

# ***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, May 17, 2011 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 Steve Jalowiec. Present were Albert Misiewicz, David Rogers, Steve Jalowiec, 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 - None

## Public Portion

David Grant and Michael Grant were present and stated that they have submitted an application for a take-out restaurant at 1 New Haven Avenue. They stated that they are excited to be coming to Derby.

Jack Walsh stated that he is excited about the application being filed by Mr. Grant and felt that it will be a good addition to the City of Derby.

Bill Purcell, Valley Chamber of Commerce stated that he has known Mr. Grant for many years and this will be good for Derby.

## Approval of Minutes

A motion to approve the minutes of the 04/19/11 meeting was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously.

## Acceptance of Applications

Mr. Rogers moved to accept and schedule for public hearing at the June meeting an application for special exception approval from Salin Vahora for 360 Seymour Avenue for use as a gasoline station with convenience store and/or car wash. The motion was seconded by Mr. Sanchez and carried unanimously.

Mr. Misiewicz moved to accept an application for site plan approval from Michael H. Grant for 1 New Haven Avenue for bbq take-out restaurant with small dine in area. The motion was seconded by Mr. Rogers and carried unanimously.

### New Business

(a) Application for CDD Approval from Jose Vitorino for 35 Elizabeth Street for use as a small thrift store. (Application #2011-04-19-01).

Mr. McEvoy stated that he reviewed the application and did not see any issues with it. He stated that it is located across the street from the municipal parking garage so there should be no parking problems.

Jose Vitorino stated that he is looking to up a small thrift store and feels that it would be beneficial to the area. The hours of operation will be from 10:00 a.m. to 8:00 p.m. Monday to Saturday. He stated that right now there are no employees but he could possible have one or two part-time employees in the future.

Mr. McEvoy noted that any signage on the building would have to comply with the regulations. Mr. Vitorino stated that there is a sign on the building already and he will just be changing the lettering.

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

(b) Request from Lowe's for bond reduction.

Mr. Jalowiec read a letter from Milone & MacBroom regarding the request from Lowe's. It was their recommendation that the performance bond in the amount of \$49,700.00 be released. They also recommended that the performance in the amount of \$7,200.00 be held until the stability of the soil conditions above the exposed rock slope have been verified by the applicant/owner. Mr. McEvoy stated that there are ongoing inspections of the rock face and there are some erosion issues above the rock face. There have been some concerns raised by adjacent property owners.

Mr. Sanchez moved to approve the recommendations of the City Engineer and release performance bond #105 067 802 and keep performance bond #105 067 801 in the amount of \$7,200.00 until the issues are resolved. The motion was seconded by Mr. Rogers 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.

Marcos Reinheimer and Fabrizio Taramelli were present. Mr. Reinheimer stated that they are going through the demolition process and are working on complying with the checklist. He stated that they are waiting for the disconnect letters from the different utility companies. He stated that they have the survey and have sent out the letters to adjoining property owners. He stated that they are still waiting to get permission from two adjoining property owners to go onto their properties.

He stated that they have contacted the supplier of the materials that they use and they agreed to use smaller trucks to make the deliveries to Mr. Taramelli. Mr. Jalowiec asked what will be done with the portion that is going to be demolished. Mr. Reinheimer stated that there is a partial basement in that area which will be backfilled. They will finish the façade to resemble the other properties. Mr. Jalowiec stated that the grass needs to be cut and the property still has not been cleaned up. Mr. Reinheimer stated that all the materials that were on the site have been removed and once there is a tenant in there it will definitely look better and a lot of the issues will be taken care of.

Mr. Jalowiec read the letter from David Kopjanski dated 3/28/11. Mr. Reinheimer stated that the Commission should consider how the property will be once the demolition is done. The members were concerned with leaving the concrete slab there and Mr. Jalowiec asked if the applicant would be willing to remove it. There was a concern about runoff from the roof drains. Mr. Reinheimer stated that there were floor drains there and he does not know where the water drains. He stated that they could install a drywell system if there were any problems, but he stated that it is a little lower than the rest of the property. Mr. Jalowiec asked about the fence and if it would be gated. Mr. Reinheimer stated that there is an existing curb cut but they do not need to access it now. If it is needed in the future, they would come back to the Commission regarding that.

Mr. Misiewicz stated that the Commission should consider giving the applicant a chance to do what he is proposing. Mr. Reinheimer stated that they would like the opportunity to update the building and attract more tenants. He stated that they are not removing the slab right now because they feel it would be hard to maintain the area if it was removed. He stated that eventually if it becomes a parking area would make it easier to keep clean. He stated that he does not believe that there will be a problem with drainage but if there is could install the system of drywells.

