

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, Alt.

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, April 21, 2015 at 7:00 p.m. in the Conference Room, 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, Richard Stankye, Raul Sanchez, David Rogers, Steve Jalowiec, Albert Misiewicz and Anthony Szewczyk. Also present were Attorney Marjorie Shansky, Peter Georgetti, City Engineer, Carlo Sarmiento, Building Official and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Mr. Szewczyk moved that Old Business be heard before New Business. The motion was seconded by Mr. Stankye and carried unanimously.

Correspondence - None

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to approve the minutes of the February 17, 2015 meeting was made by Mr. Stankye, seconded by Mr. Jalowiec and carried 6-0-1 with Mr. Szewczyk abstaining.

Chm. Estwan noted that the March 17, 2015 was cancelled due to the lack of a quorum.

Acceptance of Applications

Mr. Stankye moved to accept an application for CDD approval from Blue Rock Studio for a photography and art gallery at 21 Elizabeth Street. The motion was seconded by Mr. Szewczyk and carried unanimously.

Mr. Stankye moved to accept an application for CDD approval from Glenn Leonard for section of Home Depot parking lot for Uncle G's Smoke Shack and Comfort Food. The motion was seconded by Mr. Jalowiec and carried unanimously.

Old Business:

(a) Application for Site Plan Approval from Green Derby, LLC for installation of solar panels at City of Derby Landfill.

Bill Jordan from Jordan Energy stated that they responded to all the items raised by the City Engineer on their initial submission. He stated that all changes were reviewed by the City Engineer and he was satisfied with them. They submitted the erosion control plan and there will be a silt fence around the whole perimeter of the installation area. This is also being reviewed by DEEP and they expect to have their approval by the end of May. Mr. Georgetti stated that they have addressed all of their comments and concerns. Paul Curran stated that they will just be generating electricity and no fluids of any kind will be used during installation or afterward. Mr. Szewczyk stated that sometimes there are problems with panels breaking. Mr. Curran stated that during the installation they will be able to see if there are any breaks and those would be replaced immediately. He stated that during operation there is no reason for breakage. There will be a fence around and they will replace any that are vandalized or broken because of hail. He stated that they have not had a problem with significant vandalism on other locations.

Mr. Estwan moved to approve the application as amended and approved by the City Engineer and Attorney. The motion was seconded by Mr. Jalowiec and carried unanimously.

(b) Informal discussion – 2015 Plan of Conservation and Development.

Mr. Mark Nielson, Naugatuck Valley Council of Governments stated that the public forums were fairly well attended and representatives from Pace University will be preparing a final report of the comments received at the forums. He stated that there is an on line survey on the City of Derby website and they have received approximately 72 responses from that survey. He stated that some of the concerns raised were the age of the housing stock. He also stated that they asked what people liked the most and the Greenway and access to many highways was beneficial. He stated that there were concerns about the revitalization of downtown and the area south of Main Street. He stated that he is also working on the design of the Route 34 road project which is going to be through downtown. He stated that they are wrapping up the preliminary design and looking at a final design. He stated that properties on the south side of Main Street need to be purchased in order to do the road widening. He also stated that they are hoping to update with DOT on the design but they feel that the design phase will take some time.

Mr. Nielson stated that the update to the Plan of Conservation and Development needs to be done by July of this year. He stated that they could ask for an extension of that. Atty. Shansky stated that she would like to have the Plan completed by the deadline date. Mr. Estwan stated that the Commission can schedule workshops on this in order to meet the deadline. Atty. Shansky stated that if any members have any comments those should be given to her and Mr. Nielson. Mr. Nielson felt that it would be beneficial to have a workshop with the Commission. Mr. Estwan stated that it would be helpful to have a rough draft to work from. Mr. Estwan stated that the Commission will hold a workshop at 6:00 p.m. before the May 19, 2015 to discuss the update to the Plan.

New Business

(a) Detention Basin, LLC - Installation of 9' fence without permit, zoning compliance certificate and no approval from Inland-Wetlands Commission at 4 Lanzieri Court.

There was no one present regarding this matter. Mr. Sarmiento stated that he is working on the issuance of a cease and desist order. The fence was put up without permission from Inland Wetlands and is within the 50' upland review area and the height is in violation.

(b) Application for CDD Approval from Blue Rock Studios for a photography and art gallery at 21 Elizabeth Street – CDD Zone.

JoAnna Lucas, 207 Freeman Road, Oxford stated that she would like to open a gallery/studio and will be offering art classes. Mr. Estwan stated that any signage will have to be reviewed by the Building Inspector. Ms. Lucas asked about outside lighting and Mr. Estwan stated that is also something that Mr. Sarmiento will review with her. Ms. Lucas asked about the capacity of the space and that is something that will be determined by the Fire Marshal. Mr. Estwan moved to approve the application for 21 Elizabeth Street. The motion was seconded by Mr. Jalowiec and carried unanimously.

(c) Application for CDD Approval from Glenn Leonard for section of Home Depot parking lot for Uncle G's Smoke Shack and Comfort Food – CDD Zone.

Glenn Leonard, 145 Canal Street, Shelton stated that the shack will be located near the rental area of the Home Depot parking lot. Mr. Rogers asked about bathroom facilities for employees and Mr. Leonard stated that he has an agreement with Home Depot to use their bathrooms. He also stated that he does not need public water service. He will have barrels of water and for waste water and nothing will be disposed of at the site. The Commission had concerns with the storage of Home Depot on Main Street and also the lighting along Main Street in front of their property. Mr. Sarmiento stated that he is working with them on those issues. Mr. Estwan moved that the application from Uncle G's Smoke Shack and Comfort Food be approved. The motion was seconded by Mr. Sanchez and carried unanimously.

Executive Session

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

Mr. Estwan stated that there was no need to go into Executive Session this evening.

Payment of Bills

A motion to pay the bills if deemed correct was made by Mr. Stankye, seconded by Mr. Jalowiec and carried unanimously.

Mr. Stankye stated that he would like to be able to review applications and submittals prior to the meeting. Mr. Sarmiento stated that the applications and other information for a meeting can be e-mailed to the members prior to the meeting. Mr. Stankye moved that the applications and related materials be e-mailed to all members prior to the meeting. The motion was seconded by Mr. Jalowiec and carried unanimously.

A motion to adjourn was made by Mr. Jalowiec, seconded by Mr. Stankye and carried unanimously. The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Maryanne DeTullio".

Maryanne DeTullio, Clerk

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