

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

Anthony Szewczyk, Alt.

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, April 16, 2013 at 7:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:05 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Richard Stankye, Glenn Stevens, David Rogers, Albert Misiewicz and Raul Sanchez. Also present were Attorney Joseph Coppola, Corporation Counsel, Michael Joyce, Milone and MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Chm. Estwan noted that Items 9c and 9d should be modifications of special exceptions.

Correspondence

Chm. Estwan stated that a letter was received from Naugatuck Savings Bank that they will not be renewing the letter of credit for Hidden Woods Subdivision and asking that the original letter of credit be returned to the Bank. Mr. Joyce explained that the responsibility of the maintenance of the basin was to be transferred to the homeowners' association and Hidden Woods is still responsible for the maintenance. The documentation regarding the transfer of ownership has not been submitted to the City. Mr. Joyce stated that there has been some issues with the maintenance over the years. Atty. Coppola stated that a letter was sent to the Bank informing them that conditions of approval have not been met and the City is calling the bond.

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 March 26, 2013 meeting was made by Mr. Stankye, seconded by Mr. Rogers and carried unanimously.

Acceptance of Applications

Mr. Stankye moved to accept and schedule for public hearing at the May meeting an application for modification of special exception from We Can Do That Signs & Graphics for 12-14 New Haven Avenue. The motion was seconded by Mr. Stevens and carried unanimously. Mr. Joyce will speak with the applicant and clarify the type of business that they are proposing.

Mr. Stevens moved to accept an application for CDD approval from Midwestern Connecticut Council of Alcoholism, Inc. for 100 Elizabeth Street for a counseling service. The motion was seconded by Mr. Rogers and carried unanimously.

Old Business

(a) Application for Site Plan Approval from Louis Salemme for Pershing Drive for retail and restaurant use – B-1 Zone – Application #2013-02-19-01.

Chris Gagnon, BL Companies was present for the applicant and stated that they have received approval from Inland-Wetlands. He stated that they have addressed all comments from the City Engineer and have revised the plans. The number of parking spaces has been reduced by 16 which is an increase to the impervious surface. There has also been some modifications made to the storm water management plan and also some changes to the traffic patterns. Mr. Gagnon stated that they have added signage directing traffic along the access driveway. He stated that they will have to go to WPCA for sewer connection approval. He also stated that they comply with all the regulations.

John Mancini, BL Companies stated that they are going forward with the work at the intersection and had to come back after the signed agreement regarding the driveway. They had to go back to the STC and they wanted to review both properties together. It was noted that landscaping will be added to the property. Chm. Estwan read a letter from the Fire Marshal dated 4/16/13 indicating that there was no problem with fire access or protection.

Mr. Estwan moved that pursuant to Section 195-48, the Derby Planning & Zoning Commission finds the following:

1. The application and supporting documentation as presented is in accordance with Sections 195-48 (subsections A through E).
2. The application proposes to demolish the existing buildings on the parcel, and construct five new commercial pad sites including two restaurants (one with drive-thru) two retail pad sites and one bank.
3. The applicant's engineer has produced documentation demonstrating that there will be no increases in runoff and is therefore in compliance with Derby Zoning Regulations.

4. The site plan improvements contain a detailed sediment and erosion control plan that is in compliance with the Derby Zoning Regulations.
5. Access to the property will be reconstructed and coordinated with the revised and reconstructed signalized intersection associated with the adjacent development site.

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 Site Plan Approval on property shown on Derby Assessors Map 7-10, Lot 22 subject to the following conditions:

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

1. Derby Planning and Zoning Commission Application for Site Plan Approval and Statement of Use.
2. Report entitled "Project Design Report, for the Proposed Retail Development, Located at: 98 Pershing Drive, Derby, Connecticut," dated 4/4/2013, prepared by BL Companies.
3. Report entitled "Traffic Impact Study, Proposed Retail Development, 98 Pershing drive, Derby, Connecticut," dated March 2013, prepared by BL Companies.
4. Plans entitled "Limited Phase II Pershing Drive Redevelopment", dated 3/26/2013 and revised through 4/15/2013 unless otherwise noted, prepared by BL Companies, with the following plans attached:
 - a. "EX-1, Property/Topographic Survey," dated 10/27/2011 at a scale of 1"=40'
 - b. "DM-1 Demolition Plan," scale 1"=40'
 - c. "DM-2 Demolition Notes," not to scale
 - d. "SP-1, Site Plan," scale 1"=40'
 - e. "GD-1, Grading and Drainage Plan," scale 1"=40'
 - f. "SU-1, Site Utility Plan," scale 1"=40'
 - g. "ED-1, Erosion and Sedimentation Control Plan," scale 1"=40'
 - h. "ED-2, Erosion and Sedimentation Control Notes," not to scale
 - i. "LL-1 Landscape Plan," scale 1"=40'
 - j. "LP-1, Lighting Plan" scale 1"=40'
 - k. "GN-1, General Notes," not to scale
 - l. "DN-(1-5), Detail Sheet," not to scale
5. Plans entitled "Future Panera Bread, OPS Plan and Elevations" dated 3/21/13 prepared by Panera, LLC, depicting building elevations and floor plans.
6. List of abutting property owners.
7. Plan Entitled "Aldi, Inc., 74-78 Pershing Drive, Derby, CT 06418" at a scale of 1/8"=1', prepared by Gaspare Accordo, AIA, NCARB" with the following plans attached:

- a. "A-131, Operations Plan", dated 12/10/12
- b. "A-201, Exterior Elevations," dated 10/10/12

8. Correspondence from City Engineer (Mllone & MacBroom, Inc.) dated 4/10/13
9. Correspondence from Derby "Fire Marshal dated 4/16/13.

