

Planning and Zoning Commission City of Derby

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec
David J. Rogers
David Barboza II
Richard A. Stankye
Albert Misiewicz
Glenn H. Stevens
David L. Savo (Alternate)
Joseph Gruttadauria III

(Alternate)

Maryanne DeTullio, Clerk

A meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, October 16, 2007 at 7:00 p.m. in the Aldermanic Chambers, New 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, David Barboza, Steve Jalowiec, Albert Misiewicz, Richard Stankye and David Rogers. Also present were Atty. Joseph Coppola, Michael Joyce, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

There were no additions, deletions or corrections to the agenda.

Correspondence

Mr. Estwan stated that he spoke with Leo Moscato, Chairman of the Parking Authority regarding the number of municipal parking spaces in town. There are 80 spaces in the municipal lot on Caroline Street and all of those spaces are under contract to Calvert's and Life Touch. The parking garage has 340 spaces available and 240 are under contract. Those contractual spaces are used during the daytime so that in the evenings there are a number of spaces available. Mr. Moscato felt that there were still ample parking available in the municipal garage. There is also a lot on upper Caroline Street with approximately 45 spaces and can be used in the future.

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes:

A motion to approve the minutes of 09/18/07 meeting was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously with Mr. Stankye abstaining.

Acceptance of Applications:

Mr. Stankye moved to accept and schedule for public hearing an application for zone change for Academy Hill and Mansfield Street. The motion was seconded by Mr. Rogers and carried unanimously.

Mr. Barboza moved to accept and schedule for public hearing an application Amendment to Special Exception from Ronald Sheehy for 49 Burtville Avenue for auto body repair shop and sales. The motion was seconded by Mr. Stankye and carried unanimously.

Public Hearing:

(a) Application for Zoe Text Change from VDAR, LLC

Donald Smith was present for the applicant and stated that this is a zone text amendment to add zero degree parallel parking spaces. He stated that at the Commerce Street location there is room for some parallel spaces. He also stated that he reviewed the recommendations from the City Engineer and they are not opposed to any of them.

Mr. Joyce stated that this was referred to South Central Regional Planning and VCOB and correspondence was received from them. VCOB took no exception to the application. South Central had some concerns about the width of the spaces. Mr. Jalowiec asked what benefit this would have in the City or is it being done solely for this particular property. Mr. Joyce stated that there may be a need for this in future applications in the downtown area and it may also come into effect on sites that are tight. Mr. Smith stated that parallel spaces are just another way to get extra parking on a site. Mr. Rogers asked if this would also regulate on-street parking and Mr. Joyce stated that it is only for off-street. Mr. Estwan stated that it is something that we did not have in the regulations and if it is done properly it should not be an issue. Mr. Estwan asked for any public comment on the application.

Dale Martin, 16 Chatfield Street stated that he did not want to see the application held up any further and did not see why there was an issue with the size of the spaces. Mr. Estwan stated that the Commission is not holding up any application. A motion to close the public hearing was made by Mr. Barboza, seconded by Mr. Rogers and carried unanimously. A motion to add this to the agenda as Item 10(h) was made by Mr. Barboza, seconded by Mr. Jalowiec and carried unanimously.

New Business:

(a) 8-24 Referral - Middle School Project

Mr. Estwan stated that this project was approved by referendum. Mr. Rogers moved as follows - Resolved that the Planning and Zoning Commission of the City of Derby approves each of the following project as being in conformance with the City's Plan of Development pursuant to Section 8-24 of the General Statutes of Connecticut.

A new three-story, approximately 72,500 square foot, approximately 420 student capacity middle school facility serving the 6th, 7th, and 8th grades to be located on the Derby High School site on Nutmeg Avenue in Derby; and site and other improvements

related to the project.

Provided that this resolution is for approval of conceptual plans only. The project is subject to and shall comply with all other applicable laws, regulations and permit approvals, and this resolution shall not be a determination that the project is in compliance with any such laws, regulations or permit approvals. The motion was seconded by Mr. Barboza and carried unanimously.

(b) Application for Site Plan Amendment from Fr. McKenna St. Vincent dePaul Society of Shelton for 237 Roosevelt Drive for retail sales and food bank.

