

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)

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, September 15, 2015 at 7:00 p.m. in the Aldermanic Chambers, 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, Glenn Stevens, Anthony Szewczyk and Raul Sanchez. Also present were Peter Georgetti, City Engineer, Carlo Sarmiento, Building Official and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Mr. Estwan moved to add as Item 10d, informal discussion, Joseph Migani, 101 Elizabeth Street. The motion was seconded by Mr. Stevens 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 August 18, 2015 meeting was made by Mr. Stevens, seconded by Mr. Sanchez and carried unanimously.

Acceptance of Applications

Mr. Estwan moved to accept an application from Andrew Mortensen for site plan approval for 88 Sodom Lane for use as an animal hospital. The motion was seconded by Mr. Stevens and carried unanimously.

New Business

(a) Application for CDD Approval from Thomas Lucia (Blue Monster LLC) for 25 Elizabeth Street for E-Commerce Distribution Business – CDD Zone.

Thomas Lucia was present and stated that this will be strictly an office space with some shipping and receiving done on site. There is no walk-in business at this time. If there is in the future, they will come back for further approval. A motion to approve the application was made by Mr. Stevens, seconded by Mr. Sanchez and carried unanimously.

(b) Application for CDD Approval from Rev. Charles Paige for 18 Olivia Street for use as The Lord's Family Worship Center.

Rev. Charles Paige was present and stated that they are currently affiliated with a church in Bridgeport. Mr. Estwan asked about parking and Rev. Paige stated that their services are held after 5:00 p.m. and there is street parking and also parking in the municipal garage. Mr. Estwan stated that the biggest concern is with parking. He asked the total parishioners and Rev. Paige stated that it is currently 20, but they would like to increase to 40. If the number increases, they will hold two services. Mr. Stevens asked if they own or lease the premises and Rev. Paige stated that they have a long term lease. Mr. Estwan pointed out that it is a permitted use in the zone. Mr. Estwan moved to approve the application and stated that if the enrollment increases they look for additional parking. The motion was seconded by Mr. Stevens and carried 3-0-1 with Mr. Szewczyk abstaining.

(c) Application for CDD Approval from Seasonal Sweets and Catering for 101 Elizabeth Street (Plaza-on-the-Green) for wholesale/manufacturing products sold in their retail store.

James Calkins, 101 Elizabeth Street stated that the only change is that they will be wholesaling their products to other restaurants and stores. There are no changes to the interior space. A motion to approve the application was made by Mr. Estwan, seconded by Mr. Stevens and carried unanimously.

Old Business

(a) Application for CDD Approval from Randy Denny for 21 Minerva Street for use as a barbershop.

Randy Denny was present and stated that at this time there will only be one employee, but he is hoping to add more. Mr. Estwan moved to approve the application. The motion was seconded by Mr. Szewczyk and carried unanimously.

(b) Application for Site Plan Approval from Purciello Place LLC for 615 sf slate patio adjacent to existing building at 5 Main Street – B-2 Zone.

Atty. Dominick Thomas, 315 Main Street, Derby was present and stated that there is a deed restriction that no structures would be added when the property was sold several years ago. He stated that he obtained a letter from the State of Connecticut that a slate patio is not a structure and can be added but not until the drainage issues are resolved. He stated that he has received clearance from the DOT that they can proceed. He also stated that they submitted an updated statement of use for this application. Mr. Georgetti asked about drainage on the slate patio and Steve Purciello stated that there will be sand between the slate. Mr. Estwan moved to approve the application. The motion was seconded by Mr. Stevens and carried unanimously.

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

Mr. Estwan moved that this item be tabled to the next meeting. The motion was seconded by Mr. Stevens and carried unanimously.

Executive Session:

(d) Informal Discussion- Joseph Migani – 101 Elizabeth Street

Atty. Dominick Thomas and Joseph Migani were present. Atty. Thomas stated that they have had discussion with Atty. Shansky regarding this matter. He stated that under the current zoning regulations the Commission cannot give conditional approvals or anything of that nature. He stated that in considering projects of this size the PDD process is a good one to use. It gives total control to the Commission. He stated that it is a unique proposal and an application would have to be presented for a zone change to allow this. Mr. Estwan stated that something of this magnitude would cast a huge shadow in the downtown area. He stated that he would also be looking for a 99 year lease for the Sterling Opera House from the City. Atty. Thomas noted that the lease is beyond this Commission's jurisdiction. Mr. Estwan stated that he has concerns about the height and stated that it may be better suited for another area in down. Mr. Stevens stated that he did not feel that this was the best location for this project. He stated that he spoke to a lot of people about the proposal and received a lot of negative comments because of the location but most people liked the concept. Mr. Migani stated that he feels that there is interest in this site. He stated that the proximity of the Sterling Opera House becomes part of the concept and a developer could bring that back to life. Mr. Estwan stated that the size and where it will be is an issue. He stated that the Commission wants it to fit and work but 20 stories is enormous in this area. Mr. Migani stated that there needs to be some process to get some type of approval. Mr. Estwan stated that the Commission will continue discussion on this matter and asked Mr. Migani to present some alternate locations. He stated that next month Atty. Shansky and the planners will be present and can participate in the discussion. Atty. Thomas suggested having a work session with staff and several Commission members. Mr. Szewczyk asked about the impact on city services and Mr. Migani stated that he would need to do some research on that.

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

Mr. Estwan stated that there is no need for an Executive Session this evening.

Mr. Stevens moved that all bills be paid. The motion was seconded by Mr. Estwan and carried unanimously.

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