

# ***Planning and Zoning Commission City of Derby***

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec

David J. Rogers

Richard A. Stankye

David Barboza II

Albert Misiewicz

Glenn H. Stevens

Raul Sanchez (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, July 20, 2010 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, Steven Jalowiec, David Rogers, Albert Misiewicz, David Barboza and Glenn Stevens. Also present were Atty. Joseph Coppola, Ryan McEvoy, Milone & MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda - None

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 06/15/10 meeting was made by Mr. Barboza, seconded by Mr. Rogers and carried unanimously with Mr. Stevens, Mr. Jalowiec and Mr. Estwan abstaining..

Acceptance of Applications

Mr. Jalowiec moved to accept an application from Ishfaq Ahmed for CDD approval for 160 Elizabeth Street for change of use to a convenience store. The motion was seconded by Mr. Stevens and carried unanimously.

Public Hearings

(a) Application from Raymond Rose for zone text change to amend Section 195-17(D). (Application #2010-06-15-02).

Attorney Thomas Welch, 375 Bridgeport Avenue, Shelton was present for the applicant. He stated that they received the correspondence from the City Engineer and have no objection to his comments. Mr. Ryan recommended that the change read gasoline service stations with

convenience store and/or car wash. He felt that this was a much simpler was to approach the issue. Mr. Estwan stated that there is currently one such gas station in the I-1 Zone. Mr. Jalowiec asked about the comment regarding parking from VCOG. Mr. Ryan stated that this would fall under special permit and any application would have to come before the Commission and conform to any parking regulations. Chm. Estwan read into the record the letter from VCOG and South Central Regional Planning Agency.

There was no one from the public wishing to comment on the application. A motion to close the public hearing was made by Mr. Stevens, seconded by Mr. Barboza and carried unanimously.

### New Business

(a) Application from Susan Giordano for site plan amendment for 19 McConney's Grove (Application #2010-06-15-01).

Joseph Mingelello was present for the applicant. He stated that the property currently has a one store cottage on it and they would like to tear it down and construction a year round singly family residence. It is located in the Housatonic River Flood Plain District . The area is set up as a condominium and one large parcel owned by an association. The proposed structure would be a three store building with the first floor being a two car garage, entrance and foyer with some unfinished basement space. The living area would be on the other levels. The application is in full compliance with the regulations. He reviewed the comments from the City Engineer and stated that they were unable to attend the Inland Wetlands Agency meeting in July and are on the agenda with them for August. The septic system has been approved by Valley Health. He stated that he would like to speak with the City Engineer regarding his comment concerning the anchoring of the fuel tank. The proposed deck will have an approximate encroachment of 16" on the floodway boundary and he will address that matter. H will also address the issue of the foundation walls. Mr. Ryan stated that the Commission cannot act of the application until Inland Wetlands has. A motion to table the application to the August meeting was made by Mr. Barboza, seconded by Mr. Rogers and carried unanimously.

There was no one present for this application. Mr. Rogers read the statement of use into the record. He stated that he was concerned with noise. The members felt that they had some questions on this application but the applicant was not present to address them. A motion to deny the application for lack of information from the applicant was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously.

(b) Application from Raymond Rose for zone text change to amend Section 195-17(D). (Application #2010-06-15-02).

A motion to approve the application with the change proposed by the City Engineer was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously.

Old Business:

(a) Discussion and Possible Action - Application from Belleview Homes, L.L.C. for change of zone from I-C/R-3 to R-3 for property on Belleview Drive, Map 1, Block 3, Lot 2 and Map 2, Block 5, Lot 14. (Application #2010-04-20-01-2)

Mr. Estwan stated that he reviewed all the minutes and comments made during the public hearing and Mr. Jalowiec stated that he also reviewed all the information and materials submitted.

Mr. Estwan stated that the applicant needed to demonstrate a need for the zone change and also if it would have a positive impact on the health and welfare of the community. He stated that he did not see any comments that this was done. Mr. Stevens stated that he needed to show a good reason for the zone change and out it will benefit the City but he could not see anything that demonstrated a good reason to approve the application. Mr. Estwan stated that the IC Zone was created by this Commission as part of the Comprehensive Plan of Development for different type of development. There is still the issue of the number of homes currently on this street. Mr. Barboza stated that this will have an effect on density and traffic. It will add more houses to a cul-de-sac which already has too many homes on it. Mr. Estwan stated that based on facts that have been discussed this would increase traffic and density even though it is only four houses. It does not conform with the Plan of Development. It appears to have a lot of issues and they are more negative than positive.

Mr. Estwan moved that following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby denies the Zone Change Application for Belleview Homes, L.L.C. on a portion of property shown on Derby Assessors Map 1-3, Lot 2 subject to the following conditions:

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

1. "Legal Description of the portion of the property that is the subject of the change of zone.
2. "Proposed Site Development Plans, 500' Radius Map", prepared for Belleview Homes, LLC, prepared by Pereira Engineering, LLC, dated 2/9/2010 and drawn at a scale of 1" = 100'.

The denial is based on the following reasons:

1. The applicant did not demonstrate to the Commission the proposed zone change is harmonious with the Plan of Conservation and Development. The Plan of Conservation and Development targets the areas within the Industrial Campus (I-C) Zone as having the potential to grow the tax base in order to improve community services without significant tax increases.

The reduction in land area within the I-C Zone will be in contrast to the goals of the Plan of Conservation and Development.

2. The applicant has failed to demonstrate that the zone change is necessary to protect and promote public health, safety, convenience, and property values.
3. The zone change does not conform to Section 195-2B – the assurance of adequate and necessary sites for residence, industry, commerce, recreation, open space and public and quasi-public uses reflecting local and appropriate regional needs.

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

(b) Update on Redevelopment Zone

Atty. Coppola stated that no meeting was held last month and a meeting with staff and Eclipse regarding future development was held. They will make a presentation at the next meeting.

(b) Update on Enforcement Issues

Atty. Coppola stated that the Task Force will be working on a Chronic Nuisance Properties Ordinance and he submitted copies to the members and asked them to review it and get any comments back to him.

### 13. Payment of Bills

A motion to pay all bills was made by Mr. Stevens, seconded by Mr. Jalowiec and carried unanimously.

A motion to adjourn was made by Mr. Barboza, seconded by Mr. Rogers and carried unanimously. The meeting was adjourned at 7:35p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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

***Aquifer Protection Agency  
(Planning and Zoning Commission)  
City of Derby***

Theodore J. Estwan, Jr., Chairman

Steven A. Jalowiec

David J. Rogers

Richard A. Stankye

David Barboza II

Albert Misiewicz

Glenn H. Stevens

Raul Sanchez (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Aquifer Protection Agency of the City of Derby was held on Tuesday, July 20, 2010 immediately following the Planning & Zoning Commission meeting, in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:35 p.m. by Chairman Ted Estwan. Present were Ted Estwan, David Barboza, Albert Misiewicz, David Rogers, Steven Jalowiec and Glenn Stevens. Also present were Atty. Joseph Coppola, Ryan McEvoy, Milone and MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

None.

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 06/15/20/10 meeting was made by Mr. Barboza, seconded by Mr. Misiewicz and carried unanimously, with Mr. Estwan, Mr. Stevens and Mr. Jalowiec abstaining.

Acceptance of Applications

There were no new applications to accept.

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Barboza and carried unanimously. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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