

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, August 16, 2011 at 7:00 p.m. in the Aldermanic Chambers, 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, Albert Misiewicz, Richard Stankye, Steven Jalowiec, David Rogers, David Barboza and Glenn Stevens. Also present were Attorney Joseph Coppola, Corporation Counsel, 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

Dan Waleski, 21 Elm Street stated that he was speaking on behalf of Renee Lagos, 17 General Wooster Drive who has experienced heavy erosion and damage to her property, which is located directly behind the Lowe's property. Mr. Kopjanski suggested that she attend tonight's meeting and report her findings. He stated that she was unable to attend and he was representing her. He submitted a photo of her property and the steep bank from her property to the Lowe's property. Mr. Estwan stated that the photo will be forwarded to Mr. Kopjanski as this has been an ongoing issue. He will ask that Mr. Kopjanski visit the site and report back at next month's meeting.

Approval of Minutes

A motion to approve the minutes of the 07/19/11 meeting was made by Mr. Stankye, seconded by Mr. Jalowiec and carried unanimously with Mr. Rogers abstaining.

Acceptance of Applications

Mr. Stankye moved to accept an application from Tracey Gibson for CDD approval for 17 Elizabeth Street for use as a dance studio. The motion was seconded by Mr. Misiewicz and carried unanimously.

Mr. Barboza moved to accept an application from Rev. Nathan Page, Sr. for CDD approval for 18 Olivia Street for use as a full faith outreach ministries. The motion was seconded by Mr. Stankye and carried unanimously.

Mr. Estwan stated that before accepting this application he asked Ray Sadlik if all the conditions of the zone change approval has been done. Ray Sadlik, 5 Cullens Hill Road stated that everything is getting filed. He also presented additional maps and plans. Mr. Jalowiec moved to accept and schedule for public hearing an application from Belleview Homes, L.L.C. for subdivision approval for 35 Belleview Drive. The motion was seconded by Mr. Stankye and carried unanimously. Mr. Estwan stated that the map has to be filed before the next meeting prior to the opening of the public hearing on this application.

Public Hearing

(a) Application for Change of Zone from Schrade Water Street, LLC for 205 Water Street (Lot 8-7-237) from P Z one to I-1 Zone (Application #1022-07-19-01).

Alan Shepard was present for the applicant and submitted the evidence of the certified mailings to adjoining property owners. He stated that the parcel is currently in the P Zone and they wish to change to the I-1 Zone. The property located to the rear is zoned I-1. He stated that this will promote the industrial use and is in keeping with the Plan of Development. The piece is steeply sloped and nothing could be built on it. There will be no physical change to the property. He stated that this is more of a housekeeping issue and then they can make a lot line adjustment.

Mr. Ryan stated that he submitted a review letter dated August 5, 2001. He stated that after a review of the change of zone it would only effect a parcel as it exists today. He also stated that his suggestion that an A—2 survey be submitted is not necessary and should not be considered. He stated that the address of this parcel should be referred to as Assessor's parcel #239, Map 8-7 and not 205 Water Street.

Mr. Estwan asked for any public comment.

Dan Waleski, 21 Elm Street stated that whenever there is an application for a change of zone it should be seriously concerned by the Commission.

Mr. Barboza asked about wetlands. Mr. Shepard stated that they have been working with the City for about two years on this project and have received approval from Inland-Wetlands. They have acquired this parcel from the City and will be granting the City a drainage easement. He stated that this will not change anything and it will look the same but will give them the opportunity to change the lot line in the rear.

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

New Business

(a) Application for Change of Zone from Schrade Water Street, LLC for 205 Water Street (Lot 8-7 237) from P Zone to I-1 Zone (Application #2011-07-19-01).

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 Application for Change of Zone from Schrade Water Street, LLC for Lot #237, Assessor's Map 8-7, Water Street, from P Zone to I-1 Zone subject to the following conditions:

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

1. Application for Change of Zone.
2. Legal Description of property that is subject to the change of zone.
3. Plan entitled "500 Foot Radius Map, Prepared for, Schrade Water Street, LLC, 205 Water Street, Derby, Connecticut", scale 1" = 100', dated May 9, 2011, prepared by Nowakowski-O'Bymachow-Kane, Associates.
4. List of adjoining property owners and evidence of certified mailings.

With the following condition – that the property shall be referred to as Lot #237, Assessor's Map 8-7. The motion was seconded by Mr. Jalowiec and carried unanimously.

Old Business

(a) Update on Redevelopment Zone.

Atty. Coppola stated that there has not been a meeting in several months. However, the potential tenants have visited Derby and all have expressed a positive interest in Derby. The financing group has also expressed a positive interest. The developer will be coming to the September meeting and will discuss what will be going on.

Mr. Estwan asked howu the widening of Route 34 will affect the redevelopment project. Atty. Coppola stated that it will not effect the project and the DOT and City has discussed this. Route 34 will be built with some sloping and the developer will have to deal with some sloping rights. This will be better than having a retaining wall built and should not affect the project.

Executive Session

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

A motion to go into Executive Session to discuss pending litigation with enforcement issues and include Atty. Coppola and Mr. McEvoy was made by Mr. Stankye, seconded by Mr. Jalowiec and carried unanimously. The Commission went into Executive Session at 7:25 p.m.

A motion to come out of Executive Session and continue with the regular meeting at 7:35 p.m. was made by Mr. Stevens, seconded by Mr. Jalowiec and carried unanimously.

11. Payment of Bills

Mr. Stankye moved that the following bills from Milone and MacBroom be paid – Invoice #56924 dated 8/11/2011 - \$130.00; Invoice #57117, dated 8/11/2011 - \$150.00; Invoice #57116 dated 8/11/2011 - \$973.65. The motion was seconded by Mr. Stevens and carried unanimously.

A motion to adjourn was made by Mr. Jalowiec, seconded by Mr. Stankye and carried unanimously. The meeting was adjourned at 7:40 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, August 16, 2011, in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:40 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Albert Misiewicz, Richard Stankye, Glenn Stevens, David Rogers, David Barboza and Steven Jalowiec. Also present were Attorney Joseph Coppola, Corporation Counsel, 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 07/19/11 meeting was made by Mr. Jalowiec, seconded by Mr. Stankye and carried unanimously.

Acceptance of Applications

There were no new applications to accept.

A motion to adjourn was made by Mr. Stankye, seconded by Mr. Jalowiec and carried unanimously. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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