

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, April 19, 2011 at 7:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:15 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Albert Misiewicz, David Barboza, David Rogers, Steve Jalowiec, Richard Stankye and Raul Sanchez. Also present were Atty. Joseph Coppola, Ryan McEvoy, Milone and MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Mr. Barboza moved that Item 10c Update on Enforcement Issues be heard in Executive Session because of the sensitive material that will be discussed. The motion was seconded by Mr. Stankye and carried unanimously.

Correspondence

Chm. Estwan stated that he received a letter from Langan Engineering regarding the performance bond on the Lowe's project. They had previously requested a bond reduction and that request was tabled to the May meeting. Mr. Stankye moved that the annual inspection be done and Ryan McEvoy and Dave Kopjanski review the area not only for the bond but also the wall and the item be placed on the May agenda. The motion was seconded by Mr. Barboza and carried unanimously.

Chm. Estwan stated that a letter was received from Naugatuck Savings Bank regarding an irrevocable letter of credit for Hidden Woods Subdivision. The letter of credit was issued on 9/5/02; the project is complete and the City needs to inspect the project so that the letter of credit can be released. Mr. Rogers moved that this be added to the May agenda and that Ryan McEvoy, Mike Joyce and Dave Kopjanski review and letter of credit and inspect the site. The motion was seconded by Mr. Jalowiec and carried unanimously.

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to approve the minutes of the 03/15/11 meeting was made by Mr. Jalowiec, seconded by Mr. Misiewicz and carried unanimously, with Mr. Stankye and Mr. Rogers abstaining. Typographical errors on Page 2 of the minutes have been corrected.

Acceptance of Applications

Mr. Stankye moved to accept an application for CDD approval from Jose Vitorino for 35 Elizabeth Street for use as a small thrift store. The motion was seconded by Mr. Jalowiec and carried unanimously.

New Business

(a) Application for CDD Approval from Joseph Cecarelli/National Lumber for 23 Factory Street for use as a lumber/building material retail operation. (Application #2011-03-15-01).

Atty. Gerald Ryan stated that he represents the applicant and asked that the matter be tabled to the May meeting to give him more time to review the file. Chm. Estwan read a letter dated 4/11/11 from the owner of the property regarding statement of use error. It stated that the applicant filed its statement of use without including the owner's statement of use. The present operation using this property has already been approved and will not be using less of the site and National Lumber will be using the majority of the property. The owner of the property, Housatonic Landscape Supply LLC and Baretta Enterprises, LLC filed an amended statement of use including a detailed map displaying the areas that will be used by them and also National Lumber. Atty. Dominick Thomas, representing the owners of the property, stated that this amended statement of use was filed based on instruction from David Kopjanski. He felt that this was asked for to determine how does the application of National Lumber impact the previously approved statement of use for the owner's operation. Chm. Estwan stated that it appears to be a clarification. Chm. Estate then read a letter from Milone and MacBroom. He also stated that he would like to refer this to the Redevelopment Agency for comment. Atty. Thomas stated that the Chairman of the Redevelopment Agency has already commented and indicated that his Agency will not comment on this application and it should follow the planning and zoning regulations. Atty. Thomas presented a copy of a newspaper article with his comments. Mr. Ryan stated that he submitted a second letter after the amended statement of use was received and Chm. Estwan read that letter dated 4/19/11. A motion to table this application to the May meeting was made by Mr. Stankye, seconded by Mr. Jalowiec and carried unanimously.

(b) Application for Site Plan Approval from Schrade Water Street, LLC for 205 Water Street for proposed base of operations for Quick-Pac Crane Service. (Application #2011-03-15-02)

Alan Shepard was present for the applicant. He submitted the copies of the certified mailings. He stated that Mr. Schrade is proposing a storage building with office and a canopy garage

and driveway. He has approximately 25 cranes and assorted trucks and equipment. The driveway to access the site will be an easement through adjacent properties. He stated that they feel that this is an appropriate use for industrial property.

Mr. Shepard responded to comments in the Milone and MacBroom review letter. He stated that in reference to the drain pipe which occasionally backs up, the State of Connecticut has come out and cleaned it out but it is still subject to floatables and maintenance issues. The State is aware of it and will attempt to keep it clean and the applicant is also aware of it and will try and keep it clean.

Mr. Shepard stated that when he purchased the property the address given him was 205 Water Street. Some of the property is the back section of 139 Water Street which will be transferred to the owner of 205 Water Street. There was a discussion concerning Section 195-24 and pursuing a zone change. Mr. Shepard stated that they feel comfortable with the front of the parcel being in the Public Zone and the rear portion zoned industrial. Mr. Estwan asked why the applicant doesn't apply for a zone change and make it all one zone. He also asked if the entire property will be joined as one. Mr. Shepard stated that Mr. Schrade owns 205 Water Street in his name and 139 Water Street is in the name of an LLC of which Mr. Schrade is a member. Mr. Schrade's attorney, Tom Welch, will respond to the issue of the property ownership and will speak with Atty. Coppola regarding that. Mr. Shepard noted that they will not be driving through the Public Zone portion and will not bringing utilities through there.

