

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, April 18, 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, Richard Stankye, 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 8a informal discussion regarding former Marshal Lane Manor. 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. Stankye moved to approve the minutes from the March 21, 2017 meeting. The motion was seconded by Mr. Stevens and carried unanimously.

Receipt of Applications

Mr. Estwan moved to accept and hear at the May meeting an application from Randy Denny for 154 New Haven Avenue for use as a barber shop. The motion was seconded by Mr. Stankye and carried unanimously.

Mr. Estwan moved to accept an application from Michelle Novak for rental of kitchen at 212 Elizabeth Street. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Estwan moved to accept and add as item 10f an application from Laura Leland for CDD review for 21 Minerva Street for use as a retail gift shop. The motion was seconded by Mr. Misiewicz and carried unanimously.

Informal Discussion – Marshal Lane Manor, Marsall Lane

David Guerrara, 51 Depot Street, Waterbury was present and stated that he is the co-owner of a student learning center for international students. These students pay full tuition and stay with local host families. He stated that he met with Leslie Creane and this property would be used as a learning center and boarding facility for the high school students. He stated that these students would then attend local public or private high schools. There would be no impact to the neighborhood. He stated that there would be a resident advisor there at all times. He stated that it is well maintained and there would be no daily visitors. He stated that they will be doing some renovations to the building. He stated that it would not be an apartment building and traffic and parking would not be an issue. The students would use buses and vans. Mr. Estwan stated that this is not an accepted use or a special permitted use under special exception. He asked if he had a definition for boarding house. Mr. Guerrara stated that the use as a boarding facility would be an option but most students live with host families. Atty. Shansky asked how many students do they expect and Mr. Guerrara stated that the capacity would be for 120 but they do not anticipate that many. He stated that it would be 20-25 per RA. He stated that they would be attending schools elsewhere and coming back to live there. Atty. Shansky asked how they would be getting to and from school and Mr. Guerrara stated that would be by bus or van. Atty. Shansky asked if they would be offering ESL classes to others in the area. Mr. Guerrara stated that the classes would be available to others in the community if there was a need for those. He stated that some towns have specific definitions for this type of housing.

Mr. Stankye asked if the cafeteria would be used. Mr. Guerrara stated that they will be using everything in the building. He stated that the staff will be cooking and they will be hiring maintenance individuals. Mr. Stankye asked about staff after school hours. Mr. Guerrara stated that they would have to have a minimum amount of staff. The RA would be living in the facility. Mr. Misiewicz asked if they are currently operating this type of facility in other towns. Mr. Guerrara stated that they currently have 350 students in their program; mostly in Connecticut but some in Massachusetts. Mr. Misiewicz asked if they had a website for their business and Mr. Guerrara indicated that they do.

Mr. McEvoy stated that this would require a text amendment. Mr. Estwan felt that since multi-people will be living there it would require more than just a text change. He felt it would also need to be a permitted use. Mr. McEvoy stated that it would have to be an added use. Mr. Estwan stated that this is the first time the Commission is hearing this and felt that the members should review the information submitted and have them come back next month for further discussion.

Public Hearings

(a) Application from City of Derby Planning & Zoning Commission for Zone Text Amendment. eestanding sign at 656 New Haven Avenue.

Tim Baird, Milone & MacBrom stated that the changes are for future uses. This will better clarify what is allowed in and around the downtown area. It would also expand the range of options in the Roosevelt Drive area. The text changes are for the CDD Zone to allow some flexibility. He stated that the CR Zone will better match density in that area. The MDD Zone consists primarily with industrial properties and this will encourage reuse of some of those parcels. Mr. Estwan stated that the Plan of Conservation and Development was put together to plan for the future growth and development of the town. There are certain parts of town that need to grow in the future.

Mr. Estwan asked for any public comment. Lorraine Gasparini, Cottage Street stated that she felt that the downtown area could be taken and moved up. Mr. Estwan stated that the new proposed zone would cut back the downtown area.

Tom Harbison stated that he owns three parcels on Roosevelt Drive and stated that the business is an industrial operation. He stated that he has property on the river side and was concerned with the front yard requirements in the new zone. Mr. McEvoy stated that there would be no change from what the current front yard requirement is. Mr. Harbison stated that he uses the parking area for raw material storage and would want to be able to continue to do so. Mr. Estwan stated that what is being done now could continue to be done.

Ann Morse owns properties on A and E Streets with small apartment buildings. Mr. bAird stated that the MDD Zone would allow for new uses of these properties.

