Planning and Zoning Commission
City of Derby

Members:
Theodore J. Estwan, Jr., Chairman
Steven A. Jalowiec, Vice Chairman
David J. Rogers
Richard A. Stankye
Albert Misiewicz
Glenn H. Stevens
Raul Sanchez
Cynthia Knopick (Alternate)

Planning and Zoning Commission Meeting
Aldermanic Chambers, City Hall
1 Elizabeth Street, Derby
August 21, 2018

AGENDA:

1. **Call to Order**
   Chairman Estwan called the meeting to order at 7:00 PM.

2. **Pledge of Allegiance**
   Chairman Estwan led the Pledge of Allegiance.

3. **Roll Call**
   Members present were Ted Estwan, Jr., Albert Misiewicz, Raul Sanchez, Cynthia Knopick, David Rogers, Glenn Stevens, Steven Jalowiec, and Richard Stankye. Glenn Stevens was absent. Mr. Ryan McEvoy was also present.

4. **Additions, Deletions, Corrections to Agenda**
   Mr. Estwan motioned to hold Public Hearing Item 9b first and then hear Item 9a. Mr. Jalowiec seconded and the motion carried.

   Mr. Estwan stated that THC withdraw their application based on a letter they submitted.

COHEN AND THOMAS
ATTORNEYS AT LAW

315 MAIN STREET
POST OFFICE BOX 313
DERBY, CONNECTICUT 06418

(203) 735-9521
FAX: (203) 732-8129
e-mail: djt@cohen-thomas.com

DOMINICK J. THOMAS, JR.
IAN A. COLE
CHRISTINE L. CURTISS
GAYLE C. CARR
GREGORY M. THOMAS

JAMES E. COHEN
RETIRED

DAVID B. COHEN
(1936-1991)

LITCHFIELD OFFICE:
15 MEADOW STREET
LITCHFIELD, CONNECTICUT 06759
(860) 567-3754
FAX: (860) 567-3894

August 21, 2018

Chairman Theodore J. Estwan, Jr.
Derby Planning & Zoning Commission
1 Elizabeth Street
Derby, CT 06418

RE: THC The Hops Company
77 Sodom Lane, 11 & 43 Marshall Lane, Derby
Application for Site Plan Modification

Dear Chairman Estwan:

Please be advised that the undersigned represents the above captioned applicant, THC, The Hops Company. The purpose of this letter is to withdraw thee above captioned application with the understanding that it can be refiled in the near future with a waiver of fees. This action is taken based on the pending text change application and the current discussions to reach a resolution of any issues.

Thank you for your attention.

Very truly yours,
Cohen and Thomas

DOMINICK J. THOMAS, JR.

DJT:d
cc: Umberto Morale
Barbara Schellenberg, Esq.
Ryan McEvoy, P.E.
Carlo Sarmiento, Zoning Enforcement Officer

He noted that they do not have the authority to waive the fees, but they can recommend it to the Board of Aldermen/Alderwomen.

5. **Communications**
   A letter was received from THC as mentioned above.

6. **Public Portion**
   No one from the public spoke.

7. **Approval of Minutes – 7/31/18 Special Meeting**
   Motion to approve the minutes of the 7/31/18 regular meeting was made by Mr. Stankye, seconded by Mr. Jalowiec and carried with all in favor.

8. **Receipt of Applications – No new applications were received.**

9. **Public Hearings**

   a) **Derby Improvements LLC, 656 New Haven Avenue: Modification to a Special Exception Application: Discussion and possible action for a reduction in parking and expansion of shopping center for a Big Y on land zoned Business-1.**
   John Schmidt of BL Companies gave a presentation. Mr. Estwan mentioned that the mail receipts have all been received. Ed Pepin of Pepin Associates spoke about the architectural aspects of the plan.

   Mr. Estwan discussed the realignment of the back entrance on Sodom Lane and John Street. Mr. Schmidt explained the grading issue in trying to move the driveway over. It doesn't appear there is enough room to grade the driveway safely or properly. He will work with his client to see if there are some other options.

   No one else from the public spoke.

   Mr. Estwan motioned to close the public hearing. Mr. Rogers seconded and the motion carried.

   Mr. Estwan motioned to approve following application:

Application: *Application for Special Exception Use – Modification to Shopping Center #656 New Haven Avenue*

Applicant: *Derby Improvements, LLC*

Pursuant to Section 195-48 of the Derby Zoning Regulations (the Regulations), the Derby Planning & Zoning Commission finds the following:

1) *The application and supporting documentation as presented is in accordance with Sections 195-48 (subsections A through F)*

2) *The application proposes to renovate the existing buildings and portions of the parking area on the parcel, and construct a new grocery store.*

3) *The applicant's engineer has produced documentation demonstrating that there will be no increases in runoff and is therefore in compliance with the Regulations.*

4) *The site plan improvements contain a detailed sediment and erosion control plan that is in compliance with the Regulations*

Following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Application for Special Exception Use for Derby Improvements, LLC on property shown on Derby Assessors Map 3-2, Lot 34 subject to the following conditions:

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

1. *Plans entitled "Land Development Plans, Issued for Site Plan Modification, for Proposed Big Y World Class Market, 656 New Haven Avenue, Derby, Connecticut", prepared by BL Companies, dated June 13, 2018 (unless otherwise noted) with the following attached drawings:*

    a. *"Sheet AB-1, Improvement Location Survey", drawn at a scale of 1"=50', dated 7/9/2018.*

    b. *"Sheet DM-1, Demolition Plan", drawn at scale of 1"=40'.*

    c. *"Sheet SP-1, Site Plan", drawn at scale of 1"=40'.*

    d. *"Sheet GD-1, Grading and Drainage Plan", drawn at scale of 1"=40'.*

    e. *"Sheet SU-1, Site Utilities Plan", drawn at scale of 1"=40'.*

    f. *"Sheet EC-1, Sediment and Erosion Control Plan", drawn at scale of 1"=40'.*

    g. *"Sheet EC-2, Sediment and Erosion Control Notes".*

    h. *"Sheet EC-3, Sediment and Erosion Control Notes", not drawn to scale.*

    i. *"Sheet LL-1, Landscaping Plan", drawn at a scale of 1"=20'.*

    j. *"Sheet LL-2, Landscaping Notes and Details", not drawn to scale.*

    k. *Techlight Photometric Study, "Walmart Plaza Derby", drawn at a scale of 1"= +/- 60', dated 9/13/17.*

    l. *"Sheet GN-1, General Notes".*

    m. *"Sheet DN-1, Details Sheet", not drawn to scale.*

    n. *"Sheet DN-2, Details Sheet", not drawn to scale.*

0. *"Sheet DN-3, Details Sheet", not drawn to scale.*

2. *Application package including Statement of Use*

3. *Letter from Milone and MacBroom, Inc, dated August 10, 2018*

With the following stipulated conditions:

1. *The Special Exception approval shall not be effective until it is filed on the Derby Land Records along with any conditions in accordance with the General Statutes of the State of Connecticut.*

2. *The total number of proposed spaces on the parcel shown on sheet AB-1 should be transferred to sheet SP-1 to verify that the overall parking on the site meets current Zoning Regulations*

3. *The applicant shall obtain approval from the Derby Water Pollution Control Authority for the proposed sanitary sewer connection.*

4. *Temporary chain link fence shall be installed around the limit of disturbance in the parking area to the south of the Big Y store location.*

5. *Applicant shall furnish the City with an Improvement Location Survey of the property depicting the completed site including all site features including the proposed changes.*

6. *A performance bond in an amount and form acceptable to the City Engineer and Corporation Counsel shall be posted for sediment and erosion control measures prior to any construction activities associated with the site.*

7. *All handicapped parking shall be provided in accordance with the CT State Building Code.*

8. *Any modifications to the above referenced drawings shall be submitted to the Planning & Zoning Commission staff for review.*

9. *The applicants engineer shall contact the Office of the State Traffic Administration (OSTA) to determine if OSTA approval is required for any of the proposed site plan improvements. No building permits shall be issued until OSTA has confirmed that no approvals are needed or any approvals that may be required have been granted.*

Mr. Jalowiec seconded and the motion carried.

b) Red Raider Derby, LLC, 40-60 Pershing Drive: Special Exception Application. Discussion and possible action for an additional pad for a food service establishment with a drive thru and reduction in parking requirements on land zoned Business-1.

Attorney Thomas discussed the applications and provided photographs of the parking area to show the unused space. Parking will be reduced by 30 spaces which will be a less than a 10% change. Mr. Jalowiec addressed concern with some of the spaces near the railroad being used as locations for dumpsters and they shouldn't be included in the totals. The building department should look into that as well as some of the businesses using that parking area as outdoor storage. Mr. Schmidt from BL Company presented the

drawings of the additional pad. Fred Greenberg discussed the traffic impact study which determined no significant change. Attorney Thomas asked to keep the public hearing open until the next meeting in September.

Nothing else was discussed at this time. Mr. Estwan motioned to continue the public hearing to next meeting. Mr. Rogers seconded and the motion carried.

10. New Business

a) **50 Olivia Street: Minor Modification Applications. Discussion and possible action for modification to a wireless rooftop antenna facility.**
Lucia Chiocchio of Cuddy & Feder LLP spoke about their modification request for 3 additional AT&T antennas. They are larger but will not extend taller than the existing antenna. Part of the upgrade would be that one antenna would be dedicated for first responders. The applicant states that the modification falls under federal law; however, Mr. McEvoy stated that the antennas are larger and they fall outside the Derby zoning regulations. Attorney Schellenberg is researching the issue.

Mr. Estwan motioned to table this item until the September meeting. Mr. Jalowiec seconded and the motion carried.

Mr. Estwan stated that the mail receipts were received.

11. Old Business

a) ~~**The Hops Company, 77 Sodom Lane: Site plan application. Continued discussion and possible action for building reconstruction and site improvements on land zoned Business R-3.**~~

12. Payment of Bills

Mr. Rogers motioned to approve the payment of bills as applicable, Mr. Jalowiec seconded and the motion carried.

13. Adjournment

Mr. Stankye motioned to adjourn at 8:27 PM, Mr. Misiewicz seconded and the motion carried.

Respectfully submitted,

Terri Kuskowski

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