

Zoning Board of Appeals

Minutes

(meeting taped)

Monthly meeting: Thursday, August 21, 2008 in the City Hall Aldermanic Chambers.

The meeting was called to order at 6:35 p.m.

By roll call, members present: John Kowarik, Richard Bartholomew, David Manley and alternate Walter Nizgorski. Mark Zeck and Angelo Dirienzo were excused. Alternate Michael Dellinger was absent.

Building Official David Kopjanski was excused.

Motion was made by John Kowarik and second by David Manley. Move to elect Richard Bartholomew as temporary chair in the absence of the chair. Motion carried unanimously.

Public portion: The Chair noted that there would be a public portion for the applications. This public portion is to satisfy section 101 of the Charter of the City of Derby. No one came forward to speak.

Approval of minutes: Motion was made by David Manley and second by Walter Nizgorski. Move to accept the minutes of the July 24, 2008 meeting, as written. Motion carried unanimously.

The acting Chair advised the applicants that the regulations require that there be four (4) affirmative votes for a variance to be granted. As there are only four voting members present this evening, the applicant has the option to table the application until the next meeting.

Application No. 278 – Applicant: Waldemar Falkowski. Location of affected premises – 3 Prindle Avenue, Derby, CT 06418. Requesting a five foot side yard setback variance for construction of a two story addition (14 ft. by 22 ft.) to the south side of house.

Fred D'Amico, agent for the applicant requested that the matter be tabled until the next meeting.

Motion was made by Walter Nizgorski and second by David Manley. Move that application #278 be tabled until the next meeting as per the request of the applicant. Motion carried unanimously.

Application No. 280 – Applicant: City of Derby Housing Authority. Location of affected premises – Lot 6, Map 8-5 Cicia Manor, Derby, CT 06418. Requesting a variance to construct a 2,100 square foot office building on a non-conforming lot.

The applicant chose to go forward this evening. Mayor Staffieri advised the Board that this is a necessary project. The Housing Authority office is currently renting space at 45 Minerva Street. Building the office on site of one of the senior housing locations, the City will save money on the cost of the rent, they will have more floor space than at the current location and will be closer proximity to the seniors that they serve. Having them on-site will also provide added accessibility and security for the residents of Cicia Manor.

Keith Buda from Rotundo Engineering and Housing Authority Director Steven Nakano were present to speak on the application. Mr. Buda presented the certified letter return receipts to the Board. The parcel is located in proximity to West Fourth Street, Fifth Street and a private development. The parcel is approximately two acres and is in a CDD zone. The location of the proposed construction is currently a lawn area on the northwest corner of the site. Cicia Manor was constructed in the early 1970's. There are forty (40) single-family dwellings located in ten buildings and there is a separate community building. The existing parking lot contains eleven (11) spaces. Zoning requires 60 spaces for the site thus making it an existing non-conforming parcel. Additional resident parking is provided on the adjoining on-street parking.

The proposal is to construct a 2,100 sq. ft office building with eight (8) parking spaces located off of West Fourth Street. The current office on Minerva Street is approximately 800 sq. ft. and the Authority has outgrown the office. The Authority employs five people who will be working from the proposed office. The proposed construction has provided sufficient parking spaces, as per the regulations, to satisfy the requirements of this proposal. It does not increase the non-conformity of the existing parcel. There is no other available area on the parcel to construct any other parking. The benefits to constructing this building are that it will provide easier access for the tenants, will eliminate the parking issue that now exists at the current office and will provide larger space for the operations.

The applicant is appealing Section 195-20H which would require one and one half spaces per dwelling unit (sixty parking spaces) for the existing structures and Section 195-87A which states that no building which is non-conforming with respect to any provisions of this regulation shall be altered or enlarged in such manner as to increase such non-conformance. The existing non-conformity will not be increased by this construction.

Mr. Nizgorski questioned the size of the proposed office. Mr. Buda indicated that the Housing Authority feels this is an ample space for their operations. Mr. Nizgorski questioned the number of employees, he knew of only three. Mr. Buda stated that there are two resident services providers that assist the residents in various duties from housekeeping, food shopping, banking, etc. Mr. Nizgorski asked if there will be a meeting room. Mr. Nakano indicated that

meetings will continue to be held at City Hall. There will be a small conference room for the director to offer assistance to tenants.

Mr. Manley questioned the steep slope behind the area of construction. Mr. Buda indicated that beyond the existing fence is a wooded, vegetated steep slope. The fence will remain and the slope will not be effected. Mr. Manley raised concern for safety measures for the tenants during construction. He noted that the elderly tenants may have vision and hearing issues as well as physical limitations. Mr. Buda indicated that the construction site will be fenced off and utmost care will be provided for the entering and exiting of the site by the construction personnel. At no time will there be any closure of road that would hamper emergency vehicles from accessing the housing development. Only the sidewalk by the 90-96 building would be effected and a temporary sidewalk that meets ADA accessibility codes will be constructed.

Mr. Kowarik noted a storm drain in the area of the construction. Mr. Buda indicated that it would be relocated and brought around the building.

Mr. Bartholomew asked the hours of operation. Mr. Nakano stated that they would be Monday through Friday and the parking spaces will not be blocked or gated so the tenants may use the spaces on weekends and evenings.

Public Comment – Application No. 280.

