



Planning and Zoning Commission

City of Derby

Theodore J. Estwan, Chairman
Richard A. Stankye
Raul Sanchez

Steven A. Jalowiec, Vice Chairman
Albert Misiewicz
Cynthia Knopick – Alternate

David J. Rogers
Glenn H. Stevens
Raymond Sadlik - Alternate

Regular Meeting Minutes - 7:00 p.m. – Tuesday February 19, 2019

Derby City Hall, Aldermanic Chambers: 1 Elizabeth St., Derby, CT

Audio recording of this meeting will be available at www.derbyct.gov under the calendar item and in the Town Clerk's office.

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., David Rogers, Richard Stankye, Albert Misiewicz, Raul Sanchez, Cynthia Knopick, Steven Jalowiec, and Raymond Sadlik. Glenn Stevens were absent.

4. Additions, Deletions, Corrections and Adoption of the Agenda

Mr. Estwan welcomed Mr. Sadlik to the Commission.

Mr. Estwan motioned to add Item 10.D Move to provide a favorable 8-24 referral from the Board of Aldermen/Alderwomen to sell 5 Coon Hollow Road in Derby generally known as the VARCA Building.

Mr. Rogers seconded and the motion carried.

Mr. Estwan motioned to add Item 10.E Move to provide a favorable 8-24 referral from the Board of Aldermen/Alderwomen to sell property located at 7-8-1, consisting of 25.60 acres, located in Zone I-1 and generally referred to as "Road B" or the area behind BJ's.

Mr. Stankye seconded and the motion carried.

5. Communications

Verbal communication was received from Regional Water Authority regarding the water tank. They would like to be on the agenda for a public hearing at the March meeting.

6. Public Portion

Attorney Charles Willinger, who represents Mr. Jalowiec and several residents surrounding THC, spoke at length regarding the history of the THC building and previous and current application. He stated that events were not held outdoors and that the rear building was for storage. There was no kitchen so they cooked on portable grills. Events held in the main building were for private functions only and not open to the general public. He also said that non-favorable letters were sent by the Chief of Police and Fire Marshal. Attorney Willinger forwarded an affidavit from the former Building Inspector that supports their claims on the previous usage of the building. He said that THC should never have been approved in the first place and that the Board would not have approved them had they known all the facts. He also stated that it was good that the Board rejected the previous PDD application since THC would have automatically been allowed to do whatever they wanted.

Mr. Estwan explained that this is not a public hearing and Attorney Willinger has been speaking for 30 minutes. He said he doesn't want to have to put time limits on public portion, but he's concerned that there are other members of the public who would like to speak.

Attorney Willinger continued his presentation until 7:51 PM.

Martha Dula, the previous owner of Grassy Hill, she stated that many comments from Attorney Willinger were incorrect. She stated that outdoor activities were held and they hosted several public events. The "food shack" was a kitchen and the storage area was not used as storage, it was used for events. They served beer as well as food. The plans are just replacing what was there before.

Anita Dugatto, Elizabeth Street, spoke about many family gatherings that were held outdoors at the former Grassy Hill Lodge. She proved photos showing the outdoor activities and kitchen area including stoves. She supports THC as they are not adding to the location, they are renovating what was already there.

Jim Zuppari said he's insulted by Attorney Willinger's comments regarding his menu. He feels this is more of an attack on the success of the business.

Charles Sampson – 6 Commodore Hull stated that the application is asking to make an existing 2000 sq foot patio and make it 9000 sq feet. This cannot be done in a non-conforming location. There is an issue with traffic and parking. He feels the success of the business has outweighed the quality of life.

Dominic Thomas said the site plan has absolutely nothing to do with the front of the building. There is no expansion.

Carmen DiCenso said he would like to see every business in town do well. He disagreed with Attorney Willinger's statement about garbage as he lives near the business and drives by it often.

Emailed comments:

From: Becca Lambert

Sent: Saturday, February 16, 2019 1:56 PM

I support The Hops Company's modifications to their site plan to be presented at the February 19, 2019 Planning and Zoning meeting. Please share my support with your colleagues on the Planning & Zoning Committee.

Rebecca Lambert
79 Sherwood Ave.
Derby, CT 06418

From: andrea tobin

Sent: Monday, February 11, 2019 9:02 PM

I support the Hops Company's proposed modifications to their site plan to be presented at the February 19, 2019 Planning and Zoning Meeting. Please share my support with your colleagues on the Planning and Zoning Committee.

Regards,
Andrea Tobin
114 Hawthorne Ave
Derby

From: Martin Hubbard

Sent: Monday, February 11, 2019 5:20 PM

I support The Hops Company's proposed modifications to their site plan to be presented at the February 19, 2019 Planning & Zoning meeting. Please share my support with your colleagues on the Planning & Zoning Committee.

