

Planning and Zoning Commission City of Derby

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec

David J. Rogers

David Barboza II

Richard A. Stankye

Albert Misiewicz

Glenn H. Stevens

David L. Savo (Alternate)

Joseph Gruttadauria III (Alternate)

Maryanne DeTullio, Clerk

A meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, January 16, 2007 at 7:00 p.m. in the Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:05 p.m. by Chairman Ted Estwan. Present were Ted Estwan, David Rogers, Steven Jalowiec, Albert Misiewicz, Glenn Stevens, David Barboza, Richard Stankye and Joseph Gruttadauria. Also present were Atty. Joseph Coppola, Mike Joyce, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

There were no additions, deletions or corrections to the agenda.

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes:

A motion to approve the minutes of 12/19/06 minutes was made by Mr. Barboza and seconded by Mr. Jalowiec. It was noted that the public hearing for Allvision was tabled to the January meeting and not continued. The motion was carried unanimously.

Acceptance of Applications:

Mr. Stankye moved to accept and schedule for public hearing an application for special exception from Cellco Partnership, d/b/a Verizon Wireless for installation of in-building wireless system at 20 Division Street. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Jalowiec moved to accept and schedule for public hearing an application for Zone Text Change from the City of Derby Planning & Zoning Commission for I-C Zone. The motion was seconded by Mr. Stankye and carried unanimously.

Public Hearings:

(a) Application for Special Exception from Griffin Health Services Corporation for Ambulatory Care Center, Seymour Avenue/Division Street - I-1 Zone.

Atty. Thomas Welch was present for the applicant. He submitted a deed and stated that he was verifying that all properties were now owned by Griffin Hospital. He stated that they met with the Fire Marshal and there is correspondence from him. Mr. Estwan read a letter from the Fire Marshal dated 1/10/07 stating that the plans were revised and a meeting held with the applicant where they reached a consensus.

Kyle Slocum stated that the traffic study counts were done on days when the schools were in session. He stated that they met with the Fire Marshal and appeased his concerns and he was satisfied with the plans and accommodations made to the plans.

Mr. Joyce stated that there is some puddling on Seymour Avenue and suggested that perhaps an additional catchbasin could be put in to alleviate that issue. He stated that this area is not in the best condition at this time and felt that the Commission may want to look at that and have some improvements made. He stated that as far as the access to the site, the parking spaces on Seymour Avenue are in close proximity to the access to the site and the elimination of one or two spaces in that first section would make access easier. He also stated that there is a pedestrian the large parking lot and another one and perhaps signage for that would be appropriate. Mr. Estwan asked if the elimination of two spaces would effect the amount of spaces needed. Mr. Slocum stated that they would not be under the number of spaces needed. He also stated that as far as Seymour Avenue they have not proposed any changes at this point. He also stated that with the anticipated improvements by the State with the intersection and Route 8 it will improve the street. In the future some type of improvements might be considered but it is their desire to work with the community to figure out the right response.

Graham Curtis stated that the road is very flat in this area and there are several catchbasins which are doing a good job. There are a lot of underground utilities in this area which makes it difficult to do further work. Mr. Joyce stated that perhaps they could focus on the areas where the pedestrian crossings are going in.

The traffic engineer stated that he did not see any problem in eliminating the spaces at the entrance from Seymour Avenue. He also stated that signage for the pedestrian crosswalks would be a good idea. Mr. Stankye stated that in order to help alleviate some of the puddling they might consider milling from Spring Street down. Mr. Curtis stated that there could be problem because it would raise the grade and then fresh asphalt would have to be put on. Mr. Stankye stated that a light mill could be done. Mr. Joyce felt that the best solution would be additional catchbasins. He stated that the bigger question is how do you want Seymour Avenue to look after the project is done. The Commission needs to consider whether they want more improvements done. Mr. Jalowiec stated that milling and repaving would eliminate a lot of the cut and patch work and at least have a clean surface. They might also be able to adjust the crown of

the road so it would drain better. Mr. Stankye stated that it would dress up the whole area if they did this from the Hospital property to this project. Mr. Curtis stated that it may not be a perfect solution but the Hospital would be willing to look into that.

Mr. Estwan asked for any public comment on the application.

