

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, September 17, 2013 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, David Rogers, Albert Misiewicz, Richard Stankye, Raul Sanchez, Steven Jalowiec, Glenn Stevens and Anthony Szewczyk. Also present were Attorney Joseph Coppola, Corporation Counsel, Ryan McEvoy, Milone and MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Mr. Estwan made a motion to add as Item 10b, Informal Discussion future subdivision of DOT parcel. The motion was seconded by Mr. Jalowiec and carried unanimously.

Correspondence

Chm. Estwan stated that he had no correspondence. He stated that the Town of Woodbridge has an application pending for a zone text amendments to restrict access through Woodbridge to parcels on properties in abutting towns. Mr. Estwan stated that VCOG has sent a letter back stating that they view this as having negative serious impacts to abutting towns and that the proposed changes should be reconsidered. Mr. Estwan stated that he is also sending a letter to the Town of Woodbridge on behalf of the Commission supporting the VCOG comments. He stated that they will be holding a public hearing on October 7, 2013 and he will attend and express his comments at that time.

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to table the approval of the June 18, 2013 meeting was made by Mr. Stankye, seconded by Mr. Szewczyk. Mr. Szewczyk noted that on Page 4 it should read lot instead of large and basin instead of basis. Mr. Rogers noted that his name was misspelled on the first page. The motion was carried unanimously.

Mr. Szewczyk moved to accept the minutes of the August 20, 2013 meeting. The motion was seconded by Mr. Stankye and carried unanimously.

Acceptance of Applications

Mr. Estwan stated that there are no new applications to accept.

Public Hearings

(a) Application from City of Derby Planning and Zoning Commission for Zone Text Change for Article VII, Section 195.62, Flag Lot Regulations and Article XI, Electronic Message Display in P Zone.

Mr. McEvoy stated that they put through an application for a zone text amendment for flag lots and electronic signs. He stated that VCOG and South Central Regional Council of Governments. He stated that he received verbal comments from both agencies and both have indicated no concern with the application. He stated that the public hearing will need to remain open to receive their formal letters.

Mr. McEvoy stated that with regard to the flag lot regulations, Section 195.62, there are three parts that were looked. The first was based on subdivision applications that had gone to court and Corporation Counsel recommended that flag lot not be subject to special exception provisions. A number of the changes in the regulations are because they would now be allowed as a matter of right. He stated that there are some inconsistencies in terms of the language; in some cases they are referred to as interior lots, which are defined differently than flag lots. He stated that interior has been changed to flag to make it consistent. He stated that one of the more critical items is that in certain zones the minimum lot area and setback requirements have had a negative effect in terms of density and proximity of houses between frontage and rear lots. He stated that they set the minimum lot area to 50,000 s.f. for all residential zones and the P Z one. Mr. McEvoy stated that they looked at some of the individual lot specific requirements and based on comments from the Fire Marshal on previous applications regarding to driveway grades and access. He stated that they revised the access grade to be no more than 10% and the driveway width to be 15 feet wide and paved. They added a requirement that the house on the rear lot has to be built on land with an existing grade of 15% or less. He stated that they would like to change the definition but this was not included as part of the original application. Atty. Coppola stated that it would be better not to change that at this time since it was not part of the original application.

Mr. Estwan stated that there are other items in the regulations that should be looked at. He stated that the Commission has discussed possibly extending the CDD Zone down Roosevelt Drive. He felt that this is something that the Commission should reconsider. He stated that the Commission could look at a planned development district which would give the Commission more control. Mr. Estwan stated that he would like to have Mr. McEvoy look at this as well as other changes that need to be done. Mr. McEvoy stated that if any Commission member has anything that they would like him to look into to let him know.

There was no public comment on the application.

Mr. McEvoy stated that as far as electronic signs they created a new definition for a type of sign that does not now exist. They have added regulations on how these can be applied and where they can be used. The only zone that they will be allowed in will be the P Zone and only by special exception. The usage of these signs is not geared toward advertising. Mr. Estwan stated that it is only a message sign. He stated that the time duration is now set at 30 minutes. They looked at regulations in other towns and this is the longest allowed. This is something that the Commission can discuss. Mr. Estwan felt that 30 minutes does seem long but he did not want to have it change too quickly. Mr. Estwan asked about the maximum height of the sign. Mr. Estwan asked for any public comment on the application.

