

Ray Issacson lives across the street and claimed that applicant does not have City sewer and water as required in the Regulations.

Gary Case then said his entire house is on sewer; he does have an ejector tank that pumps everything up to street. Mrs. Emminger said there is nothing on the survey map regarding a septic or a well. She said there is a manhole cover shown, which Mr. Case said is for the pump. Mrs. Emminger also said Mr. Case submitted sewer and water bills as part of his application. Mr. Urice pointed out that no permits would be issued if this does not comply with the Regulations.

Mr. Urice made a motion to close the public hearing. Mr. Deeb seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this item to number 5 under the Old Business on tonight's agenda. Mr. Blaszkowski seconded the motion and it was passed unanimously.

General Dynamics Network Services Inc. as Agent for Nextel Communications of the Mid-Atlantic Inc. d/b/a Nextel Communications as Lessee – Application for Special Exception for Wireless Telecommunications Facility “CT 4774 Danbury South” on First Congregational Church & Ecclesiastical Society of Danbury, 164 Deer Hill Ave. (# I14104) – SE #647.

Mr. Blaszkowski read the legal notice. Tom Flynn, Zoning Manager for Sprint Nextel in CT, said this is simple because it is virtually invisible. They are proposing to take out louvers on the steeple above the clock and replace them with identical RF transparent material. This will look exactly the same as it does today. He added that all of the equipment is either inside or on the ground. There already is one there and no one knows it, so this will be more of the same. He said they have complied with all of the requirements in the Regulations. There were no questions from the Commission.

Reed Mitchell, 2 Park Pl., said he is not opposed but does have questions. Is there a limit to the number of businesses that can occupy a location? Who pays the taxes on these antennas since they are located on tax-exempt property?

Tom Flynn said the practical answer is that there only is so much space in these types of structures. They will be at the lower level as T-Mobile is on the top. There probably is not enough room for any other carriers but they could apply to mount them on outside of the building. In terms of our requirement, there is no more room on the inside. He said these installations are taxed no matter where they are located and Nextel Sprint would be paying taxes on the value of their equipment at this site. Mr. Blaszkowski asked about the Church being on the State List of Historic Buildings. Mr. Flynn said they have obtained a letter of approval from the State agency that regulates this and because this is inside the building, it was approved quickly. There was no further discussion.

Mr. Deeb made a motion to close the public hearing. Mr. Urice seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this item to number 6 under the Old Business on tonight's agenda. Mr. Blaszkowski seconded the motion and it was passed unanimously.

Pharmaceutical Discovery Corp. – Application for Special Exception to allow a use (“Mannkind Corporation”) generating in excess of 500 vehicle trips per day – Casper St. (#J14207) – SE #645.

Mr. Urice read the legal notice. Mark Kornhaas from Artel Engineering spoke in favor of this. He said this is the site of the former Davis & Geck. The applicant owns the parcels on both sides of the street with frontage on both Casper and Taylor Sts. They proposed to maintain access from both of these streets. Mr. Kornhaas said they are currently occupying both buildings and the proposed additions will be put on in phases. He said they currently run three shifts in manufacturing, although the parking calculation is based on the first shift since it is the largest. They were granted variances in January of this year for the height, the coverage and to eliminate some island plantings in the rear parking lot. He explained that the island variance was necessary because they are going to remediate and cap off the existing parking lot, so they cannot plant anything. He spoke about the three separate on-site stormwater drainage systems and the size of the addition makes this a traffic generator. He then said that they have received EIC approval. Mr. Blaszk asked if the tractor trailers loading and unloading during the third shift is an issue for the residential neighbors. Mr. Kornhaas said they will restrict the access to Taylor St. and bring the deliveries in and out of Casper St. He continued saying they don't anticipate a lot of truck traffic since the product is small, and most would be during the daytime hours when there is someone there to receive it. He said this has to go to the STC because of the size. Mr. Kornhaas said someone from Mannkind is here to answer questions. He introduced Allan Mess from Barkan & Mess Traffic Engineers who spoke briefly about the traffic issues. Mrs. Emminger asked Mr. Kornhaas to talk about the remediation and capping of the parking area. Mr. Kornhaas said this was approved by the DEP and an outside firm is already removing soil. Mrs. Emminger asked if they have a plan as to how they will handle the two phases of construction. Mr. Kornhaas said all the exterior work will be done first, but the majority of the work is interior. He said they are hoping to be able to put in trailers for the part that is being displaced by the construction. Mr. Blaszk asked if the active rail line runs along the parking lot that is proposed to be capped. Mr. Kornhaas said it will not impact the rail line because they have to stay within the bounds of their property.

