

## ***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, August 15, 2006 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, David Barboza, Steven Jalowiec, Richard Stankye, Albert Misiewicz and Joseph Gruttadauria. Also present were Atty. Joseph Coppola, Mike Joyce, Milone & MacBroom and Maryanne DeTullio, Clerk.

### Additions, Deletions, Corrections to Agenda

A motion was made by Mr. Jalowiec to add under Old Business discussion regarding Home Depot. The motion was seconded by Mr. Stankye and carried unanimously.

### Public Portion

Roger Birtwell, 8 Third Street stated that the lease for Spooner House expired five years ago and he felt that they should be given a time limit as to how long that can stay there.

He also stated that there was blight at 45 Minerva Street which had been approved for an auto restoration business. Atty. Coppola stated that there is a sub-committee of the Board of Aldermen that deals with blight issues or he can speak with David Kopjanski about that. He also stated that this Board has nothing to do with Spooner House and his concerns should be addressed to the Board of Aldermen.

### Approval of Minutes:

A motion to approve the minutes of 07/18/06 minutes was made by Mr. Barboza, seconded by Mr. Rogers and carried unanimously with Mr. Stankye abstaining.

### Acceptance of Applications:

Mr. Jalowiec moved to accept and schedule for public hearing in October an application for CDD approval for affordable housing under CGS §8-30 for 16 Fourth Street.

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

Mr. Jalowiec moved to accept and schedule for public hearing in October an application for CDD approval for affordable housing under CGS §8-30 for 225 Caroline Street.

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

Mr. Jalowiec moved to accept and schedule for public hearing in October an application for CDD approval for affordable housing under CGS §8-30 for 175 Caroline Street. The motion was seconded by Mr. Stankye and carried unanimously.

### Public Hearings

(a) Application from John Pawlowski for three (3) lot subdivision at 23 Clark Street Extension - R-3 Zone.

Atty. Thomas Welch stated that revised maps were submitted and the only changes were notes and requests from the city engineer which were added to the plans. He stated that they are on the agenda for the WPCA meeting next week. Mr. Joyce noted that any major modifications that might come out of the WPCA would come back to this Commission. There was no public comment on the application. A motion to close the public hearing was made by Mr. Barboza, seconded by Mr. Jalowiec and carried unanimously. A motion to add to the agenda under New Business (9b) was made by Mr. Barboza, seconded by Mr. Stankye and carried unanimously.

(b) Application from Mangione Properties, LLC for Change of Zone for property on Commerce Street from I-1 to B-2.

(c) Application from Mangione Properties, LLC for Text Change for Section 195-16D.

Atty. James Cohen stated that the public hearing was held open to receive comments from referrals made to the regional planning agencies. Mr. Estwan read a response from VCOG dated 8/1/06 that they found no negative intermunicipal impact regarding these applications. There was no public comment on the applications. A motion to close the public hearing on the change of zone application was made by Mr. Jalowiec, seconded by Mr. Stankye and carried unanimously. A motion to close the public hearing on the text change application was made by Mr. Jalowiec, seconded by Mr. Stankye and carried unanimously. A motion to add to the agenda under New Business (9c) the application for zone change from Mangione Properties was made by Mr. Misiewicz. The motion was seconded by Mr. Stankye and carried unanimously. A motion to add to the agenda under New Business (9d) the application for text change from Mangione Properties was made by Mr. Misiewicz, seconded by Mr. Jalowiec and carried unanimously.

### New Business

(a) Application from 140 Main Street-Derby LLC for CDD approval for 142-144 Main Street.

Sam Rizzitelli stated that they wish to add a deck onto the rear of the property. He stated that the addition of a deck would make the property more marketable and attract the kind of business that they are looking for. It will be handicap accessible. Mr. Stankye asked about the design of the deck and Mr. Rizzitelli indicated that it will be one level flat across with lighting on the inside of the deck. Mr. Jalowiec asked about the effect on parking and Mr. Rizzitelli stated that whoever is the tenant they will have to

come before the Commission for approval and their parking needs would have to be approved. The deck will be grade level with the rear. Mr. Estwan stated that at the time a portion of the building is vacant and Mr. Joyce stated that both tenants will have access to the deck. He also stated that the only access at this time is through the vacant space. Mr. Estwan stated that the application is only for the deck and any intended use would have to come back to this Commission. Mr. Joyce asked if there will be any screening on the deck and Mr. Rizzitelli stated that there will definitely be latticework on the bottom so that it will not be open and could have a brick veneer added. He also stated that it will be pressure treated wood. Mr. Jalowiec stated that any lighting will have to meet the regulations. A motion to approve the application with the condition that a sketch be attached to the application and brick veneer added to the deck was made by Mr. Barboza, seconded by Mr. Stankye and carried unanimously.