Sal DeFilippo, Shelton stated that he owns property on Mohawk Avenue Ext. and has never been notified of any easement or would he support any easement. He also stated that he is opposed to the agreement that was reached by the Hospital and the neighbors. He submitted his comments for the record.

Mr. Joyce asked about the hours of operation for the excavation work. Mr. Slocum stated that they have stipulated that the construction activities will take place between 7:00 a.m. and 5:00 p.m.

A motion to close the public hearing was made by Mr. Rogers, seconded by Mr. Jalowiec and carried unanimously. A motion to add this item to the agenda as Item 11e was made by Mr. Jalowiec, seconded by Mr. Stankye and carried unanimously.

(b) Application for Special Exception from Mangione Properties, LLC for construction of contractor's business building - Commerce Street - B-2 Z one.

Atty. James Cohen, Rick Mangione and Rick Raymond were present. Atty. Cohen submitted a letter dated 1/9/07 to David Kopjanski in which he transmitted to him revised plans and also a single notification letter which was not picked up and a certified receipt. He stated that this is the site of the former Petrol Plus gas station and they are proposing a four bay building for use by four construction contractors' businesses. He stated that their application was approved by the Inland Wetlands Commission.

Rick Raymond stated that they have added some additional landscaping between the two buildings and extended the curb line and added some landscaping there. As far as the parking on the inside of the building they have spoken with the Building Inspector and the only thing that needs to be done is to have stripping shown within the building. If someone is going to build any type of office it would have to go through the Building Department for approval. Mr. Estwan stated that there was some discussion on whether there would have to be walls built and Mr. Raymond stated that only the stripping was necessary. Mr. Joyce stated that they are showing the FEMA flood elevation as 22" and they are showing the elevation of the finished floor as 22.08"; he felt it would be better to have it at 22.5 which would give them a little more room. Mr. Stankye asked if the catchbasins would have oil/grit separators. Mr. Mangione stated that this was addressed at Inland Wetlands and an oil separator will be put in. Mr. Rogers asked if they had WPCA approval and Atty. Cohen stated that they have not applied but once the application is approved here they will apply.

Mr. Estwan asked for any public comment.

Laura Wabno, Ida Avenue asked who had jurisdiction over the road cut on Route 34 near this site. Mr. Estwas stated that the State has been contacted a number of times regarding this area. They have notified the Traffic Authority that some changes will be made but have not see those yet. It is the jurisdiction of the State.

A motion to close the public hearing was made by Mr. Stevens, seconded by Mr. Misiewicz and carried unanimously.

(c) Application for Modification of Existing Special Exception from Allvision LLC for replace of existing billboard - B-2 Zone.

Mr. Estwan stated that a phone call was received that a letter wold be faxed asking that the public hearing be tabled and not opened until the February meeting. He stated that the letter has not been received. Mr. Joyce stated that an extension would have to be received from the applicant. A motion to deny the application without prejudice was made by Mr. Barboza, seconded by Mr. Jalowiec and carried unanimously.

(d) Application for Text Change OS Zone from The Recreation Camp, Inc., 550 Roosevelt Drive.

Atty. James Cohen and Don Smith were present. Mr. Smith stated that the Recreation Camp would like to expand their building which is a non-conforming use in a non-conforming building located in the OS Zone. They need to be brought into conformity with the regulations. They are proposing a text change which would allow a non profit organization to maintain active recreational facility in that zone. Mr. Estwan read a letter from the Fire Marshal indicating that he found no problems with fire access to this site. He also stated that a letter was sent to VCOG referring the application to them and they responded that they found that it would have no negative impacts and unanimously voted to accept the staff's recommendation. Mr. Estwan stated that this appears straightforward as it is already existing. Mr. Jalowiec was concerned that this does not open the door for buildings in other open space properties such as Witek Park. Mr. Joyce stated that a summary of properties located in the OC Zone was provided. He also stated that the ability to build a municipal building could have been submitted as a special exception use in the OS Zone.

Mr. Estwan asked for any public comment and there was none. A motion to close the public hearing was made by Mr. Jalowiec, seconded by Mr. Stevens and carried unanimously. A motion to add to the agenda as Item 11f was made by Mr. Jalowiec, seconded by Mr. Stevens and carried unanimously.

