

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, July 17, 2007 at 7:00 p.m. in the Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:10 p.m. by Chairman Ted Estwan. Present were Ted Estwan, David Barboza, Glenn Stevens, Albert Misiewicz and David Savo. Also present were Atty. Joseph Coppola, Michael Joyce, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Mr. Estwan stated that he would like to add as Item 9(e) discussion of current zoning issue at Mansfield St. And Academy Hill. A motion to add that item to the agenda was made by Mr. Stevens, seconded by Mr. Misiewicz and carried unanimously.

A motion was made by Mr. Barboza to move Items 9(d) and 9(e) at the beginning of New Business. The motion was seconded by Mr. Savo and carried unanimously.

Correspondence

Mr. Estwan read a referral letter from the City of Ansonia regarding an Inland-Wetlands application for a five lot subdivision at 65 Elm Street, Ansonia. He also read a letter regarding an application for special exception for Fountain Lake for rock removal and site preparation. A motion to refer these items to the City Engineer for review and any response was made by Mr. Savo, seconded by Mr. Barboza and carried unanimously.

Public Portion

There was no one from the public present wishing to address the Commission.

Approval of Minutes:

A motion to approve the minutes of 06/19/07 meeting was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously with Mr. Savo abstaining.

Acceptance of Applications:

Mr. Barboza moved to accept an application for CDD approval from 140 Main Street-Derby LLC for 142-144 Main Street for use as an art studio. The motion was seconded by Mr. Misiewicz and carried unanimously.

Mr. Savo moved to accept an application for site plan modification from Davis Oil Company for 40 Cedar Street for site work including lining of contamination areas, installation of an oil/water separator and sanitary sewer connection. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Barboza moved to accept an application for site plan modification from Lowe's for blasting in connection with rock removal. The motion was seconded by Mr. Misiewicz and carried unanimously.

New Business:

(e) Discussion of current zoning issue at Mansfield Street and Academy Hill.

Keith McLiverty, 15 Academy Hill presented copies of a map of the Mansfield Street, Academy Hill and Derby Avenue area, including parcels next to the East Derby Green. There are a few lots in this area which are zoned R-3 with the remainder zoned R-4. None of those lots are conforming to R-3 and would not be conforming to R-4 but would be more conforming than if left zoned as R-3. Mr. McLiverty felt that it would be better to have the lots be less non-conforming and if the zone were changed to R-4 that would accomplish that. Mr. Estwan felt that it would be helpful to have the city engineer look at this and do some research. He stated that the area used to be zoned commercial and he did not know why the line was drawn the way it is. Mr. McLiverty felt that the lots should be re-zoned to R-4 as the others in the neighborhood. Mr. Estwan will refer the matter to the city engineer.

(d) Preliminary discussion regarding Architectural Review Board/Specifications.

Tony Sweczyk, 177 Mt. Pleasant Street stated that he is proposing to establish an architectural review board in Derby. He stated that this is a common practice in a lot of municipalities and they look after the aesthetics of the town and try to maintain it. The city staff is mostly technical and does not address the aesthetics of new or existing construction. He felt that would make the town a more attractive place to live. He stated that the board would be made up of individuals with experience in aesthetics or architecture and they would provide recommendations for new projects.

Mr. Estwan asked if they would regulate single family homes or just commercial projects. Mr. Sweczyk stated that it is usually just the downtown and commercial areas. Mr. Estwan asked if his main concern was the downtown redevelopment area and he stated that he is thinking of the whole town. Mr. Estwan felt that the P&Z Commission does take aesthetics into consideration when reviewing a project and a

Commission. He also stated that there are architectural standards as part of the downtown redevelopment area. Mr. Savo stated that he did not think it was necessary to have this type of board. He stated that it is a job that P&Z does and he has not seen any projects that are not aesthetically pleasing. Mr. Estwan stated that the Commission has worked with major developers in developing their projects so that they are aesthetically pleasing. He did not think it was necessary to have another board to handle this type of work. Mr. Sweczyk felt that it would be better to have a board made up of people with experience in this area. Mr. Estwan felt that standards could be added to the regulations. Mr. Sweczyk stated that this will be discussed at the Community Relations Sub-Committee meeting on the first Tuesday of the month and he suggested that any comments regarding this be given to them.

