

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, February 20, 2018 at 7:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:08 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Steven Jalowiec, Raul Sanchez, Cynthia Knopick and Glenn Stevens. Also present were Atty. Barbara Schellenberg, Ryan McEvoy, Milone and MacBroom, Carlo Sarmento, Building Official, and Maryanne DeTullio, Clerk.

Additions, Deletions, corrections to Agenda

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

Communications

There were no communications to accept.

Public Portion

Steve Ponzilo, 32 Belleview Drive stated that he had commented on Marshal Lane Manor during the public portion of the last meeting. He also noted that it was said that there would not be any impact on the safety or traffic in the area. He stated that he checked with the Police Department and no inquiries were made regarding traffic from this project. He stated that most of the people present at the public hearing were against the application. He also felt that no definitive answers were given that evening. He asked why it was approved and the reasons behind the approval. He feels that this will be a safety issue in that area. Mr. Estwan stated that the application was reviewed under the regulations and a determination was made and followed through. He stated that only three people were against it and the Commission followed the law. Mr. Ponzilo stated that members of the public that he spoke to were against it.

Approval of Minutes

Mr. Estwan moved to table the approval of the January 16, 2018 regular meeting minutes. The motion was seconded by Mr. Stevens and carried unanimously.,

Receipt of Applications

Mr. Estwan moved to accept a site plan application from Robert Keene for 21-23 Derby Avenue for office and residential space for the March meeting. The motion was seconded by Mr. Jalowiec and carried unanimously.

Mr. Estwan moved to accept and schedule for public hearing at the March meeting an application for special exception for food trucks from Bad Sons Beer Co., LLC for 251 Roosevelt Drive. The motion was seconded by Mr. Jalowiec and carried unanimously. Mr. Estwan stated that when the brewery was approved there was no definition for food trucks in the regulations and that is what they are now applying for.

Mr. Estwan moved to accept an application for site plan approval from The Hops Company for 77 Sodom Lane. The motion was seconded by Mr. Jalowiec and carried unanimously. Mr. Estwan stated that this application had been denied as being incomplete. He stated that information was received after the initial filing and a request was made that fees be waived when they reapply. Charles Sampson, Chairman of the Board of Alderman stated that the Board of Aldermen would be the Board to waive the fee and it will be added to the agenda for their meeting.

New Business

Referral from the Board of Aldermen for public disposition of the following properties in accordance with Conn. Gen. Stat. Sec. 8-24:

92-94 Hawkins Street, 105 Hawkins Street, 25-27 Hawkins Street, 36 Lafayette Street, 44 Lafayette Street, 42 Fifth Street, 182 Derby Avenue, 196 Derby Avenue, 350 Derby Avenue, 13 Dirienzo Heights, 14 Dirienzo Heights, 147 Caroline Street, 67-71 Minerva Street.

Carmen DiCenso stated that the City owns these properties and there is no need for the City to own them. Lauren Gasparini, 42 Cottage Street asked how they became City properties. Mr. DiCenso stated that most of them were through foreclosure. Mr. Estwan moved to send a favorable referral to the Board of Aldermen that the City of Derby has no use for these properties and they can be sold. It was suggested that 67-71 Minerva Street and 147 Caroline Street be sold as one parcel. The motion was seconded by Mr. Stevens and carried unanimously.

Discussion regarding the creation of 2 new overlay zones in the downtown area to allow more certainty for potential developers and allow the PZC more flexibility while still maintaining control. South Main Street Transit Oriented District Z one, primarily would include the property on the south side of Main Street; Historic Green Design District, which would include properties around the Green (Boundaries to be determined).

Mr. Estwan stated that he met with the new land use attorney on how to move forward with this. It was recommended to create as an overlay zone and keep the CDD regulations. The applicant can come and present and the Commission can make a determination. This would involve the south side of Main Street and around the Green. It would include the Sterling Opera House and the churches around the Green. He also stated that this will give the Commission more control over applications for that area. Atty. Schellenberg stated that is is a two step process. There is a concept plan and the Commission can determine if it is appropriate and then it would be a site plan process. Lauren Gasparini, 42 Cottage Street asked what the boundaries of the Green are. Mr. Estwan stated that it is the sidewalks around. He also stated that this is a way to regulate what goes around the Green.

Informal Discussion with Billy Korolyshun regarding continued use of the property behind BJ's (Division Street)

Atty. George Boath representing Billy Korolyshun stated that Mr. Korolyshun has occupied this land for approximately 25 years. He is a contract purchaser for the property and has agreed to buy if zoning issues can be worked out. There are two parcels owned by Gene Micci Trust. There is an open space parcel and there was an asphalt plant on the property. There is some evidence of coal pits. Portions of the land was purchased by the City of Derby to be able to put a road in and permission as never gotten from all the individuals in the trust or from Mr. Korolyshun to go over the property. He stated that there was a lawsuit and the City of Derby had to reconfigure the land to give an easement. The road is a private and has not been accepted as a public road. There is a small sliver of land between the road and the property line. Mr. Korolyshun needs the easement to access his property and he wants to continue to operate there. Atty. Boath stated that during the course of the litigation there is now an easement. There was a subsequent lawsuit and there was a cease and desist issued and no decision has been rendered. He stated that this is a heavy industrial zone. He stated that during the course of one of the lawsuits there was a meeting regarding the cease and desist. It was suggested that a site plan be put together of what will be done there. He stated that he prepared a statement of use. Mr. Estwan stated that this was sent back to the Planning and Zoning Commission by the Court. He stated that the use was based on the past regulations and there are now different regulations for this property.

Atty. Boath stated that a lot of what is being proposed may not fit the regulations as they are today. He stated that the property will be cleaned up and at some point his client would like to put up a commercial building for his own use. He would like to get a zoning permit and a temporary crushing permit. Mr. Estwan stated that part of the discussion was to clean up the site and get rid of the stockpiles and add some screening. Atty. Boath stated that the site is cleaned up and leveled and screening added. They would like to process what is there now. Mr. Estwan stated that the zone changed and some definitions and setbacks. He stated that they will clean it up and it will look better. He also stated that some guidance needs to be given to the ZEO. He stated that this will be on the agenda next month.

Discussion of the Withdrawal of Pending Litigation (Dziekan v. Derby Planning & Zoning Commission, Docket NO. AAN-CV-17-6024837-S).

Mr. Estwan stated that the appeal has been withdrawn and there was no compromise of settlement; it was just withdrawn. Mr. Jalowiec moved to accept the withdrawal. The motion was seconded by Mr. Estwan and carried unanimously.

Payment of Bills

Mr. Estwan moved to pay all bills if found correct. The motion was seconded by Mr. Sanchez and carried unanimously.

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

Respectfully submitted,


Maryanne DeTullio, Clerk