

# ***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

A special meeting of the Planning and Zoning Commission of the City of Derby was held on Thursday, January 23, 2014 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 Chairman Ted Estwan. Present were Ted Estwan, Richard Stankye, Raul Sanchez, Glenn Stevens, Steven Jalowiec and Anthony Szewczyk. Also present were Ryan McEvoy, Milone and MacBroom, Carlo Sarmiento, Building Official and Maryanne DeTullio, Clerk.

## Additions, Deletions, Corrections to Agenda

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

## Election of Officers

Mr. Stankye moved to nominate Ted Estwan for Chairman. The motion was seconded by Mr. Jalowiec and carried 5-0-1 with Mr. Estwan abstaining. Mr. Estwan moved to nominate Steven Jalowiec for Vice Chairman. The motion was seconded by Mr. Stankye and carried 5-0-1 with Mr. Jalowiec abstaining.

## Correspondence

Chm. Estwan stated that information has been received regarding signage for Walgreen's on Pershing Drive. This will be added to the February agenda.

## Public Portion

There was no one from the public wishing to speak.

## Approval of Minutes

A motion to approve the minutes from the November 19, 2013 meeting was made by Mr. Stankye, seconded by Mr. Stevens and carried unanimously.

## Acceptance of Applications - None

New Business

## (a) Adoption of 2014 Meeting Schedule

Mr. Jalowiec moved to adopt the meeting schedule for 2014 as presented with meetings on the second Tuesday of each month at 7:00 p.m. The motion was seconded by Mr. Stankye and carried unanimously.

## (a) Discussion and possible action – Application for Site Plan Approval from Grillo Realty Holdings LLC for 2 new residential apartments on first floor, 121-123 Olivia Street – CDD Zone

Michael Grillo, Grillo Realty Holdings, LLC stated that the property was used as a daycare center on the first floor. He stated that since that tenant relocated he has tried to lease it to a commercial tenant and has not been successful. He would like to make the first floor into two three-bedroom apartments.

Mr. McEvoy stated that this would exceed the density requirements in the CDD Zone but if the site can fit the required parking it could be allowed. He stated that the parking spaces proposed are stacked and the street parking that is available is a little below the required size. Mr. Grillo stated that the proposed parking area was used as a playground area by the daycare but years ago it was a parking area. He stated that there are apartments on the second floor at this time.

Mr. Estwan stated that he was concerned about taking prime commercial real estate and converting it into residential units. He did not think that this was good planning and did not fit with the Plan of Conservation and Development. Mr. Grillo stated that he would like to keep it commercial but has not been able to find a tenant for the property. Mr. Jalowiec stated that he agreed with Mr. Estwan but this property is not really in downtown but in the transition area. He suggested tabling the application to next month so that the members could give it more thought. He did not feel that the parking was a big issue. Mr. McEvoy stated that he will look into what parking is available in that area. A motion to table the application to the February meeting was made by Mr. Stevens, seconded by Mr. Stankye and carried unanimously.

## (b) Discussion and possible action – Application from Father McKenna's St. Vincent DePaul of Shelton, Inc. for retail storage: Addition to building and parking, 237 Roosevelt Drive – I-1 Zone.

Jim Swift, engineer, was present for the applicant. He stated that they have been in contact with the neighbor and made a land swap with them. They are proposing a small addition to the shop in the back. The existing building will remain as it is. They will be cleaning up the back area and there will be parking from Park Avenue, which is an existing curb cut. Mr. Estwan stated that this is a modification to a special exception but he did not feel that a public hearing was necessary as it is a minor modification. The Commission agreed that no public hearing is necessary. G

Mr. McEvoy stated that he provided a review letter and the plan needs to be revised to show the correct parking layout. Mr. Swift stated that the applicant has no problem with the requests in the letter.

Mr. Estwan moved that following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission in accordance with Section 195-50 of the Derby Zoning Regulations hereby approves the Application for Amendment of an approved Special Exception for Fr. McKenna St. Vincent DePaul Society as a minor amendment on property shown on Derby Assessors Map 9-4, Lot 10 subject to the following conditions:

The approval shall be based upon the following documents submitted in support of this application and shall be included with the original application documents or used to replace documents which are no longer current:

1. Plan entitled "Site Plan, St. Vincent DePaul Shoppe, 237 Roosevelt Drive, Derby, Connecticut", scale: 1"=20', dated Oct. 22, 2013, prepared by James R. Swift.
2. Plan entitled "Grading Plan, St. Vincent DePaul Shoppe, 237 Roosevelt Drive, Derby, Connecticut", scale 1"=20', dated Oct. 22, 2013, prepared by James R. Swift.
3. Plan entitled "Soil Erosion control Plan, St. Vincent DePaul Shoppe, 237 Roosevelt Drive, Derby, Connecticut", scale: 1"=20', dated Oct. 22, 2013, prepared by James R. Swift.
4. Letter from Milone & MacBroom, Inc. dated January 23, 2014.