Jim Guerrara was present and stated that they are in the process of getting the final Certificate of Occupancy for the building and have made some changes to the exterior of the building. He stated that the original plans were for a 6' high plantings along the street line and they put in four and they died. They would like to have a low hedge plantings there. He stated that next to the handicap area they stripped on both and Mr. Kopjanski stated that the commission would rather see some plantings there. They are requesting a low planter there. The handicap space would be delineated but it would not impede anyone from getting into or out of the car. The existing handicap ramp showed a two-way ramp which really didn't make sense. It runs along the site of the building and is one way. The plans showed a garbage receptacle surrounded by a chainlink fence and there never was any intention of having a garbage receptacle. It was suppose to be a donation box, which is in that location. He stated that the donation box is emptied every day by the volunteers. Mr. Estwan read into the record a letter from Milone & MacBroom dated 10/9/07 (copy attached). Their recommendation was that the donation box be enclosed on three sides. Mr. Guarrera stated that they do not leave things out around the box and it is emptied every day. Mr. Jalowiec stated that they check the box everyday and this is a non-profit organization. They are doing a good job maintaining the property and he did not see any need for fencing around the box.

Mr. Estwan moved that following review fo the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission in accordance with Section 195-50 of the Derby Zoning Regulations hereby approves the application for Amendment of an approved Special Exception for Fr. McKenna St. Vincent dePaul Society on property shown on Derby Assessors Map 9-4, Lot 10 subject to the following conditions:

The approval shall be based upon the fololowing documents submitted in support of this application and shall be included with the original application documents or used to replace documents which are no longer current:

1. Statement of Use - Site Plan Amendment.
2. Drawing entitled "Proposed Renovations to 237 Roosevelt Drive, Ct. Rte. 34, Derby, CT, St. Vincent dePaul Shoppe, prepared by Mingollelo & Hayes Architects, dated 3/15/04 and revised through 8/21/07, scale as noted.
3. Correspondence from Milone & MacBroom, Inc. dated October 9, 2007.

The conditions of the original Special Exception approval shall still apply unless otherwise revised by the following conditions which shall only apply to this request for modification:

1. The modification of the Special Exception approval shall not be effective until it is filed on the Derby Land Records along with any conditions in accordance with the General Statutes of the State of Connecticut.
2. The plans shall be revised in accordance with the letter prepared by Milone & MacBroom, Inc. dated October 9, 2007 except for comment #2.

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

(c) Application for CDD approval from Clark Development LLC for 148-156 Main Street for commercial use with supporting offices.

Mr. Estwan read a letter dated 10/16/07 from Clark Development withdrawing their application so that property notice be given to adjacent property owners.

(d) Sentinel Hill - DeTullio Subdivision - 3 Lots - Request for Bond Release

Mr. Joyce stated that the Commission previously reduced the bond and the sites are stabilized. It is their recommendation that the bond be released in full. A motion to release the bond for DeTullio Subdivision Sentinel Hill was made by Mr. Stankye, seconded by Mr. Jalowiec and carried unanimously.

(e) Clark Street Extension - Fairfield County Custom Homes - 2 Lot Subdivision - Request for Bond Reduction.

Mr. Jalowiec stated that the area on Academy Hill has not been strip milled and he thought that it was the developer's responsibility to do that. Mr. Joyce stated that there are issues that need to be addressed and it would be his recommendation that this be tabled at this time.

Keith McLiverty, Academy Hill stated that the Commission approved the release of the bond for Sentinel Hill which was a project done by the same developer and there were issues with that subdivision. Mr. Joyce stated that there were certain items that were bonded with these subdivisions and those items have been complied with. A motion to table the bond reduction request for Clark Street Extension was made by Mr. Barboza, seconded by Mr. Jalowiec and carried unanimously.

(f) LMC Estates - Lot #8 - Request for Bond Release.

Mr. Joyce recommended that this be tabled as additional documentation is needed. A motion to table the request from LMC Estates for Lot #8 bond release was made by Mr. Barboza, seconded by Mr. Jalowiec and carried unanimously.

(g) Frank Gates Lane (Prestige Builders) - 8 Lot Subdivision - Request for Bond Reduction.

Mr. Estwan read a letter from Milone & MacBroom dated 10/16/07 recommending a reduction from \$290,000. to \$54,000. for this subdivision. Mr. Jalowiec moved that the bond be reduced from \$290,000. to \$54,000. for 8 Lot Subdivision Frank Gates Lane. The motion was seconded by Mr. Stankye and carried unanimously.

(h) Zone Text Change from VDAR LLC

Mr. Estwan stated that there has been a need in other instances in town for parallel spaces. The Commission is establishing parameters for parallel parking and it is something that needs to be done. This will give the Commission some flexibility.

Mr. Estwan moved that the Derby Planning & Zoning Commission in accordance with Section 195-140 of the Derby Zoning Regulations hereby approves the Zone Text Change Application for VDAR LLC as discussed and amended as follows:

Insert the following into **Section 195-53B**, immediately after "...180 square feet, except": "that zero degree (*parallel*) parking spaces which shall contain a minimum area of 176 square feet and further excepting"

Insert the following into **Section 195-59G** at the end of the last sentence in the first paragraph: "except for zero degree (*parallel*) parking spaces which shall have a minimum width of 8 feet and a minimum length of 22 feet."