New Business:

(a) Application for CDD Approval from John Coscia for 71 Elizabeth Street for bakery/restaurant.

Mr. Coscia was presented and presented drawings of the proposed renovations. He stated that it will be a bakery/restaurant with seating for eight inside. Mr. Estwan stated that there is a courtyard in the rear and Mr. Coscia stated that eventually there would be a total of seating for 16 in that area. Mr. Joyce stated that it is more of a take-out type establishment and the issue that needs to be considered would be the parking. Mr. Estwan stated that the application indicates that there will be five employees and those employees could use the parking garage. Mr. Coscia stated that he does not have an agreement with the Parking Authority but they would use the garage. Mr. Leo Moscato, Chairman of the Parking Authority stated that the garage can accommodate the parking with no problem and they welcomed the business into the downtown area. Mr. Coscia stated that at this time there would be three employees. The hours of operation would be 8:00 a.m. to 8:00 p.m. and 8:00 a.m. to 2:00 p.m. on Sundays.

A motion to approve the application with the condition that he enter into an agreement with the Derby Municipal Parking Garage for employee parking was made by Mr. Barboza, seconded by Mr. Jalowiec and carried unanimously.

There was no public comment on the application. A motion to close the public hearing was made by Mr. Stevens, seconded by Mr. Jalowiec and carried unanimously.

A motion to approve the application subject to corporation counsel and city engineer review of the detention basin maintenance agreement and conservation easement agreement was made by Mr. Barboza, seconded by Mr. Savo and carried unanimously. All conditions of the original approval are part of this approval.

New Business

(a) Application for Site Plan Approval from Patel's LLC for 441 Roosevelt Drive - Expanding Existing Retail Space, add additional retail and office space and maintain two apartments - B-2 Zone.

Don Smith and Jay Patel were present and Mr. Smith stated that it is an addition to an existing building. The plans have been changed so that it is a small addition on the southerly side. The addition will be 900' and will be three stories. The basement will have a commercial kitchen with a take-out restaurant on the first floor. The second floor will be a storage area. They have reduced the parking by three spaces, removing the three that were closest to the road. There will be two driveways, the first driveway on the southerly side has access to two parking spaces and if those are full there is a 12' aisle for them to get to the main parking area. They have reduced the sign and revised the architectural plans to show the reductions. They have revised all the city engineer comments. The application is still pending before WPCA and they are waiting for comments from DOT. Mr. Estwan felt that the current parking arrangements which is

perpendicular to the building appears safer than what is being proposed. Mr. Smith stated that the depth of the front parking area there is insufficient depth to create the parking stall plus the driveway and staying inside of the highway line. He stated that DOT has asked them to push the curb line to the street line. There is not enough room to do that type of parking. Mr. Estwan asked if anyone from DOT has been at the site to see the parking. Mr. Smith stated that they have reviewed the plans initially and they have responded to their comments but they have not been at the site. Mr. Estwan asked if they could petition the DOT to leave the parking as it is now. Mr. Smith stated that the regulations for 90 degree parking it could not be done at this site. It would be difficult to meet the dimensions of the zoning regulations. Mr. Joyce stated that there was no signage with regard to the parking. Mr. Estwan stated that the parking works the way it is now and he would like to have it continue that way, but he understands why they have to change it. Mr. Joyce stated that they are still waiting for comments from DOT and the Commission can also contact DOT on the applicant's behalf. Mr. Jalowiec stated that the application could be approved based on staff working out the final details. Mr. Estwan moved that following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Site Plan Application for Patel's, LLC on property shown on Derby Assessors Map 11-4, Lot 51 subject to the following conditions:

The approval shall be based upon the following documents submitted in support of and during the review of this application:

1. Statement of Use
2. Civil Engineering Design Report - #441-443 Roosevelt Drive (CT Rt. #34), Derby, Connecticut, prepared for Patel's, LLC, dated September 27, 2006, prepared BY Donald W. Smith, Jr., P.E.
3. "Property Survey & Topographic Map - Sheet 1 of 4", prepared for Patel's, LLC - #441-443 Roosevelt Drive - CT. Rt. #34 - Derby, Connecticut, prepared by Michael H. Horbal, dated 9/25/06 and drawn at a scale of 1"=20'.
4. "Improvement Location Survey - Proposed - Sheet 2 of 4", prepared for Patel's, LLC - #441-443 Roosevelt Drive - CT. Rt. #34 - Derby, Connecticut, prepared by Donald W. Smith, Jr., P.E., dated 9/25/06 and revised through 1/5/07 and drawn at a scale of 1"=20'.
5. "Grading, Utility & Erosion Control Plan - Sheet 3 of 4", prepared for Patel's, LLC - #441-443 Roosevelt Drive - CT. Rt. #34 - Derby, Connecticut, prepared by Donald W. Smith, Jr., P.E., dated 9/25/06 and revised through 1/5/07 and drawn at a scale of 1"=20'.
6. "Misc. Detail Sheet - Sheet 4 of 4", prepared for Patel's, LLC - #441-443 Roosevelt Drive - CT. Rt. #34 - Derby, Connecticut, prepared by Donald W. Smith, Jr., P.E., dated 9/25/06 and revised through 1/5/07, not drawn to scale.

- 7."Existing & Proposed Basement Floor Plan - Sheet PR 100", Proposed Additions to 441 Roosevelt Drive - Derby, Connecticut, prepared for Jay Patel, prepared by Russell James Larrabee, Architect, dated 10/13/2006 and revised through 1/9/07, drawn at a scale of $\frac{1}{4}$ " = 1'-0".
- 8."Existing & Proposed First Floor Plan - Sheet PR 101", Proposed Additions to 441 Roosevelt Drive - Derby, Connecticut, prepared for Jay Patel, prepared by Russell James Larrabee, Architect, dated 10/13/2006 and revised through 1/9/07, drawn at a scale of $\frac{1}{4}$ " = 1'-0".
- 9."Existing & Proposed Second Floor Plan - Sheet PR 102", Proposed Additions to 441 Roosevelt Drive - Derby, Connecticut, prepared for Jay Patel, prepared by Russell James Larrabee, Architect, dated 10/13/2006 and revised through 1/9/07, drawn at a scale of $\frac{1}{4}$ " = 1'-0".
- 10."Existing & Proposed Exterior Elevation - View From Roosevelt Drive - Sheet PR 201", Proposed Additions to 441 Roosevelt Drive - Derby, Connecticut, prepared for Jay Patel, prepared by Russell James Larrabee, Architect, dated 10/13/2006 and revised through 1/9/07, drawn at a scale of $\frac{1}{4}$ " = 1'-0".

With the following stipulated conditions:

- 1.Prior to any construction activities covered by this permit, the applicant shall have the following items both completed by a qualified party and verified as complete by the City Engineer, Corporation Counsel and/or Zoning Enforcement Officer:
 - a.Arrange for the filing of this approval on the Derby Land Records.
 - b.The proper installation of all sediment and erosion control measures indicated on the above referenced plans.
- 2.The Accessory Resident Storage shown on the Second Floor Plan shall be changed to read Accessory Storage for Residential Uses.
- 3.Any significant changes or modifications to the plans presented will require subsequent review and approval by the Planning & Zoning Commission.

The motion was seconded by Mr. Stankye. Mr. Estwan stated that staff should pursue any changes with DOT. The motion was carried unanimously.

(b) Application for Site Plan Approval from Jalowiec Realty Associates, LP for 90 and 114 Sodom Lane.

Mr. Jalowiec recused himself from hearing this application. Mr. J. Rotondo was present and stated that they have had final review by the Fire Marshal and also received a letter from Mr. Joyce state his comments wre satisfactorily addressed.

Mr. Estwan read a letter from the Fire Marshall that he had no problems with the plans.

