

## ***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**

**Raul Sanchez (Alternate)**

**Maryanne DeTullio, Clerk**

A meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, November 18, 2008 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, Glenn Stevens, David Rogers, Albert Misiewicz, Richard Stankye and Raul Sanchez. Also present were Attorney Joseph Coppola, Michael Joyce, Milone & MacBroom and Maryanne DeTullio, Clerk.

### Additions, Deletions, Corrections to Agenda

Mr. Estwan read a letter from Milone & MacBroom dated 11/18/08 withdrawing the applications for Change of Zone and Zone Text Change from the City of Derby for Roosevelt Drive (Items 9a and 9b on the agenda). He stated that those two items will be deleted from the agenda and not be heard this evening.

### Correspondence - None

### Public Portion

Marc Garofalo, 95 Academy Hill stated that the Commission is going to accept an application from Wesleyan Homes and he urged the Commission to proceed with caution in considering this application. He stated that this will radically change the I-C Zone and will severely impact other properties on the west side of the city. He felt that it could have far reaching impacts to the City and wanted to make sure that it gets a full hearing and the public has an opportunity to review and comment on the application.

He felt that informal discussions have been held with this Board and the Board of Aldermen and the public has not had an opportunity to discuss this proposed project.

### Approval of Minutes:

A motion to approve the minutes of 10/21/08 meeting was made by Mr. Stankye, seconded by Mr. Stevens and carried unanimously.

### Acceptance of Applications:

Mr. Stankye moved to accept an application for CDD approval from Jerry Key for 196 Elizabeth Street. The motion was seconded by Mr. Misiewicz and carried unanimously.

Mr. Stevens moved to accept an application for zone text change and schedule for public hearing at the December meeting from Wesleyan Homes. The motion was seconded by Mr. Stankye and carried unanimously.

#### Public Hearing

(a) Application for Change of Zone from City of Derby Planning & Zoning Commission - Roosevelt Drive - I-1 to CID - Assessors Map 9-4 Lots 6 thru 12 and Map 10-3 Lots 133-135 & 154 (Application #2008-8-19-4)

(b) Application for Zone Text Change from City of Derby Planning & Zoning Commission - Creation of New Corridor Improvement District (CID) Zone on Roosevelt Drive and creation of a new Special Exception Use (Age Restricted Residential Development (ARRD) in the R-1, R-2, R-3, R-4, R-5, RM and CDD Zone. (Application #2008-8-16-1)

These applications have been withdrawn.

(c) Application from White Hills Lawn & Tree Service for special exception approval for 12-14 New Haven Avenue for office for Business with accessory interior only parking of vehicles used in business - B-2 Zone (Application #2008-9-16-1)

This public hearing is continued from the October meeting. Atty. Dominick Thomas was present for the applicant and stated that the plans and statement of use have been revised. He stated that they added the row of shrubs that had been planted on the property line. He stated that there are inactive monitoring wells on the property. He stated that the measurements for the parking spaces are shown and they are asking for a parking waiver. The spaces will be used by employees only. He stated that there will be no work done at the site and no service of vehicles there. He stated that they have addressed the comments in the Milone & MacBroom review letter.

Mr. Joyce stated that there was a question about the lighting and Atty. Thomas stated that there will be no lighting on the site. Pter Botti stated that there are two U.I. poles on the side and in front that provide adequate light and do not shine on the neighbors. The existing lights on the buildings do not work and have just never been removed. He stated that they will be removed.

Mr. Estwan stated that this is an opportunity to the site to be cleaned up and the building painted. Mr. Botti stated that they have already begun to do work on the exterior of the building but the weather has caused them to stop and they will be painting it.

Mr. Joyce stated that they should indicate the 8 to 12 parking spaces and if they are needed. Atty. Thomas stated that the use is limited as proposed in the Statement of Use for an office and the storage of equipment. They do not need any spaces other than the ones for the employees. Mr. Estwan stated that the board needs a clean site plan and if the spaces are not needed they should be removed. Mr. Misiewicz asked how many spaces are needed and Mr. Joyce stated seven.

Mr. Estwan stated that if they need seven spaces they need to be legitimate spaces that meet the regulations. Atty. Thomas stated that he did not think they could be done any other way because of the configuration of the building. Mr. Joyce stated that there is a provision for parallel parking spaces and Atty. Thomas stated that they would be glad to re-arrange the spaces as parallel spaces.

Mr. Rogers asked about the monitoring wells and Atty. Thomas stated that the Phase 1 indicates they are not active and may have been filled with sand. Mr. Estwan stated that they are looking for a waiver of the requirement to have a stamped plan. He also stated that the issues have been discussed and he felt that the public hearing should be continued to the December meeting so that the applicant may address all concerns. Mr. Stevens moved to continue the public hearing to the December meeting. The motion was seconded by Mr. Stankye and carried unanimously. Atty. Thomas stated that they will grant a 30 day extension and stated that he was hopeful that the Commission will put the item on the agenda as a business item at the conclusion of the public hearing next month.

#### New Business

(a) Request for bond reduction for Edge Brook Estates (E. Bassett Lane).

Mr. Estwan read a letter from Milone & MacBroom dated 11/18/08 recommending that the bond be reduced from \$493,571. to \$55,857. Mr. Stankye moved that the bond for Edge Brook Estates be reduced from \$493,571. to \$55,857. on the recommendation of the City Engineer. The motion was seconded by Mr. Misiewicz and carried unanimously.

#### Old Business

(a) Update on Redevelopment Zones - No Report

(b) Request for Release of Maintenance Bond for Hidden Woods Subdivision.

This item will be tabled to the December meeting as more information is needed.

#### Payment of Bills

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

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously. The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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