

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

Maryanne DeTullio, Clerk

A special meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, December 20, 2011 at 6:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 6:00 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Albert Misiewicz, Steven Jalowiec, and David Rogers. Also present were Attorney Joseph Coppola, Corporation Counsel, Ryan McEvoy, Milone and MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda - None

Election of Chairman

Mr. Rogers moved to nominate Ted Estwan for Chairman. The motion was seconded by Mr. Jalowiec and carried unanimously.

Correspondence - None

Public Portion

Carmen DiCenso, 7 Jeanette Drive, Alderman from the Third Ward stated that a lot of people were opposed to the application from Belleview Homes and were concerned about increased traffic and afraid that more houses will go in. He also stated that he heard concerns about drainage issues/.

Approval of Minutes

A motion to approve the minutes of the 11/15/11 meeting was made by Mr. Jalowiec, seconded by Mr. Misiewicz and carried unanimously.

Acceptance of Applications

Mr. Jalowiec moved to accept and schedule for public hearing in January an application from White Hills Landscaping & Tree Service 12-14 New Haven Avenue for modification of approved special exception to permit the applicant to split wood from trees and store the split wood in the area of the front building with screening as required and to modify the parking requirements in accordance with Section 195-54(B)(3). The motion was seconded by Misiewicz and carried unanimously.

Mr. Rogers moved to accept and schedule for public hearing at the January 17, 2012 meeting an application for special exception from City of Derby for temporary rock crushing operation to occur on property between Main Street and Division to manufacture processed stone. The motion was seconded by Mr. Jalowiec and carried unanimously.

Adoption of Meeting Schedule – 2012

A motion to adopt the meeting schedule for 2012 as presented, meetings will be held on the third Tuesday of each month at 7:00 p.m. was made by Mr. Jalowiec, seconded by Mr. Rogers and carried unanimously.

Public Hearing

(a) Application for Zone Text Change from Signs Unlimited, Inc. for amendment to Section 195-71C to allow by special exception animated signs. (Application #2011-10-18-01). Continued from 11/15/11.

Alan Esposito, Signs Unlimited, 2 Francis Street was present. He presented copies of the sign regulation from the Town of Seymour for animated signs. He also submitted pictures of different types of signs. He stated that they are not looking for full motion video signs just displays that change. The signs would have to relate to the business on which they were situated. Mr. Estwan asked in what areas these signs could go. Mr. Esposito stated that the way they are presenting it, the signs could only go in a shopping center of greater than 50,000 s.f.. Mr. McEvoy noted that there would be six locations in the City of Derby that could accommodate these type of signs. Mr. Esposito also stated that the size of the signs would still be regulated by the regulations and they are not looking to change the size of the signs.

Mr. Estwan stated that a comment letter was received from VCOG which was read into the record (copy attached). Mr. Estwan also read into the record the comment letter from South Central Regional Planning Agency (copy attached). Mr. Esposito stated that they are looking for an easier way to change the message on signs. He stated that they are not really that bright. Mr. Rogers asked if they would be video type signs and Mr. Esposito stated that they would not be. They would be message signs and the message would only pertain to the business at the location of the sign. He stated that the signs could also be used for amber alert messages or if the City wanted to advertise an event.

Mr. McEvoy stated that the major concerns are the size and lighting and suggested tying the size into another regulation regarding size. Mr. Estwan stated that perhaps it could be allowable by special exception because of the limited areas where these type of signs would be allowed. In that case each one would have to come before the Commission for review and approval. Mr. McEvoy stated that the Commission should set some standard that a future applicant could be held to. Mr. Jalowiec stated that he was in favor of the special exception because it would give more control over what would be allowed.

There was no public comment on the application.

Mr. Estwan stated that he would like to continue the public hearing to obtain more information. Mr. Esposito granted an extension to keep the public hearing open. A motion to continue the public hearing to the January meeting was made by Mr. Rogers, seconded by Mr. Jalowiec and carried unanimously.

New Business

(a) Discussion and possible action – 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).

