

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, September 21, 2010 at 7:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:10 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

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

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 08/17/10 meeting was made by Mr. Barboza and seconded by Mr. Sanchez. The motion was carried by a 3-0-1 vote with Mr. Misiewicz abstaining.

Acceptance of Applications

Mr. Barboza moved to accept and schedule for public hearing at the October meeting an application for zone change from Belleview Homes LLC for Map 1, Block 3, Lot 2 and Map 2, Block 5, Lot 14, Belleview Drive. The motion was seconded by Mr. Misiewicz and carried unanimously.

Public Hearing

(a) Application from 340 Derby Avenue, LLC for Zone Map Change for 340 Derby Avenue, from R-5 to I-1 Zone. (Application #2010-08-17-01).

John Rak, was present for the applicant. He presented a letter of authorization from the applicant that he could represent him at this meeting. He also presented the certified mailings, a list of properties within 500' of the subject parcel and a metes and bounds description of the property.

Mr. Rak stated that the applicant is seeking a zone change from R-5 to I-1 for this parcel. He acquired the property through foreclosure and it abuts property that he has owned for a long time which is zoned I-1. This would allow the property to conform to all other properties he owns in that area. He is planning on demolishing the existing house which was abandoned. At this time he has no plans for the property and it will remain as vacant land but he would like to have it zoned as industrial.

Mr. Rogers read the letter dated 9/15/2010 from Milone and MacBroom regarding this application (copy attached). Mr. Rak also presented a letter of intent to demolish the existing house and also that upon approval an A-2 survey will be submitted.

Rich Chudoba, 341 Derby Avenue stated that he lives across the street from this property. He was concerned what effect this zone change may have on the parking on the street. Mr. McEvoy stated that the applicant is not proposing any particular use of the parcel and is joining it with existing operations on adjacent land that he owns. Mr. Chudoba asked that his plans are and he was advised that he would have to submit another application regarding any proposed use and this just an application for a zone change. Mr. McEvoy stated that the purpose of tonight's hearing is to discuss issues regarding this application. The applicant is proposing no changes but the demolition of the house. Mr. Chudoba felt that the Commission should look into the whole situation before making a decision.

Mr. Rak stated that this would allow the applicant to have all his properties in the same zone and it is being done in accordance with the plan of development and Section 195-24b of the zoning regulations. It would follow the zoning lines.

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

New Business:

(a) Application from Brickhouse Restaurant for 90 Pershing Drive, for site plan approval for outside patio. (Application #2010-08-17-02)

Rashad El-Sharnoaby the applicant was present and stated that he is proposing outside dining area at his restaurant. He presented revised plans based on the review letter from Milone and MacBroom. He stated that there would be a new walkway on the side of the building and the entire area will be fenced in..

Mr. McEvoy stated that the Department of Consumer Protection may have some issue with the access to the outside areas from the main building. He also stated that there are inconsistencies with the number of total seats inside and in the patio area. There were also some concerns with the layout of the handicap parking spaces. Mr. McEvoy stated that on the south side of the building there is a sidewalk that is now being cut off by the patio and they would recommend that it be extended.

Mr. Rogers read the letter from the Fire Marshal into the record which indicated that there is no problem with fire protection or access to the area. It did note that there is a discrepancy in the number of seats.

Mr. El-Sharnoaby stated that he spoke with the Liquor Control Commission and they were all right with the plans. He stated that they will come down after approval from the town.

There was a discussion regarding the gate on the south side and if it kept as it is proposed people will have to walk out into the parking area to access the front entrance of the building. They felt that the fence should be pushed back to allow for unobstructive access. Mr. McEvoy noted that the plans submitted this evening are preliminary plans and advised the applicant to have them revised regarding the parking and seating capacity. He stated that the regulations do allow the Commission to approve reduced parking spaces but this would require a special exception and a public hearing. Mr. Rogers advised the applicant that the application would be continued to the October meeting and to come back with revisions to the plans and also the correct seating capacity so that the number of parking spaces could be determined.

Old Business

(a) Application from Susan Giordano for site plan amendment for 19 McConney's Grove (Application #2010-06-15-01).

Mr. Rogers stated that the applicant has not received approval from Inland Wetlands Agency on their application and therefore this Commission cannot act on the application. A motion to continue to the October meeting was made by Mr. Misiewicz, seconded by Mr. Barboza and carried unanimously.

(b) Update on Redevelopment Zone.

Atty. Coppola stated that a meeting will be held with the developer at which he will be making a proposal for the downtown area.

(c) Update on Enforcement issues

Atty. Coppola stated that they have been very busy and are in litigation regarding an illegal apartment. .

13. Payment of Bills

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

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Sanchez and carried unanimously. The meeting was adjourned at 8:05p.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, September 21, 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 8:05 p.m. by Acting Chairman David Rogers. Present were David Barboza, David Rogers, Albert Misiewicz 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 08/17/10 meeting was made by Mr. Barboza, seconded by Mr. Sanchez and carried 3-0-1 with Mr. Misiewicz abstaining.

Acceptance of Applications

There were no new applications to accept.

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Sanchez and carried unanimously. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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