Mr. Estwan moved following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Site Plan Application for Jalowiec Realty Associates, L.P. on property shown on Derby Assessors Map 3-2, Lots 29 and 30 subject to the following conditions:

The approval shall be based upon the following documents submitted in support of and during the review of this application:

1. Statement of Use - Jalowiec Realty, Associates, L.P. - 90 & 114 Sodom Lane, dated 12/15/06.
2. "Property Survey of Property Located at 90 & 114 Sodom Lane - Derby, CT", prepared for Jalowiec Realty Associates, Limited Partnership, prepared by Lewis Associates, dated 8-3-2006 and drawn at a scale of 1"=20'.
3. "Property Description - 90 & 114 Sodom Lane - Derby, Connecticut", prepared by Lewis Associates.
4. "Site Engineering Report - Proposed Office Facility", 90 & 114 Sodom Lane, Derby, CT, prepared for Jalowiec Realty Associates, LLC, prepared by Rotundo Engineering, LLC, dated September 2006 and revised through December 15, 2006.
5. Plans entitled "Proposed Office Facility - 90 & 114 Sodom Lane - Derby, Connecticut", applicant: Jalowiec Realty Associates, L.P., prepared by Rotundo Engineering with the following plans:
 - a. "Sheet SP-1 - Site Development Plan", dated 3-28-06 and revised through 12-15-06, drawn at a scale of 1"=20'.
 - b. "Sheet SP-2 - Grading & Utility Plan", dated 3-28-06 and revised through 12-15-06, drawn at a scale of 1"=20'.
 - c. "Sheet SP-3 - Erosion & Sedimentation Control Plan", dated 3-28-06 and revised through 12-15-06, drawn at a scale of 1"=20'.
 - d. "Sheet SP-4 - Erosion & Sedimentation Control Plan Narrative", dated 3-28-06 and revised through 12-15-06, not drawn to scale.
 - e. "Sheet SP-5 - Details", dated 3-28-06 and revised through 12-15-06, not drawn to scale.
 - f. "Sheet PH-1 - Phase 1 Development Plan", dated 10-4-06 and revised through 12-15-06, drawn at a scale of 1"=20'.

6. The following plans for the Proposed Addition to 90 Sodom Lane, prepared for Jalowiec Realty Associates, L.P. by Russel James Larrabee, Architect:

- a. "Lower Level Floor Plan - Sheet PR 101", undated, drawn at a scale of $\frac{1}{4}$ " = 1'-0".
- b. "Upper Level Floor Plan - Sheet PR 102", undated, drawn at a scale of $\frac{1}{4}$ " = 1'-0".
- c. "Right Side and Front Elevations - Sheet PR 201", undated, drawn at a scale of $\frac{1}{4}$ " = 1'-0".
- d. "Rear Elevation - Sheet PR 202", undated, drawn at a scale of $\frac{1}{4}$ " = 1'-0".

7. The following plans for the Proposed Addition to 114 Sodom Lane, prepared for Jalowiec Realty Associates, L.P. by Russel James Larrabee, Architect:

- a. "Existing / New Lower Floor Plan - Sheet PR 100", undated, drawn at a scale of $\frac{1}{4}$ " = 1'-0".
- b. "Existing / New Upper Floor Plan - Sheet PR 101", undated, drawn at a scale of $\frac{1}{4}$ " = 1'-0".
- c. "Existing / New Exterior Elev's - Sheet PR 201", undated, drawn at a scale of $\frac{1}{4}$ " = 1'-0".

8. Correspondence from Rotundo Engineering, LLC, dated December 15, 2006 address to Chairman, Derby Planning & zoning Commission.

9. Correspondence from the Derby Fire Marshall dated January 9, 2007.

10. Product information and Specifications for proposed on-site lighting.

11. Graphic Illustration of Proposed Pedestrian Bridge.

12. Request for waiver of Section 195-34, Subsections Q and U dated December 15, 2006.

With the following stipulated conditions:

1. Prior to any construction activities covered by this permit, the applicant shall have the following items both completed by a qualified party and verified as complete by the City Engineer, Corporation Counsel and/or Zoning Enforcement Officer:

- a. Finalize the proper documentation for review and approval by the City Engineer and Corporation Counsel for the amended sanitary sewer easement and Maintenance Agreement for the brook.