Renumber Sections 195-59G(5) and 195-59G(6) to Sections 195-59G(6) and 195-59G(7) respectively.

Add a new Section 195-59G(5) which states: Zero Degree parking spaces, if located adjacent to a building or property line, shall be separated from the building or property line by a curb and landscaping and/or a sidewalk that is at least 48" wide. Zero degree (parallel) parking spaces shall be designed in a manner, which avoids conflicts with other parking spaces, parking aisles and/or other site plan requirements.

The amendment shall be effective November 6, 2007. The motion was seconded by Mr. Barboza and carried unanimously.

Mr. Jalowiec asked if the Commission should re-visit the bond release for Sentinel Hill after the comments from Mr. McLiverty. Mr. Joyce stated that the original application did not have any cuts into Sentinel Hill. They changed the design of the water main pursuant to the Water Company and this necessitated the road cut. The only thing on the bond was soil and erosion control measures. They received a road opening permit and posted a bond with the Public Works Department and this is not part of this Commission's purview. He stated that the City is working on an ordinance regarding road cuts done on roads that have been repaved within the last five years and what the responsibilities of the contractor are. Mr. Estwan stated that if that is the case then we

can send a letter to the City that the Commission is in support of the ordinance. Mr. Joyce stated

that he would take care of that. Atty. Coppolo noted that the Sentinel Hill bond had nothing to do with the road.

Old Business:

(a) Application for Site Plan Modification from VDAR LLC for Commerce Street to provide for six additional parking spaces - I-1Zone.

Donald Smith stated that with the text change that the Commission approved they can provide four parallel spaces on the lot at this time. The plans are the same just with the addition of the four spaces. He stated that they are in receipt of the letter from Milone & MacBroom dated 10/9/07 and the gross floor area will be revised. He also stated that he has discussed the catchbasins with Mr. Joyce and that will be resolved. Mr. Joyce stated that the modifications to the plans are minor in relation to the text change. Mr. Estwan read the letter from Milone & MacBroom into the record (copy attached). He also read the letter from the Fire Marshal dated 6/14/07 regarding the sprinkler system.

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 Application for Site Plan Amendment for VDAR LLC on property shown on Derby Assessors Map 7-4, Lot 4 subject to the following conditions:

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

1. "Statement of Use", prepared for VDAR, LLC - Lot #4 Commerce Street, Derby, CT, dated May 10, 2005, revised June 13, 2005 and signed on 6/5/07.
2. The following drawings, prepared for VDAR, LLC by Donald W. Smith, Jr., P.E.:
 1. "Topographic Survey - Sheet 1 of 5" dated revised 4/22/05 at a scale of 1"=30'.
 2. "Improvement Location Survey - Proposed - Sheet 2 of 5", dated 9/10/04 and revised through 9/6/07, drawn at a scale of 1"=20'.
 3. "Grading, Utility & Erosion Control Plan - Sheet 3 of 5", dated 9/10/04 and revised through 9/6/07, drawn at a scale of 1"=20'.
 4. "Sewer Plans & Details - Sheet 4 of 5", dated 9/10/04 and revised through 9/6/07, drawn at a scale of 1"=30'.
 5. "Detail Sheet - Sheet 5 of 5", dated 9/10/04 and revised through 9/6/07, scale as noted.
3. Correspondence from Donald W. Smith, Jr., P.E. dated August 14th, August 15th and September 11, 2007.
4. Correspondence from Milone & MacBroom, Inc., dated October 9, 2007.

5. Correspondence from the Derby Fire Marshal dated June 14, 2007.

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With the following stipulated conditions:

1. The stipulated conditions of the original approval shall still apply.
2. The site plans shall be modified in accordance with correspondence from Milone & MacBroom, Inc. dated October 9, 2007 and in accordance with the zone text change amendment concerning “zero degree (parallel) parking” approved by the Derby Planning & Zoning Commission on October 16, 2007 and made effective November 7, 2007.

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

Old Business

(a) Update on Redevelopment Zone

Atty. Coppola stated that the last meeting was cancelled.

(b) Discussion on Architectural Review Board.

Mr. Estwan stated that he will forward a copy of the letter that he sent to the Board of Aldermen and the sub-committee.

Payment of Bills:

A motion to pay all bills was made by Mr. Stankye, seconded by Mr. Barboza and carried unanimously.

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Barboza and carried unanimously. The meeting was adjourned at 8:10 p.m.

Attest:

Maryanne DeTullio

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