With the following stipulated conditions:

1. The applicant shall obtain approval from the Derby Water Pollution Control Authority (WPCA) for the proposed sanitary sewer connections and any modifications to the existing easements on the subject property in favor of the adjacent properties and/or City of Derby WPCA.
2. Prior to commencement of construction activities, the applicant shall provide documentation that all of the new and/or modified access and utility easements associated with this development and the improvements associated with the signalized intersection be executed and filed on the Derby Land Records.
3. The applicant shall submit a site plan for staff review of the construction phasing and site logistics plan. The plan shall include provisions to maintain access to the adjacent businesses to the south during all phases of construction including but not limited to demolition, utility installations, and reconstruction of the parking areas and coordination with the revised signalized intersection.
4. The Commission acknowledges that the Office of the State Traffic Administration (formerly the State Traffic Commission) has jurisdiction of the driveway cuts and improvement within the State right of way. The City and staff reserve the right to require additional/revised on-site traffic control and signage measures to improve on-site traffic circulation provided that no adverse impacts to the State roadways are created.
5. The applicant shall notify the City Engineer a minimum of 48 hours prior to the commencement of the excavation for the installation of the storm drainage infiltration structures (drywells).
6. Prior to the commencement of construction the applicant shall provide the results of their drainage investigations and if necessary plans showing the revisions to the drainage systems. If there are significant differences between the field conditions and the assumptions in the design report, the drainage analysis for the development shall be revised accordingly.
7. Prior to the development of Pads C through E, the applicant shall submit architectural drawings for these pad sites and if necessary revised site plans to the Planning & Zoning Commission for further review and approval. Any other modifications to the above referenced drawings shall be submitted to city staff for review to determine if further action by the Commission will be necessary.

8. The call out for the chain link fence for the dumpster enclosure in the northeast corner of the site shall be revised in accordance with the Derby Zoning Regulations.
9. All site signage shall be reviewed with the Zoning Enforcement Officer for compliance with the Derby Zoning Regulations.
10. A performance bond in an amount and form acceptable to the City Engineer and Corporation Counsel shall be posted prior to any construction activities associated with the site. The amount of the bond shall cover the following improvements:
 - a. Improvement Location Survey of the completed site plan
 - b. Site landscaping
 - c. Pavement restoration along the shared access to the adjoining parcels to the south
 - d. Sediment and Erosion control measures including the establishment of topsoil and seed for all proposed disturbed areas in the event that building and parking lot improvements are not completed in a timely manner after the site has been disturbed.
11. The Zoning Enforcement Officer and City Engineer shall have the authority to direct the applicant, to install additional sediment and erosion control measures as conditions may warrant.
12. The Building Official shall not issue any building or zoning permits on the 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. Stevens and carried unanimously.

(b) Application for CDD approval from Stacey Ference for 23 Elizabeth Street for use as a catering service – Application #2013-02-19-03.

There was no one present for this application and Chm. Estwan noted that this was the second month that the applicant was not present. A motion to deny without prejudice was made by Mr. Stankye, seconded by Mr. Stevens and carried unanimously.

(c) Application for Site Plan Modification from Sprint Spectrum Realty Co. for 137 Derby Avenue – Replacement of existing antennas and equipment – Application #2013-02-19-04.

Chm. Estwan stated that the applicant submitted a letter requesting a 35 day extension. Mr. Stevens moved that the letter be accepted. The motion was seconded by Mr. Stankye and carried unanimously.

(d) Application for Site Plan Modification from Sprint spectrum Realty Co. for 134 Roosevelt Drive – Replacement of existing antennas and equipment – Application #2013-02-19-05.

Chm. Estwan stated that the applicant submitted a letter requesting a 35 day extension. Mr. Stankye moved that the letter be accepted. The motion was seconded by Mr. Sanchez and carried unanimously.

(e) Discussion Re: Regulations – Use of electronic Billboards.

Chm. Estwan stated that no action will be taken on this matter at this time and the item will be removed from the agenda.

(f) Update on Redevelopment Zone.

Atty. Coppola stated that the Mayor received a letter from Eclipse stating that they could not put a package together and will not be able to do so by the time their contract expires. Chm. Estwan asked if there was any benefit to the City to have the redevelopment zones and Redevelopment Agency. Atty. Coppola stated that when certain areas are designated as redevelopment areas you have to make certain findings and that then gives the City the power to exercise rights over the property owners through a redevelopment agency.

Executive Session

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

A motion to go into Executive Session and have Atty. Coppola and Michale Joyce attend was made by Mr. Estwan, seconded by Mr. Stankye and carried unanimously. The Commission went into executive session at 7:50 p.m.

A motion to come out of Executive Session and resume the regular meeting at 8:00 p.m. was made by Mr. Stevens, seconded by Mr. Misiewicz and carried unanimously.

Payment of Bills

Chm. Estwan stated that there were no bills submitted for approval.

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

Respectfully submitted,

Maryanne DeTullio, Clerk

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