Mr. Estwan stated that the Commission heard a lot of comments from the public regarding this application. Mr. Misiewicz stated that a lot of the concerns were discussed and the applicant has addressed a lot of the issues.

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 Subdivision Application for Belleview Farms on property shown on Derby Assessors Map 205, Lot 14 and a portion of May 1-3, Lot 2 subject to the following conditions:

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

1. Application for Approval of Subdivision/Resubdivision.
2. Adjacent property owners of Belleview Farms.
3. Legal description of parcel to be subdivided.
4. Soils Consulting Services (Henry T. Moeller) soils report, dated December 13, 2005.
5. Letter from Soils Consulting Services, dated July 14, 2011.
6. Minutes from Derby Inland Wetlands Agency dated July 13, 2011.
7. Minutes from Derby Water Pollution Control Authority, dated March 22, 2011.
8. Letter from Derby Police Department, dated October 14, 2010.
9. Letter from the Derby Fire Marshal dated September 22, 2010.
10. Letter from Valley Regional Council of Governments, dated September 28, 2010.
11. Letter from Director of Public Works Department dated October 13, 2010.
12. Letter from Derby Water Pollution Control Authority dated September 27, 2010.
13. Map entitled, "Record Subdivision Map, E-1", dated March 5, 2011, revised to October 17, 2011 at a scale of 1"=40', prepared by D'Amico Associates.

14. Map entitled, "Site Development & Sediment & Erosion Control Plan, E-2", dated March 5, 2011, revised to October 17, 2011 at a scale of 1"=40', prepared by D'Amico Associates.
15. Map entitled, "20 Scale Site Development Plan, E-3", dated March 5, 2011, revised to October 17, 2011, at a scale of 1"=20', prepared by D'Amico Associates.
16. Map entitled "Construction Plan, E-4", dated June 12, 2011, Revised to October 17, 2011 at a scale of 1"=40', prepared by D'Amico Associates.
17. Drainage Calculations for Belleview Farms, dated June 8, 2011, revised to July 8, 2011, prepared by Fred D'Amico.
18. Letter from South Central Connecticut Regional Water Authority dated August 9, 2011.
19. "Traffic Impact and Access Analysis", Age-Restricted Development, Derby, Connecticut, Prepared for Frank A. Hoinsky Real Estate, Inc., Prepared by Frederick P. Clark Associates, Inc., dated December 2005.

With the following stipulated conditions:

1. This approval includes a waiver of the sidewalk requirements in section 3.9 of the subdivision regulations.
2. The Subdivision Map shall be reviewed for compliance by the Zoning Enforcement Officer, the City Engineer, and Corporation Council prior to filing on the Derby Land Records. The Subdivision Map shall be revised to include the following:
 - a. The drainage easement over the detention basin shall be dedicated to a homeowner's association.
 - b. All bearings and distances over property lines and easements shall be clearly depicted.
 - c. The existing stone wall shall be shown to be removed within the Right of Way.
 - d. Iron pins are to be added to angle points along the eastern boundaries of Lots 3 and 4.
3. Roof leaders in the front of all houses shall connect into the storm drainage structures.
4. The 20' Storm Drainage easement in favor of the City of Derby shall include access rights for emergency response vehicles into the neighboring parcel known as Assessor's Map 1-3, Lot 2. The entire storm drainage easement shall include a gravel surface suitable for maintenance vehicles to pass and repass. The gravel surface shall be a minimum of 12' wide and 6" deep.
5. The City Engineer, Director of Public Works, and the Zoning Enforcement Officer shall have the authority to require revisions and clarifications to the Construction Plan.

6. This approval will allow for up to 55 building lots on a dead end street where the Derby Subdivision Regulations require no more than 20 lots, unless otherwise approved by the Derby Planning & Zoning Commission. Therefore, a deed restriction shall be placed on Lots 3 and 4 to not permit additional lots to take access off of the proposed right of way. Access off the proposed right of way on Lots 3 and 4 shall be restricted to Lots 3 and 4 along with any existing or proposed maintenance rights contained within the utility easements and access for emergency response vehicles discussed in Condition #4.