- b. Execute the approved easements and agreements and arrange for the proper filing on the Derby Land Record

- c. Written confirmation that the deed of the property references the stipulated conditions of this approval, including all easements and agreements.
 - d. Arrange for the filing of this approval on the Derby Land Records.
 - e. Prior to any clearing or earthmoving activities, the proper installation of all sediment and erosion control measures indicated on the above referenced plans.
1. Prior to the commencement of the brook relocation activities a bond covering the costs of the brook relocation work in a form and amount approved by the City Engineer and Corporation Counsel shall be filed with the City Clerk.
 2. The relocation of the brook shall be performed by the applicant and coordinated with the City of Derby. The applicant shall work with the City Engineer regarding the design of the proposed brook relocation and Derby Water Pollution Control Authority regarding inspection and possible repairs to the existing sanitary sewer facilities. Construction activities associated with the relocation of the brook shall not commence until detailed brook relocation and restoration plans including but not limited to details and specifications for handling water are approved by the City Engineer. Work within the stream shall not be permitted between October 1st and May 31st.
 3. Construction activities associated with #90 Sodom Lane shall not be permitted until the site for #114 is completed and fully stabilized and the relocation of the brook has been completed.
 4. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.
 5. After commencement of construction, an inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, at least once every seven calendar days and within 24 hours of the end of a storm event that is 0.1 inches or greater and until the City of Derby determines that inspections are no longer required.
 6. Any significant changes or modifications to the plans presented will require subsequent review and approval by the Planning & Zoning Commission.

The motion was seconded by Mr. Stevens and carried unanimously.

(c) Application for Resubdivision from Walter Skowronski for 400 Hawthorne Avenue - R-5 Zone.

Mr. Jalowiec moved that following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Resubdivision Application for Walter Skowronski on property shown on Derby Assessors Map 11-4, Lot 64 subject to the following conditions:

The approval shall be based upon the following documents submitted in support of this application:

1. Correspondence from Birmingham Utilities dated September 26, 2006.
2. "Totten Re-Subdivision - Property Property Boundary Dependent Resurvey - Record Map - Walter Skowronski Et Als - 400 Hawthorne Avenue, Derby, Connecticut", prepared by Clarke & Pearson Associates, Inc., dated 7-24-06 and revised through 12/14/06, drawn at a scale of 1"=20'.
3. "Totten Re-Subdivision - Site Development Map - Walter Skowronski Et Als - 400 Hawthorne Avenue, Derby, Connecticut", prepared by Clarke & Pearson Associates, Inc., dated 7-24-06 and revised through 12/14/06, drawn at a scale of 1"=20'.

With the following stipulated conditions:

1. Prior to the endorsement of the subdivision map by the Chairman the following shall be performed by the applicant:
 - i. The rear yard setback line shall be revised according to the Definitions listed in the Derby Zoning Regulations.
 - ii. Provide evidence, deemed acceptable to the Derby Corporation Counsel, which demonstrates that the creation of this lot will not change or restrict the use of the easement which currently provides access to the other lots in the existing subdivision.
 - iii. Provide evidence (Volume & Page) that the required easements and this approval have been properly filed on the Derby Land Records.
2. Details for all work within City Streets shall be submitted to the City Engineer for review and approval prior to any construction activities. Also, a bond in an amount and form acceptable to City Engineer and Corporation Counsel shall be posted for work within a City right-of-way.
3. Prior to any construction activities covered by this approval, the applicant shall have the following items both completed by a qualified party and verified as complete by the City Engineer and/or Zoning Enforcement Officer.

i. The proper installation of all sediment and erosion control measures indicated on the above referenced plans. These measures shall remain in place following completion of the project until the site is properly stabilized unless otherwise directed by the City.

4. The City Engineer shall be notified 48 hours in advance of the installation of all drywell storm drainage structures.

The motion was seconded by Mr. Misiewicz. Mr. Stevens stated that he was concerned that it is being crammed in. The motion was carried by a 6 to 1 vote with Mr. Stevens opposed.

(d) Update on Redevelopment Zones

Atty. Coppola stated that they are working on the final concept and some figures. The estimated gap is \$45,000,000. and the City is working on trying to close that gap. The entire project is approximately \$200,000,000. and if the gap can be closed they is someone who is ready to build. The residential units are down to 300 from an initial 600 to 700. The design of the parking garage has been changed because of that. Mr. Jalowiec asked about the gap. Atty. Coppola stated that most of it is the parking garage. Mr. Stevens stated that due to the reduction the amount of the special tax is also lower. Mayor Staffieri stated that the parking garage originally was going to be very costly and now with the more realistic design it will be less expensive and the actual design is not complete at this time.

