

***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, November 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 Ted Estwan. Present were Ted Estwan, Steven Jalowiec, David Rogers, David Barboza, Albert Misiewicz and Glenn Stevens. Also present were Atty. Joseph Coppola, Michael Joyce, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

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

Correspondence

Mr. Estwan stated that a letter was received that Nextel has applied to the Citing Council of the State of Connecticut for a 180' monopole type tower at 1732 Derby Milford Road.

Mr. Estwan read a letter from David Savo resigning from the Commission. He also read a letter from Joseph Gruttadauria III stating that he is resigning from the Commission.

Mr. Joyce stated that the repair of the culvert at the Lowe's location will begin after Thanksgiving and they will be restoring the normal flow of the brook.

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to approve the minutes of the October 16, 2007 meeting was made by Mr. Barboza, seconded by Mr. Jalowiec and carried unanimously with Mr. Stevens abstaining.

Acceptance of Applications

There were no new applications to accept.

Public Hearing:

(a) Application for Change of Zone from Planning & Zoning Commission for Academy Hill Road/Mansfield Street, Assessors Map 6-11, Lots 5, 6, 7, 8 from R-3 to R-4 Zone.

Michael Joyce stated that this is an application to change the zone for four parcels located on Mansfield Street and Academy Hill which are known as Lots 5, 6, 7 and 8 from R-3 to R-4. This will bring these lots closer in conformance to the zoning regulations than the current zone. The receipts for the certified letters to the adjacent property owners were submitted. Mr. Estwan noted that VRPA was notified of this application but no reply has been received from them and it has been over 30 days. Mr. Joyce stated that he spoke with someone from VRPA who stated that they understand the reasons for the application. It was also noted that the signs were posted and the City of Ansonia notified. Mr. Misiewicz asked if the land usage will be the same and Mr. Joyce stated that it will be and there are some special exception issues which are different. Mr. Estwan asked for any public comment.

Keith McLiverty, 15 Academy Hill stated that there is a four family house already in this area and this change will prevent any further multi-family dwellings. He also stated that it will bring the lots into greater conformity with the regulations.

A motion to close the public hearing was made by Mr. Rogers, seconded by Mr. Stevens and carried unanimously. A motion to add this to the agenda as Item 10(g) was made by Mr. Rogers, seconded by Mr. Stevens and carried unanimously.

(b) Application for Amendment to Special Exception from Ronald Sheehy for 49 Burtville Avenue for auto body repair shop and sales - R-5 Zone.

Ron Sheehy was present and stated that he has a repair license and is now getting a dealer's license and would like to sell cars. He presented the certified mailings. Mr. Estwan stated that there is an issue with this as an auto body repair shop and sales are two different uses. This would be an expansion of an already existing special exception and he did not know whether it should be two separate issues. Atty. Coppola recommended not opening the public hearing and refer it to him for review. Mr. Joyce stated that it is an existing non-conforming use at this time. Mr. Jalowiec moved that the application be referred to the corporation counsel for clarification and the public hearing will be opened in December. The motion was seconded by Mr. Barboza and carried unanimously.

Carolyn Duhaine, 25 Elm Street stated that neither she nor her husband signed the green card on their certified letter which was missing when they received the letter. She was told that the card would be available at the Building Department for her review.

Daniel Waleski, 23 Elm Street felt that the public hearing should be opened and continued so that the residents present may be allowed to comment. Mr. Estwan stated that if it is opened and then determined that the application should not have been accepted as presented; it would appear that it was an accepted application.

New Business:

(a) 8-24 Referral from Derby Board of Aldermen - Acceptance of Frank Gates Lane as a public street.

Mr. Estwan read a letter dated 10/26/07 from Mayor Staffieri stating that it can be accepted as a city street. A motion to approve the 8-24 Referral accepting Frank Gates Lane as a public street. The motion was seconded by Mr. Stevens and carried unanimously.

(b) 8-24 Referral from Derby Board of Aldermen - Sale of City of Derby owned property on Water Street (Assessor Map 8-5, Lot 170).

Atty. Coppola stated that this parcel has no value to the city and the Board of Aldermen approved the sale. A motion to approve the 8-24 referral regarding the sale of City of Derby owned property on Water Street, Assessor Map 8-5, Lot 170 was made by Mr. Jalowiec, seconded by Mr. Misiewicz and carried unanimously.

(c) 8-24 Referral from Derby Board of Aldermen - Acceptance of land from Home Depot on Water Street.

Mr. Joyce stated that this land that should have been transferred to the City previously from Home Depot. A motion to approve the 8-24 referral for acceptance of land from Home Depot on Water Street was made by Mr. Jalowiec, seconded by Mr. Rogers and carried unanimously.

(d) Clark Street Extension - Fairfield County Custom Homes - 2 Lot Subdivision - Request for Bond Reduction.

Mr. Joyce stated that this was tabled from last month to see what bonds are under the jurisdiction of this Commission. There are two bonds - \$10,000. soil and erosion control bond and \$20,000. road improvement bond. The soil and erosion bond is posted before any work is done. A meeting was held with DPW and it was determined that at \$20,000. bond should be posted for road improvements. The work then proceeded including milling and overlay. A patch was done on Academy Hill that was not a full patch and the developer was told by DPW that it was all right. There were some soil and erosion control problems on Clark Street. There was some cleaning of the catchbasins and pavement improvements and curbing done to satisfactory condition. Mr. Joyce stated that there would be no objection to a reduction in the bonds and the soil and erosion control bond be reduced to \$2,000. and the road improvement bond to \$4,000. Mr. Barboza stated that because of the history of this project the bonds should not be reduced to those figures. Mr. Jalowiec moved that the soil and erosion bond be reduced to \$2,000. and the road improvement bond to \$10,000. for a total of \$12,000. The motion was seconded by Mr. Barboza and carried unanimously.

(e) LMC Estates - Lot #8 - Request for Bond Release.

A motion to table this item to the December meeting was made by Mr. Barboza, seconded by Mr. Jalowiec and carried unanimously.

(f) Informal Discussion - Aquifer Protection Regulations/Subdivision Regulations.

Mr. Joyce stated that the City received an invitation to attend an aquifer regional training program. The City will need to establish regulations to regulate land use within those areas. Fred Columbo, Chairman of Inland Wetlands Agency attended the training session. The Derby aquifer area will mainly be in a perimeter around the Birmingham well on Lakeview Terrace. Mr. Joyce stated that they are trying to determine when the mapping of that area will be finalized and the City will then have six months from that time to complete the regulations. A budget will need to be established for this work. Mr. Jalowiec moved that Mr. Joyce begin working on this and have a preliminary recommendation for the January meeting. The motion was seconded by Mr. Stevens and carried unanimously.

(g) Application for Change of Zone from Planning & Zoning Commission for Academy Hill Road/Mansfield Street, Assessors Map 6-11, Lots 5, 6, 7, 8 from R-3 to R-4 Zone.

Mr. Barboza moved to approve the zone change for Lots 5, 6, 7 and 8, Assessors Map 6-1, Academy Hill/Mansfield Street from R-3 to R-4 effective December 15, 2007. The motion was seconded by Mr. Jalowiec and carried unanimously.

Old Business:

(b) Update on Redevelopment Zone.

Atty. Coppola stated that a meeting was held and there was some discussion about the possibly of expanding the redevelopment zone. He also stated that the gap is \$35 million.

Payment of Bills

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

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

Attest:

Maryanne DeTullio

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