

## ***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, February 20, 2007 at 7:00 p.m. in the Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:10 p.m. by Chairman Ted Estwan. Present were Ted Estwan, David Rogers, Steven Jalowiec, Albert Misiewicz, Glenn Stevens, David Savo, Richard Stankye and Joseph Gruttadauria. Also present were Atty. Joseph Coppola, Vince McDermott, Milone & MacBroom and Maryanne DeTullio, Clerk.

### Additions, Deletions, Corrections to Agenda

A motion to add Section 8-24 Referral from the Board of Aldermen regarding the middle school referendum was made by Mr. Savo, seconded by Mr. Jalowiec and carried unanimously. The item will be added under New Business, Item (a).

### Public Portion

There was no one from the public wishing to speak.

### Approval of Minutes:

A motion to approve the minutes of 01/16/07 meeting was made by Mr. Rogers and seconded by Mr. Stankye. It was noted that the motion regarding the approval of the application for John Coscia was seconded by Mr. Stankye and not Mr. Savo. The motion was carried unanimously.

A motion to approve the minutes of the 01/22/07 meeting was made by Mr. Jalowiec, seconded by Mr. Savo and carried unanimously with Mr. Stevens, Mr. Rogers and Mr. Gruttadauria abstaining.

### Acceptance of Applications:

Mr. Savo moved to accept an application from Calco of Caroline St. LLC for corner of Fifth and Elizabeth Streets. The motion was seconded by Mr. Jalowiec and carried unanimously.

Mr. Jalowiec moved to accept and schedule for public hearing an application from Derby Shopping Center LLC for 500 New Haven Avenue. The motion was seconded by Mr. Stankye and carried unanimously.

Mr. Stankye moved to accept and schedule for public hearing an application from Patel's LLC for 441-443 Roosevelt Drive. Mr. Estwan explained that this application was approved last month and an appeal is pending to that approval. There was an error in notifying an abutting property owner. They have re-applied and it will now be scheduled for public hearing so that the proper notifications can be made. The motion was seconded by Mr. Stevens and carried unanimously.

Public Hearings:

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

Atty. Lewis Wise stated that there is an existing billboard at 15 New Haven Avenue which they will be tearing down and rebuilding. It will be the same size and height and in basically the same location. The billboard is presently non-conforming both to sideyard and front yard setbacks and it will be moved just enough to bring it into conformity. Atty. Wise stated that they have addressed all the issues raised in the review letter from Milone and MacBroom. Mr. Estwan asked about the lighting on the billboard and Atty. Wise stated that they will use cut off shields and the lighting will shine downward. The certified mailings to adjacent property owners were submitted.

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 with the stipulation that the ZEO has right to order cut off shields on the lighting was made by Mr. Savo, seconded by Mr. Stankye and carried unanimously.

(b) Application for Special Exception Use from Cellco Partnership d/b/a Verizon Wireless for installation of in-building wireless system at 20 Division Street - B-1 Zone.

Atty. Joey Lee Miranda was present and submitted the certified mailings. She stated that this is a special exception application to install in-building wireless telephone facility inside BJ's Wholesale Club. There will be two antennas on the roof which will be stacked one on top of the other. There will be a series of small antennas inside as well as other equipment. This is needed to have inside coverage for Verizon which has a kiosk in the store. The antennas on the roof will be 2'4" above the parapet wall on the roof. There is an existing aerial antenna which is higher than that. It was reviewed by the City Engineer and they had no problems with the application.

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

(c) Application for Zone Text Change from City of Derby Planning & Zoning Commission for I-C Zone.

Mr. Estwan stated that this zone text change effects the Fountain Lake property and also property in East Derby. He stated that comments were received from VCOG and South Central Regional Planning. He also read a letter from Milone and MacBroom responding to the comments made by the regional planning agencies.

There was no public comment on the application. A motion to close the public hearing was made by Mr. Jalowiec, seconded by Mr. Savo and carried unanimously. A motion to approve the text change (copy attached) effective March 15, 2007 was made by Mr. Jalowiec, seconded by Mr. Stevens and carried unanimously.

### Old Business

(a) Update on Redevelopment Zone

Atty. Coppola stated that the new chairman of the Redevelopment Commission is Rick Dunne. He stated that they are still negotiating with one property owner and hopefully it will be resolved shortly. The other remaining property owners have refused the City's offer and the Commission will be meeting to see what will happen now.

### New Business

Section 8-24 Referral - Middle School Referendum

A motion to approve the resolution regarding the 8-24 Referral for the Middle School referendum (copy attached) was made by Mr. Stankye, seconded by Mr. Misiewicz and carried unanimously.

A motion to adjourn was made by Mr. Jalowiec, seconded by Mr. Savo and carried unanimously. The meeting was adjourned at 7:35 p.m.

Attest:

Maryanne DeTullio

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