

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, August 17, 2010 at 7:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:00 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Steven Jalowiec, Raul Sanchez, David Barboza and Glenn Stevens. Also present were Atty. Joseph Coppola, Ryan McEvoy, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

A motion was made by Mr. Barboza to add as Item 9b, Section 8-24 Referral regarding grant of an access Easement on a portion of assessor's Map 3-2, Lot 17. The motion was seconded by Mr. Jalowiec and carried unanimously.

A motion was made by Mr. Stevens to add as Item 9c, Section 8-24 Referral regarding sale of excess property owned by the City of Derby along Sodom Lane; grant of a 10' wide sanitary sewer easement along stream between 90 and 114 Sodom Lane. The motion was seconded by Mr. Jalowiec and carried unanimously.

Correspondence

Mr. Estwan stated that he received a letter dated August 16, 2010 from Joseph Mingoello regarding the Giordano application (Item 10a) requesting a 65 day extension as the Inland Wetlands Agency has not acted on their application at this time. A motion to grant the extension was made by Mr. Barboza, seconded by Mr. Stevens and carried unanimously.

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to approve the minutes of the 07/20/10 meeting was made by Mr. Stevens and seconded by Mr. Jalowiec. Mr. Barboza noted several typographical errors on Page 2 of the minutes. The motion to approve with the noted corrections was carried unanimously.

Acceptance of Applications

Mr. Jalowiec moved to accept and schedule for public hearing at the September meeting an application for zone change and zone map change from 340 Derby Avenue LLC for 340 Derby Avenue, R-5 zone to I-1 zone. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Barboza moved to accept and application special exception use and site plan approval from Brickhouse Restaurant for 90 Pershing Drive for outside patio. The motion was seconded by Mr. Stevens and carried unanimously.

New Business:

(a) Application from Ushfaq Ahmed for CDD approval for 160 Elizabeth Street for change of use to a convenience store. (Application #2010-07-20-01)

Tracy Lewis, Lewis Associates was present for the applicant and stated that they wish to change the use from a gas station to a full convenience store. The property is located at the corner of Fifth and Elizabeth Streets. They do not propose to change the overall look of the site. The existing building will be refurbished. They plan on having two employees per shift and will be open seven days a week from 6:00 a.m. to 10:00 p.m. He stated that they received the review letter from Milone and MacBroom and have revised the plans based on their comments. The site had four large driveway cuts and they will be closing those off and will have two entrances one from Fifth Street and one from Elizabeth Street which will also be an exit driveway. This will give them more on street parallel parking on Fifth Street. They will be adding landscaping to the site. They will also be repairing the existing sidewalks and curbing. They will provide a chainlink fence around the dumpster area. He stated that there will be a sign on the front of the building as well as on the south side, which will meet all zoning regulations. They are hoping to be able to use the existing sign post on the corner.

Mr. Lewis stated that they are proposing to remove the existing lighting but would like to use the same posts for the new lights, which will be shielded. They have added some windows to the front of the building and there will also be a brick face added. The parking lot will be repaved and they are proposing ten parking spaces.

Mr. McEvoy asked if the lights will be directly on the poles and Mr. Lewis stated that they will be with shields. He also asked if the concrete pad will be removed and Mr. Lewis stated that it will. Mr. Estwan felt that this will be an improvement to the site.

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 CDD Use Review and Site Plan for Ishfaq Ahmed on property shown on Derby Assessors Map 8-5, Lot 39 subject to the following conditions:

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

1. "Application for Central Design Development District Zone", dated July 13, 2010.
2. "Statement of Use".
3. Plan entitled "Site Development Plan, Improvement Location Survey, 160 Elizabeth Street and Fifth Street, Derby, Connecticut, Prepared for: Ishfaq Ahmed", scale: 1"=10', dated 6/18/10, revised to: 8/11/10, prepared by Lewis Associates
4. Plan entitled "Food Mart, 160 Elizabeth Street, Derby, Connecticut", scale 1/4"=1'-0", dated 6/30/10, prepared by Steinberg Associates.

With the following stipulated conditions:

1. All lighting shall comply with Derby Zoning Regulations. If necessary the Derby Zoning Enforcement Officer shall have the authority to request additional cutoff features to prevent objectionable glare beyond the property line.
2. All improvements within the City Right-of-Way shall conform to City standards.
3. A performance bond in an amount and form acceptable to the City Engineer and Corporation Counsel shall be posed prior to any modifications to the site. The amount of the bond shall cover the following improvements:
 - a. Site lighting
 - b. Signage
 - c. Sidewalk improvements
 - d. Landscaping, curbing, paving and stripping
 - e. As-built survey
4. 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. Jalowiec and carried unanimously.

(b) Section 8-24 Referral – Grant of an Access Easement on a portion of Assessor's Map 3-2, Lot 17.

Atty. Coppola stated that this is on John Street parcel that was before the Inland Wetlands Agency for the construction of two single family homes. One of the lots abuts a storm water easement that the City has and this would be for access to maintain it. A motion to give a

favorable recommendation to the Board of Aldermen was made by Mr. Jalowiec, seconded by Mr. Stevens and carried unanimously.

9(b) Section 8-24 Referral Sale of excess property owned by the City of Derby along Sodom Lane – Grant of a 10' wide sanitary sewer easement along stream between 90 and 114 Sodom Lane, Derby.

Atty. Coppola stated this is located across from the Onopiak property on Sodom Lane. The City has negotiated the sale of the property and the granting of a sanitary sewer easement. A motion for a favorable recommendation to the Board of Aldermen was made by Mr. Barboza, seconded by Mr. Stevens and carried unanimously with Mr. Jalowiec abstaining.

Old Business

(a) Application from Susan Giordano for site plan amendment for 19 McConney's Grove (Application #2010-06-15-01).

Chm. Estwan stated that this application is being tabled to the September meeting.

(b) Update on Redevelopment Zone.

Atty. Coppola stated that a meeting was held with the developer and three proposals were submitted. He will be coming back to the next meeting with one proposal for the Agency to review.

(c) Update on Enforcement issues

Atty. Coppola stated that they have been very busy and are in litigation regarding an illegal apartment. He also stated that he had presented a draft of a nuisance ordinance which will be moving forward and will be presented to the Board of Aldermen.

13. Payment of Bills

There were no bills to be paid at this time.

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Jalowiec and carried unanimously. The meeting was adjourned at 7:35p.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, August 17, 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 7:35 p.m. by Chairman Ted Estwan. Present were Ted Estwan, David Barboza, Steven Jalowiec, Glenn Stevens and Raul Sanchez. 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 approve the minutes of the 07/20/2010 meeting was made by Mr. Stevens, seconded by Mr. Jalowiec and carried unanimously.

Acceptance of Applications

There were no new applications to accept.

A motion to adjourn was made by Mr. Jalowiec, seconded by Mr. Stevens and carried unanimously. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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