

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, May 19, 2015 at 7:00 p.m. in the Media 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, Albert Misiewicz and Anthony Szewczyk. Also present were Attorney Marjorie Shansky, Peter Georgetti, City Engineer and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Mr. Stankye moved to add Item 9g River Rock Café, 5 Main Street, Informal Discussion and Item 9 Home Depot Site Plan Modification, Request for Temporary outside storage. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Estwan stated that Item 9c will be moved to the end of the New Business section and Item 9h will be heard as Item 9c.

Correspondence - None

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

A motion to table the approval of the minutes of the April 21, 2015 meeting was made by Mr. Stankye, seconded by Mr. Misiewicz and carried unanimously.

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

Acceptance of Applications - None

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. Estwan stated that this item will be removed from the agenda and will be handled by Atty. Shansky and the Building Official.

(b) Request for Certificate of Zoning Compliance – Grassy Hill lodge.

Attorney Dominick Thomas, 315 Main Street stated that there is a proposal to sell the property and continue the use for food service purposes. It would be primarily a restaurant with catering. He stated that a meeting was held with Attorney Shansky and the Building Official. The applicant would add a walk-in cooler and a roof over the patio. An addition was put on in 1985. He stated that the property is located in the R-3 Zone and has been a pre-existing use for many years. He stated that the applicant will renovate and expand the bar area. They are requesting a certificate of zoning compliance and he submitted a map showing the proposed changes. He also submitted a letter outlining the request. The property has been used primarily as a catering facility but has had a secondary use as a restaurant. Mr. Stankye stated that he was concerned about taking the business from a banquet facility to a restaurant without a public hearing to allow the public to know about the change. Atty. Thomas stated that they are asking for a certificate of zoning compliance and there were times when there were several hundred events a year. The license that was issued and signed off on was a restaurant use. He stated that they feel that this is within the framework of the pre-existing non-conforming use that has been there for many many years. He stated that they will be doing some catering business and will have the ability to be open seven days a weeks within appropriate hours.

Mr. Estwan stated that all permits and approvals are in place and could operate as a restaurant. It is a existing non-conforming use and they are shifting it more to a restaurant use. Umberto Morales, applicant stated that they will be doing some minor repairs inside. The bar area will not be expanded just the countertop of the bar.

Mr. Estwan moved that based on the comments the issuance of the certificate of zoning compliance is approved. The motion was seconded by Mr. Szewczyk and carried unanimously.

(c) Informal discussion – River Rock Café, 5 Main Street

Steve Purciello and Paul Evan were present. Mr. Estwan stated that the Commission would like to see the original site plan since what they are proposing would be a modification of the original approval. They would like to add on to the patio. Mr. Estwan advised them to speak with the Building Official and he will tell them what is needs to be submitted. He also stated that they will need to show all the rights of way that are existing on that site. Atty. Shansky referred them to Article 5 of the zoning regulations. The item will remain on the agenda to allow them to submit more information.

(d) Site Plan Modification one Time Screen Printing, 155 New Haven Avenue, Warehouse addition.

John Paul Garcia was present for the applicant and stated that they will be adding a storage warehouse. There will be no increase to the manufacturing facility. They will be expanding the indoor storage area in the rear and it will not impact parking. It will be a 60 x 100 foot metal storage building. Mr. Estwan moved that the application be approved. The motion was seconded by Mr. Szewczyk and carried unanimously.

(g) Home Depot, Site Plan Modification, request for temporary outside storage.

Jack Cruz and William Thomas from Home Depot were present and stated that they are looking to have outside storage through July for bulk materials. They stated that they are only able to get a couple of deliveries a day of mulch and soil. They would like to use a part of the parking lot in front of the garden center for these products.

Mr. Estwan stated that all Home Depot stores have outside storage and he did not see any problems. However, there have been issues with storage in the front. He stated that it is also the responsibility of Home Depot to maintain the light poles around their property. Mr. Thomas stated that they have only been at this store for the past year and are working with the City on maintaining the light poles. He stated that they have moved the storage from the front and are working on the berm area. Mr. Cruz stated that all of the poles have the electricity on and they have new poles on order.

Mr. Estwan moved that the application be approved based on the time of the year and the applicant will delineate on the map for the record where the storage will be located. The motion was seconded by Mr. Stevens and carried unanimously.

(h) Discussion – Previously approved Site Plan 46-50 Commerce Street – Plan to erect electrical pole.

Terry and David Sekelsky and Don Smith were present for this matter. Mr. Estwan stated that this was previously approved and this will now change the original site plan. Mr. Sekelsky stated that they will not be putting up a building and only parks the trucks there in the winter. Mr. Estwan stated that this use is different than what was approved. Mr. Sekelsky stated that he has an extension of his site plan approval. Mr. Estwan stated that nothing has been presented showing where the pole will be and where the trucks will park. Mr. Sekelsky stated that parking vehicles is allowed in this zone. Mr. Estwan stated that this was not approved for parking vehicles with a pole. Mr. Estwan stated that the Commission needs to see this on a plan. Mr. Smith stated that they can submit something.

(e) City of Derby Standard Zoning Enforcement Procedures Discussion and Document Review.

Atty. Shansky stated that these are uniform procedures and a way to overcome situations that have occurred in the past. It is useful in how to advance zoning enforcement. Mr. Estwan stated that a lot of questions get asked during the month from individuals and this clear up a lot

of those questions. Atty. Shansky stated that it is a simple grid with zoning regulations for different zones. Mr. Estwan moved that the Commission adopt the City of Derby Standard Zoning Enforcement Procedures. The motion was seconded by Mr. Stankye and carried unanimously.

(f) Derby Center Redevelopment District (DCRD) & Mill Design District (MDD) Discussions.

Atty. Shansky presented draft document of the Derby Center Redevelopment District and Mill Design District for the Commission to review. She stated that the Commission may want to have Phil Mickolowski from Milone & MacBroom at the next meeting to discuss these with him. Mr. Estwan stated that he felt that it would best suit the city if we had an overlay zone and he stated that he will work with Atty. Shansky and Mr. Mickolowski on this. Atty. Shansky stated that it would be best to have the members look these over and discuss next month. Mr. Estwan stated that he will contact Milone & MacBroom.

Old Business

(a) Informal Discussion – 2015 Plan of Conservation and Development

Mr. Estwan stated that this was discussed at the workshop prior to this meeting.

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. Estwan and carried unanimously.

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Misiewicz and carried unanimously. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,



Maryanne DeTullio, Clerk

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