

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, March 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, Glenn Stevens, 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 as Item 9b public hearing continued definition of food trucks. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Estwan moved that 10d – Discussion regarding issues at The Hops Company, Sodom Lane.. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Estwan moved that Item 11a– Derby Center Redevelopment District (DCRD), Mill Design District (MDD) be removed from the agenda. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Estwan moved to add as Item 11a – Informal discussion with Joseph Salemme re: LifeTouch building. The motion was seconded by Mr. Stevens and carried unanimously.

Correspondence - None

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

Mr. Rogers moved to approve the minutes from the February 21, 2017 meeting. The motion was seconded by Mr. Misiewicz and carried unanimously.

Receipt of Applications

Mr. Estwan moved to accept and schedule for public hearing at the April meeting an application from Planning & Zoning commission for zone change from R-5, B-2, I-1 and CDD Zones to Mill Design District (MDD). The motion was seconded by Mr. Rogers and carried unanimously.

Mr. Estwan moved to accept and schedule for public hearing at the April meeting application from Planning & Zoning Commission for zone change for northeast section from CDD Zone to Center Residential (CR) District. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Estwan moved to accept and schedule for public hearing at the April meeting an application from Planning & Zoning Commission for zone change for the southwest section from CDD to Center Residential. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Estwan moved to accept and schedule for public hearing at the April meeting an application from Planning & Zoning Commission for zone text amendment in support of the zone change applications. The motion was seconded by Mr. Stevens and carried unanimously.

Public Hearings

(a) Application for Special Exception from Valley Signs for a freestanding sign at 656 New Haven Avenue.

There was no one present regarding this application. Mr. McEvoy presented his review letter and stated that this is a freestanding sign in front of the Sherwin Williams Paint Store business. The regulations do not allow for more than one freestanding sign per property. This parcel includes several businesses along New Haven Avenue; part of the former Walmart site. The Commission has the ability to approve an alternative sign. Mr. McEvoy noted that the sign will now be out of the right-of-way. He stated that this can be permitted by special exception. He stated that the sign is consistent with others in the area.

Thelma Perez, Valley Signs stated that the sign has been moved to the corner of the property so that it is out of the right-of-way. She also submitted a letter of consent from the Landlord and certified mailing receipts of the notice to adjacent property owners.

There was no one from the public wishing to speak on the application. Mr. Estwan moved to close the public hearing. The motion was seconded by Mr. Stevens and carried unanimously.

(b) Definition – Food Trucks.

Mr. Estwan stated that the Commission is trying to get an exact definition of food trucks and this is being worked on by Atty. Shansky. Mr. Estwan moved to table this to the April meeting. The motion was seconded by Mr. Sanchez and carried unanimously.

New Business

(a) Discussion and possible action – Application for Special Exception from Valley Signs for freestanding sign at 656 New Haven Avenue.

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 Alternative Signage Program on property shown on Derby Assessors Map 3-4, Lot 34 subject to the following conditions:

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

1. Application package including statement of use.
2. Sign graphic depicting the dimensions of the sign, and sign location, dated: March 20, 2017.
3. Letter to property owner within 150' and certified receipts from the Post Office.
4. Plan entitled "ALTA/ASCM Land Title Survey, New Haven Avenue, Derby, Connecticut", scale: 1" = 60', dated: March 14, 2012, prepared by First Order, LLC.
5. Letter of consent from DLC Management Company dated March 17, 2017.

With the following stipulated 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 sign shall not exceed a total of 50 square feet and must be located on the subject parcel.
3. All handicapped parking shall be provided in accordance with the CT State Building Code.
4. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission staff for review.

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

(b) Application for Site Plan Approval from ADR Enterprises, LLC for 111-113 New Haven Avenue for use as a take-out and delivery food establishment.

Robert Lisi was present and stated that this will be a take-out and delivery establishment with pizza and Philly cheesesteak sandwiches. He stated that the majority of the business will be take-out with some catering. There is no seating proposed. Mr. McEvoy presented his review letter and stated that the only concern he had was with the parking. Mr. Lisi stated that there are 85 spaces available on site. He also stated that he is asking for a waiver of the A-2 survey requirement.