Holly Sheehy, 133 Park Avenue was concerned with property value changes with the zone changes.

Atty. Shansky stated that it does not change what is there today and should not have any affect on property values.

Suzanne Diaz, 50 Hawthorne Avenue stated that she has a driveway on Cemetery Avenue. She was told that this is outside of the zone.

Elizabeth Oraziotti, 235 Water street stated that her house would change from CDD to CR and was concerned about the change.

Eugene Driscoll, 246 Hawthorne Avenue asked about a buffer between residences and industrial uses in the Park Avenue area. Mr. McEvoy stated that the intent is not to infringe on residences.

Joel Fertig, Oxford stated that he works on Roosevelt drive and felt that if there was more mixed use it would create traffic problems. Mr. Estwan stated that any new application would have to come before the Commission for review and approval.

Mr. Estwan moved to continue the public hearing to the May meeting. The motion was seconded by Mr. Stevens and carried unanimously.

(b) Application from City of Derby Planning & Zoning Commission for Zone Map Change from R-5, B-2, I-1 and CDD Zones to MDD Zone.

(c) Application from City of Derby Planning & Zoning Commission for Zone Map Change from CDD to CR (northeast).

(d) Application from City of Derby Planning & Zoning Commission for Zone Map Change from CDD to CR (southwest).

Mr. Estwan moved that these three public hearings be opened and heard together. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Estwan stated that all comments made during the public hearing for Item 9a are incorporated into the public hearings for these three items. Mr. Estwan moved that the public hearings for Items (b, 9c and 9d be continued to the May meeting. The motion was seconded by Mr. Stankye and carried unanimously.

New Business

(a) Discussion and possible action – Application from City of Derby Planning & Zoning Commission for Zone Text Amendment.

(b) Discussion and possible action – Application from City of Derby Planning & Zoning Commission for Zone Map Change from R-5, B-2, I-1 and CDD Zones to MDD Zone.

(c) Discussion and possible action - Application from City of Derby Planning & Zoning Commission for Zone Map Change from CDD to CR (northeast).

(d) Discussion and possible action - Application from City of Derby Planning & Zoning Commission for Zone Map Change from CDD to CR (southwest).

Mr. Estwan stated that the public hearings for these items have been continued to the May meeting and therefore no action will be taken this evening.

(e) Discussion and Possible Action – Application for Sugar n Spice Bakery, 212 Elizabeth Street.

Gabrielle Novak, representing Michell Novak was present for this application. Mr. Estwan read the statement of use. Atty. Shansky asked about Valley Health approval of the kitchen at the church that she will be using. Ms. Novak stated that the kitchen has been approved at the church and it was also inspected again for this business. Mr. Roers stated that under current State law an individual is not allowed to produce food in a home kitchen. Ms. Novak stated that there is a letter from the pastor at St. Mary's Church giving her permission to use the kitchen. It cannot be used when the Church is using it for their purposes. Mr. Estwan stated that a letter was also received from the Fire Marshal that he had no problems with the application. Mr. Estwan moved to approve the application. The motion was seconded by Mr. Stevens and carried 6-0-1 with Mr. Rogers abstaining.

(f) Application from Laura Leland for CDD Approval for retail gift shop at 21 Minerva Street.

Laura Leland was present and stated that she has a similar shop in Monroe. This was previously approved as a barber shop and that application was withdrawn. Mr. Estwan moved to approve the application. The motion was seconded by Mr. Stankye and carried unanimously.

Old Business

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

Mr. Salemme was not present. Mr. Estwan stated that he has spoken with Mr. Salemme and he now owns the building and has taken out a permit to do some renovations and clean up the property.

(b) Discussion and follow up on Rich Dziekan letter regarding THC property improvements.

Mr. Estwan stated that a letter was received from Atty. Dominick Thomas requesting that this matter be tabled to the May meeting. Mr. Estwan moved to table this to the May meeting. The motion was seconded by Mr. Stevens and carried unanimously.

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Payment of Bills

Mr. Estwan moved to approve payment of Invoice #80392 \$2,939.44; Invoice #80150 \$935.00 and Invoice #80134 \$898.75 from Milone and Mac Broom and Invoice #4866 \$1,179.75 from Atty. Marjorie Shansky. The motion was seconded by Mr. Stankye and carried unanimously.

A motion to adjourn was made by Mr. Estwan, seconded by Mr. Stevens and carried unanimously. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,


Maryanne DeTullio, Clerk

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