

Planning and Zoning Commission City of Derby

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec
David J. Rogers
Richard A. Stankye
David Barboza II
Albert Misiewicz
Glenn H. Stevens
Raul Sanchez (Alternate)
Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, May 18, 2010 at 7:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:10 p.m. by Acting Chairman Steven Jalowiec. Present were Steven Jalowiec, Albert Misiewicz, David Barboza, David Rogers. Also present were Atty. Joseph Coppola, Ryan McEvoy, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

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

Correspondence – None

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to approve the minutes of the 04/20/10 meeting was made by Mr. Misiewicz, seconded by Mr. Barboza and carried unanimously.

Acceptance of Applications

Mr. Barboza moved to accept an application for extension of site plan approval from VDAR for 46 Commerce Street. The motion was seconded by Mr. Misiewicz and carried unanimously.

Mr. Rogers moved to accept an application for CDD approval from Joe T. Gorkowski/Advanced Linen Group, Inc. for 67-71 Minerva Street. The motion was seconded by Mr. Barboza and carried unanimously.

Public Hearings

(a) Application from Belleview Homes, L.L.C. for change of zone from I-C/R-3 to R-3 for property on Belleview Drive, Map 1, Block 3, Lot 2 and Map 2, Block 5, Lot 14. (Application #2010-04-20-01-2)

A motion to open the public hearing was made by Mr. Barboza, seconded by Mr. Rogers and carried unanimously.

Ray Sadlik, Belleview Homes, stated that the parcel of over 2 acres and bisected by two zones. He stated that his previous application was denied because it was not in conformity with Section 195.4b. This application follows the lot lines to change the portion to R-3. This will make the whole section of the site R-3 as are all the other properties on Belleview Drive.

Joe Nicolette, New Haven Avenue asked if the section in to the right will be residential and Mr. Sadlik stated that it would be.

Earl Robinson, Belleview Drive asked if the Commission had a quorum and Mr. Jalowiec stated that yes there was a quorum present.

Judy LaRocco, Belleview Drive asked what is different from the last application. Mr. Sadlik stated that there is really no difference just the way the lot lines are. Mrs. LaRocco stated that there is only one entrance and nothing else should be allowed there as there are already too many houses on the street.

Jack LaRocco, Belleview Drive stated that there should be two entrances and exits and there are not.

Bob Miani, 55 Belleview Drive asked the square footage of the piece. Mr. Sadlik stated that it was 1.73 acres that he is looking to change and the entire piece is 2.31 acres. Mr. Miani stated that he would be adding rear lots. Mr. Jalowiec stated that there is no proposal as to how this will be developed; it is only a zone change application.

Bill Nicoletti, Belleview Drive stated that it is already over developed because of the cul-de-sac.

Earl Robinson, 56 Belleview Drive stated that the Commission could put a restriction that the front entrance cannot be used except for emergencies.

Bill Nicoletti, Belleview Drive stated that he is an abutting property owner and not in favor of this application.

Bill Nicoletti, Jr., 204 New Haven Avenue stated that he was concerned that it may become a through street. He stated that this is a nice neighborhood and there are no guarantees as to what can happen there. He was against the application.

Tom Greene, 49 Belleview drive stated that there have been serious sewer problems on Belleview Drive and he did not think it can handle any more houses. He felt that this was not a good situation and it should stay as it is.

Mr. Cayer, 11 Belleview Drive asked why he was reapplying after the first application was denied. Mr. McEvoy explained that he will now be adding that portion to another lot and it would now be one property. There was a technicality with the previous application and this one now conforms to the zoning regulations. He stated that the denial was specific to the fact that the applicant was proposing two zones on one lot.

A. Lucarelli, 12 Belleview Drive stated that he was opposed to this and any changes to the area.

Earl Robinson, Belleview Drive stated that this will cause a hardship to the neighborhood. He was opposed to the application.

Bill Nicoletti, Jr., New Haven Avenue stated that the are is overbuilt now.

Tom Greene, 49 Belleview Drive, stated that he was against the application.

Mr. McEvoy read his review letter into the record (copy attached). He stated that if the application is approved a A-2 survey should be submitted. Atty. Coppola asked if the parcel will be under one ownership and documentation should be submitted evidencing the ownership. He stated that something should also be submitted regarding the 50' strip.

A motion to continue the public hearing to the June meeting was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously.

(b) Application from Sprint Nextel Corporation for Modification to Special Exception for existing telecommunications installation at 137 Derby Avenue (Application #2010-04-20-03)

A motion to open the public hering was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously.

Atty. Jennifer Herz was present for the applicfant. She stated that Sprint Nextel is doing upgrades to its current system. They will be removing the six antennas and replacing with new updated antennas and also adding some equipment. The application complies with all FCC regulations. Mr. Misiewicz asked if anything could be done to minimize the appearance of the antennas and also if they could be put within the cupola of the steeple. Atty. Herz stated that they would not be able to transmit through the material if they were put within the cupola. They will be painted to match the exterior of the church.

