

# ***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, November 15, 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, Albert Misiewicz and Cynthia Knopick. Also present were Atty. Marjorie Shansky, Ryan McEvoy, Milone and MacBroom, Carlo Sarmiento, Building Official and Maryanne DeTullio, Clerk.

## Additions, Deletions, Corrections to Agenda

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

## Correspondence - None

## Public Portion

There was no one from the public wishing to speak.

## Approval of Minutes

Mr. Stevens moved to approve the minutes from the October 18, 2016 meeting. The motion was seconded by Mr. Jalowiec and carried unanimously.

## Receipt of Applications

Mr. Stevens moved to accept an application for CDD review from Magalis Sandoval for 21 Elizabeth Street for a therapy and wellness center. The motion was seconded by Mr. Jalowiec and carried unanimously.

Mr. Jalowiec moved to accept an application for CDD review from Orlando Valentin for 101 Elizabeth Street for use as a barber shop. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Stevens moved to accept and schedule for public hearing at the December meeting an application for special exception use from T-Mobile for 212 Elizabeth Street to upgrade and replace equipment. The motion was seconded by Mr. Jalowiec and carried unanimously.

New Business

(a) Application from James DiMeo for Pink House Point, LLC, Lots 1 & 2 McConney Grove site plan approval for demo of 2 structures and construction of 2 houses with garages.

NJames DiMeo, Juliano Associates was presented and stated that revisions were made to the plans. The entire site is over 11 acres and located in the R-6 Zone. He stated that the structures on Lots 1 and 2 are both being torn down and re-built. They are keeping the same foundation for Lot 2 and extending a little and building outside of the flood plain. The house on Lot No. 1 is in violation of zoning and does not conform and is in the flood way and flood plain. The house is being moved to make it conform and take out of the flood way and flood plain. The at house No. 1 will be at elevation 46' and at No. 2 it will be 44.9'. He stated that Lot No. 1 currently has a small driveway with its own access off of Route 34. That driveway will be eliminated and access will be from one of the entrances from McConney's Grove. He stated that they are proposing a four foot high privacy fence along Route 34.

Mr. DiMeo stated that they are currently dealing with septic issues and the approval would be Contingent upon septic approval from DEEP and Valley Health. He stated that they will be Removing some trees. There is a large rock outcropping which will be brought down.

Mr. McEvoy stated that the application was approved by Inland Wetlands for a regulated activity. He stated that he has worked with the applicant on the drainage and will want to see more soil and erosion controls. He stated that the FEMA flood line crosses over the rock outcropping. He stated that he is comfortable that the flood plain regulations are met.

Mr. Estwan moved that pursuant to Section 195-13 (A), the Derby Planning & Zoning Commission finds that the application and supporting documentation as presented is in accordance with Sections 195-30 through 195-33. Additionally, the Commission finds that the plans as proposed will result in a reduction of development within the Floodplain and Floodway, with the proposed buildings located upslope and above the base flood elevation.

Therefore, 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 Approval for James DiMeo on a property shown on Derby Assessors Map 12-5, Lot 2 subject to the following conditions: this approval makes no representations regarding the need for flood insurance for the proposed buildings.

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

1. Application for Special Exception Use and/or Site Plan Approval.
2. Plan entitled "Improvement Location Survey, Proposed Improvements, #1 and #2 McConney's Grove, Roosevelt Drive, Derby, Connecticut", at a scale of 1" = 20' dated: 8/31/2016, revised to 11/9/2016, prepared by Juliano Associates.

3. Plan entitled "Sediment and Erosion Control Plan, Proposed Improvements, #1 and #2 McConney's Grove, Roosevelt Drive, Derby, Connecticut", at a scale of 1" = 20' dated: 11/9/2016, prepared by Juliano Associates.
4. Plan entitled "Erosion Control Specifications, Proposed Improvements, #1 and #2 McConney's Grove, Roosevelt Drive, Derby, Connecticut", at a scale of 1" = 20' dated: 10/6/2016, prepared by Juliano Associates.
5. Plan entitled "Overall View, Pink House Point, Inc., Property at McConney's Grove, Roosevelt Drive, Route 34, Derby, Connecticut", at a scale of 1" = 100', Dated 2/7/2003, revised to: 4/9/2003, prepared by Clarke and Pierson Associates, Inc.
6. Plan entitled "Property Boundary Survey, Pink House Point, Inc., Property at McConney's Grove, Roosevelt Drive, Route 34, Derby, Connecticut, sheets 1 of 2 and 2 of 3 and 3 of 3", at a scale of 1" = 40', dated 2/7/2003, revised to 4/9/2003, prepared by: Clarke and Pierson Associates, Inc.
7. Letter from Dave Zitnay, President of Pink House Point, Inc.
8. Preliminary floor plan and building elevation.
9. Notice to Shelton dated September 15, 2016.
10. Cross Section Plans.
11. Letter from Milone and MacBroom, Inc. dated 11/15/2016.
12. Information was provided by the Applicant, City staff and Commission members during the regularly scheduled meeting on November 15, 2016.

