

Planning and Zoning Commission City of Derby

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec

David J. Rogers

Richard A. Stankye

David Barboza II

Albert Misiewicz

Glenn H. Stevens

Raul Sanchez (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, June 15, 2010 at 7:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:05 p.m. by Acting Chairman David Rogers. Present were David Rogers, Albert Misiewicz, David Barboza and Raul Sanchez. Also present were Atty. Joseph Coppola, Ryan McEvoy, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

A motion to add as Item 10f Bond Release request for E. Bassett Lane was made by Mr. Misiewicz, seconded by Mr. Barboza and carried unanimously.

Correspondence – None

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to approve the minutes of the 05/18/10 meeting was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously.

Acceptance of Applications

Mr. Misiewicz moved to accept an application from Susan Giordano for site plan amendment for 19 McConney's Grove. The motion was seconded by Mr. Barboza and carried unanimously.

Mr. Sanchez moved to accept and schedule for public hearing at the July meeting an application for zone text change to amend Section 195-17(D) from Raymond Rose. The motion was seconded by Mr. Barboza and carried unanimously.

Public Hearings

(a) Application from Belleview Homes, L.L.C. for change of zone from I-C/R-3 to R-3 for property on Belleview Drive, Map 1, Block 3, Lot 2 and Map 2, Block 5, Lot 14. (Application #2010-04-20-01-2) – Continued from May 18, 2010.

A motion to open the public hearing was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously.

Ray Sadlik, Belleview Homes, stated that he is bringing the piece of property in line with the zoning regulations. Mr. McEvoy stated that at the last public hearing there was a questions on the ownership of the 50' strip of land. Mr. Sadlik provided deeds and references and the ownership of that piece is now clear. Atty. Coppola stated that he was satisfied with the clarification of the ownership issue.

Mr. McEvoy asked about potential development of this property. Mr. Sadlik stated that it is his intent to get four R-3 building lots on the road extension. The road would end in a cul-de-sac and really would be a loop road off of Belleview Drive. If the property were left in its current zone it would be either commercial or industrial developed with access on Belleview Drive.

Mr. Misiewicz stated that a lot of residents opposed adding more homes to this street. Mr. Sadlik stated that it will be a loop road coming off of Belleview Drive.

Bill Nicolette, 31 Belleview Drive stated that he is opposed to this application. The street is very busy and this will add more to the area.

A motion to close the public hearing was made by Mr. Barboza, seconded by Mr. Sanchez and carried unanimously.

New Business

(a) Application for CDD approval from Robert Chappell for 17 Elizabeth Street for use as a recording studio (Application #2010-04-20-01).

There was no one present for this application. Mr. Rogers read the statement of use into the record. He stated that he was concerned with noise. The members felt that they had some questions on this application but the applicant was not present to address them. A motion to deny the application for lack of information from the applicant was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously.

(b) Discussion and Possible Action - Application from Belleview Homes, L.L.C. for change of zone from I-C/R-3 to R-3 for property on Belleview Drive, Map 1, Block 3, Lot 2 and Map 2, Block 5, Lot 14. (Application #2010-04-20-01-2)

Mr. Rogers stated that the public hearing was closed but felt that the application should be tabled until next month when more members will be present to discuss and vote on the application. A motion to table to the July meeting was made by Mr. Barboza, seconded by Mr. Sanchez and carried unanimously.

(c) Application for Extension of Site Plan Approval from VDAR for 46 Commerce Street. (Application #2010-05-18-01)

Terry Sekelsky was present. Mr. Rogers read a letter into the record from Mr. Sekelsky explaining the reasons for the extension request. Mr. Sekelsky stated that it is his intention to comply and clean up the site and build a new warehouse. He stated that he has received some funding to help in the clean up. Mr. McEvoy asked about the condition of the site and Mr. Sekelsky stated that since the landfill has been closed in Derby, people have been dumping garbage there.

A motion to grant site plan approval for an additional five years was made by Mr. Barboza, seconded by Mr. Sanchez and carried unanimously.

(d) Application for CDD Approval from Joel Gorkowski/Advanced Linen Group, Inc. for 67-71 Minerva Street. (Application #2010-05-18-02).

Joel Gorkowski stated that his business is currently located in Milford and he is expanding and has outgrown his present site. He stated that all the water and chemicals used are not harmful. He would be leasing a portion of the building for his commercial washing business. He currently has six employees and would probably increase to 18. He stated that there is ample parking for trucks and employees. The curb cut on Fourth Street will not be used. He stated that the fence that is there can be closed off. He stated that there was outside lighting on the building at one time but there is currently no electrical service so he did not know if they were functional. He would need some outside lighting for safety. He presented a water usage report for his present location.