Ron Sill, owner of property on Derby Avenue asked the size of the antennas and Atty. Herz stated that they are about two feet in diameter. Mr. Sill asked if they will be on the front or back and Atty. Herz stated that they could be on either side. Mr. Sill asked if they will create any interference with the residents and Atty. Herz stated that there will be no interference.

Atty. Herz stated that they have received the comments from the city engineer and she asked to have the A-2 survey requirement waived.

A motion to close the public hearing was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously.

New Business

(a) Application for CDD approval from Robert Chappell for 17 Elizabeth Street for use as a recording studio (Application #2010-04-20-01).

There was no one present for this application and it will be tabled to the June meeting.

(b) Application from Belleview Homes, L.L.C. for change of zone from I-C/R-3 to R-3 for property on Belleview Drive, Map 1, Block 3, Lot 2 and Map 2, Block 5, Lot 14. (Application #2010-04-20-01-2)

The public hearing on this application has been continued to the June meeting.

(c) Application from Sprint Nextel Corporation for Modification to Special Exception for existing telecommunications installation at 137 Derby Avenue (Application #2010-04-20-03)

Mr. Jalowiec moved that pursuant to Section 195-27, the Derby Planning & Zoning Commission finds that the application and supporting documentation as presented is in accordance with Section 195-27.

Therefore, following review of the plans and supporting documentation submitted in support of this application the Derby Planning & Zoning Commission hereby approves the application for special exception for Sprint Nextel Corporation on a property shown on Derby Assessors Map 7-8, Lot 80 subject to the following conditions:

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

1. Cover Letter, dated April 7, 2010.

2. "Application for Special Exception Use and/or Site Plan Approval", dated April 7, 2010.
3. Plans entitled "Sprint, Site Name: 137 Derby Avenue, Host ID#:CT03XC120, CW ID#: CT-NYN0079, 137 Derby Avenue, Derby, CT 06418", prepared by CHA, dated February 23, 2010 containing sheets T01, C01-C07, E01-E-05.
4. Derby Planning and Zoning meeting minutes from regular meeting on Tuesday, May 20, 1997.
5. Statement of Use.
6. RF narrative, coverage maps, and Federal Communications Commission Compliance Letter.
7. Product Specifications
8. Power Density Report
9. Site Agreement
10. Federal Communications Commission License
11. Photosimulations
12. Property owners within 500' of 137 Derby Avenue.

With the following stipulated conditions:

1. The Special Exception approval shall not be effective until it is filed on the Derby Land Records along with any conditions in accordance with the General Statutes of the State of Connecticut.
2. That the applicant is granted a waiver of Section 195-33 of the Zoning Regulations requiring a Class A-2 Survey for the final site plan.
3. That the proposed panel antenna shall not exceed five feet in height per Section 195-27 F.C.
4. Subsequent to the initial operation of an updated wireless telecommunications antenna, the owner of such facility shall conduct an actual measurement of the electromagnetic emissions and submit a report prepared by a licensed Radio Frequency engineer to the Zoning Enforcement Officer. This report shall be submitted on a frequent basis not to exceed one per calendar year. When there is more than one source of electromagnetic emissions at a location, the above mentioned report should measure the cumulative emissions from all sources.
5. If the wireless telecommunication antenna is not in use for 12 consecutive months, it shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period.
6. The approval of an application for modification to the special permit shall be void and of no effect unless installation of the antenna commences within one year from the date of the approval granted by the Commission. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall

withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing.

7. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission for review and action if necessary.

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

(d) Bond Release Request – Lowe’s.

Mr. McEvoy stated that the total bond for the site improvements was \$56,000.00 and they are recommending that the performance bond s be released, subject to the repainting of the pavement markers to the satisfaction of the Derby Building Department.

Mr. Misiewicz moved to release the performance bonds on Lowe’s Shopping Center subject to the repainting of the pavement markers to the satisfaction of the Derby Building Department. The motion was seconded by Mr. Rogers and carried unanimously.

Old Business

(a) Update on Redevelopment Zone

Atty. Coppola stated that no meeting was held last month and therefore there is no report.

(b) Update on Enforcement Issues

Atty. Coppola stated that they have been very active in dealing with enforcement issues and zoning violations.

13. Payment of Bills

There were no bills to be paid at this time.

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Barboza and carried unanimously. The meeting was adjourned at 8:05p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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

***Aquifer Protection Agency
(Planning and Zoning Commission)
City of Derby***

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec

David J. Rogers

Richard A. Stankye

David Barboza II

Albert Misiewicz

Glenn H. Stevens

Raul Sanchez (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Aquifer Protection Agency of the City of Derby was held on Tuesday, May 18, 2010 immediately following the Planning & Zoning Commission meeting, in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 8:10 p.m. by Acting Chm. Steven Jalowiec. Present were David Barboza, Albert Misiewicz, David Rogers and Steven Jalowiec. Also present were Atty. Joseph Coppola, Ryan McEvoy, Milone and MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

None.

Correspondence

None

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to table the approval of the minutes of the 04/20/10 meeting was made by Mr. Rogers, seconded by Mr. Barboza and carried unanimously.

Acceptance of Applications

There were no new applications to accept.

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Rogers and carried unanimously. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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