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 ADR Enterprises on property shown on Derby Assessors Map 6-4, Lot 43 subject to the following conditions:

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

1. Application package including statement of use.
2. Plan entitled "Sanitary and Storm Sewer Plan, Connecticut Route 34, Derby, Connecticut, prepared for Burtville Associates" scale: 1"=20', dated: May 5, 1991, Prepared by: Donald W. Smith, Jr., P.E.
3. Letter from Milone and MacBroom, Inc. dated 3/16/2017.

With the following stipulated conditions:

1. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission for review and action if necessary.
2. 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.
3. Applicant has requested a waiver of Section 195-30 requiring an A-2 Survey.

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

(c) Application for Site Plan Approval for 251 Roosevelt Drive from William daSilva for manufacturing brewery with tasting room, small kitchen and offices.

William daSilva was present and submitted the owner consent, parking calculations and A-2 survey. He stated that this building is over 100 years old and the back part is on Park Avenue. He stated that part of the first floor on E Street is used as a book store which will remain. The rest of the building will be used by the brewery and tasting room. He stated that the second floor will remain vacant. He stated that the put it as office space in the parking calculations. The other building on the site will be used for storage only. He stated that there is no plan for anything else at this point. He stated that they have been working with the State on this project.

Mr. McEvoy stated that they did submit the A-2 survey and they will be making the parking lot more efficient.

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 William daSilva on property shown on Derby Assessors Map 9-4, Lot 6 subject to the following conditions:

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

1. Application with Statement of Use and Site Photos.
2. Plan entitled "Proposed Furniture Plan, Sheet AF-1.0", scale: 1/8"=1', dated 1/13/2017, prepared by: Gregg Wies & Gardner Architects, LLC.
3. Plan entitled "Reflected Ceiling Plan, Sheet A-4.0", scale: 1/8"=1', dated 1/13/2017, revised to 2/2/2017, prepared by Gregg Wies & Gardner Architects, LLC.
4. Plan entitled "Exterior Elevations, Sheet A-4.0", scale 1/4"=1', dated 1/13/2017 prepared by Gregg Wies & Gardner Architects, LLC.
5. Plan entitled "Parking Plan, Sheet S-1", scale: not noted, dated 11/16/2016, revised to 3/16/2017, prepared by Atlantic Consulting & Engineering, LLC.
6. Letter from Milone and MacBroom, Inc. dated 3/10/2017.
7. Plan entitled "Improvement Location Survey, Prepared for 251 Roosevelt Ave., LLC", Scale 1"=20', dated 10/26/2016, prepared by Land Surveying services, LLC.

With the following stipulated conditions:

1. The driveway curb cut on A Street shall be eliminated.
2. 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.
3. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission for review and action if necessary.
4. 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.
5. The applicant/owner shall provide a revised plan to include the removal of the existing barbed wire from the barbed wire fence within the Roosevelt Drive right of way and Park Avenue. The screening shall consist of vegetative buffer including native trees of 2" caliper spaced a minimum of 50' apart, supplementing existing vegetation where it may exist currently.

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

(d) Discussion Regarding Issues at The Hops Company, Sodom Lane.

Mr. Estwan stated that this is being reviewed by Milone and MacBroom, Atty. Shansky and the Building office and moved that it be tabled to the next meeting. The motion was seconded by Mr. Stevens and carried unanimously.

Old Business

(b) Discussion with Joe Salemm Re: Life Touch property.

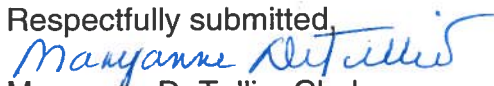
Mr. Salemm was not present and there is no update at this time.

Payment of Bills

Mr. Estwan moved to approve payment of Invoice #79963 \$2,040.15 and Invoice #79964 \$255.00 from Milone and Mac Broom. The motion was seconded by Mr. Rogers and carried unanimously.

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

Respectfully submitted,



Maryanne DeTullio, Clerk

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