided. In closing, he said it just seems like another dance.

Kimberly Marcus, 72 Deer Hill Ave., said the trench was actually dug after the decision on the previous application. She then said the speed actually traveled determines the required sight distance not the posted speed limit.

conveyed. Mr. Urice made a motion to give this a positive recommendation based on the Planning Director's report. Mr. Manuel seconded the motion and it was passed unanimously.

8-24 Referral/April 4th CC Agenda Item 30 – Reports regarding 55 Newtown Rd.

Mr. Elpern stated that they had just made a recommendation on this issue. He referred to the minutes of the March 1, 2006 meeting:

8-24 Referral/February 7th CC Agenda Item 33 – Dimitri Chaber et al, 55 Newtown Rd.- This property abuts the Public Works Complex on Newtown Rd. The City is considering moving the entrance/driveway to a across from the intersection of Newtown Rd. and Old Newtown Rd. and to have CT DOT make intersection improvements to improve safety and traffic flow. The owners of the subject property propose to share the new entrance/driveway, but some exchange of property may be necessary. This is still conceptual in nature and there are not yet any plans so it is difficult to determine the scope of the proposal and the amount of land that may be impacted. The funding for this new driveway was not included in the proposed CIP for FY 06/07, so this request has yet to be funded by the City. Mr. Manuel made a motion to give this a negative recommendation because it is not ready to be acted on until after the plans are prepared and the funds are appropriated. There was no second, so Mr. Manuel withdrew his motion. Mr. Urice then made a motion to give this a positive recommendation subject to the Common Council appropriating funds for it. Mr. Blaszkowski seconded the motion and it was passed unanimously.

Mr. Urice then said he was at the Council meeting and it was referred to them in error. The Council person who made the motion for referral had not read their packet and was not aware that it had already been done. Mr. Elpern said it is frustrating because much of the time the information available for these 8-24 referrals is far less than what we need to make an educated recommendation. Mr. Urice said he had pointed out that same issue to the Council President. He then made a motion to return the same report as they previously had sent. Chairman Finaldi seconded the motion and it was passed with three ayes and one nay (from Mr. Manuel).

8-3a Referral – City of Danbury by Dennis I. Elpern, Planning Dir. – Amend Secs. 3.I.2. , 8.C.2.b.(5) & 8.E.2. of the Zoning Regulations. Zoning Commission public hearing scheduled for May 23, 2006.

Mr. Elpern reviewed the amendments to the three sections individually. He said Sec. 3.I.2. addresses usable open space and the amendment expands the options available for providing it. The portion for Sec. 8.E.2. clarifies signage for four or more unit housing developments. The amendment to Sec. 8.C.2.b.(5) will allow tandem parking for row houses in front of a garage located within the dwelling, provided the parking aisle or roadway will not be obstructed by the parked car. These amendments do not really have to do with each other, they just all are issues that needed to be addressed. Mr. Blaszkowski made a motion to give this a positive recommendation because these amendments will add clarity to the Zoning Regulations. Mr. Manuel seconded the motion and it was passed unanimously.

ZBA Referral: Application #06-55 – Kenneth Anderson, 22 Patch St. (#H12224), Use Variance to Sec. 5.A.2.a., to allow use as a two-family residence in the CG-20 Zone. ZBA hearing scheduled for May 11, 2006

