

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, June 21, 2011 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, Albert Misiewicz, David Rogers, Richard Stankye, David Barboza, and Raul Sanchez. Also present were Ryan McEvoy, Milone and 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 05/17/11 meeting was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously with Mr. Estwan and Mr. Stankye abstaining.

Acceptance of Applications

Mr. Stankye moved to accept an application for CDD review to amend existing site plan Valley Community Foundation for 253 Elizabeth Street. The motion was seconded by Mr. Barboza and carried unanimously.

Public Hearing

(a) Application from Salin Vahora for Special Exception Use and Site Plan Approval for 360 Seymour Avenue, for use as a gasoline station with convenience store and/or car wash – I Zone. (Application #2011-05-17-01)

Jim Swift was present for the applicant and stated that the site is currently surrounded by the Griffin Hospital facility and parking lot. The changes to the site are very minimal. There are no

proposed changes to the structure, canopy or gas pumps. Mr. Swift stated that he revised the site plan based on the Milone and MacBroom review letter. The loading space and dumpster area are shown. There will not be a car wash with this proposal. The interior of the convenience store will have a wash room and sinks. The Health Department requires that there are different sinks for different purposes. Mr. Swift also presented evidence of the certified mailings to the adjacent property owners. They have also deleted any type of deli operation. The hours of operation will be from 6:00 a.m. to 10:00 p.m. Monday through Saturday and 6:00 a.m. to 8:00 p.m. on Sunday. The parking has been reconfigured and parking space #6 will be designated as employee parking.

There was a question regarding space #1 with the 14' aisle from the utility pole back and since there is extra room that space can be eliminated. Mr. Swift stated that he has shown on the plans the 24' aisle between the proposed spaces. They have also added screening around the dumpster. They have also changed the one-way traffic pattern to two-way pattern.

Mr. Barboza asked how show was parking space #1 and Mr. Swift stated that it is 23 ½ ' to the pole and 20' to where the curb ends. Mr. McEvoy stated that it was his concern that if a car was parked there it could cause problems for cars entering the site. Mr. Estwan agreed that it would be better to eliminate that space.

Mr. Rogers asked if the septic system was checked. Mr. Swift stated that it is working fine and they have gone to WPCA and have approval to tie into the sewers down the street.

There was no public comment on the application.

Mr. McEvoy asked about delivery trucks coming at night and it was noted that they are done before the station opens. Mr. McEvoy asked if they had any intention of extending the sidewalk and Mr. Swift stated that they did not at this time.

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

New Business

(a) Application from Michael H. Grant for Site Plan Approval for 1 New Haven Avenue for bbq take-out restaurant with small dine-in area – B-2 Zone (Application #2011-05-17-02).

John Ruffalo was present for the applicant and stated that they are proposing renovations of the current interior space for cooking and take-out area. They will be expanding the electrical room. There will be seating for 20 people. The existing handicap restroom will be renovated and another one added. The rear area will be used as a storage area and dishwasher.

Michael Grant stated that they are planning on serving breakfast, lunch and dinner and the hours of operation will be Monday to Friday from 7:00 a.m. to 8:00 p.m.; Saturday from 8:00 a.m. to 9:00 p.m. and Sunday from noon to 6:00 p.m.

Mr. McEvoy read his review letter dated June 15, 2011 into the record (copy attached). He asked what the wait time would be for take-out and Mr. Grant stated that it would be approximately 5 to 15 minutes. Mr. McEvoy stated that his major concern was with the parking calculations. David Grant stated that they would have no objection to allocating two spaces while they are open to the cleaners. Mr. McEvoy asked about the dumpster location. David Grant stated that there has been a dumpster on site facing the railroad tracks and this seems like the best location for it. Mr. McEvoy stated that any access to get there through the railroad property would not be condoned by the City.

Mr. Barboza stated that he had some concerns with traffic in that area during their hours of operation. Mr. Stankye asked about parking and Mr. Grant stated that they have been speaking with the owners of the adjacent parcel which is vacant for use as employee parking.

Mr. Rogers asked about the smoker that they will have on site and the ventilation. Mr. Grant stated that they looked at different ways to put in the exhaust system and it will go out back toward the railroad tracks. Mr. McEvoy asked about the upper floors of the building and it was noted that they are vacant.

