

Planning and Zoning Commission City of Derby

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec

David J. Rogers

Richard A. Stankye

Albert Misiewicz

Glenn H. Stevens

Raul Sanchez

Anthony Szewczyk, Alt.

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, December 18, 2012 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 Chairman Ted Estwan. Present were Ted Estwan, David Rogers, Raul Sanchez, Glenn Stevens and Albert Misiewicz. Also present were 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 November 20, 2012 meeting was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously.

Election of Officers

Mr. Rogers moved that Ted Estwan be nominated for Chairman. The motion was seconded by Mr. Stevens and carried unanimously 4-0 with Mr. Estwan abstaining.

Adoption of 2013 Meeting Schedule

Mr. Stevens moved to adopt the 2013 meeting schedule with meetings on the third Tuesday of each month at 7:00 p.m. The motion was seconded by Mr. Misiewicz and carried unanimously.

Acceptance of Applications

Chm. Estwan stated that there were two applications received from South Central Connecticut Regional Water Authority. One is for site plan approval for water tank and the other is for a special exception use for a rock crushing operation associated with the water tank. He stated

that both applications will be accepted and scheduled for public hearing in January. They will be heard together but are two separate applications. Mr. Stevens moved to accept and schedule for public hearing at the January meeting the applications from South Central Connecticut Regional Water Authority. The motion was seconded by Mr. Misiewicz and carried unanimously.

Public Hearing:

(a) Application from Buckingham Estates, LLC for 2 lot re-subdivision at 8 Buckingham Road – R-1 Zone – Application #2012-07-17-01 – Continued from November 20, 2012

Attorney Dominick Thomas, 315 Main Street, Derby was present for the applicant. He stated that there several issues that needed to be addressed between the engineers. He also stated that a letter has been received from Naugatuck Valley Health District regarding their approval of the project.

Jim Swift, engineer stated that soil testing for storm water detention pond was done and it proved out the calculations that had been submitted. He submitted revised drawings. He also stated that on the recommendation of Mr. McEvoy they moved the high point of the driveway.

Mr. McEvoy stated that he reviewed the revised plans and they address concerns relating to storm water management and the fact that there will be no increase in runoff. He went through his review letter dated 9/4/12 and stated that one of the issues that needs to be addressed is the minimum lot width. He stated that they have provided detailed information in their packet regarding this matter. He stated that the way the lot width is measured it is not in front of the setback but at or behind the setback line. He stated that with the original subdivision the lot width was measured in front of the setback line. He further stated that they have not shown that they have adequate lot width. Mr. McEvoy stated that the issues of the sight lines has been clarified. He would recommend that at the end of the driveway the proposed vegetation be no higher than 12". He also stated that the issues relating to the Town of Seymour were addressed by the corporation counsel at the last public hearing. He stated that there is an issue with the buffer along the flag lot and that could be made a condition of approval.

Mr. Misiewicz stated that the Commission has gone over this for a few months and he asked how much they were short on lot width. Atty. Thomas stated that with the buffer on the flag lot that lot is in Seymour and cannot be addressed by Derby. Mr. McEvoy stated that a portion of that lot is in Derby and Atty. Thomas stated that they would have no problem with buffering the Derby portion.

Atty. Thomas stated they took the natural language of all definitions regarding lot width and presented four different drawings. He stated that Mr. McEvoy is relying on Figure 31 in the regulations but there is nothing in script referring to Figure 31; it is only pictured at the end. He stated that they used all different definitions and averaged them together and tried to follow the regulations regarding the measuring of the lot width. He stated that the definitions do not take into account a lot on a curve. They are written for a square or rectangle shaped lot. Mr. McEvoy stated that the measurement has to be greater than or at the minimum. It cannot be less than the minimum.

Mr. Estwan stated that he felt that the Commission has all the information needed to make a decision. Mr. Stevens moved that the public hearing be closed. The motion was seconded by Mr. Misiewicz and carried unanimously.

Old Business

(a) Discussion and possible action – Application from Buckingham Estates, LLC for 2 lot re-subdivision at 8 Buckingham Road – R-1 Zone – Application #2012-07-17-01.

Mr. Estwan moved that the application be tabled to the January meeting. The motion was seconded by Mr. Stevens and carried unanimously.

(c) Update on Redevelopment Zone.

Atty. Coppola was not present at the meeting and there was no update at this time.

Executive Session

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

Mr. Estwan stated that there was no need for an Executive Session.

Payment of Bills

Mr. Rogers moved that the following bills from Milone and MacBroom be paid. – Invoice #62078, #62079 #62080, #62081 and #62082 be paid. The motion was seconded by Mr. Stevens and carried unanimously.

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Stevens and carried unanimously. The meeting was adjourned at 7:35 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

Albert Misiewicz

Glenn H. Stevens

Raul Sanchez

Anthony Szewczyk (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Aquifer Protection Agency was held on Tuesday, December 18, 2012, in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:35 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Albert Misiewicz, Raul Sanchez, David Rogers and Glenn Stevens. Also present were 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

There were no minutes to approve.

Election of Officers

Mr. Stevens moved that Ted Estwan be elected Chairman. The motion was seconded by Mr. Misiewicz and carried unanimously 4-0 with Mr. Estwan abstaining.

Adoption of 2013 Meeting Schedule

Mr. Rogers moved to adopt the meeting schedule for 2013 with meetings on the third Tuesday of each month immediately following the Planning & Zoning Commission meeting. The motion was 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. Sanchez, seconded by Mr. Misiewicz and carried unanimously. The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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