Mr. Estwan asked if there will be any outside storage of anything. Mr. Sheard stated that the warehouse is for storage of equipment and the canopy garage will store the cranes. There will be a designated storage area in the back of the property that will be fenced in for storage of equipment. Mr. Schrade indicated that it is all brand new equipment.

Mr. Shepard stated that additional copies of the architectural plans were submitted as well as the lighting plan. All lights will be shielded down and the site will not be overly lit. He also stated that they have received approval from Inland-Wetlands.

Mr. Shepard stated that the adjoining property owners were notified and he had submitted the copies of the certified mailings this evening. He also noted that a note has been added to the plans that the driveway out to Water Street will be improved. He stated that there are good sight lines going up the hill and coming out of the site only left turns will be allowed and a note added to the plans regarding that. The paving details have also been added to the plans. Mr. Shapard stated that the size of the parking spaces have been revised to 10 X 18 and those details added to the plans. The hours of operation will be from 5:30 a.m. to 9:00 p.m. He noted that additional details on the fuel storage area which is above ground have been added to the plans. Mr. Shepard stated that he has added a note that the gravel storage area will be fenced in and screened as well as the dumpster area.

Mr. Shepard stated that the section of the site that is wooded right now drops off and is a naturally vegetated area and the trees will not be cut down. He stated that they will be bringing

in sewers and the adjacent uses will have the opportunity to connect. He stated that they feel that the overall layout works well for the crane operation.

Mr. McEvoy stated that an intense review was done during the Inland Wetlands application process and the plan is in compliance with zoning regulations. He did state that they are creating a lot that has split zones. Atty. Coppola stated that when they come in to get a building permit the Building Inspector needs to sign off that it is in compliance with the regulations and you now have two zones. He felt that it would be easier if it were in one zone. Mr. Shepard stated that the portion of the site that is in the Public Zone is very steep and it would never be used for anything. Atty. Coppola stated that he felt it would be better for the applicant to have it all in the same zone and it is a lot cleaner to have it all in one zone. Mr. Schrade stated that he would like to get the building in as quickly as possible and if he filed an application for a zone change it would require a public hearing and could generate opposition. Mr. Estwan stated that there have been no negative comments on the application. He stated that the application could be approved with the condition that the applicant move forward with a zone change application in the future.

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 Site Plan Application for Schrade Water Street, LLC on property shown on Derby Assessors Map 8-5, Lot 171 and Map 8-7 Lot 237 subject to the following conditions:

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

1. "Drainage Report, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut", dated September 13, 2010, prepared by : Alan Shepard, P.E.
2. "Addendum to the Drainage Report", dated November 3, 2010, prepared by Nowakowski-O'Bymachow-Kane Associates.
3. Plan entitled "Overall Site Plan, Prepared for, Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut", scale: 1"=40', dated: October 4, 2010, revised April 7, 2011, prepared by Nowakowski-O'Bymachow-Kane Associates.
4. Plan entitled "Soil and Erosion Controls and Grading Plan, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut", Scale 1"=30', dated October 4, 2010, revised to April 7, 2011, prepared by Nowakowski-O'Bymachow-Kane Associates.
5. Plan entitled "Parking and Driveway Plan, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut", Scale 1"=30', dated October 4, 2010, revised to April 7, 2011, prepared by Nowakowski-O'Bymachow-Kane Associates.