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 site plan approval for Michael Grant on property on Derby Assessors Map 7-6, Lo 3 subject to the following conditions:

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

1. "Statement of Use".
2. Letter from Milone and MacBroom dated 6/15/11.
3. Plans entitled "Grant's Smoke & Bones, Interior Renovation, 1 New Haven Avenue, Derby, CT", prepared by John Ruffalo Architecture, with the following plans attached:
 1. "Site Plan", dated 12/19/2005, at a scale of 1/16"=1', prepared by Sapienza & Lessig Architects & Planners, LLC.
 2. "Proposed Floor Plan", dated 5/6/2011 at a scale of 1/4"=1'.
 3. "Proposed Exterior Elevations", dated 5/6/2011 at a scale of 1/4"=1'.

With the following stipulated conditions:

1. The applicant shall submit a revised site plan depicting the location of the parking spaces that will be reserved for Crystal Cleaners.

2. All handicapped parking shall be provided in accordance with the CT State Building Code.
3. 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.
4. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission staff for review.
5. If they enter into an agreement with the abutting property, will come back to staff for review.
6. Any access through railroad property the applicant shall obtain permission from abutting railroad property owner prior to use of that property. Access through the railroad property to the dumpster area is not condoned by the Planning & Zoning Commission even though it has been past practice.

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

(b) Application from Salin Vahora for Special Exception Use and Site Plan Approval for 360 Seymour Avenue, for use as a gasoline station with convenience store and/or car wash – I Zone. (Application #2011-05-17-01)

Mr. Estwan moved that pursuant to Section 195-44, the Derby Planning & Zoning Commission finds that the application and supporting documentation as presented is in accordance with Sections 195-44.

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 Use for Salin Vahora on property shown on Derby Assessors Map 8-11, lot 70 subject to the following conditions:

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

1. "Statement of Use".
2. Properties owners within 500' of property.
3. Plan entitled "Existing Conditions, Topographic Survey, of Property Located at, 360 Seymour Avenue, Derby, Connecticut, Prepared for Salin Vahora", scale: 1"=10', dated March 24, 2011, prepared by Lewis Associates.
4. Plan entitled "Site Plan, 360 Seymour Avenue, Derby, Connecticut, Prepared for, Salin Vahora", scale: 1"=10', dated May 10, 2011, prepared by James R. Swift.
5. Plan entitled "Concept for: Convenience Store, 360 Seymour Avenue, Derby, Connecticut", scale: 1/4" = 1', dated April 15, 2011, revised with deli removed, prepared by TO Design, LLC.

6. Letter from Milone and MacBroom, Inc. dated 6/1/11.

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. The applicant shall submit a revised site plan with the following changes:
 - a. The parking space #1 on the Site Plan shall be eliminated.
 - b. Both curb cuts shall be two-way.
 - c. Show of a typical vehicle fueling at the pump to demonstrate that the aisle between the proposed spaces and fueling vehicles is a minimum of 24'.
 - d. Space #6 shall be designed for employee parking only.
 - e. Provide a dumpster enclosure in accordance with the regulations.
 - f. Paving extending onto Griffin Hospital property shall be removed.

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

Old Business

- (a) Update on Redevelopment Zone.

There was no report as Atty. Coppola was not present at the meeting.

Executive Session

- (a) Update on Enforcement issues; discussion of pending litigation.

Chm. Estwan stated that this would be tabled to the next meeting.

11. Payment of Bills

Mr. Stankye moved to pay the following bills from Milone & MacBroom Invoice #56398 dated 6/13/11 in the amount of \$715.00; Invoice #56400, dated 6/13/11 in the amount of \$975.00; Invoice #56211 dated 6/10/11 in the amount of \$730.80; Invoice #56213 dated 6/10/11 in the amount of \$1,035.900; Invoice #56214 dated 6/10/11 in the amount of \$150.00; and Invoice #56216 dated 6/10/11 in the amount of \$730.00. The motion was seconded by Mr. Barboza and carried unanimously.

Mr. Barboza stated that COG had a meeting with representatives from U.I. Company regarding rights-of-way and building within those. He presented some materials that were submitted at that meeting.

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Stankye and carried unanimously. The meeting was adjourned at 7:50 p.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 was held on Tuesday, June 21, 2011, in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:50 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Albert Misiewicz, Richard Stankye, David Barboza, David Rogers and Raul Sanchez. Also present were Ryan McEvoy, Milone and 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 05/17/11 meeting was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously with Mr. Estwan and Mr. Stankye abstaining.

Acceptance of Applications

There were no new applications to accept.

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Stankye and carried unanimously. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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