

# ***Planning and Zoning Commission City of Derby***

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec

David J. Rogers

Richard A. Stankye

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, October 18, 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, Steven Jalowiec, Glenn Stevens and Raul Sanchez. Also present were Attorney Joseph Coppola, Corporation Counsel, 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

There was no correspondence received.

## Public Portion

There was no one from the public wishing to speak.

## Approval of Minutes

A motion to approve the minutes of the 09/20/11 meeting was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously with Mr. Sanchez and Mr. Jalowiec abstaining.

## Acceptance of Applications

Mr. Jalowiec moved to accept and schedule for public hearing an application from Signs Unlimited for zone text change to allow by special exception animated signs. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Jalowiec moved to accept an application for special exception modification from New Cingular Wireless for 50 Olivia Street. Atty. Lucia Chiochio stated that there are currently nine antennas on the rooftop and they had originally received approval for a total of 12. They are replacing those nine and there will be no additional antennas installed. The motion was seconded by Mr. Misiewicz and carried unanimously.

Public Hearing

(a) Application for 4 Lot Subdivision from Belleview Homes, L.L.C. for 35 Belleview Drive, Lot #14, Map 2-5 (Application #2011-08-16-03). Continued from 09/20/11

Raymond Sadlik, applicant, was present and stated that the plans have been revised and also noted that a traffic study was submitted. He went through the Mllone & MacBroom review letter dated 10/7/11 (copy attached). He stated that regarding Comment #3 he had been told by the ZEO and others that this regulation was put in as a public safety item. He submitted several letters from the Fire Marshal, Police Department, Public Works that this would not be a public safety issue. He also stated that prior to 1969 the lot line was reconfigured to add the road to access the property in the rear. He also stated that when the regulation was written there were already over 50 homes on the street and one lot was split to allow for a rear lot. He stated that traffic concerns were expressed by neighbors but there is not a traffic problem there. He asked the Commission to take that all into consideration.

Mr. Sadlik stated that as to Comment #4 regarding clarifications and omissions to the subdivision map those have been added to the revised plans. He stated that regarding Comment #5 and the lot lines; they have redone the lot lines and he believes that it is a good plan and all lots are over 100 feet on the front building setback.

He stated that Comment #7 pertains to the proposed storm drainage line crossing the existing gas easement. He stated that he has provided the company with all the plans and they did test pits. He stated that all the elevations are shown on the revised plans and there is no conflict. They are going over the top of it. He also stated that a letter will be forthcoming on this matter. He stated that Comment #8 relates to landscaping. Mr. Sadlik stated that the area is heavily treed and he would like to leave a lot of the existing vegetation. He stated that if additional plantings are required he would have no problem adding some.

Comment #11 pertains to the catchbasin and drainage. He said that after discussing this with Mr. McEvoy and his engineer they will be adding another catchbasin and redesigned the drainage system. He stated that Comment #12 is regarding the Inland Wetlands approval and the conditions that they placed on the approval. He stated that the required split rail fence and wetland markers have been shown on the plans. He also stated that the sedimentation chamber is shown. There will be a 20' easement to the City of Derby and homeowners' association and that is also shown on the plans. They have included a narrative to the plans .

He stated that Comment #13 is regarding the existing stone wall and the fact that it has to be removed to allow for a properly graded snow shelf. He stated that it will be removed and a note added to the plans that it will be removed. Mr. Sadlik stated that Comment #14 refers to open space. He stated that all easements areas are open space now and will remain that way. He stated that the ZEO is aware of that and is satisfied.

Mr. Estwan stated that Mr. McEvoy has not had an opportunity to review these revised plans and a lot of the comments have been addressed in the revised plans. Mr. Estwan stated that the stone wall is really a nice wall and Mr. McEvoy stated that in some areas it is very close to

the road and the City needs sufficient area for the snow shelf. Mr. Sadlik stated that they could look at possibly relocating portions of the wall.

Mr. Rogers stated that last month there was a question on the location and ownership of the detention basin not being on the same property. Mr. Estwan stated that there will be a homeowners' association formed and it will be their responsibility to maintain it. Atty. Coppola noted that any approval would have to had that as a condition.

