

# **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, August 18, 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, Richard Stankye, Glenn Stevens, Albert Misiewicz, David Rogers and Raul Sanchez. Also present were Attorney Marjorie Shansky and Maryanne DeTullio, Clerk.

## Additions, Deletions, Corrections to Agenda

Mr. Estwan moved to add as Item 9d, CDD review application for 21 Minerva Street. The motion was seconded by Mr. Stankye 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 July 21, 2015 meeting was made by Mr. Stankye and seconded by Mr. Estwan. Mr. Estwan noted that the application that was accepted from Verizon for Roosevelt Drive should be corrected to be from Sprint. The motion was carried unanimously.

## New Business

(a) Application for Site Plan Approval from Julia Bonks for 36 Division Street for use as a pediatric dentistry office – B-1 Zone.

Julia Bonks was present and stated that this is the site of the former Captain's Pizza on Division Street. She is leasing the building for use as a pediatric dentistry office. The Commission reviewed her statement of use and hours of operation. Mr. Estwan asked about any changes to the sign and Ms. Bonks stated that she will get in touch with the building official and get the permit to change the sign. A motion to approve the application was made by Mr. Estwan, seconded by Mr. Rogers and carried unanimously.

Mr. Stankye stated that the members should receive copies of applications and other materials prior to the meeting so that they can look them over. Mr. Estwan stated that the city engineer does get the information if it needs to be reviewed by them. He will speak with the building official and have him provide applications to the members prior to the meeting.

(b) Application for Site Plan Modification from Sprint Spectrum Realty Company LP for 134 Roosevelt Drive to add equipment – I-1 Zone.

David Bass, Vertical Development was present and stated that they are proposing to add three antennas on the smokestack. There are currently six antennas and the three new ones will be located below the existing ones. There will also be a small signal booster added. He presented a copy of the Sprint license. He also submitted a structural analysis that they had done. He stated that this will not cause interference to any town services and he submitted a letter from Sprint indicating that.

Justin Darrel, Sprint presented copies of a map showing the existing coverage area and the proposed coverage area with the added antennas.

A motion to approve the application was made by Mr. Estwan, seconded by Mr. Stevens and carried unanimously.

(c) Site Plan Review – relating to the property located at Map 10-3-136, 137, 138 and 139, corner of Park Avenue and D Street, Derby per Settlement Agreement in Schrade Roosevelt, LLC v City of Derby ZBA.

Atty. Shansky stated that this is a resolution of a zoning appeal which is currently before the Connecticut Appellate Court. The ZBA agreed to the settlement subject to this Commission's approval and approval by a Judge of the Superior Court. It permits the use of the rear parking lot for trailer storage associated with the building on Roosevelt Drive. The parking was always used for employee parking for the building across the street. The ZBA and Mr. Schrade agreed that he may use the subject property as shown on the plan and for unloading and uploading not more than 20 vehicles per week. The hours of operation will be from 7:00 a.m. to 6:30 p.m. Monday to Friday only; with no operation of the parking lot after 6:30 p.m. or weekends. There will be no idling for more than three minutes. Mr. Estwan stated that the concerns were the hours of operation, weekend use and idling time. He stated that he wanted to make sure that everything is addressed in the settlement. Atty. Shansky stated that it is intended to be a reflection of the P&Z concerns. Mr. Estwan moved to approve this amended site plan recognizing the settlement which addresses all concerns. The motion was seconded by Mr. Stankye and carried unanimously.

(d) CDD Approval – 21 Minerva Street, Randy Denny for use as a barbershop.

Atty. Shansky stated that the application purports to be a CDD review but it needs to be a specific approval. Mr. Estwan moved that the item be tabled to the next meeting and have the applicant present at that time. The motion was seconded by Mr. Stankye and carried unanimously.

#### Old Business

(a) Informal Discussion – O'Riordan Migani Architects – 101 Elizabeth Street.

Mr. Estwan stated that he received an e-mail from Joe Migani stating that he would be at the meeting to continue the informal discussion on this matter. Mr. Migani was not present at the meeting. Atty. Shansky stated that there was an informal discussion on this and what he is looking to do is not allowed in the zone. Mr. Estwan moved that the item be taken off the agenda and if they wish to appear before the Commission at another time, it will be put back on the agenda. The motion was seconded by Mr. Stevens and carried unanimously.

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

Rebecca Augur and Tim Baird from Milone & MacBroom were present and submitted drafts for the Center Redevelopment District and Mill Design District for the Commission to consider. Mr. Estwan stated that he spoke with Mark Nielson from VCOG today and he expects to have something ready that could be adopted by the Commission in March. The State has given more time to have the plan updated. The drafts included the goals for these districts and what the requirements would be as well as permitted uses and design standards. Ms. Augur stated that this provides a framework for a transition zone. She stated that some communities do it as an overlay zone. Atty. Shansky asked how many current uses could be identified as non-conforming if these changes were adopted. She stated that is something that the Commission may want to know before making a decision. Mr. Estwan stated that it would be important to get an inventory of current properties. Mr. Baird stated that they looked at the downtown zone and drafted the regulations so that they could be used in other areas of town. Mr. Estwan stated that the CDD Zone currently stops at a certain point and the Commission may want to look at getting more flexibility in that zone. The members discussed a floating zone and what would be entailed with that. Ms. Augur stated that they are working on the CDD regulations and expanding those. Mr. Estwan stated that this is something that is long over due. He also asked for direction on how to proceed. Atty. Shansky stated that it would be helpful for them to establish a priority on how the Commission wants to proceed and any thoughts and comments should be relayed to them. She suggested that the members review the drafts and make any suggestions regarding them. Mr. Stevens felt that it was necessary to have the inventory of what is currently existing in these areas. Atty. Shansky stated that the Commission has talked about extending the CDD zone and the mill design district could be an overlay zone for adoptive re-use of properties.

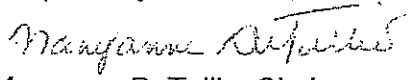
Executive Session:

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

Mr. Estwan moved that the Commission go into Executive Session at 8:35 p.m. and Atty. Shansky attend. The motion was seconded by Mr. Stankye and carried unanimously. Upon motion duly made and seconded the Commission came out of Executive Session at 8:55 p.m.

Upon motion duly made and seconded the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

  
Maryanne DeTullio, Clerk

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

