

Planning and Zoning Commission

City of Derby

Chairman

Theodore J. Estwan, Jr.,

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, March 17, 2009 at 7:00 p.m. in the Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:08 p.m. by Chm. Ted Estwan. Present were Ted Estwan, Glenn Stevens, Albert Misiewicz, David Barboza and Raul Sanchez. Also present were Atty. Joseph Coppola and Ryan McEvoy, Milone & MacBroom

Additions, Deletions, Corrections to Agenda

A motion to add as Item 10(c) discussion and possible action on Item 9a New Business Application for Site Plan Modification from Catholic Cemeteries was made by Mr. Barboza and seconded by Mr. Stevens and carried unanimously.

Correspondence - None

Public Portion

Mike , 16 Burtville Avenue spoke on 155 New Haven and stated that the signs on the windows indicate that other businesses are going to move in there then what was discussed at the last meeting.

Ed Regan, 12 Burtville Avenue spoke on 155 New Haven Avenue and stated that it is a business but felt that it was also industrial. He stated that there have been trucks there with different names.

Dan Waleski, 21 Elm Street stated that he is interested in learning more on the Catholic Cemeteries project. He stated that it is a big project and he would like to hear details.

Approval of Minutes:

A motion to approve the minutes of 01/20/09 meeting was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously. A motion to approve the minutes of the 2/17/09 meeting was made by Mr. Barboza, seconded by Mr. Stevens and carried unanimously.

Acceptance of Applications:

There were no new applications to accept.

New Business:

(a) Application for Site Plan Modification from Catholic Cemeteries Association of the Archdiocese of Hartford for access road extension, culvert replacement and floodplain amendment - Derby Milford Road/Chapel Street. (Application #2009-02-17-1)

Mr. Joseph Lenahan and Vincenzo Chiaravalloti from Fuss & O'Neill ion were present for the applicant. He submitted the certified mailings as well as an addendum to the hydraulic/hydrologic analysis. He stated that the culvert at Two Mile Brook along the Derby Orange line had collapsed about two years ago. Cemetery personnel tried to repair it but it collapsed again. The access road was being done for the expansion of the cemetery. He stated that part of the culvert replacement this is also a floodplain amendment and road extension. He stated that they did a study and came up with three alternatives for the replacement of the culvert. They decided to use a precast concrete arch for multiple reasons. They will be able maintain flow through the existing stream without impeding any existing conditions. He stated that this way they will not be disturbing the existing stream bed. This also gives the capacity for a hundred year storm and it is the most economical. Mr. Lenahan stated that they received approval from Derby Inland Wetlands Agency and Orange Inland Wetlands Agency for the project.

Mr. Chiaravalloti stated that when they inspected the existing collapse they noticed that there were still some good foundation stone. They decided to utilize some of these stones. It will be a 24 foot span by eleven foot high concrete arch to repair the section of the culvert. The 145 foot existing culvert and reduce it to a 75 foot section of culvert. This will allow them encompass the entire span of the existing culvert and the height gave them the capacity to surpass the hundred year storm. They will stabilize the embankment with riprap and erosion matting. This will also minimize the impacts to the watercourse and adjacent wetlands and protect the brook. He presented the staged construction plan. He also spoke on the planting plan which will provide reestablishment of damaged wetland area and any disturbed area.

He stated that they are proposing a 20 foot bituminous paved road over the culvert. They will be stabilizing the north embankment and this section will connect the existing pavement on the Derby end down to the proposed expansion road on the Orange side. There will be a timber guardrail with ornamental plantings. A traffic study determined 12 additional trips per day will come as a result of the expansion project. There will be gate proposed as part of the approved conditions of the Orange expansion on Derby Milford Road. It will be closed from sundown to sunup.

Mr. McEvoy stated that he spoke with Mr. Joyce regarding this project and he stated that with regard to the increase in flows and increase in elevations and it is a very minimal impact to the downstream culvert. His only concern was that there be some continuing correspondence with them and Fuss & O'Neill regarding the hydraulic calculations.

