

# ***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, October 18, 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, Glenn Stevens, David Rogers, Steven Jalowiec, Raul Sanchez and Albert Misiewicz. Also present were Atty. Marjorie Shansky, Ryan McEvoy, Milone and MacBroom and Maryanne DeTullio, Clerk.

## Additions, Deletions, Corrections to Agenda

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

## Correspondence - None

## Public Portion

James DeMaio, 57 Birchbank Road, Shelton stated that he has filed an application for 1 and 2 McConney's Grove. He stated that the dwellings on both properties are in disrepair and need to be taken down and rebuilt. He stated that he also submitted an application for flood plain management. The house at No. 1 is in the flood plain and will be moved out of the flood plain and the house will be elevated at 7 feet above the flood plain. The supports for the deck in the rear of the house will be in the flood plain.

The house at No. 2 will be out of the flood plain. The deck will protrude a little but he stated that he is taking a lot of volume out. Mr. Estwan stated that the application will be received this evening and heard next month.

## Approval of Minutes

Mr. Rogers moved to approve the minutes from the August 16, 2016 meeting. The motion was seconded by Mr. Jalowiec who noted that he was present at the August 16, 2016 meeting. The motion was carried unanimously.

A motion to approve the minutes of the September 20, 2016 meeting was made by Mr. Stevens, seconded by Mr. Rogers and carried unanimously.

Receipt of Applications

Mr. Stevens moved to accept and hear at the November meeting an application from James DMAio for 1 and 2 McConney's Grove. The motion was seconded by Mr. Jalowiec and carried unanimously.

Mr. Estwan moved to accept and schedule for public hearing at the November meeting an application from Burtville Associates for zone text change to allow personal services as an allowed use in the I-1 Zone. The motion was seconded by Mr. Jalowiec and carried unanimously.

Mr. Estwan moved to accept and schedule for public hearing an application for special exception use from Inspired Style for 328 Derby Avenue. The motion was seconded by Mr. Stevens and carried unanimously.

New Business

- (a) Application for Site Plan Approval from Calvert Safe & Lock for 300 Roosevelt Drive for use as a retail/office space.

Nick Behun, 25 Prindle Avenue, Ansonia was present for the applicant. He presented the plan of the proposed building which will be built on the existing foundation. It will be one floor with a basement. There will be six overhead doors and one walk-in door. The use will be office and retail space.

Mr. McEvoy stated that he reviewed the plans and the building that was there was non-conforming. He stated that the proposed deck in the rear needs to conform to the setbacks. Mr. Behun stated that would not be an issue and it can be moved so that it conforms. Mr. McEvoy stated that the flood plain regulations require that the water can flow out of the basement area. Mr. Behun stated that the lower portions of the doors will have louvers so that the water can flow out. All mechanicals will be in the attic. Mr. McEvoy stated that the parking calculations should be amended to eliminate spaces one and two because of the deck location.

There was a discussion regarding the boundary line and lot split. Mr. McEvoy stated that he spoke with the applicant about this and Atty. Shansky recommended that the boundary line be removed from the plans. Mr. Estwan stated that the applicant should submit something in writing regarding the removal of the lot split line; parking calculations and adjustment to the deck. Mr. Calvert stated that he had no problem doing that.

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 Site Plan Review for Calvert Safe and Lock on property shown on Derby Assessors Map 10-3, Lot 7 subject to the following conditions:

The approval shall be based upon the following documents submitted in support of this application:

1. Application with Statement of Use.
2. Plan entitled "Site Plan, Calvert Safe and Lock, 300 Roosevelt Drive, Derby, Connecticut", Scale 1" = 20', dated March 26, 2016, revised to September 12, 2016 prepared by: D'Amico Associates.