Nancy Alshuk of 15 Anson Street noted that there is parking on both sides of West Fourth Street and vehicles can not turn around now; they have to go into the Hilltop Apartments or back out. In the winter, with alternate side parking, the situation is bad. The tenants, a number of years ago, were told that this grassed area may be suitable for additional parking. In speaking with many of the tenants, they were unaware of the proposed construction. She received the certified letter but they were told nothing.

Mr. Nakano indicated that there are resident liaisons with the two developments and they seemed to feel that this construction would be an asset.

Hugo's wife also stated that there has always been a parking problem in the area and in the winter the problem worsens. She too spoke with some of the residents and they did not know about the proposal and they were unhappy with the idea that the parking problems were not being addressed.

Mr. Buda stressed that the parking problems are existing and this project will not worsen said problem as there will be no changes to the existing parking.

Ms. Alshuk stated again that the tenants were told there would be consideration given to using this grassed area for additional parking. Constructing the building there would permanently end such consideration and reduce the limited available land in the area for parking.

Stanley Zadora of 67 Fifth Street suggested his property to solve some of the Housing Authority needs. He also questioned what the bulldozers were doing on the property behind him off of Lafayette Street.

Mr. Bartholomew asked if the tenants were notified. Mr. Buda stated that it was not necessary to send them certified letters as the City is the owner of the property. Ms. Alshuk felt that they should have be advised in some fashion.

Mayor Staffieri told how he goes to the complexes regularly and residents have spoken to him of problems with parking due to the courthouse business and secondly, they are worried about personal safety in the neighborhood.

Mr. Nakano noted the difficulties for tenants accessing the current office. Only on-street parking is available and it is limited. Many tenants do not drive and the current office is a distance for them to travel. The new office building offers off-street parking, closer proximity and larger facilities to allow the Authority to perform their duties and enhance the services provided to the tenants.

Walter Melnik questioned whether this is a City project or private project and who is going to pay for this construction. He also questioned what has happened to the HALO project. Mayor Staffieri indicated the former developer has shown no interest and the project is inactive at this time.

Ms. Alshuk expressed her concerns for vehicular traffic from the construction and her general concerns for the safety of the tenants. Over the years she and her family have tried to help the tenants when they can. She tries to help with the parking during the winter and often helps clear off the snow on their vehicles so they can be moved. She has genuine concern for their interests and she felt the need to speak on their behalf as they were not informed of this proposal.

Members asked if this was a one-story structure and what would be the timeframe for construction. Mr. Nakano indicated that this is a one-story structure. The project would have to go out to bid. He estimated that the overall project would take approximately five months. They would like to start as soon as possible but time and/or weather will dictate the timeframe. Mayor Staffieri stressed that all safety precautions would definitely be implemented throughout construction.

Mr. Buda reiterated that no parking spaces will be taken from West Fourth Street or the existing parking lot due to this project. West Fourth Street is a dead end road and the plan is to provide access to this building and the associated parking lot which will provide eight spaces, the

required number of spaces needed for the proposed building as per code. This project does not increase the non-conformity.

Mr. Nizgorski stressed he is well aware of the parking problems as they have been a chronic problem for many years. He was not only considering the impacts of the building but he was strongly thinking of the tenant's concerns. He agreed that the current office is small and he can see that a larger building is needed but the needs of the elderly must also be taken care of. He suggested that the applicant come back next month so that all of the comments raised this evening can be studied.

The applicant felt that the parking questions had been addressed. Ms. Alshuk stated that, yes there are eight spaces, five of which will be used by the employees. The greater concern is the parking problems of the area residents. Each day there are vehicles parked on the street by residents of the Hilltop Apartments or Cicia Manor. She questioned, with all the residents in the area, where are they going to park? She was also concerned with the construction traffic.

Mr. Kowarik suggested that the parking issues be brought to the attention of the Board of Alderman. Maybe the residents should get a petition and bring it to the City. The Board of Alderman could also look at the alternate street parking. Mayor Staffieri agreed. He stated that these matters being raised should go to the Board of Alderman not before this Board.

At this time it was questioned if anyone desired to speak further.

Motion was made by John Kowarik and second by David Manley. Move to close the public comment. Motion carried unanimously.

Members discussed the application. The non-conforming use is existing and there is insufficient space to resolve the parking space requirement. The parking issues are a concern but not for this Board. The residents need to approach other boards that have the authority to address their concerns. The proposed office building would be a benefit to the elderly due to it's ease of access and it's improved functionality with the added space. Members questioned whether a requirement could be stipulated for police officers or safety officers on site to control traffic during the construction period.

Motion was made by David Manley and second by John Kowarik. Move to grant the variance requested for application #280 - Derby Housing Authority for the building of a 2,100 sq. foot one-story office building with eight parking spaces provided for said building with the stipulation that a police officer or legally trained traffic control officer will be hired continuously to manage the construction vehicles going on and off site during the construction process subject to this stipulation being reviewed by Corporation Counsel to determine its applicability.

Roll Call:

John Kowarik yes

Richard Bartholomew yes

David Manley yes

Walter Nizgorski no

The motion fails.

The applicant asked the reason for the no vote. Mr. Nizgorski indicated that he was not satisfied with the answers given this evening and he did not think it is fair to the people in the area. He is not against the building. He needed further clarification on the matter.

Executive Session: No session was needed.

Motion was made by John Kowarik and second by David Manley. Move to adjourn the meeting at 7:42 p.m. Motion carried unanimously.

Respectfully prepared,
Karen Kemmesies, secretary

These minutes are subject to Board approval at their next scheduled meeting.