Mr. Stevens asked why the Inland Wetlands allowed a house in the wetlands area. Mr. Estwan stated that is strictly a Wetlands matter and not under our jurisdiction. Mr. Sadlik stated that they have made the house a little smaller and they can redesign it further so that it is out of the wetlands area.

Mr. Misiewicz stated that it is definitely an improvement over the plans submitted last month. He stated that there was a lot of public comment on the addition of four more houses on the street and whether it is good for the neighborhood.

Mr. McEvoy stated that he met with Mr. Finnucan regarding drainage issues. His issues are from the City landfill property. Mr. Finnucan was concerned that those drainage issues will affect this development. Mr. McEvoy stated that it should not affect this development. Mr. Estwan stated that there was a comment about WPCA and tying in. Mr. Sadlik stated that they did receive approval from them and is working out some details with them.

There was no public comment on the application. Mr. McEvoy stated that there a lot of new material that he needs to review. Mr. Estwan stated that he has addressed everything that we asked for. He asked that the applicant grant an extension of the public hearing to next month so that it can be kept open. Mr. Sadlik submitted a written letter granting the extension.

A motion to continue the public hearing was made by Mr. Stevens, seconded by Mr. Jalowiec and carried unanimously.

### New Business

(a) Application for Site Modification from A. Winslow Quality Landscaping for Water Street Derby for relocation of storage bins and parking, planting plan and addition of sign - I-1 Zone. (Application #2011-09-20-01).

Ted Mill, Winslow Landscaping was present and stated that they would like to add roof signs to the building. There is no one behind them and the signs would not block anyone's view or hinder their visibility. He stated that the sign is 96 s.f. and it will be 32' from ground to the top of the sign. He submitted pictures from Route 8 what the sign would look like if it were the allowed size. He stated that they would like to make the sign larger so that it was more visible from Route 8.

Mr. McEvoy stated that his comments were based on what was on the plans submitted. If they are looking to have a larger sign that needs to be clarified on the plans and made clear to everyone exactly what they want. He also stated that there were some items from the original

approval for this property that have not been completed. Mr. Mill stated that one of the items is regarding planting and there are no neighbors and the site is not really visible but they will add plantings. They will work with David Kopjanski and Alan Shepard on this matter.

Mr. Estwan stated that the Commission needs to see the end result and how it will look. He stated that anything outstanding from the original approval needs to be shown on the plans.

James Winslow stated that they submitted the plans for the smaller sign because that was what their engineer recommended. He told them that if that was approved then they could ask for a larger one. Mr. McEvoy stated that they need to get the plan to be exactly what they want. Mr. Mill stated that they will address the comments of Mr. McEvoy and get everything together for the next meeting.

(b) Discussion and possible action – Application for four lot subdivision from Belleview Homes, L.L.C. for 35 Belleview Drive, Lot #14, Map 2-5 (Application #2011-08-16-03).

A motion to table this matter was made by Mr. Jalowiec, seconded by Mr. Misiewicz and carried unanimously.

#### Old Business

(a) Update on Redevelopment Zone.

Atty. Coppola stated that a final proposal from the developer has been presented. The City will have 120 days to review and ask any questions regarding it.

#### Executive Session

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

A motion to go into Executive Session to discuss pending litigation with enforcement issues and include Atty. Coppola and Mr. McEvoy was made by Mr. Stevens, seconded by Mr. Rogers and carried unanimously. The Commission went into Executive Session at 8:00 p.m.

A motion to come out of Executive Session and continue with the regular meeting at 8:15 p.m. was made by Mr. Rogers, seconded by Mr. Stevens and carried unanimously.

#### Payment of Bills

Mr. Stevens moved that the bills from Milone and MacBroom be paid. The motion was seconded by Mr. Rogers and carried unanimously.

Mr. Estwan stated that the Commission will need to replace Mr. Barboza as the representative to the VCOG board.

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Rogers and carried unanimously. The meeting was adjourned at 8:20 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

Albert Misiewicz

Glenn H. Stevens

Raul Sanchez (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Aquifer Protection Agency was held on Tuesday, October 18, 2011, in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 8:20 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Albert Misiewicz, Glenn Stevens, Steven Jalowiec, David Rogers and Raul Sanchez. Also present were Attorney Joseph Coppola, Corporation Counsel, 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 09/20/11 meeting was made by Mr. Rogers, 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. Stevens, seconded by Mr. Jalowiec and carried unanimously. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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