3. Plan entitled "Sheet A-5, Proposed First Floor Plan, Calvert Safe and Lock Ltd, 300 Roosevelt Drive, Derby, CT" scale  $\frac{1}{4}" = 1'$ , dated March 17, 2016, revised to July 7, 2016 Prepared by Hibbard & Rosa Architects, LLC.
4. Inland-Wetlands Agency approval dated October 12, 2016,
5. Letter from Milone and MacBroom to Inland Wetlands Agency dated October 7, 2016.
5. Letter from Milone and MacBroom to Planning and Zoning Commission dated October 18, 2016.

With the following stipulated conditions:

1. The site plan shall be revised as follows:
  - a. The parking table shall be updated to reflect the correct parking demand for office use.
  - b. Spaces number 1 and 2 shall be removed.
  - c. The deck shall be relocated to meet the side yard setback of 8'.
  - d. Elimination of the proposed lot line separating the business use from the residential parcel.
  - e. Revised site statistic adding third column referencing existing dimensions.
2. The lower level of the building shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
  - a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, lovers, valves or other coverings or devices, provided that they permit the automatic flow of floodwaters in both directions.
3. All handicapped parking shall be provided in accordance with the Connecticut State Building Code.
4. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission for review and action if necessary.
5. Any site or building signage shall be detailed and submitted to the Zoning Enforcement Officer for review and approval in accordance with the Zoning Regulations.
6. All exterior lighting shall be in conformance with the applicable sections of the Derby Zoning Regulations.

7. The Building Official shall not issue any building or zoning permits on the lots until the City Finance Director has verified that all fees have been paid in accordance with City of Derby Ordinance Section 85-3.

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

(b) Application from Duane Howell for 74 West Fourth Street to remove and replace all concrete walks and curbs and increase parking in the rear.

Mr. McEvoy stated that he reviewed the plans and the applicant is looking to reconstruct the parking and expand it in the rear of the building. He stated that revised plans were submitted. Mr. Howell was present at the meeting.

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 Site Plan Application for Duane Howell on property shown on Derby Assessors Map 8-5, Lot 5 subject to the following conditions:

The approval shall be based upon the following documents submitted in support of and during the review of this application:

1. City of Derby Zoning Permit Form.
2. Plan entitled "Preliminary Site Plan, 74 West Fourth Street, Derby, Connecticut, Prepared for Duane Howell", dated August 15, 2016 prepared by James R Swift.
3. Correspondence from Milone & MacBroom, Inc. dated 10/18/2016.

With the following stipulated conditions:

1. The site plan shall be modified to include items 1.a-f in the Letter from Milone and MacBroom, Inc. dated 10/18/2016.
2. The proposed catch basin in the expanded rear parking area shall be equipped with a permanent water quality insert and hooded outlet to limit the amount of sediment directed to the underground infiltration.
3. Prior to installation of the underground infiltration system, the applicant shall perform a test pit in the presence of the City Engineer to verify that the soil conditions are suitable for underground infiltration.
4. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.
5. After commencement of construction, an inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, at least once every seven calendar days and within 24 hours of the end of a storm event that is 0.5 inches or greater and until the City of Derby determines that inspections are no longer required.

6. Any significant changes or modifications to the plans presented will require subsequent review and approval by the Planning & Zoning Commission.

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

- (c) Informal discussion Inspired Styles Hair Salon, Derby Avenue.

Michele Gustafson stated that she is looking to downsize her business and move it to 328 Derby Avenue. Mr. Estwan stated that one of the concerns is that there are other issues with this property. He stated that when the previous zone change was granted some of the conditions associated with that approval have not been done. The application for a zone text change to allow this use will be scheduled for a public hearing at the November meeting. He recommended that the applicant for that application as well as her application be prepared for the public hearings scheduled in November.

#### Old Business

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

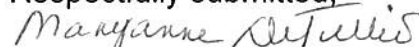
Atty. Shansky stated that another meeting will be scheduled and they are trying to get the Derby Center Redevelopment District done and then can work on the Mill Design District. She stated that she will be in touch with the sub-committee.

#### Payment of Bills

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

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Rogers 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.*