

## ***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

Raul Sanchez (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, August 18, 2009 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 Barboza, Glenn Stevens, Albert Misiewicz, David Rogers, Steve Jalowiec, and Raul Sanchez. Also present were Michael Joyce, Milone & MacBroom and Maryanne DeTullio, Clerk.

### Additions, Deletions, Corrections to Agenda

There were no additions, deletions or corrections to the agenda. Mr. Estwan noted that on Item 9b, the Commission will discuss this prior to opening the public hearing. He stated that the Commission has 65 days from the receipt of the application to open the public hearing and in light of some additional information and documentation a discussion will be held before it is opened.

### Correspondence

There was no correspondence.

### Public Portion

There was no one from the public wishing to speak.

### Approval of Minutes:

A motion to approve the minutes of 07/21/09 meeting was made by Mr. Barboza, seconded by Mr. Rogers and carried unanimously with Mr. Jalowiec and Mr. Stevens abstaining.

### Acceptance of Applications:

Mr. Estwan stated that an application for zone text change was received from Jalowiec Realty Associates in a B-1 Zone to add as a special exception motor vehicle repair facilities not to exceed five service bays. A motion to accept an application and schedule for public hearing in September was made by Mr. Barboza, seconded by Mr. Rogers and carried unanimously, with Mr. Jalowiec abstaining.

Public Hearing:

(a) Application for Special Exception Use from William Korolyshun for temporary rock crushing on property at Division Street (Application #2009-04-21-01) - Continued from 7/18/09.

Mr. Estwan stated that last month the Commission asked for either Inland Wetlands approval or a waiver that he did not have to go through their application process. Mr. Korolyshun stated that he does not have that and he received a list of other items from the City Engineer that are needed. He stated that he has not had enough time to get those and is therefore withdrawing his application until he has everything necessary.

Mr. Misiewicz stated that it appears that material is being brought on site and asked if a cease and desist could be issued until a proper application is submitted. Mr. Estwan stated that the application is for a temporary rock crushing operation and if he is not crushing rock; he did not know what he was doing on property that he owns. It is in the proper zone and if there is a zoning violation that should be addressed by Mr. Kopjanski.

(b) Application for amendment to special exception from Frank's LLC for 208 Seymour Avenue, for sales and service of used cars and trucks - I-1 Zone (Application #2009-07-21-1).

Mr. Estwan stated that before opening the public hearing he asked if anyone was present for the applicant. Warren Dworkin was present. Mr. Estwan stated that since the initial a lot of documentation was received to modify the application. There is an application from Frank's LLC as a sales and service of used; modified to add City Stitches which is a manufacturer and then another modified application from Mr. Dworkin which includes Frank's LLC; City Stitches and Kids on the Moon Entertainment. Mr. Estwan stated that there are multiple ownership of properties and a lot of this application steps over all the different properties. He stated that the public hearing is not the correct avenue to go through all this and figure it out. All that should be done before the application is submitted. He stated that the Commission has 65 days from the receipt of an application to open the public hearing. He stated that there are too many loose ends to open the public hearing until all the issues are ironed out. Then there will be a complete application for the public to view. There was information submitted just this evening which no one has had the opportunity to review.

Mr. Joyce stated that the original application was for Lot 207 and the revised applications have added Lots 204, 205, 206 and 208 which may have changed the mailing notifications that need to be made. He stated that there is also some uses that are now on the application but not shown on the plans. He stated that the applicant should get all this straightened out before the public hearing is opened.

Mr. Jalowiec agreed that there should be a comprehensive plan and it seems like everything is coming together at this location but it should be all worked out.

Mr. Joyce stated that it is important that the proper procedures are followed.

Mr. Dworkin stated that it has been modified. He stated that his representative could not be here but assured him that when the mailings were done they went to everyone within the borders of all properties. He stated that there are discrepancies on who owns which properties and had a letter from an attorney who did the research. He stated that they control all the properties and one way or another owned by the family.

Mr. Estwan stated that everything should be done prior to the application being submitted. He stated that there are now different businesses proposed to occupy this property and all the information should be submitted before the public hearing is opened.

A motion to continue the public hearing to the September meeting was made by Mr. Jalowiec, seconded by Mr. Barboza and carried unanimously.

#### New Business

(a) Application for Special Exception Use from William Korolyshun for temporary rock crushing on property at Division Street (Application #2009-04-21-01) - Continued from 7/18/09.

Mr. Estwan stated that this application has been withdrawn.

(b) Application for amendment to special exception from Frank's LLC for 208 Seymour Avenue, for sales and service of used cars and trucks - I-1 Zone (Application #2009-07-21-1).

A motion to table this matter was made by Mr. Stevens, seconded by Mr. Rogers and carried unanimously.

#### Old Business

(a) Update on Redevelopment Zone

Mr. Stevens stated that there was nothing new to report.

(b) Update on Enforcement Issues.

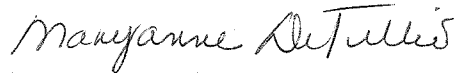
Mr. Estwan stated that there was no report this month.

#### Payment of Bills:

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

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Barboza and carried unanimously. The meeting was adjourned at 7:20 p.m.

Attest:



Maryanne DeTullio

*These minutes are subject to the Commission's approval at their next scheduled meeting.*