6. Plan entitled "Planting Plan, Prepared for Scharade Water Street, LLC, 205 Water Street, Derby, Connecticut", Scale 1"=30', dated March 3, 2011, revised to April 7, 2011, prepared by Nowakowski-O'Bymachow-Kane Associates.
7. Plan entitled "Sewer Line Profile, Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut", scale 1"=40', horizontal, 1"=4' vertical, dated September 13, 2010, revised to April 7, 2011, prepared by Nowakowski-O'Bymachow-Kane Associates.
8. Plan entitled "Construction details (Sheet 1 of 2 & 2 of 2), Prepared for Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut", scale: as noted, dated: September 13, 2010, revised to April 7, 2011, prepared by Nowakowski-O'Bymachow-Kane Associates.
9. Plan entitled "Sight Lien Map, Prepared for Scharade Water Street, LLC, 205 Water Street, Derby, Connecticut", Scale 1"=60', dated October 4, 2011, revised to April 7, 2011, prepared by Nowakowski-O'Bymachow-Kane Associates.
10. Plan entitled "Proposed Property Transfer Between 139 Water Street and 205 Water Street, Prepared for Scharade Water Street, LLC, 205 Water Street, Derby, Connecticut", Scale 1"=60', dated October 4, 2011, revised to April 7, 2011, prepared by Nowakowski-O'Bymachow-Kane Associates.
11. Plan entitled "Floor Plan Maint. Bldg., A Quick Pick Crane, Maintenance Bldg. and Garage Canopy, 205 Water St.-Derby, CT, scale 1/8"=1", dated 03/14/11, prepared by Charles Georgie Associates.
12. Plan entitled "Mezz. Plan Maint. Bldg., A Quick Pick Crane, Maintenance Bldg. and Garage Canopy, 205 Water St.-Derby, CT, scale 1/8"=1", dated 03/14/11, prepared by Charles Georgie Associates.
13. Plan entitled "Floor Plan Canopy Garage, A Quick Pick Crane, Maintenance Bldg. and Garage Canopy, 205 Water St.-Derby, CT, scale 1/8"=1", dated 03/14/11, prepared by Charles Georgie Associates.
14. Plan entitled "Ext. Elevations Maint. Bldg. (sheets A200 & A201), A Quick Pick Crane, Maintenance Bldg. and Garage Canopy, 205 Water St.-Derby, CT, scale 1/8"=1", dated 03/14/11, prepared by Charles Georgie Associates.
15. Plan entitled "Ext. Elevations Canopy Garage, A Quick Pick Crane, Maintenance Bldg. and Garage Canopy, 205 Water St.-Derby, CT, scale 1/8"=1", dated 03/14/11, prepared by Charles Georgie Associates.
16. Statement of Use.
17. "Schedule A" legal description.

18. Letter from Milone and MacBroom, Inc. dated April 6, 2011.
19. Letter from Nowakowski, O'Bymachow, Kane & Associates, dated April 7, 2011

With the following stipulated conditions:

1. Prior to construction, etc. and the obligations of Section 195-138B, an application for a zoning permit shall be submitted to the zoning officer regarding the proposed building and use is in compliance with the requirements of I-1 Zone. Zoning Officer shall issue a zoning permit upon compliance.
2. Proper bonding to be specified between the city attorney and Ryan McEvoy.
3. Screening around the Grading Storage Area.
4. Improvement of Access road.
5. It is the intention of the applicant, the referred property Map 8-7, Lot 237 that there immediately be an application for a zone change from P Zone to I-1 Zone.

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

Old Business

(a) Application for Site Plan Modification from Fabrizio Taramelli for 67 Minerva Street for fabrication of miscellaneous metals and railings – CDD Zone, (Application #2011-02-15-01)

Fabrizio Taramelli and Marcos Reinheimer were present. Mr. Reinheimer stated that the plans have been revised in response to Milone and MacBroom comment letter dated 4/14/11. Mr. Estwan read the letter into the record regarding demolition and demolition permit check list from the applicant. It stated that they have taken care of the necessary repairs to the building on the Caroline Street side. It also indicated that they have submitted a request for a service disconnect and clearance for demolition letter to all utility companies. They have also notified the abutting property owners and the upcoming demolition and are working on the temporary construction easement. Mr. Reinheimer stated that the demolition was not really related directly to the application; it is something that is going to happen and they are working on it. Mr. Estwan stated that it was a concern of the Commission that it get done. Mr. Reinheimer submitted the certified mailings and a response to the city engineer comments as well as revised plans.

Mr. Reinheimer stated that the demolished section of the building will be set back from Minerva Street and the building will be sided and look like the adjoining property. He stated that they

got the order for demolition and are working to get everything done to get the demolition in place. He stated that this will be an improvement to the area and the applicant will also help to keep the property clean. They are proposing to keep the curb cut and will use the existing parking lot that is paved. They will repair the existing landscaping on the parking on Caroline Street. They will be making improvements to the building. He stated that there will not be any fumes from the operation and nothing will be stored outside. Mr. Misiewicz asked when the portion of the building is demolished what is the surface underneath. Mr. Reinheimer stated that it is paved and right now they do not know what the future use will be but it would have to come back to the Commission for approval. He stated that it will be kept as a paved area. Mr. Stankye asked about the fumes and how the material is cleaned and painted. Mr. Taramelli stated that most of the steel is sent out to be galvanized and it is painted by hand. Mr. Stankye asked about truck traffic and felt that there would be a problem with tractor trailers attempting to deliver to this site. Mr. Reinheimer stated that they do not anticipate any problems and the applicant would use his own truck to get smaller pieces of material. Mr. Estwan asked if there would be cutting and welding inside and Mr. Taramelli stated that there would be. Mr. Stankye asked about tank storage and it was noted that they use small tanks. Mr. Misiewicz stated that there are materials stored outside and Mr. Taramelli stated that those will be put inside once he has approval. Mr. Barboza stated that he has a real issue with getting ruck deliveries with larger trucks in that area.