(b) Application from John Pawlowski for three (3) lot subdivision at 23 Clark Street Extension - R-3 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 Subdivision Application for John Pawlowski on property shown on Derby Assessor's Map 6-11, Lot 41 subject to the following conditions:

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

Drawings prepared for Fairfield County Custom Homes, LLC by Nowakowski-O'Bymachow-Kane, Associates:

1. "Proposed Subdivision Plan", dated April 20, 2006 and revised through 7/18/06, drawn at a scale of 1"=20'.

2. "Site Plan", dated April 20, 2006 and revised through 7/25/05, drawn at a scale of 1"=20'.

3. "Detail Sheet", dated April 20, 2006 and revised through 7/25/06, drawn at a scale as noted.

2. Since no new streets will be constructed as part of this application and all lots have frontage along existing City streets where sidewalks currently do not exist, this approval includes a waiver of the sidewalk requirements in Section 3.9 of the subdivision regulations.

3. Since no new roads are proposed as part of this application, individual construction bonds shall be provided on each lot for sediment and erosion control measures, site stabilization, work on adjacent properties and work within the City right-of-way. The bond shall be in an amount and form acceptable to the Commission, the City Engineer and the Corporation Counsel.

4. 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.

A. Accurate staking of all approved clearing limits in accordance with regulatory approvals.

B. 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.

C. Written confirmation that the deeds of the properties have mention of the stipulated conditions of this approval.

5. The developer shall notify the City Engineer 24 hours in advance of the installation of the stormwater infiltration systems.

6. The City Engineer shall have the authority to request additional sediment and erosion control measures if necessary.

7. Any significant changes or modifications such as WPCA requests to the plans presented will require subsequent review and approval by the Planning & Zoning Commission.

8. Presentation of a certificate of approval of construction plans for the sanitary sewers by WPCA, pursuant to Section 7.5.5b of the subdivision regulations.

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

(c) Application from Mangione Properties, LLC for Change of Zone for property on Commerce Street from I-1 to B-2.

Mr. Estwan moved that following review of the documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the application for Zone Map Change for Mangione Properties, LLC to change the zone from I-1 to B-2 for properties shown on Derby Assessors Map 7-4, Lots 1 & 1A without conditions, effective 09/11/06. The motion was seconded by Mr. Stankye and carried by a 5-2 vote with Mr. Jalowiec and Mr. Barboza opposed.

(d) Application from Mangione Properties, LLC for Text Change for Section 195-16D.

Mr. Estwan moved that following review of the documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Application for Zone Text Change for Mangione Properties, LLC which seeks to add "Construction Contractor's Business" as a Special Exception Use in the B-2 Zone with the following conditions:

1. The actual text change shall add the following: Section 195-16, Subsection D(5) - Construction contractor's business with a screened, paved, storage and equipment parking area, effective 09/11/06. The motion was seconded by Mr. Misiewicz and carried by a 5-2 vote with Mr. Barboza and Mr. Jalowiec opposed.

Old Business:

(a) Update on Redevelopment Zones.

Atty. Coppola stated that Derby Jewelers have reached an agreement with the City and will be moving out. There are four other property owners left and all those properties have been appraised. He stated that some information on those should be forthcoming in the next month. trict.

(b) Home Depot Water Ponding Issue

Mr. Joyce stated that some work has been done and they are planning on installing a drywell. Mr. Jalowiec stated that there is a lot of storage in the parking area and a condition of the approval was that there would be no storage in the parking lot. Mr. Joyce stated that this particular bond is only for the front area of the building. Mr. Jalowiec felt that a letter scold be sent to David Kopjanski regarding the enforcement of the condition of outside storage. Mr. Estwan stated that at this time the biggest concern is the area on Main Street but he will communicate with Mr. Kopjanski. Mr. Joyce stated that before the bond is released we need to make sure that the measures that they are doing will work.

Payment of Bills

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

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously. The meeting was adjourned at 8:00 p.m.

Attest:

Maryanne DeTullio