Mr. Rogers read a letter dated 5/28/10 addressed to David Kopjanski from the WPCA that no application has been filed with them and they would need to review and act on this. Mr. Gorkowski stated that he is still negotiating several issues with the landlord and needs to come to some definite terms with him. He stated that he has spoken with WPCA and this is a new request for them and he will work with them.

Mr. Rogers read the letter from Milone and MacBroom. Mr. McEvoy stated that he spoke with Mr. Kopjanski and when he referred to a certificate of occupancy it should have been a building permit. He stated that WPCA approval would be needed but approval could be granted with that condition. He also stated that he does not need to provide an A-2 survey and would need to ask the Commission for a waiver of that requirement. Mr. Gorkowski then requested that the Commission waive the requirement for an A-2 survey.

Mr. Gorkowski stated that he does not have to repave the parking area but it will be striped. Mr. McEvoy stated that any proposed lighting would have to be reviewed and comply with the regulations. The application appears to comply with the regulations.

Mr. Rogers asked the hours of operation and Mr. Gorkowski stated that it is usually five days a week but there are times when they work on Saturday. The hours are generally from 6:00 a.m. to 4:00 p.m.

Mr. McEvoy asked about the remainder of the site and John Rak, real estate agent stated that the building is completely vacant. Mr. Misiewicz asked if there were any toxic odors. Mr. Gorkowski stated that they take all safety precautions and there are no fumes; it is all contained. Mr. Barboza asked if he been in contact with the Water Company regarding the water capacity and Mr. Gorkowski stated that he has and they do not see a problem.

Mr. Barboza moved to approve the application for CDD approval for 67-71 Minerva Street with the following stipulations:

1. Commission grants a waiver of Section 195.33 regarding an A-2 survey.
2. The applicant shall obtain approval from WPCA prior to the issuance of a building permit.
3. Any proposed lighting shall be reviewed by the Commission for compliance.
4. Any changes to the proposed parking lot striping would be brought back to the Commission for review and approval.
5. Any roadway improvements or utility connections shall be reviewed by the DPW for temporary and permanent pavement changes.
6. All proposed signage shall be reviewed by the Building Inspector.

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

(e) 8-24 Referral from Derby Board of Aldermen – Sidewalk Easement from the Derby Housing Authority for widening of West Fourth Street.

Atty. Coppola stated that the owner has made a request to the Board of Aldermen to accept the proposed easement and right of way improvements. The easement is the same as what was proposed. A motion to approve the 8-24 referral was made by Mr. Misiewicz, seconded by Mr. Barboza and carried unanimously.

(f) Bond Release Request, E. Basset Lane.

Mr. McEvoy stated that a request was received from Edgebrook Estates for a bond release. It would be their recommendation that the Letter of Credit #10382 be released and the Letter of Credit #0383 remain at \$5,000. Mr. Barboza moved that Letter of Credit #10382 for Edgebrook Estates Subdivision be released and Letter of Credit #10383 remain at \$5,000. The motion was seconded by Mr. Sanchez and carried unanimously.

Old Business

(a) Update on Redevelopment Zone

Atty. Coppola stated that a meeting was held and an interested developer came in and should be coming back next month with a proposal.

(b) Update on Enforcement Issues

Atty. Coppola stated that they have been very active in dealing with enforcement issues and zoning violations. He also stated that the Board of Aldermen and Task Force are drafting a new ordinance dealing with nuisance properties.

13. Payment of Bills

There were no bills to be paid at this time.

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously. The meeting was adjourned at 8:20p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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

***Aquifer Protection Agency
(Planning and Zoning Commission)
City of Derby***

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec

David J. Rogers

Richard A. Stankye

David Barboza II

Albert Misiewicz

Glenn H. Stevens

Raul Sanchez (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Aquifer Protection Agency of the City of Derby was held on Tuesday, June 15, 2010 immediately following the Planning & Zoning Commission meeting, in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 8:25 p.m. by Acting Chm. David Rogers. Present were David Barboza, Albert Misiewicz, David Rogers and Raul Sanchez. Also present were Atty. Joseph Coppola, Ryan McEvoy, Milone and MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

None.

Correspondence

None

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to approve the minutes of the 04/20/10 meeting was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously. A motion to approve the minutes of the 05/18/10 meeting was made by Mr. Misiewicz, seconded by Mr. Sanchez and carried unanimously.

Acceptance of Applications

There were no new applications to accept.

Mr. Baroza stated that he attended the training session and several presentations were made on mapping and where the aquifers are located. He stated that once the inventory is completed the Water Company will look at what commercial businesses are within the aquifer area. Those businesses will have to be registered.

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

Respectfully submitted,

Maryanne DeTullio, Clerk

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