

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, July 15, 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, Albert Misiewicz, Steven Jalowiec, Glen Stevens and Raul Sanchez. Also present were Attorney Marjorie Shansky, Carlo Sarmiento, Building Official and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Mr. Jalowiec moved to add as Item 9e, Letter from Attorney Dominick J. Thomas, Jr., Cohen and Thomas requesting an opinion on a free split for Migani property on Clark Street Extension. The motion was seconded by Mr. Misiewicz and carried unanimously.

Correspondence

Chm. Estwan stated that he received a letter from Robinson & Cole regarding installation of a cell tower at 111 New Haven Avenue. He stated that this is subject to Citing Council approval and a public hearing will be held in Derby regarding this matter.

Public Portion

Attorney Dominick J. Thomas asked to have Item 9e moved up on the agenda. Chm. Estwan stated that it will be the first item heard under New Business.

Approval of Minutes

Mr. Sanchez moved to approve the minutes of the April 15, 2014 meeting. The motion was seconded by Mr. Stevens and carried 4-0-1 with Mr. Estwan abstaining.

Mr. Stevens moved to approve the minutes of the May 20, 2014 meeting. The motion was seconded by Mr. Jalowiec and carried unanimously.

Mr. Jalowiec moved to approve the minutes of the June 17, 2014 meeting. The motion was seconded by Mr. Sanchez and carried 4-0-1 with Mr. Stevens abstaining.

Acceptance of Applications

Mr. Estwan moved to accept an application from Midwestern Connecticut Council of Alcoholism Inc. for 100 Elizabeth Street. The motion was seconded by Mr. Stevens. Mr. Sarmiento stated that they want to construct a partition wall in the existing space to create two rooms. Mr. Jim Hancock, Director of MCCA stated that there will be nothing else done to the space. The Commission determined that no application is necessary for this and it can be handled by the Building Department. Mr. Estwan withdrew his motion and Mr. Stevens withdrew the second.

Mr. Jalowiec moved to accept an application from Sam Goldwitz for CDD approval for 25-27 Elizabeth Street for use as a retail space. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Jalowiec moved to accept an application from James Calkins and Michelle Donnelly for CDD approval for 101 Elizabeth Street for use as a specialty bakery and catering facility. The motion was seconded by Mr. Misiewicz and carried unanimously.

Mr. Stevens moved to accept and schedule for public hearing at the September meeting an application for zone text change from Buckingham Estates. The motion was seconded by Mr. Jalowiec and carried unanimously.

Mr. Stevens moved to accept an application from Michael O'Keefe and Adam Zadrozny d/b/a Power Baseball for CDD approval for 195 Main Street. The motion was seconded by Mr. Jalowiec and carried unanimously.

New Business

(e) Request for Opinion – Migani Property Free Lot Split.

Attorney Dominick J. Thomas, Jr., 315 Main Street, Derby stated that the property at 24 Clark Street Extension is in the name of Andrew C. Migani, Sr. Revocable Trust. They would like to keep the house and lot and split off another conforming lot, which they will be selling. In 1992 Mr. Migani recorded a free split map (#45) without coming to Planning and Zoning. Attorney Thomas stated that he is seeking a determination from the Commission on this matter. No action was ever taken or transfer done. The property continues to be assessed as one lot. He stated that no sign off is required on a free split map but he will have the surveyor sign off if necessary. Atty. Shansky noted that the 1992 map is different than the one presented this evening. Atty. Thomas stated that it is merely an adjustment and reference will be made on the map. Mr. Estwan and the members did not see any problem with this.

(a) Application for CDD Approval from Dewygee Fraser and Byron Williams for office use at 17 Elizabeth Street.

Chm. Estwan stated that this application was approved at the June meeting but the agenda for that meeting was not properly posted. He stated that anything that was voted on at that meeting could be subject to appeal and that is why it is back on the agenda this month.

Attorney Shansky stated that the minutes from the June meeting can be incorporated in the approval motion. Mr. Estwan moved to approve the application and reference the minutes and tape from the June 17, 2014 meeting. The motion was seconded by Mr. Jalowiec and carried unanimously.

(b) Application for CDD Approval from Jose Reyes/Comstar LLC for 21 Elizabeth Street for a Comstar store.

Mr. Sarmiento stated that this application has been withdrawn.

(c) Discussion – Signage Town Fair Tire.

Larry Bourque was present and stated that there is no issue with the sight lines and neighboring properties with the ground sign. He stated that he met with the manager of Town Fair Tire and they will make sure that the ground sign would go off automatically at 9:00 p.m. They will be constructing a buffer zone between this property and the abutting properties. The trees will prevent the neighbors from seeing the sign. Mr. Sarmiento stated that the neighbor was concerned with how large the trees will be and how long before that would be tall enough to block the view. There is an issue with the size of the sign allowed under the regulations. Attorney Shansky stated that the Commission cannot waive the regulations and they have to abide by the regulations or they could go to ZBA for a variance. It was decided to table the issue in order to allow the attorney to further review the regulations. Mr. Jalowiec asked about the trees that are proposed to be planted as a buffer and if the property was surveyed. Atty. Shansky stated that she would like to see the survey and also the site plan. If there is the correct distance for the sign then no application would be necessary and it could be handled by Mr. Sarmiento.

(d) Bond Reduction Request – Singer Village, David Humphreys Road.

Mr. Sarmiento stated that most of the work has been done and Mr. Nuzzolo is requesting a reduction to \$11,000.00. He also stated that everything has been done well. Mr. Estwan moved to grant the bond reduction request from Singer Village. The motion was seconded by Mr. Jalowiec and carried unanimously.

Old Business

(a) Update on Redevelopment Zone.

Mr. Estwan stated that there is not update at this time. He stated that Michael Looney, Milone and MacBroom is working on proposals to present to the Commission.

Executive Session

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

There was no need for an Executive Session.

Mr. Stevens moved that the Commission take a short recess at 7:37 p.m. The motion was seconded by Mr. Estwan and carried unanimously. Mr. Estwan moved that the meeting be reopened at 7:42 p.m. The motion was seconded by Mr. Jalowiec and carried unanimously.

Payment of Bills

Mr. Jalowiec moved that all bills be paid in found correct. The motion was seconded by Mr. Stevens and carried unanimously.

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Jalowiec 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.