Chairman Finaldi asked if there was anyone to speak in opposition and several people came forward.

Suzanne Molineaux, 48 Taylor St., said her property is directly behind the parking lot. She said this is a very noisy business and more trips will cause even more noise. She suggested that they need to do some noise abatement. She said their ventilation system is so noisy that she cannot sit in her back yard because of it.

Winton Nickerson, 44 Taylor St., said he is not opposed but wants to know what they will be doing about the noise. Chairman Finaldi said the applicant will address that during their rebuttal.

Kevin Fowler, 46 Taylor St., has same concerns about the noise. Additionally, when it snows, he can hear them plowing the parking lot.

there is a striped median proposed. Mrs. Emminger said revised plans were received on Friday and sent out but all of the Depts. still have to review them.

Chairman Finaldi asked if there was anyone to speak in opposition, but before he called on anyone he asked that they confine their comments to this specific application and try to not repeat what they said at the previous hearing since it is recorded both on tape and in the minutes.

Mark Pierce submitted letter in opposition from Beverly McCarthy of 9 Springside Ave. It said that the lot is too small and there is too much traffic already. The letter also asked how far down Osborne St the widening would be and where would it start?

Lila Shaker said her property is the adjacent parcel on Osborne St. She asked if they will be taking from her property to widen the street. Mr. Virbickas pointed out on the map where exactly the widening will start and how it would blend back to the property line at the start of the Shaker property. He said the only widening will be along the applicant's property and the purpose will be to allow for a turning lane to be created preventing the backup of traffic. Attorney Marcus asked him to relate this to Shaker driveway. Mr. Virbickas said they are only going to correct radius along subject property, there will be curbing proposed along the entire frontage and a lip will be added to Ms. Shaker's driveway.

Fran Wolzak, 101 Westville Ave., said for 12 years she had the corner office in the Mayflower Building which is directly across the street from the site. She said because of the grade of the hill, no one from that building left and turned out of Springside Ave. onto Osborne St because it was such a dangerous intersection. Everyone turned onto Springside and went out the other way.

Mr. Urice asked about peak hour and expected traffic. Allan Mess said morning peak is between 7:30 and 8:00. He elaborated on the proposed widening saying there would just be additional paving. Mr. Urice asked if they could restrict turning out of site, right turn only out of driveway. Mrs. Emminger said she would talk to Abdul Mohamed but was not one of his suggestions, as the one at Taco Bell on North Main St. did not work. She added that enforcement is always an issue with this type of restriction.

Mark Pierce asked what had come of Mrs. Emminger's request for additional traffic information regarding the surrounding streets. Mr. Virbickas said all he recalled was the accident info and they had submitted that.

Mr. Blaszkka made a motion to continue the public hearing until the next meeting on July 19, 2006. Mr. Urice seconded the motion and it was passed unanimously.

P & A Associates – Application for five (5) lot re-subdivision (10.230 acres) in the RA-80 Zone – 7 Long Ridge Rd. (J19003) – Subdivision Code #06-03. Public hearing opened 6/7/06 – 35 days will be up 7/12/06.

Mrs. Emminger said we received a 35 day extension letter today from the applicant. She also said the Staff Report had been finished late in the day and sent out to everyone.

Attorney Ward Mazzucco said the central issue is how best to access the property. One is driveways from Lone Ridge Rd. A second alternative is a combined shared driveway serving four lots and the lot with the existing house would keep its existing driveway. The third option is the Engineering Dept's first choice, a City road that would service the proposed new lots. He said they had met with Mrs. Emminger and two of the Fire Marshals today to address their concerns. Attorney Mazzucco said Mark Kornhaas from Artel Engineering would speak about the common driveway which is their preferred option.

Mark Kornhaas from Artel Engineering spoke about the access choices. He said there is some heavy topography going on here. Individual driveways for each lot would mean 90 degree turns all the way up and they can't overcome the topography, not to mention the sight line issues. There would be nothing left to the lot. Single drives or a roadway would denude the area. The common driveway is the only way to access this property. He said they have responded to Engineering Dept. comments but said the grading required for a City road would take up too much of the property. Mr. Blaszkowski asked the difference between a road and a common driveway since you still have to meet the grade requirement. Mr. Kornhaas said a City roadway has different requirements; one being 3% grade is required for at least 100 ft. to a grade of 10%. He said the cuts are too severe and a single driveway affords them a way to get back to grade quicker. A City street would be 26 ft wide versus a driveway, which would be 20 ft. wide. Mr. Urice asked to see the driveway profile. As they were looking at it, Mr. Kornhaas said with a road, they are chasing the grade all the way to the end.

