

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 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 Steve Jalowiec. Present were Steve Jalowiec, Glenn Stevens, Albert Misiewicz, David Rogers and David Savo. Also present were Atty. Joseph Coppola, Michael Joyce, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

A motion to add as Item 9(d) Ansonia subdivision referral was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously.

Correspondence

Mr. Jalowiec stated that there was no correspondence received.

Public Portion

The owner of Fratelli's Restaurant was present and stated that there is an issue with the location of the dumpster on his property. Mr. Joyce stated that the opening has been closed with fencing and the dumpster now straddles part of the easement that is there. He also stated that it is important to determine how many seats have been added to the addition area. The owner indicated that 67 seats were approved but they only have 50 in that area. He also stated that the dumpster is the same place where it was for many years and the new owners of the adjacent property have no problem with the location of it. Mr. Joyce stated that he will speak with the owner and Mr. Kopjanski.

Approval of Minutes:

A motion to approve the minutes of 07/17/07 meeting was made by Mr. Savo, seconded by Mr. Stevens and carried unanimously.

Acceptance of Applications:

Mr. Misiewicz moved to accept an application for CDD approval from TEAM for 30 Elizabeth Street for use as a dental office and child/guidance counseling office. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Stevens moved to accept an application for CDD approval from Tom D'Addario for 100 Elizabeth Street for office space. The motion was seconded by Mr. Savo and carried unanimously.

Mr. Barboza moved to accept an application for amendment to application for special exception from Derby Shopping Center. The application will be scheduled for public hearing in September. The motion was seconded by Mr. Misiewicz and carried unanimously.

New Business:

(a) Application for CDD approval from 140 Main Street-Derby LLC for 142-144 Main Street for art studio at 144 Main Street Rear - CDD Zone.

Sam Rizzitelli was present and stated that the area is at the rear of the building and is approximately 600 s.f. There will be no sales or classes at the location. There will also be no signage,. Mr. Joyce stated that it is important to keep track of the parking requirements. A motion to approve the application for art studio at 144 Main Street Rear was made by Mr. Stevens, seconded by Mr. Rogers and carried unanimously.

(b) Application for Site Plan Modification from Davis Oil Company for 40 Cedar Street - R-5 Zone.

Donald Smith was present for the applicant. Mr. Jalowiec read a letter from the Fire Marshal indicating that there is no problem with fire accessibility to the property.

Mr. Smith stated that this operation has been in business at this location for approximately 60 years. In February, 2007 there was a spill of approximately 100 gallons on site and the DEP and EPA were notified. There are two above ground 12,400 gallon tanks on the site. The DEP and EPA want them to be in compliance with current codes and regulations. They are requiring them to line the containment area where the tanks are and the loading area. They will also be paving the area where the fuel tanks are. A 5' chainlink fence will be put in around the area. The rain water cannot go into the ground. They are proposing that it percolates down into the ground, goes through an oil/water separator and then from there would discharge into the sanitary sewer system. They would extend the sewer 95' on Cedar Street. They are meeting with WPCA and they have an issue with tying into the sanitary sewer system. If this is not done, the alternative would be to put in a holding tank which would have to be pumped out and taken to the sewage treatment plant. It was

suggested that a roof be constructed over the tanks but because this is a residential area it could not be done.

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Mr. Jalowiec suggested using double wall tanks as an alternative which would eliminate the need for the lining. Mr. Smith stated that they could look into that but would still have to line the area where the trucks are loaded.

Paul Davis, Davis Oil Company stated that he is under a time line with EPA and has to have these improvements complete by the end of September or he will be fined. Mr. Joyce stated that he prepared a review letter. He also stated that the nature of the business is not changing; it is the repair of an existing non-conforming use. He suggested fencing or screening along the northerly property line. Mr. Smith stated that if they do not receive approval from the WPCA they will put in the holding tank. Mr. Savo stated that hopefully they will work with the City Engineer and staff on the holding tank. He felt that these were improvements to the property in order to bring it into compliance.

Mr. Stevens moved to approve the application with the condition that submittal of new documents regarding the holding tank, if necessary, are given to the City Engineer and any substantial modifications are brought back to the Commission. If the sewer line is extended they would be responsible for the restoration of that portion of Cedar Street and a repair bond would have to be posted. The motion was seconded by Mr. Rogers and carried unanimously.

(c) Request for Bond Release for LMC Estates - Great Hill Road - Lots 2 and 3.

Mr. Joyce stated that they would recommend the full release of the bonds for Lots 2 and 3 of LMC Estates. A motion to approve the release of the bonds for Lots 2 and 3, LMC Estates, Great Hill Road was made by Mr. Stevens, seconded by Mr. Misiewicz and carried unanimously.

(d) Twin Oaks Subdivision - Ansonia

Mr. Joyce stated that this subdivision connects Coe Lane to Pulaski Highway. He had reviewed the plans and made some comments to Ansonia. The plans were modified. They have changed the construction of the cul-de-sac which will now require a wall which at points will be very high. They will effect property owners in Derby and there was a question of whether they are aware of this. Mr. Joyce stated that he will express the concerns about this to Ansonia officials again. Mr. Jalowiec suggested sending a copy of the letter to the adjacent property owners in Derby. A motion to authorize the City Engineer to send this letter to Ansonia officials was made by Mr. Jalowiec, seconded by Mr. Misiewicz and carried unanimously.

Old Business

(a) Application for Site Plan Modification from VDAR LLC for Commerce Street to provide for six additional parking spaces - I-1 Zone.

Mr. Jalowiec read a letter from Donald Smith requesting that any action by tabled. The

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letter also granted a 65 day extension in which to act. Mr. Joyce stated that there was some discussion that a text change application needed to be submitted. It has not been done, but if it is it would require referral to the regional planning agencies and action on their application may have to be taken prior to the text change being acted on.

Mr. Smith stated that they will leave their application in place now and if necessary will withdraw next month.

(a) Update on Redevelopment Zone

There was nothing new to report at this time.

Payment of Bills:

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

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Stevens 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.