

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

Cynthia Knopick (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, February 21, 2017 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, Raul Sanchez, Albert Misiewicz, Richard Stankye, Glenn Stevens, Steve Jalowiec and Cynthia Knopick. Also present were Atty. Marjorie Shansky, Ryan McEvoy, Milone and MacBroom, Leslie Creane, Economic Development Director, Carlo Sarmiento, ZEO and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Mr. Estwan moved to add under New Business application for CDD approval from Michael Thompson, for 105 Olivia Street. The motion was seconded by Mr. Stankye and carried unanimously.

Mr. Estwan moved that 9d – Application from Derby Planning and Zoning Commission for Zone Map Amendment of Derby Avenue, I-1 and R-5 Zones to B-1 Z one be moved to 9a. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Estwan moved that Item 10d – Discussion and possible action Application from Derby Planning and Zoning Commission for Zone Map Amendment of Derby Avenue, I-1 and R-5 Zones to B-1 Zone be heard right. The motion was seconded by Mr. Stankye and carried unanimously.

Correspondence - None

Public Portion

Richard Dziekan, 17 Krakow Street stated that there are issues with The Hops Company on Marshal Lane and presented a statement regarding violations on the property. Mr. Estwan stated that the Commission will take this under advisement and do research regarding the matter. He stated that the matter will be on the agenda next month and the matter will be handed over to the ZEO.

Approval of Minutes

Mr. Estwan moved to approve the minutes from the December 20, 2016 meeting. The motion was seconded by Mr. Stankye and carried unanimously. Mr. Stankye moved to approve the minutes from the January 17, 2017 meeting. The motion was seconded by Mr. Misiewicz and carried unanimously.

Receipt of Applications: (1) Special Exception Application for Valley Signs for a freestanding sign at Sherwin Williams, 656 New Haven Ave.; (2) Application from ADR Enterprises for a Philly Cheesesteak takeout at 111 New Haven Avenue; (3) Application from William DaSilva for Bad Son Beer Brewery with tasting room at 251 Roosevelt Drive.

Mr. Estwan moved to accept and schedule for public hearing in March an application for special exception for signage at 656 New Haven Avenue. The motion was seconded by Mr. Jalowiec and carried unanimously.

Mr. Estwan moved to accept and hear at the March meeting an application for site plan approval for 111 New Haven Avenue. The motion was seconded by Mr. Stankye and carried unanimously.

Mr. Estwan moved to accept and hear at the March meeting an application for site plan approval for 251 Roosevelt Drive.

Mr. Estwan moved to accept and hear as Item 10c an application for CDD approval for 105 Olivia Street. The motion was seconded by Mr. Stevens and carried unanimously.

Public Hearings

(a) Application from Derby Planning and Zoning Commission for Zone Map Amendment for Derby Avenue I-1 Zone and R-5 Zones to B-1 Zone.

Mr. McEvoy stated that the properties at 326, 328, 334 and 336 Derby Avenue are currently zoned I-1. The proposed change to B-1 would allow for business uses more compatible with the area. There is no residential use at this time at these properties. The notices were sent to the adjacent property owners. Mr. Estwan stated that this will allow uses more in line with the way it is being used today. The uses in the B-1 Zone are more conducive to residential uses. Mr. Estwan asked for any public comment.

Frank Pepe, 69 Harrison Avenue owner of 336 Derby Avenue asked what kind of business uses could he do at that property. He also stated that he does not have any problem with the proposed zone change.

Michael Horbal, representing Burtville Associates, owner of the largest parcels on Derby Avenue stated that they are in favor of the proposed zone change.

There was no further public comment. Mr. Estwan moved to close the public hearing. The motion was seconded by Mr. Stevens and carried unanimously.

10d Discussion and possible action – Application from Derby Planning and Zoning Commission for Zone Map Amendment for Derby Avenue, I-1 and R-5 Zones to B-1 Zone.

Mr. Estwan moved that following review of the documentation submitted in support of this application, the Derby Planning & Zoning Commission finds the Zone Map Change to the above referenced parcels is consistent with the goals of Section 195-2 and the Plan of Conservation and Development. Therefore, the Derby Planning & Zoning Commission hereby approves the Zone Map Change

Application as presented. The effective date of the Zone Map Change shall be February 28, 2017.

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

1. Application for Zone Map Change with supporting documentation.
2. Letter to property owners subject to the Zone Map Change dated February 8, 2017.
3. Letter to property owners within 100' of the parcels subject to the Zone Map Change dated February 8, 2017.
4. Plan entitled "Map Showing Proposed Zone Change, Prepared for Derby Planning and Zoning Commission", at a scale of 1" = 80', dated January 10, 2017, prepared by Milone and MacBroom.
5. Plan entitled "List of Effected Properties, Prepared for Derby Planning and Zoning Commission", not to scale, dated January 10, 2017, prepared by Milone and MacBroom, Inc.

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

9b. Application for Special Exception from Inspired Styles for a Hair Salon at 328 Derby Avenue.

Mr. Estwan advised the applicant to withdraw the application since a special exception is no longer needed after February 28, 2017 when the change of zone becomes effective. Mr. Horbal stated that the applicant will agree to that and withdraw the special exception application.