Old Business:

(a) Application from Michael Klein for site plan amendment; change of use for 155 New Haven Avenue - B-2 Zone. (Application #2009-01-20-2).

Michael Klein stated that he submitted another drawing with some additional comments after Mr. Joyce's review. He also stated that he updated the Statement of Use as requested. Mr. Estwan asked if the office has been moved from upstairs to downstairs. Mr. Klein stated that after talking to the architect the way the map is read; the lower level or ground level is Chapel Street. The showcase will be on the top level, the middle floor will be the office and the basement will be the shop area. Mr. Estwan stated that there was a proposed guardrail with fencing all around the property and on section there were plantings. He asked if they considered putting a solid fence in that area. Mr. Klein stated that he tried to address the aesthetics of the property and felt that a solid fence would not make the property look that good, but he would consider it. Mr. Estwan asked about the curbing that was added. He also stated that most of the business is on line. He stated that the assembling is really an accessory to the business. Mr. Klein stated that the curbing was added to try to help stop the trucks from backing in there at night and parking there.

Mr. Estwan read a letter from Stephen Shea, 5 Chapel Street and Maria Pelle, 83 Commodore Commons both in favor of the application.

Mr. Estwan moved that following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Application for Change of Use and Site Plan Amendment for Michael Klein on property shown on Derby Assessors Map 6-4, Lot 42 subject to the following conditions:

The approval shall be based upon the following documents submitted in support of this application:

1. "Statement of Use" - Revised March 9, 2009."
2. "Floor plan schematics" - First Floor, Second Floor, Third Floor, Front Building
3. "Site Development Plan for Riverside Properties - 155 New Haven Avenue, Derby, Connecticut", prepared by John Paul Garcia & Assoc. P.E. Engineers

and

4. Memo from Milone & MacBroom Inc. dated February 17, 2009.

With the following stipulated conditions:

1. Approval from Zoning Board of Appeals is required for proposed freestanding sign.
2. Applicant shall furnish the City with an Improvement Location Survey of the property depicting the completed site including all site features including the proposed changes.
3. The proposed parking layout and curb cut modifications are subject to final review and approval by the Zoning Officer and City Engineer at the discretion of staff.
4. All handicapped parking shall be provided in accordance with the CT State Building Code.
5. All lighting shall comply with the City of Derby Zoning Regulations.
6. A performance bond in an amount and form acceptable to the City Engineer and Corporation Counsel shall be posted prior to any construction activities associated with the site. The amount of the bond shall cover the following improvements:
 - a. Improvement Location Survey
 - b. Fencing, guardrail, dumpster enclosure and buffer landscaping
 - c. Parking lot, pavement markings and curb cut improvements where deemed required.
7. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission staff for review.

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

(a) Update on Redevelopment Zone

Atty. Coppola stated that there was one response and Redevelopment Agency directed that City staff pursue the letter of intent that was submitted for a mixed use including recreational area with softball and so on, winter activities within a sports complex and surrounded by retail and possible residential use. He stated that they have provided some information to the developer.

(b) Update on Enforcement Issues

He stated that there is one property where the problem was taken care of but it has come back and he is working on that now.

(c) Application for Site Plan Modification from Catholic Cemeteries Association of the Archdiocese of Hartford for access road extension, culvert replacement and floodplain amendment - Derby Milford Road/Chapel Street. (Application #2009-02-17-1)

Mr. Estwan moved that following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approved the Site Plan and Flood Development Permit Application #2009-02-17-01 for properties shown on Derby Assessors Map 5-2 Lot 3 and Map 5-4 Lot 113 subject to the following:

The approval shall be based upon the following documents submitted in support of this application:

1. Plans entitled "Two Mile Brook Culvert Replacement, Orange/Derby Connecticut, Mt. St. Peters Cemetery" prepared for Catholic Cemeteries Association of the Archdiocese of Hartford and prepared by Fuss & O'Neill, with the following plans attached:

- a. "Cover Sheet" dated revised 1/6/09.
- b. "Topographical Map" dated revised 12/9/08, scale: 1"=30'.
- c. "Layout and Grading Plan" dated revised 2/10/09, scale 1"=40'.
- d. "Mitigation/Impact Plan" dated revised 2/10/09, scale: 1"=40'.
- e. "Restoration & Planting Plan", dated revised 1/6/09, scale 1"=40'.
- f. "Plan and Profile" dated revised 1/6/09, scale 1"=40'H and 1"=4'V.
- g. "Construction Details" dated revised 1/6/09, scale as noted.
- h. "Erosion & Sedimentation Control Details" dated revised 1/6/09 not to scale.
- i. "Erosion & Sedimentation Control Details" dated revised 1/6/09 not to scale.
- j. "Construction Details" dated 1/6/09, not to scale.

2. Planning and Zoning Commission Application for Permit entitled, "Mt. St. Peters Cemetery, 219 New Haven Avenue/Route 34, Derby, Connecticut" prepared for Catholic Cemeteries Association of the Archdiocese of Hartford and prepared by Fuss & O'Neill dated February 2009 with the following attachments:

- Figure 1 - Site Location Map.
- Attachment A - Statements of Use
- Attachment B - Floodplain Analysis
 - B-1: Watershed Area Maps
 - B-2: Existing Conditions - watershed analysis
 - B-3: Proposed Conditions - watershed analysis
- Attachment C - Abutters List

Attachment D - Town of Orange, Zoning Department
Certificate of Approval
Approved Site Plan
Expansion of Mt. St. Peter Cemetery - Traffic Study by BMA, Inc.

3. Memorandum dated 3/10/09, Addendum to Hydraulic/Hydrologic Analysis prepared by Fuss & O'Neill.

Planning & Zoning Commission

6

March 17, 2009

With the following stipulated conditions:

1. This application proposes no activity with a FEMA floodway and proposes no new structures other than the replacement of the existing Two Mile Brook culvert.
2. The culvert subject properties are currently located in a FEMA Flood Zone AE with a base flood elevation of 20.00 NGVD 1929 as shown on Panel 090075 0002 B of the Derby Flood Insurance Rate Map and therefore any activity proposed with this application in Zone AE is subject to the requirements of Article XV of the Derby Zoning Regulations and Chapter 92 of Charter of the City of Derby regarding Flood Damage Prevention.
3. This approval shall be conditioned upon final approval of the hydrologic and hydraulic analysis by the City Engineer.
4. This project is subject to the requirements of the Derby Inland Wetlands Agency approved dated February 11, 2009.
5. The Zoning Enforcement Officer shall reserve the right to require the installation of a gate at the Derby/Orange town line to address any traffic issues related to the connection of New Haven Avenue (Rte. 34) to Derby/Milford Road created by this application.
6. Prior to any construction activities covered by this permit, the following items shall be completed by a qualified party and verified as complete by the City Engineer, Corporation Counsel and/or Zoning Enforcement Officer:
 - a. Arrange for the filing of this approval on the City of Derby and Town of Orange Land Records.
7. The applicant shall be aware that additional permits from other agencies may be required, including but not limited to the CT Department of Environmental Protection.
8. The applicant is hereby notified that Flood Insurance may be required for this property.
9. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission staff for review and possible referral to the Commission for action if necessary. The Commission shall reserve the right to review and approve any further expansion of the cemetery in the Town of Orange.

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

Planning & Zoning Commission

7
March 17, 2009

Payment of Bills:

Mr. Estwan stated that there was no bills to approve.

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously. The meeting was adjourned at 7:50 p.m.

Attest:

Maryanne DeTullio

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