9(a) Application for Site Plan Approval from John Kokenos (Valley Diner) for 636 New Haven Avenue for addition to existing structure - B-1 Zone.

Dave Lysak was present and stated that they are proposing a 2400 s.f. addition to the diner. There will be no increase in the impervious area. There will be some repaving at the back of the diner and some plantings added. It meets all the regulations. Mr. Joyce stated that he met with the applicant and no Inland-Wetlands application was necessary. Mr. Lysak stated that some changes will be made to the exterior of the building and it will have a traditional diner facade. There will also be a handicap ramp in the front and the proposed addition will have additional seating and an office. Mr. Joyce stated that since this is considered one uniform site with the shopping center the parking calculations are for the entire site. There was not a formal loading space here before but there will be one now. Mr. Estwan read a letter from the Fire Marshal that there is no problem with fire protection to the building.

A motion to approve the application was made by Mr. Savo, seconded by Mr. Stevens and carried unanimously.

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

Don Smith stated that this is a site plan modification. The project is for a 18,800 s.f. industrial building at the southern end of Commerce Street. The building will be a warehouse and contractor's office. They are now requesting two items. He stated that because of the configuration of the parking area they would like to generate some additional parking and would have six parallel spaces at two locations on the site. They would then take those six parallel spaces and add them to the total number of spaces that they have provided on the site. This will give them more flexibility in leasing out the site. He stated that in discussing this with Mr. Joyce and Mr. Kopjanski parallel spaces are not in the regulations as allowable spaces but they would like to be able to add them and use them in the parking count.

Mr. Estwan stated that they could have the spaces but cannot added them to the

parking calculations. Mr. Joyce stated that there is no design standard or any mention of the spaces in the regulations. Mr. Estwan asked if they are looking to add these
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to their parking calculations. Mr. Smith stated that they would like to know whether or not they can add them to the parking count so that they can amend the site plan and stripe the additional spaces. Mr. Estwan stated that there is no problem doing that but adding them to the parking count because then we are counting something that truly doesn't exist.

Mr. Joyce stated that one of the things that was discussed was the submitting of a zone text change application regarding this. He stated that they would recommend that they show the parking spaces that count toward or used as required parking for a certain square footage use. At this time it would not be appropriate, but the Commission could approve it with the condition that these parking spaces shall not be considered as part of the parking calculations until a regulation exists that allows parallel parking spaces as part of the parking count. Mr. Estwan read a letter from the Fire Marshal which states that there are no problem with accessibility to the building but there would be a need for sprinklers in the building. A copy of that letter was given to the applicant.

Mr. Joyce stated that the only changes reflected on the site plan are the restriping of the spaces and moved the dumpster to the west side corner of the site.

Mr. Estwan suggested tabling the until next month because the legal concern is that the application is modification of original approval to provide for six additional parking spaces. If the spaces are approved and not in the calculations, we are still approving parking spaces that we currently do not have in our regulations.

Mr. Smith stated that he discussed this with Mr. Kopjanski and Mr. Estwan read his letter dated 6/6/07 and it stated that the proposed new spaces are all parallel spaces which unfortunately do not meet the design requirements of the regulations. He stated that however the Commission may approve the amendment as a landscaping change if the parking spaces do not violate the other provisions or pose a safety hazard with the caveat that the six additional spaces shall not be added to the zoning compliance summary data block on the plan. Mr. Kopjanski's recommendation as that it be a pavement marking and not a parking space. Mr. Smith stated that he was told that they cannot be striped and they are asking to be able to do that. Atty. Coppola stated that you can consider the dimensions to allow parking but not call them parking spaces. Mr. Estwan stated that if it is not called parking area but if it looks like that someone will see it and park there. Mr. Joyce suggested that a text change application be submitted then the Commission entertain standards to support it.