The conditions of the original Special Exception approval shall still apply unless otherwise revised by the following conditions which shall only apply to this request for modification:

1. The modification of the Special Exception approval shall not be effective until it is filed on the Derby Land Records along with any conditions in accordance with the General Statutes of the State of Connecticut.
2. The plans shall be revised and calculations submitted in accordance with the Letter prepared by Milone & MacBroom, Inc. dated January 17, 2014 except for Comment #3.

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

(c) Discussion and possible action Application for CDD Approval from Ae Yi Hwang for Petal Pusher Florist at 6 Elizabeth Street – CDD Zone.

Leo Moscato, Jr., owner of the property stated that this application was in the building in Shelton which was recently burned down. He stated that there is metered parking on the street and it is also within 300' of the municipal parking garage. A motion to approve the application was made by Mr. Stevens, seconded by Mr. Szewczyk and carried unanimously.

(f) Discussion and possible action – Application from Professional Carpet Systems/Professional Restoration Systems for carpet cleaning, truck storage and office at 12 New Haven Avenue – B-2 Zone.

Curtis Bloxam was present and stated that they are looking to either rent or buy the building at 12 New Haven Avenue. Mr. McEvoy noted that there is an existing special exception for contractor uses and this would fall under that. He stated that the Commission should determine if a public hearing is necessary. The members did not feel that one was necessary. Mr. Bloxam stated that they will not be modifying the parking but would like to put up a sign. Mr. Estwan stated that the sign has to comply with the sign regulations and would be reviewed by the ZEO. Mr. Bloxam stated that he has nine employees and there is ample parking on site. Mr. Jalowiec asked about any fumes from the cleaning and Mr. Bloxam stated that there are none. Mr. Stankye noted that there were problems with the previous tenant and noise which the neighbors complained about. Mr. Bloxam stated that he did not feel that there would be any noise issues from his business.

Mr. Estwan moved that following review of supporting testimony of the applicant submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the application for special exception for Professional Carpet Systems/Professional Restoration Systems on property shown on Derby Assessors Map 7-6, Lots 108A and 109, subject to the following conditions:

1. The special exception approval shall not be effective until it is filed on the Derby Land Records along with any conditions in accordance with the General Statutes of the State of Connecticut.
2. The dumpster area proposed in the back of the building shall be screened in accordance with Section 195-39.J.(2). The applicant submit a revised plan depicting the dumpster enclosure.
3. Shift proposed handicapped parking to the west - +/-5'. All handicapped parking shall be provided in accordance with the CT State Building Code.
4. Curb cut at Route 34 – define parking and driveway limits to prevent parking of vehicles within DOT R.O.W.
5. There shall be no outside storage.
6. No certificate of zoning compliance shall issue until inspection is made by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall not issue any certificates until the City Finance Director has verified that all fees have been paid in accordance with City of Derby Ordinance Section 85-3.
7. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission staff for review.

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

Old Business

(a) Update on Redevelopment Zone.

Mr. Estwan stated that there was no update at this time.

Executive Session

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

Mr. Stevens moved that the Commission go into Executive Session and have Mayor Dugatto, Ryan McEvoy and Carlo Sarmiento attend. The motion was seconded by Mr. Jalowiec and carried unanimously. The Commission went into Executive Session at 8:00 p.m.

Mr. Jalowiec moved that the Commission come out of Executive Session and resume the regular meeting at 8:20 p.m. The motion was seconded by Mr. Stevens and carried unanimously.

Payment of Bills

Mr. Stankye moved to approve the payment of the following invoices from Milone and MacBroom - #66156, #66126, #65670 and #66190. The motion was seconded by Mr. Jalowiec and carried unanimously.

A motion to adjourn was made by Mr. Jalowiec, seconded by Mr. Stevens and carried unanimously. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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