(e) Application for Special Exception from Griffin Health Services Corporation for Ambulatory Care Center, Seymour Avenue/ Division Street I-1 Zone.

Mr. Estwan moved that pursuant to Section 195-48, the Derby Planning & Zoning Commission finds that the application and supporting documentation as presented is in accordance with Sections 195-48 (A through D).

Therefore, following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Application for Special Exception for Griffin Health Services Corporation on properties shown on Derby Assessors Map 8-11, Lots 54, 55, 55A, 55B, 68, 69, 71, 72, 73 subject to the following conditions:

The approval shall be based upon the following documents submitted in support of this application:

1. "Statement of Use", by the S/L/A/M Collaborative, dated November 8, 2006.
2. "List of Adjoining Landowners" & "List of Adjoining Landowners Within 500 Feet"
3. "Copy of Application to Derby Water Pollution Control Authority"

4. "Narrative describing how application conforms to Section 195-45 of the Derby Zoning Regulations."
5. "Final Traffic Assessment Study, Griffin Hospital, Derby, prepared by Wilbur Smith Associates, dated September 25, 2006.
6. "Property Description", prepared by the S/L/A/M Collaborative, dated November 14, 2006.
7. "Drainage Report", prepared for Griffin Hospital Ambulatory Care Center, Derby, Connecticut, prepared by Diversified Technology Consultants, dated November 1, 2006.
8. Correspondence from the City Engineer dated December 14, 2006.
9. Response to comments offered by the City Engineer dated December 19, 2006.
10. Correspondence from Derby Water Pollution Control Authority and Birmingham Utilities, Inc. regarding availability and approval for connections to existing utilities.
11. Correspondence from the Derby Fire Marshall dated November 27, 2006 and January 10, 2007.
12. Operational Plan, prepared by Turner Construction Company, dated 12-13-06.
13. The following drawings prepared by Loureiro Engineering Associates, Inc.:
 - a. "Sheet EX-1 - Property and Topographic Survey - Land of Griffin Health Services Corp.", dated 4/24/06 and drawn at a scale of 1"=30'.
 - b. "Plan Showing Portion of Mohawk Avenue and "L" Street To Be Discontinued", Derby, Connecticut, dated 4/3/06 and revised through 5/8/2006, drawn at a scale of 1"=30'.
 - c. "Ease-1 - Map Showing Easement to Be Conveyed to Salvatore Defilippo Sr. by Griffin Health Services Corp., Division Street, Derby, Connecticut", dated 10/13/2006, drawn at a scale of 1"=30'.
14. The following drawings prepared by the S/L/A/M Collaborative:
 - a. "Sheet L200 - Overall Site Plan", dated 11/1/06 and revised through 11/14/06, drawn at a scale of 1"=50'-0".
 - b. "Sheet L201 - Site Layout", dated 11/1/06 and revised through 12/19/06, drawn at a scale of 1"=30'-0".

- c."Sheet L201A - Fire Truck Turning Movements", dated 11/14/06, drawn at a scale of 1"=30'-0".
- d."Sheet L301 - Site Grading", dated 11/1/06, drawn at a scale of 1"=20'-0".
- e."Sheet L302 - Site Grading Enlargements", dated 11/14/06, drawn at a scale of 1"=10'-0".
- f."Sheet L401 - Site Planting", dated 11/14/06, drawn at a scale of 1"=20'.
- g."Sheet L402 - Site Planting Enlargement", dated 11/14/06, drawn at a scale of 3/16"=1'-0".
- h."Sheet L403 - Site Planting Details", dated 11/14/06, scale as noted.
- i."Sheet L501 - Site Details", dated 11/14/06, scale as noted.
- j."Sheet L502 - Site Details", dated 11/14/06, scale as noted.
- k."Sheet L503 - Site Details", dated 11/1/06 and revised through 11/14/06, scale as noted.
- l."Sheet L504 - Site Signage Details", dated 11/14/06, scale as noted.
- m."Sheet L601 - Site Lighting Photometric", dated 11/14/06, drawn at a scale of 1"=20'-0".
- n."Sheet C101 - Site Drainage", dated 11/14/06, drawn at a scale of 1"=20'.
- o."Sheet C102 - Site Utilities", dated 11/14/06, drawn at a scale of 1"=30'.
- p."Sheet C103 - Site Sediment and Erosion Control", dated 11/14/06, drawn at a scale of 1"=30'-0".
- q."Sheet C104 - Site Details and Sediment and Erosion Control Details and Notes", dated 11/14/06, scale as noted.
- r."Sheet C105 - Site Details", dated 11/14/06, scale as noted.
- s."Sheet A101 - Ground Floor Plan", dated 11/1/06 and revised through 11/14/06, drawn at a scale of 1/8"=1'-0".
- t."Sheet A102.1 - First Floor Plan Part A", dated 11/1/06 and revised through 11/14/06, drawn at a scale of 1/8"=1'-0".
- u."Sheet A102.2 - First Floor Plan Part B", dated 11/1/06 and revised through 11/14/06, drawn at a scale of 1/8"=1'-0".

