

# ***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

## **SPECIAL MEETING MINUTES**

A special meeting of the Planning and Zoning Commission of the City of Derby will be held on Monday, July 31, 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 Ted Estwan, Chairman. Present were Ted Estwan, David Rogers, Raul Sanchez, Glenn Stevens, Richard Stankye and Albert Misiewicz. Also present were Atty. Marjorie Shansky, Leslie Creane, Economic Development Director, Ryan McEvoy, Milone and MacBroom and Maryanne DeTullio, Clerk.

### **4 Public Hearing**

(a) Application from Miguel Heyer, Isaac's Tire LLC for 340 Derby Avenue, for sales of new and used tires, mount balance and alignment.

Michael Heyer and Miguel Heyer were present. Miguel Heyer stated that they will be selling new and used tires and will do installation, mounting and flat repairs and tire inspections. In the future they will be doing alignments which they have space to do but at this time they do not have the machinery. They will not be doing anything else at the property. He stated that they will provide rims for cars and trucks and will be selling some accessories. Mr. Heyer stated that they will be open from 8:00 a.m. to 6:00 p.m. Monday to Saturday. He stated that if they do open on Sundays the hours would be 9:00 a.m. to 3:00 p.m.

Ryan McEvoy stated that his review letter referred to the equipment that will be used and the noise from that. He also stated that there is a rear parking lot surrounded by a retaining wall with no guardrail. Code requires a guardrail along that. The property is adjacent to residential and there is no buffer now. His recommendation would be for some privacy fencing and a guardrail along the top of the retaining wall. The privacy screening would be along the right of way to the rear.

Wally Archer, Burtville Associates stated that there are plans for a guardrail.

Mr. Estwan noted that there is no area for planting so a solid fence would be best. Mr. Estwan asked if there will be any outdoor storage and Mr. Ryan stated that nothing is shown on the plans for that. Mr. Heyer stated that everything will be kept inside including garbage.

Sam Pollastro, 11 Laurel Avenue stated that construction of this building began in 2015 and in 2016 variances were given for side yard setbacks. He also stated that there never was a zone change to I-1. Mr. McEvoy stated that the zone was changed from R-5 to I-1 and it is now B-1. He also stated that variances were granted in February 2016 and the variances run with the land.

Richard Chudoba, Derby Avenue stated that he lives across the street from this property and is In favor of the application.

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

## 5. New Business

(a) Discussion and possible action - Application from Miguel Heyer, Isaac's Tire LLC for 340 Derby Avenue for sales of new and used tires, mount balance and alignment.

Mr. Estwan stated that there were some questions regarding the variances on this property and Variances follow the land. He also stated that there was some discussion on the screening and Guardrail. Leslie Crean recommended that it be a solid fence.

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 Application for Special Exception use for motor vehicle repair on property shown on Derby Assessors Map 6-11, Lot 17 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. Statement of Use, dated 6/19/2017.
3. Sketch depicting the floor plan of the proposed use entitled "Isaac's Tires, LLC" with no apparent scale, no date.
4. Plan entitled "Preliminary Concept Plan, #340 Derby Avenue, Derby, Connecticut", drawn at varying scales, dated 8/13/2013, prepared by Michael H. Horbal.
5. Plan entitled "Proposed Site Plan, 340 Derby Avenue, Derby, Connecticut, Prepared for Isaac's Tires, LLC", at a scale of 1"=20', dated 6/16/2017, prepared by Michael H. Horbal.
6. Letter from Burtville Associates, LLC dated June 16, 2017.
7. Letter from Michael Horbal regarding Ownership and Zoning History of #340 Derby Avenue, Derby, CT.
8. Plans entitled "New Rental Building for 340 Derby Avenue, LLC, at 340 Derby Avenue, Derby, Connecticut" revised to 11/3/2015, prepared by Russell James Larrabee Architect, with the following sheets:
  - a. "Sheet Code 101, Code Information," not drawn to a scale.

- b. "Sheet A 301, Building Section A, building Section B," at a scale of  $\frac{1}{4}"=1'$
- c. "Sheet A 101, Derby Avenue Floor Plan, Lower Level Floor Plan", at a scale of  $\frac{1}{4}"=1'$
- d. "Sheet A 202, Exterior Elevations", at a scale of  $\frac{1}{4}"=1'$ .

9. Testimony from the applicant, the Commission, the public and City staff at the public Hearing held on July 31, 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. Adjust parking spaces 7-11 to allow for a 24' aisle behind parking space 11 to allow For vehicles to safely back out of the space.
- 3. Install protective guard rail along the top of the existing retaining walls along the Side and rear of the parking areas & drive aisle as determined in working with staff. Guard rail shall be installed within sixty days of approval. Refer to staff as to where It will be placed.
- 4. Provide solid privacy fencing as a visual buffer to replace the existing fence along The northeastern property line along 342 Derby Avenue. The limits of privacy fencing Shall be installed from a point 10' to the rear of the Derby Avenue right of way to the Rear of the existing building on 340 Derby Avenue. Refer to staff as to where it will be Placed.
- 5. All handicapped parking shall be provided in accordance with the CT State Building Code.
- 6. All lighting shall comply with the City of Derby Zoning regulations.
- 7. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission staff for review.
- 8. Hours of operation shall be Monday to Saturday 8:00 a.m. to 7:00 p.m. and Sunday from 9:00 a.m. to 3:00 p.m.
- 9. Signage shall be approved by the ZEO and shall meet regulations.

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

**5. New Business**

(a) Receipt of Application from Derby Planning and Zoning Commission for Zone Text Amendment for Educational Dormitory Residences section 195-7, 195-11(d) and 195-54(A).

Mr. Estwan stated that discussions have been going on for several months on a PDD Zone in Town. Mr. Estwan moved to accept the application for Zone Text Amendment and schedule for public hearing at the August 15, 2017 meeting. The motion was seconded by Mr. Rogers and carried unanimously.

A motion to adjourn was made by Mr. Estwan, seconded by Mr Stevens and carried unanimously. The meeting was adjourned at 7:35 p.m.

  
Maryanne DeTullio, Clerk