7. The Derby DPW requires that all utility trenches be repaired with a curb-to-curb mill and overlay of existing roadways.

8. Prior to endorsement by the Chairman and conveyance of any lots from the Owner, the following items shall be completed:

a. The applicant shall provide written confirmation from Tennessee Gas Company that they have no concerns with a storm drainage pipe crossing the gas easement as depicted on the Construction Plan.

b. A bond in an amount and form acceptable to Corporation Council and the City Engineer shall be posted for the construction of the subdivision roadway, including but not limited to clearing and grubbing, road subbase, pavement and curbing, all storm drainage improvements and the work associated with the installation of utilities in Belleview Drive and Belleview Drive Extension.

c. Ownership and maintenance of the detention basin shall be the responsibility of a homeowner's association. Per Section 2.5.6 of the Derby Subdivision regulations, prepare the proper documentation for review and approval by the City Engineer and Corporation Council for the required documents. Also, prior to conveying out any lots, the applicant shall create a successor entity composed of all the owners of lots in the Belleview Farms Subdivision. This entity shall be responsible to the City of Derby under the terms of the Agreement as the successor to the applicant.

d. Provide the Zoning Enforcement Officer, the City Engineer, and/or Corporation Council draft copies of all approved easements for review, along with draft copies of the deed restrictions on Lots 3 and 4 as discussed in Condition #6 above.

e. The filing of the subdivision map and all approved easements, agreements, deed restrictions, etc. shall be filed on the Derby Land Records in accordance with the General Statutes of the State of Connecticut.

9. Prior to any construction activities or earthmoving activities covered by this approval, the applicant shall have the following items both completed by a qualified party and verified as complete by the City Engineer and/or Zoning Enforcement Officer.

- a. The accurate staking and/or flagging of all clearing limits shall be performed by the applicant and reviewed by the city for compliance with this permit.
- b. The accurate staking of the right of way, pavement limits, drainage structures, and the detention basin.

10. No areas beyond what is needed to construct the roadway and drainage system shall be cleared unless a building permit has been issued for the lot. If individual lots are to be constructed concurrently with the roadway, then the sediment and erosion control plan may be modified to accommodate individual lot construction.

11. Any significant changes or modifications to the plans presented will require subsequent review and approval by the Planning & Zoning Commission.

12. The Building Official shall not issue any building permits on the proposed lots until the City Finance Director has verified that all fees have been paid in accordance with City of Derby Ordinance Section 85-3.

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

(b) Discussion and possible action – Application for Zone Text Change from Signs Unlimited, Inc. for amendment to Section 195-71C to allow by special exception animated signs. (Application #2011-10-18-01).

A motion to table as the public hearing is still open was made by Mr. Jalowiec, seconded by Mr. Rogers and carried unanimously.

(c) Application from Walgreen Eastern Co., Inc. for Special Exception and Site Plan Approval for retail/pharmacy at 60 Pershing Drive – B-1 Zone (Application #2011-11-15-01). (Public Hearing Scheduled for 01/17/12).

The public hearing for this application is scheduled for January 17, 2012.

Old Business:

(b) Update on Redevelopment Zone.

Atty. Coppola stated that no meeting was held and therefore there is nothing new to report. an Executive Session

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

Atty. Coppola stated that there are no updates since last month and therefore the Commission did not go into Executive Session.

Payment of Bills

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

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Jalowiec and carried unanimously. The meeting was adjourned at 7:35 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, December 20, 2011, 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, Albert Misiewicz, Steven Jalowiec, and David Rogers. 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 11/15/11 meeting was made by Mr. Jalowiec, seconded by Mr. Misiewicz and carried unanimously.

Acceptance of Applications

There were no new applications to accept.

Adoption of Meeting Schedule

A motion to adopt the meeting schedule for 2012 as presented with meetings on the third Tuesday of each month immediately following the Planning & Zoning Commission meeting was made by Mr. Jalowiec, seconded by Mr. Misiewicz and carried unanimously.

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Jalowiec and carried unanimously. The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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