Mr. Estwan stated that the Commission needs to determine if this use is harmonious with the area and does it fit in this zone and this piece of property. He stated that the property has changed ownership several times and he wasn't sure if enough improvements have been done. He did not feel that the demolition part is making it better. He asked about water and sewer and Mr. Reinheimer stated that they are proposing a new connection from Caroline Street and the property will be connected. He stated that no work is being done but he has moved some of his equipment and supplies to the building. Mr. Stankye stated that it appears that he is doing work before getting approved.

Mr. Jalowiec felt that there should be more information from the owner on how the site will be cleaned up and the plans for the rest of the building. Mr. Reinheimer stated that they are trying to clean the site. They could possibly add a little more landscaping and they have done some work on Caroline Street. He stated that they are trying to make it better. He stated that that building has been vacant for a long time and they are trying to get things done.

Mr. Estwan asked approximately how much of the building is left after demolition and the amount of space that the proposed applicant would take. Mr. Reinheimer stated that it would be roughly 18,000 s.f. Mr. Estwan stated that the other concern if the applicant is approved and takes the amount of space he needs what will happen to the rest of the building that is in disrepair; would it be safe for the applicant who would be in there. He thought that it was still on the blight list. Mr. Reinheimer stated that it was suggested to demolish or repair and since they are moving to demolish on the Minerva Street, they did repairs on the other side.

Mr. Estwan stated that he felt that the applicant should consider giving a 30 day extension until next month to have the opportunity to review the application further. Mr. Estwan stated that he is concerned with the condition of the rest of the building. He also stated that there are concerns with lighting, parking, and other things. Mr. Reinheimer stated that the existing parking lot on Caroline Street will get some landscaping and right now there are no light poles but they could contact U.I. about adding something. Mr. Estwan asked about the fencing around the property and Mr. Reinheimer stated that the fence is in good condition. Mr. Barboza stated that he was concerned with the truck traffic. Mr. McEvoy asked what type of trucks are needed for deliveries and Mr. Taramelli stated that flat bed open trailers 40' long. Mr. Stankye stated that he did not feel that enough is being done to the site and the City has been after the owner for a long time to upgrade. Mr. Estwan stated that we have an application for an intended use although it fits the building and we try to help the applicant, but we want to hold the building owner more accountable to make the property better. He also stated that the owner has allowed the applicant to operate there without approval. Mr. Jalowiec stated that he agreed to ask for a 30 day extension and see what may be done to further clean up the property.

The applicant agreed to grant a 30 day extension and submitted his agreement in writing.

A motion to table the application to the May meeting was made by Mr. Stankye, seconded by Mr. Misiewicz and carried unanimously.

(b) Update on Redevelopment Zone.

Atty. Coppola stated that there were no new updates on the redevelopment as no meeting was held last month.

(c) Update on Enforcement issues

A motion to go into Executive Session to discuss enforcement issues and have Atty. Coppola and Ryan McEvoy attend was made by Mr. Jalowiec, seconded by Mr. Barboza and carried unanimously. The Commission went into Executive Session at 9:20 p.m. A motion to go back to the regular meeting at 9:30 p.m. was made by Mr. Jalowiec, seconded by Mr. Stankye and carried unanimously.

11. Payment of Bills

Mr. Barboza moved to pay the following bills: Milone & MacBroom Invoice #55543, dated 4/13/11 in the amount of \$518.64; Connecticut Federation of Planning & Zoning Agencies, Invoice dated 3/1/11 in the amount of \$90.00. The motion was seconded by Mr. Stankye and carried unanimously.

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Rogers and carried unanimously. The meeting was adjourned at 9:35p.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 was held on Tuesday, April 19, 2011, in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 9:35 p.m. by Chairman Ted Estwan. Present were Ted Estwan, David Barboza, Albert Misiewicz, Steve Jalowiec, Richard Stankye, 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

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

Correspondence

Mr. McEvoy stated that a letter was requested from the DEP requesting an update of registered facilities in the City of Derby. They gave a list of five properties that potentially need to be registered. He stated that they reviewed it with them and got it down to one, the Osborndale State Park Headquarters. They are already on the DEP list.

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to approve the minutes of the 03/15/11 meeting was made by Mr. Barboza, seconded by Mr. Rogers and carried unanimously.

Acceptance of Applications

There were no new applications to accept.

A motion to adjourn was made by Mr. Jalowiec, seconded by Mr. Stankye and carried unanimously. The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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