

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

Anthony Szewczyk (Alternate)

Cynthia Knopick (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, January 19, 2016 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, Glenn Stevens, David Rogers, Raul Sanchez, Cynthia Knopick and Albert Misiewicz. Also present were Attorney Marjorie Shansky, Carlo Sarmiento, Building Official, Ryan McEvoy, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Mr. Estwan moved to add as Item 9c referral from Board of Aldermen regarding signs. He stated that this refers to where signs can be placed on city property and how long they can remain there. The motion was seconded by Mr. Stankye and carried unanimously.

Correspondence

Mr. Estwan stated that a letter was received from Empire Telecom regarding cell tower at 50 Olivia Street which is going before the Citing Council. Mr. Estwan stated that this is not within the jurisdiction of the Commission and moved that it be referred to Ryan McEvoy, Milone & MacBroom. The motion was seconded by Mr. Stankye and carried unanimously.

Public Portion

Joe Jalowiec, 90 Sodom Lane, stated that there still some issues with the lighting from 88 Sodom Lane. He asked the status of the application and Mr. McEvoy stated that it was denied without prejudice because it had not gone to Inland Wetlands.

Richard Dziekan, 17 Krakow Street stated that the residents in the area are concerned with the lighting from 88 Sodom Lane and he wants to make sure that this is taken care of.

Approval of Minutes

A motion to approve the minutes of the December 15, 2015 meeting was made by Mr. Stankye, seconded by Mr. Rogers and carried unanimously.

Acceptance of Applications

Mr. Estwan stated that an application was received from Home Depot for an amendment to their original approval for temporary storage. This will be heard at the February meeting.

Mr. Estwan stated that an application was received from J.S. Piscitelli, LLC for 445 New Haven Avenue for retail/business office as a car rental company. Mr. Sarmiento stated that he requested that the applicant submit a site plan which will be done. Mr. Estwan asked if this requires a public hearing. Atty. Shansky stated that none of the uses associated with the B-2 Zone have outside storage and this application shows outside storage of vehicles. She felt that it would be a special exception use and require a public hearing. Mr. Estwan moved to accept and schedule for public hearing at the February meeting. The motion was seconded by Mr. Stevens and carried unanimously.

New Business

(a) Application for Site Plan Approval from Munawar Choudhry for 3 Pershing Drive to add a U-Haul franchise to the site.

Atty. Michael Hillis was present for the applicant and stated that they did receive the review letter from Milone & MacBroom. He stated that there will only be one vehicle parked on the site with U-Haul signage on it. No transfer of the motor vehicles will be done on this property. They will not be moving vehicles in and out of the site. He stated that they do not have the information regarding the wall sign, but will provide that. The vehicles will be parked off site and all transfers will be done at that facility. There will be a 75 square foot area in the building for the purchase of supplies and signing up to rent a vehicle. Mr. Stankye asked how the person renting the vehicle will get to the location of the vehicle. Atty. Hillis stated that they will be picked up and brought to the site to get the vehicle. Mr. Estwan stated that the statement of use submitted with the application indicates that vehicles will be stored on site. He stated that if this is not going to be done then an amendment statement of use needs to be submitted. Atty. Hillis stated that only one vehicle will be parked on the site. Mr. McEvoy asked where that vehicle will be stored on the lot. Mr. Choudhry stated that it will be parked wherever it can be. Mr. Estwan stated the applicant needs to tell us what he wants to do there. The plan that was submitted does not match what will ultimately be done there. Atty. Hillis stated that they will submit an amended statement of use. Mr. McEvoy stated he will notify the City of Ansonia of the application. He also noted that if there are any changes to the curb cuts then the State of Connecticut will need to be notified.

Mr. McEvoy stated that they are proposing an intensity of the use. They need ten spaces and should demonstrate that they have ten spaces. Atty. Shansky stated that the use is a special exception and a public hearing would be required. Mr. Estwan stated that a public hearing requires notification to abutting property owners and the City of Ansonia. He stated that if any changes are going to be made for the public hearing the plans need to show those changes and how it meets all regulations. Mr. Choudhry stated that he only has two vans and no other vehicles. Mr. Estwan stated that he needs to submit a modified site plan and statement of use. Mr. Estwan moved to schedule this for a public hearing at the February meeting as a special exception use. The motion was seconded by Mr. Stankye and carried unanimously.

(b) Application for site plan approval from McDonald's for 44 Division Street to remove existing drive-thru and restaurant and build a new one.

Tony Frucht, Ayoub Engineering was present and stated that the existing building is 4500 s.f. with 139 seats and 46 parking spaces on site. There is a single lane drive thru and can egress the site from Division Street. The proposed building will be the same size and the seating will mostly go down with the possibility of some outside seating. There will be 37 parking spaces which meets the regulations.

The existing access will remain and there will be access from BJ's to the rear. The building will be brought up and this will help with the flooding issue. There will be a sub-surface infiltration system. The property is in the B-1 Zone and this is an allowed use. The lighting will be changed to LED lighting. The existing sign will be moved to a different location on site. He stated that they may need a variance for that and would go to ZBA. He stated that they received the review letter from Milone & MacBroom and can comply with the recommendations in the letter.

Mr. Estwan stated that he felt that the access from BJ's was the biggest issue and asked if they are in discussions with BJ's regarding this. Mr. Fruchtl stated that it will have to be an easement. Mr. McEvoy stated that the State of Connecticut will need to be notified. Mr. Fruchtl stated that they will also be speaking with DOT. He stated that they will get a soil science out to review the site. The location of the dumpster will be changed for better access. Atty. Shansky asked about the parking if there is additional outside seating. Mr. Fruchtl stated that if additional parking is required for that they will address that. Mr. Estwan asked the number of outside seats and Mr. Fruchtl stated that it would be 12 to 15 seats. Mr. Stevens stated that he had some concerns with the access from BJ's. Mr. Fruchtl stated that they are not sure how that will work especially with the drive thru. Mr. McEvoy stated that there are a couple of issues with that access and asked if it could be moved to another location. He also stated that if it was eliminated they could add more spaces and move the sign to a place that would not require a variance. Mr. Stevens stated that he likes the idea of the access in the rear but there are some issues with that. Mr. Estwan stated that he also liked the plan and asked the size of the sign. Mr. McEvoy stated that it is 50 s.f. and an existing non-conformity. If it is going to be moved on site the non-conformity should be reduced. He also stated that there is a silver of property where the retaining wall is being removed which may be owned by a different person. Mr. Estwan stated that more information should be on the site plan regarding the access from BJ's and also consent from them. The item will remain on the agenda for next month's meeting.

(c) Signs.

Mr. Estwan stated that a letter was received from the Board of Alderman regarding signs on City property. They asked to have locations identified where signs can be placed. Atty. Shansky stated that they should determine what City properties are appropriate to have signs placed on them. The regulations need to be followed and any temporary signs can be approved by the Building Official and then they come before this Commission. She stated that was explained to the Board of Aldermen. A letter will be sent back to them that it was discussed and the Commission is willing to cooperate and once they determine the locations then the Commission and Building Official will be happy to review the matter.

Old Business

(a) 88 Sodom Lane, lighting spill over onto adjoining properties.

Mr. Sarmiento stated that he spoke with the owner and shields placed on the lights. Mr. Estwan stated that there is still one state does not have a shield. Mr. Sarmiento stated that he will speak with him again and he is more than happy to comply. Mr. Stevens suggested having a letter sent to the owner that this must be complied with by 1/30/16. The item will remain on the agenda for the February meeting.

(b) The Hops Company, Sodom Lane, lighting spill onto adjoining properties.

Mr. Sarmiento stated that United Illuminating will not lower the lights for safety purposes. Mr. Estwan stated that there are regulations regarding height and spillage. Mr. Sarmiento stated that they are willing to comply and he will speak with the owners. The item will remain on the agenda at the February meeting.

(c) Derby Center Redevelopment District (DCRD), Mill Design District (MDD) and Update to Plan of Conservation and Development Discussions.

Mr. Stankye stated that the sub-committee met and they were working on a draft to submit to the Commission. Mr. Estwan stated that he received a statement of community values from another town and this information was forwarded to the sub-committee. Mr. Stankye stated that they will be discussing this further at their next meeting.

Executive Session

(a) Update on Enforcement Issues; Discussion of pending litigation.

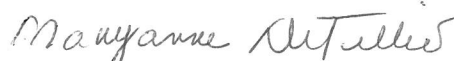
Mr. Estwan stated that there was no need for an Executive Session.

Payment of Bills

Mr. Stevens moved that all bills be paid if found to be correct. The motion was seconded by Mr. Stankye and carried unanimously.

Mr. Stankye moved to adjourn the meeting. The motion was seconded by Mr. Stevens and carried unanimously. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,



Maryanne DeTullio, Clerk

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