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

Chairman Finaldi said the issue is the justification of waiver. This is a local street which is not the norm. Attorney Mazzucco said if we want to lessen traffic on a busy street, why not on a quiet street and that is a compelling argument in favor of a common driveway. He then requested that tonight's testimony be incorporated into the record for the waiver hearing which is scheduled for the next meeting. Mrs. Emminger said her point was made in the Staff Report. Mr. Urice asked if the common driveway is what gives them the ability to put this many lots on this parcel. He then said although they are saying direct driveway cuts destroy the property, some parcels are not conducive to maximum density development. Attorney Mazzucco said they have to show that the required driveways don't work in order to satisfy the request for the waiver. He said no other access points would allow for safe access and the topography supports the proposed driveway. Mr. Urice asked if they could cite other pieces in the City that have been developed like this. Mr. Kornhaas tried to address it by saying they have the required frontage for each lot they just cannot access them individually. This is a unique situation because although it does have the frontage, they either do this or they can't access the lots. He said it is not like the sites where they don't have frontage. Mrs. Emminger said we have done this on arterial or collector roads because we don't want additional curb cuts, but that is not an issue here. The goal of this regulation is to reduce the number on an arterial or collector road. The situation here is that they can't get the driveways in here because of the topography and the cuts that would be required. The waiver is about locating on an arterial or collector road, the language about "they may be served" is implied. The entire Long Ridge Rd. is a local road. Mrs.

Criteria as detailed in Section 10.I.3.a. of the Zoning Regulations. Mr. Deeb seconded the motion and it was passed unanimously.

8-3a Referral – Petition of Masi Brothers LLC, 26-28 South St. (#K16145) for Change of Zone from IL-40 to RMF-4. Zoning Commission public hearing scheduled for July 25, 2006.

Mr. Blaszkka made a motion to table this matter. Mr. Urice seconded the motion and it was passed unanimously.

8-24 Referral/June 6th CC Agenda Item 22 – Request for Sewer Line at 4 Stadley Rough Rd.

Mrs. Calitro explained that this property owner has requested to be included in the next phase of a sewer line in the Stadley Rough Rd. area. There are currently two sewer extension projects underway in the vicinity of this property but neither of them would result in a sewer main that would pass by the property. This site is within the proposed sewer service area. Mr. Urice made a motion to give this a positive recommendation provided the extension is designed and constructed in a manner acceptable to the Engineering Department. Mr. Blaszkka seconded the motion and it was passed unanimously.

8-24 Referral/June 6th CC Agenda Item 23 – Request for Sewer and Water Line Acceptance at 23 Scuppo Rd.

Mrs. Calitro said that the site plan for this project (Renaissance at High Ridge) was approved by the Planning Department with the requirement that both the water and sewer mains and related appurtenances be dedicated to the City. The concerns of both Engineering and Corporation Counsel must be satisfied before this can be done. Mr. Urice made a motion to give this a positive recommendation subject to meeting the construction, installation and inspection requirements of the Engineering Department and submission of all required legal documents in form and content acceptable to Corporation Counsel. Mr. Blaszkka seconded the motion and it was passed unanimously.

8-24 Referral/June 6th CC Agenda Item 29 – Drainage Easement for 258 Great Plain Rd.

Mrs. Calitro said this is a request for the City to accept a drainage easement through the private property located between Great Plain Road and Candlewood Lake. Drainage easements are not usually accepted by the City, although sometimes the City does acquire rights-to-drain across private properties. Since the City did not install the drainage line or structures, it does not acknowledge what other properties or areas drain to such line. She said the easement should be revised to provide rights-to-drain absent any long-term maintenance responsibility. Mr. Deeb made a motion to give a positive recommendation if the easement is revised as suggested by the Planning Dept. Mr. Urice seconded the motion and it was passed unanimously.

8-24 Referral/June 6th CC Agenda Item 32 – Request for Sewer and Water Extension at Miry Brook Rd & Stabile Dr

