

***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

A meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, December 18, 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, Albert Misiewicz, Richard Stankye, David Rogers and Raul Sanchez. Also present were Atty. Joseph Coppola, Michael Joyce, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

A motion to add to the agenda as Item 11d discussion of proposed expansion of CDD Zone was made by Mr. Stankye, seconded by Mr. Misiewicz and carried unanimously. Mr. Rogers moved to add as Item 11e informal discussion from Marcucio Gardens re: nursery. The motion was seconded by Mr. Stankye and carried unanimously. A motion to add to the agenda as Item 11f adoption of numbering applications for tracking was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously.

Election of Officers

Mr. Rogers moved to nominate Ted Estwan for Chairman. The motion was seconded by Mr. Stankye and carried unanimously with Mr. Estwan abstaining.

Correspondence

There was no correspondence to read.

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes:

A motion to approve the minutes of 11/20/07 meeting was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously with Mr. Stankye abstaining.

Acceptance of Applications:

Public Hearing:

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

Ryan Federico was present for the applicant and asked that the hearing be continued to the January meeting. He stated that they will submit a letter in writing requesting an extension. Mr. Stankye moved to grant the extension. The motion was seconded by Mr. Rogers and carried unanimously.

11. New Business

(a) LMC Estates - Lot #8, Request for Bond Release

Mr. Joyce stated that he is still waiting for some documentation on the easement and asked that it be continued to the January meeting. A motion to continue the request for bond release to the January meeting was made by Mr. Rogers, seconded by Mr. Stankye and carried unanimously.

(b) Informal Discussion - Daycare Center - 328 Derby Avenue

John Rak, representing Burtville Associates and Danielle Bradshaw were present. Mr. Rak stated that the Mrs. Bradshaw would like to rent a portion of the building at 328 Derby Avenue for use as a daycare center. He presented a preliminary plan for the center and stated that this is allowed in the zone by special exception. Mr. Joyce asked about sight lines from this property and Mr. Rak indicated that coming up toward Ansonia they are substantial and turning left out of the site they are shorter. Mr. Estwan asked if there was any heavy industrial use in close proximity and also about parking. Mr. Rak indicated there was no heavy industrial use and there was additional on site parking available. Mr. Joyce explained that the special exception would apply to other businesses and it would run with the land. He also indicated that when the application is filed they must notify property owners within 300' of the property boundaries. He also stated that they should identify the other operations on the site.

(c) Adoption of Meeting Schedule - 2008.

Mr. Stankye moved that the meeting schedule of third Tuesday of every month at 7:00 p.m. be adopted. The motion was seconded by Mr. Misiewicz and carried unanimously.

(d) Discussion on Proposed Expansion of CDD Zone.

Mr. Joyce stated that when the Commission heard an application for property on Roosevelt Drive one of the issues that came up during that discussion was to expand the CDD Zone. There are other industrial uses in that area along with residential and other entities. If the CDD zone were extended industrial uses would not be allowed. There are other ways to zone that area and make the area attractive to developers. Mr. Joyce had done an analysis in 2005 of the properties in this area which was an effort to inventory the type of uses there. There are different uses in

dedication to that area can be made or some type of overlay zone. There are options with regard to the type of residential and industrial uses that can be allowed and how to re-use the old buildings. Mr. Estwan stated that the Economic Development Director is looking for some guidance with regard to this area. Mr. Stankye stated that the Commission should help in making this area more marketable and attractive. Mr. Estwan stated that staff is looking for comments to work with Economic Development Office to get an application together regarding this area. Mr. Stankye moved that staff work with Economic Development Office to come up with some guidelines and move forward this with regard to this area of town. The motion was seconded by Mr. Misiewicz and carried unanimously.

(e) Informal Discussion from Marcucio Gardens Re: Nursery

Phil Marcucio was present and stated that he would like to make the rear portion of his property to be a nursery that would be acceptable in that zone. There would be no permanent structures of impervious surfaces. He would like to have temporary bins and storage trailers when necessary during certain times of the year. The bins are used for the storage of mulch and would be located next to the commercial zone. There is an area of open space in the rear and an area of trees between his property and the adjoining property owners. He stated that he would add a berm as a second barrier. He stated that he wants to make the property conforming and have an agriculture use there.

Mr. Estwan asked about the wetlands in the area and Mr. Marcucio stated that he will be going before Inland-Wetlands and had previously gotten approvals from them but does not have approval for the storage bins. Mr. Estwan stated that he needs to check the setback regulations. Mr. Joyce stated that this is a flag lot and the setback regulations are slightly different for flag lots. Mr. Stankye asked if he had spoken with any of the neighbors about this. Mr. Marcucio stated that he is aware of complaints from some neighbors but most of them are in favor of this. Mr. Stankye stated that there are problems with water runoff from the site. Mr. Joyce stated that he met with Mr. Marcucio and some of the neighbors about some of their concerns and some of the water runoff issues are difficult to determine where they begin. He stated that plans were approved by Inland-Wetlands that certain things could be done and there was some question about what was actually done on the site.

Mr. Stankye stated that some of the issues appear to be more wetlands related. Mr. Joyce stated that there is a questions about permanent storage trailers. Mr. Marcucio stated that he will be taking down the barn that is on the property and needs the trailers for storage of the materials that are in the barn.

11f. Adoption of numbering applications for tracking.

Mr. Joyce stated that at this time there is no way to track applications and numbering them would help create a link with the Finance Office when the applicant is billed for fees.

Mr. Stankye moved that the applications be numbered as proposed by staff. The motion was seconded by Mr. Misiewicz and carried unanimously.

12. Old Business

(a) Update on Redevelopment Zones

Atty. Coppola stated that there was nothing new to report at this time.

13. Payment of Bills

Mr. Estwan stated that there were no bills to be paid at this time.

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Stankye and carried unanimously. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk