

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, July 19, 2016 at 7:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:05 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Richard Stankye, Raul Sanchez, Cynthia Knopick, Glenn Stevens and Anthony Szewczyk. Also present were Attorney Marjorie Shansky, Carlo Sarmiento, Building Official, Ryan McEvoy, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

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

Correspondence

Mr. Estwan stated that a copy of a letter from Regional Water Authority to DEEP was received regarding East Derby water connection application. This was referred to Atty. Shansky. Mr. Estwan also stated that a copy of a letter from Atty. Shansky to the State of Connecticut Office of Policy and Management informing them that the Plan of Conservation and Development was adopted by the Planning & Zoning Commission on May 24, 2016.

Public Portion

Town Clerk, Marc Garofalo, 95 Academy Hill Road, Derby stated that at the June 21st meeting the Commission acted on applications for CDD approval. He stated that he thought it was the policy of the Commission to accept applications one month and hear and act on them at the next meeting. He stated that he did not feel that the public was able to comment on these applications. Mr. Estwan stated that when it is a simple CDD review, the Commission now accepts and acts on the application at the same meeting. It is still the practice to accept applications one month and then act on them at the next meeting.

Leslie Creane, part-time Economic Development Director for the City of Derby was present and stated that she only works part-time but is available to assist the Commission in any way.

Approval of Minutes

Mr. Estwan moved to table the approval of the June 21, 2016 minutes. The motion was seconded by Mr. Stankye and carried unanimously.

Receipt of Applications

Mr. Estwan stated that there are no new applications to accept.

New Business

(a) Informal Discussion - Joseph Migani – 101 Elizabeth Street.

Joseph Migani was present and presented a proposal for 101 Elizabeth Street. He stated that this is the fourth revision to the plan that was originally discussed several months ago. He stated that the plan is now for a “U” shaped building eight stories high with 90 apartments, structured parking underneath and a boutique hotel with 144 rooms. He stated that he did a fit analysis of the site and felt that this is the best proposal. He stated that he would like to submit a formal application for a zone change. He stated that he will also be presenting this to the Board of Aldermen. He stated that he just wanted to present a schematic so that the Commission could reflect on it before he comes with a formal application. Mr. Estwan asked if the parking underneath would be enough to handle the hotel and apartments. Mr. Migani stated that it is not but he is looking into the public parking garage. He stated that if the parking garage were put out to bid he could make a proposal to renovate it. He also stated that he has been approached by several developers that were interested in the project if zoning approval was obtained. Mr. Estwan asked if he had any concept photos of how it would fit in the downtown area. Mr. Migani stated that he did not do any but can do those and present them to the Commission. Mr. Estwan stated that there is nothing in place now that would allow this to go forward. He asked the members to get as much information as possible to convey to Mr. Migani about this type of project.

Mr. Migani stated that the Sterling Theater has been restored but has never been used. He stated that he would like to see that used in conjunction with the hotel. He stated that he will pursue that with the Board of Aldermen. Mr. Estwan stated that this is the first time that the Commission has seen this proposal and asked members to look at and offer any comments.

(b) Update on Enforcement Issues.

Mr. Sarmiento stated that he has been having a lot of problems with signs on properties with no permits. He stated that he has been collecting most of the zoning infractions. He stated that there is now an issue with flags. Mr. Estwan stated that a lot of the signs have a contact phone number and he asked Mr. Sarmiento if he contacts the individual. Mr. Sarmiento stated that he does but he is looking for some guidance since the signs and flags are not covered by an ordinance or zoning regulation. Atty. Shansky stated that they are not regulated and if they are within a city right of way they should seek Board of Aldermen approval to have the sign there. Mr. Estwan stated that if it is on City property he has the right to enforce it but if it is on private property that is another issue and the Commission will not get into that.

Old Business

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

Atty. Shansky stated that the planning sub-committee met and discussed the core of the CDD zoning district and will resume discussions at their next meeting.

Executive Session

- (a) Update on Enforcement Issues; Discussion of pending litigation.
- (b) Strategy Discussion – Pending Litigation – Jalowiec v Derby Planning & Zoning Commission – Docket No. CV-16-6020558-S.

A motion to go into Executive Session and have Atty. Shansky and Ryan McEvoy attend was made by Mr. Estwan, seconded by Mr. Stankye and carried unanimously. The Commission went into Executive Session at 7:40 p.m. A motion to come out of Executive Session and resume the regular meeting at 7:57 p.m. was made by Mr. Estwan, seconded by Mr. Szewczyk and carried unanimously.

Payment of Bills

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

A motion to adjourn was made by Mr. Stankye, seconded by Mr. Stevens and carried unanimously. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,



Maryanne DeTullio, Clerk

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