Matt Conroy, Derby Board of Education stated that the question did come up about whether it is one per lot. He stated that there the high school and middle school are on the same property and he asked if that is one lot or two. Mr. Estwan stated that it is one lot and he felt that one electronic sign would incorporate the campus. The Commission discussed the size of the sign and what should be allowed. They felt that 16 s.f. was too small and felt that 32 s.f. per side was more realistic. Mr. Estwan suggested getting information on the size of these signs that are allowed in other towns. A motion to continue the public hearing was made by Mr. Stevens, seconded by Mr. Stankye and carried unanimously.

New Business

(a) Discussion and possible action – Application from City of Derby Planning and Zoning Commission for Zone Text Change for Article VII, Section 19562 Flag Lot regulations and Article XI, Electronic Message Display in P Zone.

Mr. Stankye moved that the item be tabled since the public hearing is still open. The motion was seconded by Mr. Stevens and carried unanimously.

(b) Informal Discussion – Future subdivision of DOT Parcel.

Sheila O'Malley was present and stated that the City purchased this parcel from the State of Connecticut. She stated that they received state and federal funds to build the road. In the process of building the road they found a lot of debris that had to be cleaned out and separated. She stated that the City secured another \$250,000.00 to clean the lot. She stated that the road goes into a potential subdivided parcel of land in the I-1 Zone. The property has sewer and water lines. Mr. Estwan stated that the City has an area to develop and is looking to divide it into four specific lots. Mrs. O'Malley stated that there has been some interest in the property. Mr. Jalowiec asked about access for parcels three and four and Mrs. O'Malley stated that the road would have to be extended.

Mr. Estwan felt that the Commission may want to consider doing an overlay zone in this area. He felt that this might give the City more flexibility in developing the parcel. Mr. McEvoy stated that this is a dead end road and that could cause some problems. Mr. McEvoy stated that

there are uses that are allowed in the I-1 Zone that make it conducive to development. Mr. Estwan stated that he would like to see the Commission have more flexibility. Mr. Jalowiec asked if there was any impact being in a FEMA flood zone. Mr. McEvoy stated that it does not drain into any pump station. The City will have to file an application for a subdivision.

Old Business

(a) Discussion and possible action – Application from Frank Pepe for a two lot subdivision at Ida Avenue and Albert Avenue – R-2 Zone (Application #2013-05-21-01).

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 Subdivision Application and Special Exception application on property shown on Derby Assessors Map 3-4, Lot 133 subject to the following conditions:

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

1. Application for Approval of Subdivision/Resubdivision.
2. Property Owners within 500’.
3. Application for Special Exception Use and/or Site Plan Approval.
4. Project Narrative.
5. Map entitled, “Record Subdivision Map, E-1” Dated 2/1/2013 at a scale of 1”=40’, prepared by D’Amico & Associates.
6. Map entitled, “Site Development Plan, E-2” Dated 2/1/13, revised to 6/20/2013 at a scale of 1”=40’, prepared by D’Amico Associates.
7. Letters from Milone and MacBroom, Inc. dated June 18th, 2013 and August 19, 2013.
8. Letter from the Derby Fire Marshal dated July 12, 2013.

With the following stipulated conditions:

1. The Site Development Plans and Subdivision Map shall be reviewed for compliance by the Zoning Enforcement Officer, the City Engineer, and Corporation Council prior to filing on the Derby Land Records. The plans shall be revised to conform to the following:
 - a. Flag Lot #1 shall have a note stating, “This lot shall not be resubdivided to form an additional interior lot(s).” in accordance with Section 195-62.B.(4) of the Regulations.

b. Flag Lot #1 shall include a permanent and continuous landscaped buffer strip on the lot at least 20 feet set back from any lot line shared by a front lot and a flag lot. At least 50% of the required plantings shall consist of evergreen species, at least six feet in height and 1.5 inches in caliper. Suitable existing trees and shrubs may be preserved or augmented by plantings to provide the required buffer. Said buffer strip shall be recorded on the deed as a restrictive covenant and shall be maintained by the property owner.

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

(b) Update on Redevelopment Zone

Atty. Coppola stated that there was meeting held.

Executive Session

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

Atty. Coppola stated that there was no need to go into Executive Session. He did state that they are working on stepping up enforcement and working on removing illegal apartments.

Payment of Bills

Mr. Stankye moved to approve the payment of the following bills from Moline & MacBroom – Invoice Nos. 64883, 64884 and 64882. The motion was seconded by Mr. Rogers and carried unanimously.

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Stankye and carried unanimously. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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