Mr. Horbal stated that part of the building will be used as a hair salon. He submitted the plans and also a plan on how the façade will be enhanced. He stated that there is enough parking for this business as well as all the other occupants on the parcel. Mr. Horbal stated that he received the comments from Milone & MacBroom, and has revised the plans. He stated that they are asking for approval of the site plan.

Mr. McEvoy stated that they received the plans addressing the parking. He stated that there is limited screening or buffering on the site and recommended that they enhance the screening to the residential properties.

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 Site Plan Application for Inspired Styles on property shown on Derby Assessors Map 6-11, Lot 15 subject to the following conditions:

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

1. Derby Planning and Zoning Commission Application for Special Exception Use and Site Plan Approval with Assessor's Property Card.
2. Letter from Inspired Style, undated.
3. Sketch depicting the floor plan of the proposed use.

4. Plan entitled "Proposed Site Plan, #320-326 Derby Avenue (Route #115), Derby, Connecticut, Prepared for Burtville Associates", at a scale of 1" = 20', dated November 14, 2016, revised to December 19, 2016, prepared by Michael H. Horbal.
5. Letter from Milone and MacBroom, Inc. dated December 14, 2016.

With the following stipulated conditions:

1. The proposed personal service use may not occupy the space prior to March 1, 2017.
2. The applicant/owner shall provide a revised plan to include additional screening in the form of landscaping and/or fencing along the existing house, driveway and garage at 316-318 Derby Avenue. Vegetative screening shall be six feet in height and comprised of evergreen plantings, spaced no further than 15' apart. Fencing may be installed in lieu of plantings but shall be no less than 6' in height.
3. The Zoning Enforcement Officer and City Engineer shall have the authority to direct the applicant, to install sediment and erosion control measures as conditions may warrant.
4. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission for review and action if necessary.
5. The Building Official shall not issue any building or zoning permits on the lots until the City Finance Director has verified that all fees have been paid in accordance with City of Derby Ordinance Section 85-3.

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

9c. Application from Derby Planning and Zoning Commission for zone text amendment.

Mr. Estwan stated that staff reviewed updates to some regulations particularly those regarding notifications. He stated that additionally a few definitions have been added. He stated that with special exception applications the requirement to notify within 500' is onerous to the applicant. The revised regulations would be 150' for all purposes for notifications. There was no public comment. Mr. Estwan moved to close the public hearing. The motion was seconded by Mr. Jalowiec and carried unanimously.

10c. Discussion and possible action – Application from Derby Planning and Zoning Commission for Zone Text Amendment.

Modifications to Sections:

- 195-7. Definitions and Word Usage, Brewpub, Build-To-Line, Transparent.
- 195-46. Procedure.
- 195-82. Hearings.
- 195-140. Amendments.
- 195-141. Notifications.
- 195-122. Location of Liquor Outlets.

Mr. Estwan moved that following review of the documentation submitted in support of this application, the Derby Planning & Zoning Commission finds the Zone Text Change, as discussed, to the above referenced sections is consistent with the goals of Section 194-2 and the Plan of Conservation and Development.

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

1. Memorandum from Attorney Marjorie Shansky dated December 12, 2016.
2. Referrals to Naugatuck Valley Council of Governments & South Central Connecticut Regional Council of Governments from Milone and MacBroom, Inc. dated 12/21/16.
3. Letter from Naugatuck Valley Council of Governments Regional Planning Commission dated 01/25/2017.
4. Letter from South Central Connecticut Regional Council of Governments Planning Commission dated 01/18/2017.
5. Verbal Testimony from the Planning and Zoning Commission, members of the Public and city staff at the February 21, 20167 Public Hearing.

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

Mr. Estwan moved to continue the food truck modifications to next month's meeting. The motion was seconded by Mr. Stevens and carried unanimously.

Application for CDD Approval from Michael Thompson for 105 Olivia Street.

Michael Thompson was present and stated that he would like to use the space for an insurance agency. Mr. Jalowiec asked about parking. Mr. Thompson stated that there are approximately four spaces behind the building and they are near the parking garage. Mr. Estwan stated that if any signs will be put up they need to comply with the sign regulations. Mr. Estwan moved to approve the application. The motion was seconded by Mr. Jalowiec and carried unanimously.

Informal Discussion with Joe Salemme regarding the former Life Touch building and surrounding area development opportunities.

Joe Salemme stated that there are a lot of challenges at this location but they can be overcome. He stated that he would like to see a mixed use development at this site. He also stated that any development would involve different State agencies. He stated that a mixed use development with apartments could lead into more commercial uses in the area. Mr. Estwan asked Mr. Salemme to come to next month's meeting to keep this informal discussion on the agenda.

Old Business

(a) Derby Center Redevelopment District (DCRD), Mill Design District (MDD) and future zone text changes and cleanup.

Mr. McEvoy stated that maps are being completed and changes will be ready to be submitted next month.

Payment of Bills

Mr. Stevens moved to approve payment of Invoice #79418 \$712.50 and Invoice #79419 \$1,907.15 from Milone and Mac Broom. The motion was seconded by Mr. Stankye and carried unanimously.

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