A motion to table this application was made by Mr. Barboza, seconded by Mr. Stevens and carried unanimously.

9(c) Application for Site Plan Modification from Griffin Hospital for 338 Seymour Avenue for future parking expansion.

Atty. Thomas Welch, Carl Slocum and Paul Tiburin were present. Atty. Welch stated

that this parcel consists of 20,049 s.f. Griffin Health Services purchased this property subsequent to the previous application and has just took possession of it. There will be
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demolition of the site and future parking expansion in the lower half. It is adjacent to their current location. He presented notification of this application to adjacent property owners.

Carl Slocum stated that the property became available after the approval of the previous application by the Commission. The transformer will not be pushed further into the property so that it will not impede any future construction that may occur over that property. It will also allow for future potential expansion of the parking. There is a good deal of grade change on the property and any previous concerns about connecting to H\Mohawk Avenue would not happen. This would allow for better construction opportunities; repositioning of the transformer and slightly modify the parking bays which will clean up the circulation and clean up the parking area. Mr. Slocum stated that as far as the landscaping they are proposing to take the original plan and have evergreens along that property line. They will create a buffer further up and remove the house that is there now.

Mr. Estwan stated that there is now a driveway entering Mohawk Avenue and Mr. Slocum stated that it is shared with Griffin Hospital and a landlocked parcel and provides access by easement. This will be needed to remove the house. Mr. Tiburin stated that he has spoken with one the neighbors and assured her that they would create a buffer to separate the western portion from the eastern portion. He stated that once the house is demolished the plantings can be pulled together to have a full buffer area. She was in agreement with that. Mr. Slocum stated that there is a pocket of large deciduous trees which will remain and do not effect this plan. Mr. Joyce suggested moving the planting area to better shield this area. Mr. Slocum stated that they understand what the Commission would like to accomplish and Griffin Hospital would like to have the ability to do something in the future with possibly a garden area. Mr. Estwan stated that he is concerned that it will become an entrance to the site. Mr. Tiburin stated that they have a neighborhood agreement that it could never happen and it is there for construction purposes only. Mr. Estwan felt that if the plantings are continued across there would not be a problem. Mr. Tiburin stated that they would be happy to do that once the house and foundation are removed. Mr. Joyce stated that he would like to have a chance to review the proposed plantings. Mr. Estwan stated that at this time the Commission is not approving any parking expansion that would have to come back to the Commission. The application is for the removal of the building and grading activities.

Mr. Estwan moved that following review of the plans and supporting documentation submitted in support of the application, the Derby Planning & Zoning Commission hereby approves the Site Plan Application for Griffin Health Services Corporation on property shown on Derby Assessor's Map 8-11, Lot 56 subject to the following conditions:

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

1. "List of Adjoining Landowners".
2. The following drawings prepared by the S/L/A/M Collaborative:
 - a. "Sheet L201 - Site Layout", dated 11/1/06 and revised through 6/18/07, drawn at a scale of 1"=30'0".
 - b. "Sheet L201A - Fire Truck Turning Movements", dated 11/14/06 and revised through 6/18/07, drawn at a scale of 1"=30'0".
 - c. "Sheet L301 - Site Grading", dated 11/1/06 and revised through 6/18/07, drawn at a scale of 1"=20'-0".
 - d. "Sheet L401 - Site Planting", dated 11/14/06 and revised through 6/18/07 drawn at a scale of 1"=20'.

With the following stipulated conditions:

1. After demolition of the property there will be a site walk review by the City Engineer to discuss the proper plantings of the area.
2. Any changes to the plan require subsequent review and approval including parking lot expansion.

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

Old Business

(a) Update on Redevelopment Zone

There was nothing new to report at this time.

Payment of Bills:

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

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Savo and carried unanimously. The meeting was adjourned at 8:35 p.m.

Attest:

Maryanne DeTullio

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