Mr. McEvoy stated that his two concerns are the drainage and what it will look like since it could be there for a long time.

Mr. Jalowiec moved that following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Application for CDD use Review and Site Plan for Fabrizio Taramelli on the property shown on Derby Assessors Map 8-5, Lot 105 subject to the following conditions:

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

1. "Application for Special Exception Use & Site Plan Approval", dated February 7, 2011.
2. "Statement of Use".
3. Plan entitled "Sheet S-1 – Site Plan, Existing Building Modifications, 67 Minerva Street, (132 Caroline St)", prepared by Guedes Associates, Inc. dated January 25, 2011, revised March 27, 2011, drawn at a scale of 1" = 20'-0".
4. Plan entitled "Sheet A-1 – Floor Plan Layout, Existing Building Modifications, 67 Minerva Street, (132 Caroline St)", prepared by Guedes Associates, Inc. dated January 25, 2011, revised March 27, 2011, drawn at a scale of 3/16" = 1'-0".
5. Letter from Milone and MacBroom, Inc. dated February 22, 2011.
6. Letter from Guedes Associates, Inc. dated April 7, 2011.
7. Letter from Fire Marshal dated February 25, 2011.
8. Letter from Building Official dated January 24, 2011.
9. Letter from John Guedes to David Kopjanski dated March 28, 2011.
12. Plan entitled "Mezz. Plan Maint. Bldg., A Quick Pick Crane,

With the following stipulated conditions:

1. That the applicant submit a revised plan within 30 days of this approval depicting the following:
  - a. The proposed landscaping improvements adjacent to the existing parking area.
  - b. The removal of the existing overgrown vegetation adjacent to the fence surrounding the existing parking area with the fence to be repainted.
  - c. The existing concrete foundation and slab shall be inspected by staff and if determined to be safe for drainage and other potential issues can remain. If staff determines

that there is a hazard to the slab remaining then applicant needs to return to the Commission with plan to deal with slab.

d. Revised plan to depict style and location of the proposed fence.

The revised plan shall be reviewed by the City Engineer, the Derby Zoning Enforcement Officer and Corporation Counsel for compliance with the Derby Zoning Regulations.

2. All lighting shall comply with the Derby Zoning Regulations. If necessary the Derby Zoning Enforcement Officer shall have the authority to request additional cutoff features to prevent objectionable glare beyond the property line, including modifications if necessary to existing fixtures.

3. All improvements within the City Right-of-Way shall conform to City standards.

4. The applicant is granted a waiver of Section 195-33 of the Zoning Regulations requiring a Class A-2 survey for the final site plan.

5. No outside storage is permitted on the property.

6. The building shall not be occupied until the Derby Building Official issues a certificate of occupancy in accordance with Section 195-137 of the Derby Zoning Regulations.

7. Any future use of the remaining vacant building areas or slab area shall not be permitted without the approval from the Derby Planning and Zoning Commission.

8. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission for review and action if necessary.

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

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

Mr. Jalowiec stated that a letter was received dated 5/3/11 Joseph Ccarelli, National Lumber withdrawing their application.

(c) Update on Redevelopment Zone.

Atty. Coppola stated that a meeting was held with the developer and he is under contract to purchase one of the properties. He has a number of small tenants but is still working on an anchor tenant.

Executive Session

(a) Update on Enforcement issues; discussion of pending litigation.

A motion to go into Executive Session to discuss enforcement issues and have Atty. Coppola and Ryan McEvoy attend was made by Mr. Rogers, seconded by Mr. Sanchez and carried unanimously. The Commission went into Executive Session at 7:57 p.m. A motion to go back to the regular meeting at 8:05 p.m. was made by Mr. Sanchez, seconded by Mr. Rogers and carried unanimously.

11. Payment of Bills

Mr. Rogers moved to pay the following bills from Milone & MacBroom Invoice #55849 dated 5/11/11 in the amount of \$1,713.10; Invoice #55861, dated 5/11/11 in the amount of \$332.50; Invoice #55862 dated 5/11/11 in the amount of \$876.83 and Invoice #55864 dated 5/11/11 in the amount of \$1,552.50. The motion was seconded by Mr. Sanchez and carried unanimously.

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously. The meeting was adjourned at 8:10 p.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, May 17, 2011, in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 8:10 p.m. by Acting Chairman Steve Jalowiec. Present were Albert Misiewicz, Steve Jalowiec, 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 - None

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to approve the minutes of the 04/19/11 meeting was made by Mr. Rogers, seconded by Mr. Sanchez and carried unanimously.

Acceptance of Applications

There were no new applications to accept.

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Misiewicz 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.*