

***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, January 15, 2008 at 7:00 p.m. in the Media Room, New City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:05 p.m. by Chm. Ted Estwan. Present were Ted Estwan, Steve Jalowiec, Glenn Stevens, Albert Misiewicz, David Rogers, Richard Stankye 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 as Item 10(b) New Business - Informal discussion Derby Middle School Building Committee presentation was made by Mr. Jalowiec, seconded by Mr. Stankye and carried unanimously.

Correspondence

Chm. Estwan read a letter from Phil Marcucio stating that he was unable to submit his application for this meeting and will be submitting it at the February meeting.

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes:

A motion to approve the minutes of 12/18/07 meeting was made by Mr. Rogers, seconded by Mr. Stankye and carried unanimously with Mr. Stevens and Mr. Jalowiec abstaining.

Acceptance of Applications:

Mr. Stevens moved to accept and schedule for public hearing an application for Change of Zone for Assessor's Map 7-8, 7-10, 8-5 and 8-7 from CDD, B-1 to CDD, I-1. The motion was seconded by Mr. Jalowiec and carried unanimously.

Mr. Rogers moved to accept and schedule for public hearing at application for Change of Zone and Text Change for Assessor's Maps 9-4, 10-3 - area bounded by Roosevelt Drive, D Street, Park Avenue and North Avenue I-1 Zone to CID Zone.

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

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.

Mr. Sheehy presented the certified mailing receipts. Chm. Estwan read a letter from the Corporation Counsel which stated that he researched the issue of allowing automotive sales at this address and could not find the original special exception which allowed auto body repair at this location. Mr. Sheehy presented a copy of his license which indicated that a hearing had been waived from the local authority in October, 1997. It appeared that they had gone to the ZBA. Mr. Sheehy stated that he can sell vehicles up to a certain number under the license that he has at this time. Mr. Estwan stated that if he went through ZBA there would be no special exception. Mr. Joyce stated that the question came up having a non-conforming use in this zone and whether the Commission could hear this application. Mr. Estwan stated that if there is not a special exception on the record for this use we can accept and process the application. If they received their approval through ZBA they would have to go back to ZBA for a variance. Mr. Joyce stated that the license allows both sales and repair; the zoning regulations define them separately and does not mimic the DMV license. He also stated that the application was received in October, 2007 and an extension requested in December. The Commission would need to get another extension to open the public hearing in February. Atty. Coppola advised the Commission not to open the public hearing at this meeting so that he can do further research on this application. Mr. Jalowiec moved to table the opening of the public hearing. The motion was seconded by Mr. Stevens and carried unanimously.

Old Business:

(a) Update on Redevelopment Zone.

There was nothing new to report on the redevelopment.

(b) Informal Discussion Derby Middle School Project

Keith McLiverty stated that they are projecting to open the school on September 9, 2009. He stated that they should have the site plans into the State in March for review. He stated that there will be an abandonment of Nutmeg Avenue just past the Little League field and it will end in a cul-de-sac. There is a little jug on the high school parcel on Chatfield Street which sets the property line back. This will be quit claimed to the Board of Education parcel to meet setback requirements. There was a discussion regarding the parking situation and dual use of the spaces.

Jeff Gebrian, CR3 Landscape stated that they will be going to Inland-Wetlands in February and then P&Z. He stated that they would like to have local approval before

going to the State. He stated that some of the parking spaces will be demolished to locate the

building in close proximity to the high school. There are currently 371 spaces on the site and the new building will delete two small parking lots. He stated that under the regulations they will need 474 spaces and there is no way that they can get that many spaces on the site. There can be some parallel parking spaces along Nutmeg Avenue and they can provide 386 spaces including nine handicap. He stated that P&Z can grant a reduction under shared use and he stated that they will be requesting between 18% and 22% reduction on parking. They also discussed landscaping and Mr. Joyce stated that the Commission would be looking for an attractive plan that would compliment the area. He stated that there are no wetlands on the site but will go to Inland Wetlands regarding storm water review. He also stated that Birmingham Utilities will run a main up to the site.

Payment of Bills:

Mr. Estwan stated that there were no bills needed to be approved.

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Jalowiec and carried unanimously. The meeting was adjourned at 7:55 p.m.

Attest:

Maryanne DeTullio

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