With the following stipulated conditions:

1. The cross section plans shall be revised to reflect the following:
  - i. Decks supports on proposed buildings #1 and #2 shall be installed above elevation 39.0.
  - ii. There shall be no fill placed in the existing location of Building 1 in order to construct the deck.
2. No building permits may be issued until the applicant has provided an approval letter from the Department of Energy and Environmental Protection or the Naugatuck Valley Health District.
3. Prior to installation of the stormwater detention areas, the applicant shall perform a test pit in the presence of the City Engineer to verify that the soil conditions are suitable for stormwater collection and retention. The City Engineer shall have the authority to require modifications to the stormwater detention areas as conditions may warrant.

4. The contractor is to provide a flood contingency plan that is to be reviewed and accepted by City staff, prior to commencement of construction activities. If the weather forecasts indicate the possibility of a major weather system within 24 to 48 hours, the contractor shall plan for the possibility of high water levels in the river.
5. The Zoning Enforcement Officer, City Engineer or any other duly authorized Representative of the City of Derby shall have the authority to direct the Applicant, developer and or contractor to install additional sediment and erosion control measures as conditions may warrant, including temporary erosion control blankets on exposed steep slopes.
6. The applicant shall furnish the City with an Improvement Location Survey of the Property depicting the proposed site including all site features along with the proposed changes. In addition to the Improvement Location Survey the applicant shall submit an elevation certificate confirming the elevations associated with the new construction. The elevation certificate shall match the vertical datum of the current EMA flood mapping when construction is completed.
7. Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission for review and action if necessary.
8. Any activity within the State highway applicant shall get an encroachment permit.
9. The portion shown over front setback shall not be included on proposed Building #1.

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

(b) CDD Review Application from Magalis Sandoval for a Therapy and Wellness Center at 21 Elizabeth Street.

Magalis Sandoval stated that he will be opening a private practice as a social worker. The Statement of Use was reviewed. Mr. Sandoval stated that all his clients are done by appointment. The signage will be further reviewed. Mr. Estwan stated that a letter was received from the Fire Marshal indicating that there are no problems with the application. Mr. McEvoy had no comment. A motion to approve the application was made by Mr. Estwan, seconded by Mr. Jalowiec and carried unanimously.

(c) CDD Review Application from Orlando Valentin for a barber shop at 101 Elizabeth Street.

Orlando Valentin was present and stated that this will just be a barber shop. He stated that some electrical outlets will be added. He also stated that he may be open earlier than what was listed in the statement of use. Mr. McEvoy had no comment. A motion to approve the application with the hours of operation from 7:00 a.m. to 7:00 p.m. was made by Mr. Estwan, seconded by Mr. Jalowiec and carried unanimously.

(d) Public Hearing for Burtville Associates for Zone Text Amendment to allow Personal Services Businesses in an I-1 Zone – POSTPONED until 12/20/16 meeting.

(e) Public Hearing for Inspired Styles for a Hair Salon at 328 Derby Avenue – I-1 Zone – POSTPONED until 12/20/16 meeting.

(f) BOA 8.24 Referral to discuss abandonment of part of Nutmeg Avenue.

Mr. Estwan stated that Corporation Counsel, Attorney Thomas Welch sent an e-mail that the Board of Aldermen is considering the discontinuation of a portion of Nutmeg Avenue. There has been some discussions on moving the baseball fields and the City is still looking at reconfiguring the area. Mr. Estwan stated that he will address the Board of Aldermen that this was tabled until a more definitive plan is submitted. Mr. Stevens stated that the School Building Committee discussed this and were concerned about fire access if a portion of Nutmeg Avenue is abandoned. Mr. Estwan moved to table this matter and send a letter to Atty. Welch for more specifics and drawings and information regarding fire access. The motion was seconded by Mr. Jalowiec and carried unanimously.

(g) Adoption of 2017 meeting schedule.

Mr. Estwan moved to adopt the meeting schedule for 2017 with monthly meetings on the third Tuesday of each month. The motion was seconded by Mr. Stevens and carried unanimously.

(h) Election of Officers

Mr. Jalowiec moved to nominate Ted Estwan for Chairman. The motion was seconded by Mr. Stevens and carried 6-0-1 with by Mr. Estwan abstaining.

Mr. Stevens moved to nominate Steve Jalowiec for Vice Chairman. The motion was seconded by Mr. Rogers and carried unanimously.

### Old Business

(a) Review and discussion regarding Derby Center Redevelopment District (DCRD), Mill Design District (MDD), CDD Zone changes.

Tim Baird, Milone and MacBroom presented drafts for discussion on the Center Design District, Mill Design District, Central Residential Zone and Liquor Permitting. The members will review these and Discuss further at the next meeting.

### Payment of Bills

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

A motion to adjourn was made by Mr. Estwan, seconded by Mr. Stevens and carried unanimously. The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

  
Maryanne DeTullio, Clerk

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