

# ***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 Planning and Zoning Commission of the City of Derby held a regular meeting on Tuesday, October 21, 2014 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, Glenn Stevens, Albert Misiewicz, David Rogers, Richard Stankye, Steve Jalowiec, Raul Sanchez and Anthony Szewczyk. Also present were Attorney Marjorie Shansky, Carlo Sarmiento, Building Official, Peter Georgetti, City Engineer and Maryanne DeTullio, Clerk.

## Additions, Deletions, Corrections to Agenda

Mr. Stankye moved to add the approval of the August 15, 2014 minutes to the agenda. The motion was seconded by Mr. Jalowiec and carried unanimously.

## Correspondence

Chm. Estwan stated that there was no new correspondence.

## Public Portion

There was no one from the public wishing to speak.

## Approval of Minutes

Mr. Stankye moved to table the approval of the September 15, 2014 meeting minutes. The motion was seconded by Mr. Jalowiec and carried unanimously. Mr. Estwan moved to approve the minutes of the August 15, 2014 meeting. The motion was seconded by Mr. Stankye and carried 7-0-1 with Mr. Szewczyk abstaining.

## Acceptance of Applications

Mr. Estwan moved to accept an application from Melissa Perkins for CDD Approval for office use at 17 Elizabeth Street. The motion was seconded by Mr. Jalowiec and carried unanimously.

Public Hearing

(a) Application from Buckingham Estates LLC for zone text change for the purpose of removing the confusing definition and interpretation of lot width and replacing it with a minimum square on a lot which will better insure a lot configuration of a reasonable square or rectangular shape.

Chm. Estwan stated that he received a letter from Attorney Dominick Thomas, representing the applicant, requesting a 35 day extension to November 25, 2014 for the completion of the public hearing. The public hearing will be continued to the 11/18/14 meeting.

New Business

(a) Informal Discussion – Derby Housing Authority.

There was no one present from the Derby Housing Authority to address the Commission. A motion to table the item to the November meeting was made by Mr. Estwan, seconded by Mr. Stevens and carried unanimously.

(b) Application for CDD Approval from Melissa C. Perkins for use of rented space for a private counseling practice at 17 Elizabeth Street.

Melissa Perkins was present and stated that the office will be used as a private counseling service and she is the only employee. At this time it is vacant. A motion to approve the application was made by Mr. Stevens, seconded by Mr. Szewczyk and carried unanimously.

(c) Application for Site Plan Approval from DLC Management Corp. for 60 Pershing Drive for 21,942 sf retail and 43,986 sf retail buildings to be determined – owner of property Walgreens Eastern Co., Inc.

John Mancini, BL Companies was present for the applicant. He stated that Walgreens purchased this property in 2005 and waited through many leases that needed to come due in order to relocate tenants and moved them into reconfigured and rebuilt space. He stated that they also had to go through an extensive review with the State of Connecticut Department of Transportation. He stated that the intersection needed to be reconfigured and they worked with abutting property owners as well as the owner of the shopping center across the street on this. They have created a four way “T” intersection which works perfectly and safely enhances traffic flows. He stated that they are almost done with the roadway improvements and widening of the driveway. He stated that Walgreen’s re-evaluated their options and have decided not to open the store at this location but are committed to completing the work. He stated that they are going forward with making improvements to the site but at this point do not know what will happen in the future and are keeping options open. They will also be completing all drainage improvements.

Mr. Estwan stated that the biggest concern was that all site improvements be completed. He stated that as it is being developed you can see the improvements to the site.

Ray Gradwell, BL Companies stated that the site is approximately 4.62 acres at the intersection of Pershing Drive and Division Street. They are committed to completing the improvements to the driveway and drainage work. They are proposing 354 parking spaces. Mr. Estwan asked about possible uses and how it will affect the parking. Mr. Mancini stated that the proposed building is slightly larger than Walgreens and the truck patterns around the building and the curb cuts will be the same. Mr. Gradwell noted that the ADA improvements will be done as well as pavement improvements. They will be changing the outside of the building and removing the red color and replacing it with a brick look.

Mr. Rogers asked about any existing tenants and if they are staying or moving. Al Callegari, DLC Management stated that four tenants in the existing building will be staying.

Mr. Estwan stated that the modifications will be reviewed by the city engineer and fire marshal.

Atty. Eugene D. Micci representing 49 Pershing LLC and Rocco Cingari stated that they are opposed to this plan. They feel that it violates that parking regulations and also the spirit of the agreement that they reached in Superior Court with the applicant. Mr. Estwan stated that this is not a public hearing but he allowed Atty. Micci to speak as a courtesy. He informed him that he could submit any comments in writing to the Commission. Atty. Micci asked if there would be a public hearing and Chm. Estwan stated that the Commission will make that determination once the plans are reviewed.

(d) Discussion and possible action - Application from Buckingham Estates LLC for zone text change for the purpose of removing the confusing definition and interpretation of lot width and replacing it with a minimum square on a lot which will better insure a lot configuration of a reasonable square or rectangular shape.

Chm. Estwan stated that the public hearing on this application has been continued to the November meeting.

Old Business - None

Executive Session

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

There was no need for an Executive Session.

Payment of Bills

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

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Misiewicz and carried unanimously. The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Maryanne DeTullio".

Maryanne DeTullio, Clerk

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