

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, August. 15, 2017 at 7:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:05 p.m. by Chairman Ted Estwan. Present were Ted Estwan, David Rogers, Richard Stankye, Steven Jalowiec, Cynthia Knopick and Glenn Stevens. Also present were Atty. Marjorie Shansky, Ryan McEvoy, Milone and MacBroom, Leslie Creane, Economic Development Director, and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

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

Correspondence

There was no correspondence received.

Public Portion

Patrick Mainolfi, 71 ½ Park Avenue stated that he owns the property next to the house a 75 ½ Park Avenue which is a non-conforming building. It was previously used for storage and has now been turned into a garage and storage units. He stated that he found out that there is a working garage out of that building and there has never been a hearing about that. Mr. Estwan asked if he went to the ZEO about the non-conformity. Mr. Mainolfi stated that he did and was told that he is working on it.

Simone Mason, 57 Anson Street stated that there is a lot of blight on her street. Mr. Estwan informed her that the City has a Blight Department that works out of the Building Department and advised her to contact them.

Approval of Minutes

Mr. Stankye moved to table the approval of the July 18, 2017 minutes. The motion was seconded by Mr. Jalowiec and carried unanimously.,

Mr. Estwan moved to table the approval of the July 31, 2017 minutes. He stated that comments were made during the public portion which are not in the minutes. The motion was seconded by Mr. Stankye and carried unanimously.

Receipt of Applications

Mr. Estwan moved to accept and schedule for the September meeting an application from Caribe Billie for 19 Derby Avenue. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Estwan moved to accept and schedule for the September meeting an application for subdivision approval from Stephen Kindle for Pine Street. The motion was seconded by Mr. Jalowiec and carried unanimously.

Public Hearing

(a) Zone Text Change Application from Derby Planning and Zoning Commission for Educational Dormitory Residences: Section 195-7, 195-11(D) and 195-54(A).

Mr. Estwan stated that the re-use of Marshal Lane Manor has been before the Commission for several months. He stated that the Commission discussed a PDD zone but felt that it would not fit well with the City. He stated that it was decided to do a zone text change which will give the Commission more control over the regulations.

Rebecca Augur, Milone and MacBroom stated that the zone text change will enable an educational dormitory as defined in Section 195-7 which would be limited to secondary school students. She stated that administrative staff can reside at the facility where the use is allowed. She stated that reasonable setbacks and buffering regulations are being proposed. The building cannot exceed one story and parking for staff. Students are prohibited from leaving vehicles at the site. She stated that in the R-3 Zone lots require a minimum of three acres.

Ryan McEvoy, Milone and MacBroom presented a map of parcels in the R-3 Zone that are greater or equal to three acres. There are eight existing parcels. Mr. Estwan asked if this would be by special exception and Ms. Augur stated that it is only allowed by special exception and an application must meet the criteria. Mr. Estwan stated that this would not be by a matter of right. The applicant would have to come before the Commission with an application and a public hearing would be scheduled.

Mr. McEvoy stated that there is a list of criteria that an applicant must meet. Mr. Stevens asked how the parking would be enforced. Mr. Estwan stated that enforcement goes through the ZEO. Mr. McEvoy stated that these are foreign exchange students. Mr. Stevens stated that it seems that we are targeting a specific group. Mr. Stankye noted that it does not address how many administrative staff will be there. Mr. McEvoy stated that the ratio of students and staff would be outside of this Commission. Atty. Shansky stated that an application would answer that because it would need to be shown on the application. Mr. Stankye felt that there should be more in the definition. Atty. Shansky stated that the Commission may want to look at what is the industry standard. Ms. Augur stated that the parking is based on the number of staff.

Mr. Estwan asked for any public comment on the application.

Maureen Kelleher, 39 Belleview Drive stated that she would not want them to use students as RAs. She asked how many dormitory units are being proposed. She also stated that they should indicate how many could be housed in a unit. She also asked what happens with the students during off times.

Carmen DiCenso, 70 Jeanette Drive, asked if it this will be on the tax rolls or if they have charitable status. He stated that it is 75 units for 150 students and asked if it is not filled will they look to bring in other students or is it strictly for foreign students. He also asked if the students can leave the facility and if it will be closed during the summer and vacation periods.

Barbara DeGennaro, 51 Paugasset Road stated that the definition of dormitory residence does not indicate foreign exchange students and felt that it should be reviewed.

David Kopjanski, 54 Franklin Avenue stated that normally units are by the number of beds and that would determine the number of students. He stated that the number of staff will have an impact on the parking. He stated that they are proposed 75 foot setbacks from all property lines. He asked what the lot coverage will be. It is 20% in the R-3 zone. He also noted that buffer requirements are being reduced from 25 feet to 10 feet. He asked about outdoor recreational facilities and the Commission may want to consider some language regarding that. He also asked about visitor parking.

Richard Dziekan, 17 Krakow Street asked about security. He stated that he has concerns about what it could turn out to be if there are not enough foreign students. He was also concerned about the reduction in setbacks.

Joe Jalowiec, North Road, Woodbridge asked what would happen if it becomes a non-profit establishment then there are no controls.

Anthony Simonetti, 6 Hayfield Drive, current owner stated that the property was paying taxes and he is now trying to get that reduced. He stated that they want to do some serious renovations and add some amenities to the building. The proposal will not be using any City services and there would be an increase in taxes. He stated that he has met some of the students and they are well behaved and could become involved in the community.

Atty. Dominick Thomas, 315 Main Street Derby stated that he is speaking on behalf of his client, AIEP. He stated that they are doing preliminary work on the site plan and would have a neighborhood meeting once plans are finalized. He stated that this is a zone text change application and he has some concerns about the proposed regulations not addressing the situation of an adaptive reuse. He stated that his client will need to file a statement of use. He stated that if anyone has specific questions about the program they can call him.

Mr. Estwan stated that at this time there is no specific application filed. He stated that the public hearing will be continued and a lot of good points were brought up this evening. He stated that the setbacks, buffers and adaptive reuse will be looked at. Mr. Stevens stated that he has concerns about what could happen there.

Mr. Simonetti stated that when the building was built it was to State of Connecticut standards and the building is a fire resistant building and there is a generator on the property.

A motion to continue the public hearing was made by Mr. Jalowiec, seconded by Mr. Stankye and carried unanimously.

New Business

(a) Discussion and possible action – Zone Text Change Application from Derby Planning and Zoning Commission for Educational Dormitory Residences: Section 195-7, 195-11(D) and 195-54(A).

Mt. Estwan stated that the public hearing on this application has been continued to the next meeting.

Old Business

| (a) Discussion: South Side of Main Street Zoning Regulations. →.

Mr. Estwan stated that this application has been withdrawn.

(b) Informal Discussion with AIEP regarding 101 Marshal Lane, Boarding School residence.

Mr. Estwan stated that this proposal looks like something that would fit an overlay zone. Atty. Dominick Thsent Atty. Marjorie Shansky a sample PDD regulation. This will be worked on and brought before the Commission.

Payment of Bills

Mr. Estwan moved to approve payment of bills. The motion was seconded by Mr. Stankye and carried unanimously.

Atty. Shansky stated that a subcommittee meeting will be scheduled for July 18, 2017 before the regular meeting or the week before. Mr. Jalowiec moved that the sub-committee meeting be scheduled for 6:00 p.m. on July 18, 2017. The motion was seconded by Mr. Stankye and carried unanimously.

A motion to adjourn was made by Mr. Estwan, seconded by Mr. Jalowiec and carried unanimously. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,


Maryanne DeTullio, Clerk

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