- v. "Sheet A103 - Second Floor Plan", dated 11/1/06 and revised through 11/14/06, drawn at a scale of 1/8"=1'-0".
 - w. "Sheet A104 - Roof Plan", dated 11/1/06 and revised through 11/14/06, drawn at a scale of 1/16"=1'-0".
 - x. "Sheet A301 - Building Elevations", dated 11/1/06 and revised through 11/14/06, drawn at a scale of 1/8"=1'-0".
 - y. "Sheet A302 - Building Elevations", dated 11/1/06 and revised through 11/14/06, drawn at a scale of 1/8"=1'-0".
 - z. "Sheet A401 - Building Sections", dated 11/1/06 and revised through 11/14/06, drawn at a scale of 1/8"=1'-0".
15. 11x17 copy of Subsurface Exploration Location Plan, prepared by JGI Eastern, Inc., dated August 2006 and drawn to a scale of 1"=30' with attached Test Boring Logs.
16. CT Department of Transportation Preliminary Design Drawings entitled "Route 8 Corridor Access Improvements, Exits 15 to 18" (Title Sheet, Sheet 4 and Sheet 33).
17. Derby School Calendar for April 2006.
18. Testimony provided by the Public, City Staff, Commission members, and the Applicant and their representatives during the public hearings which were held on December 19, 2006 and January 16, 2007.

With the following stipulated conditions:

- 1. Prior to the issuance of a certificate of zoning compliance the applicant shall provide evidence that the properties associated with this application have been consolidated and that an A-2 Survey map showing the combined properties is filed on the land records.
- 2. Prior to the issuance of a building permit, the applicant shall provide evidence that a Certificate of Operation has been obtained from the State Traffic Commission (STC). Any changes in the plans following the STC review shall be submitted to the Planning & Zoning Commission's staff.
- 3. Fire Marshall comments dated January 10, 2007.
- 4. Hours of operation for Mass Excavation and rock crushing operations per regs.

5.A performance bond in an amount and form acceptable to the City Engineer and Corporation Counsel shall be posted prior to any modifications to the site. The amount of the bond shall cover the following improvements:

- a.Site lighting
- b.Signage
- c.Storm Drainage improvements
- d.Landscaping and site restoration
- e.As-built survey

6.Improvements to Seymour Avenue, drainage, etc.

7.Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission for review and action if necessary.

The motion was seconded by Mr. Jalowiec and carried unanimously.

(f) Application for Text Change OS Zone from The Recreation Camp, Inc., 550 Roosevelt Drive.

A motion to approve the application effective February 1, 2007 was made by Mr. Barboza, seconded by Mr. Jalowiec and carried unanimously.

Payment of Bills:

A motion to pay all bills was made by Mr. Stankye, seconded by Mr. Barboza and carried unanimously.

(b) Request for Bond Reduction, McConney Subdivision, Great Hill Road, Lots 5 & 6.

Mr. Joyce stated that a request was made for two lots on Great Hill Road. He stated that he needed to check if they have already been reduced and if they have been it can be released. Mr. Stevens moved that staff determine whether the bond should be reduced. The motion was seconded by Mr. Stankye and carried unanimously.

A motion to adjourn was made by Mr. Jalowiec, seconded by Mr. Stankye and carried unanimously. The meeting was adjourned at 8:50 p.m.

Attest:

Maryanne DeTullio