Thanks,
Marty Hubbard
57 Hawthorne Ave, Derby CT

From: Jessica Lind

Sent: Monday, February 11, 2019 4:34 PM

I support The Hops Company's proposed modifications to their site plan to be presented at the February 19th, 2019 Planning & Zoning meeting. Please share my support with your colleagues on the Planning & Zoning Committee.

Regards,
Jessica Lind
41 Grove Ave
Derby, CT 06418

From: Joshua Lambert

Sent: Thursday, February 07, 2019 5:33 PM

I support The Hops Company's modifications to their site plan to be presented at the February 19, 2019 Planning and Zoning meeting. Please share my support with your colleagues on the Planning & Zoning Committee.

Regards,
Joshua Lambert
79 Sherwood Ave, Derby, CT 06418

From: Jennie RH
Sent: Thursday, February 07, 2019 5:21 PM

I support The HOPS Company's proposed modifications to their site plan to be presented at the February 19, 2019 Planning and Zoning meeting. Please share my support with your colleagues on the Planning and Zoning Committee.

Regards
Jennie R Hemmock
71 Franklin Avenue
Derby, CT 06418
203-751-1229

7. **Approval of Minutes-1/15/19 regular meeting**
Motion to approve by Mr. Rogers and seconded by Jalowiec. Motion carried.
8. **Receipt of Applications**
No new applications were received.
9. **Public Hearing**
 - A. **49 Pershing Drive, LLC-Shop Rite Plaza** -Application for a Zone Text Amendment to permit electronic signs in the Business-1 Zone for shopping centers with 100,000 SQ. FT. or greater of building Sections 195-67.S(1)(a)(g), Sections 195-67.S(2)(a,c,d) & Section 195-71. C (4).
 - B. **49 Pershing Drive, LLC-Shop Rite Plaza**- Application for a Special Exception for an electronic sign per (proposed) Section 195-67.S & 195-71.C.(4).

Attorney Dominic Thomas stated that notices were presented to the Commission and every person with ownership interest in the condominiums.

Mr. Estwan questioned whether or not the sign was big enough. Attorney Thomas said they feel the sign is adequate.

No one from the public commented.

Mr. Estwan said there is no requirement that they address the State. Mr. McEvoy discussed driver distraction. He commented that this would be used for "advertising" and that he would like the regulation to be specific to the businesses in that plaza.

Brian from ABC Sign spoke regarding signage. He suggested that the regulation state "no off-site advertising allowed".



City of Derby

Office of the Fire Marshal
1 Elizabeth Street
Derby, Connecticut 06418
Telephone: (203) 736-6976

February 7, 2018

Theodore Estwan Jr., Chairman
Planning and Zoning Commission
C/o City Clerk's Office
35 Fifth Street
Derby, CT 06418

RE: The Hops Company LLC Expansion

Dear Mr. Estwan:

This letter is in regards to the plans this office received from The Hops Company, LLC for the proposed Expansion of an Existing Building located at 77 Sodom Lane.

Upon review of these plans this office **Sees Problems** pertaining to Fire Department accessibility with this project as listed below.

1. A 20 foot wide fire department access road must be provided within 50 feet of an exterior door of the building that provides access to the interior of the building.
2. The fire department access road shall be provided such that any portion of the facility or any portion of an exterior wall of the building is located not more than 150 feet from the fire department access road around the exterior of the building. If the building is sprinklered the distance around the building increases to 450 feet.
3. The fire department access road shall support the fire department vehicles.
4. The fire department access road shall be marked by signs and approved roadway surface markings i.e. "Fire Access Road No Parking".

When more detailed plans of the building are submitted a review for fire code compliance will take place.

If you have any questions, please call me at 736-6976 thank you.

Sincerely,

Philip A. Hawks
Fire Marshal

C.c. Richard Dziekan, Mayor
Carlo Sarmiento, Building Official
Ryan McEvoy, City Engineer

Mr. McEvoy asked that a final plan be prepared by a surveyor. Attorney Thomas said that the A2 survey site plan map shows the State right of way. Attorney Thomas said he will have that area surveyed prior to construction.

Mr. Estwan moved to close the public hearing for Item 9.A. Mr. Jalowiec seconded and the motion carried.

Mr. Estwan moved to close the public hearing for Item 9.B. Mr. Stankye seconded and the motion carried.

10. New Business:

- A.** Discussion and possible action on **49 Pershing Drive, LLC-Shop Rite Plaza for a Zone Text Amendment-** to permit electronic signs in the Business-1 Zone for shopping centers with 100,000 SQ. FT. or greater of building. Sections 195-67.S(1)(a)(g), Sections 195-67.S.(2)(a,c,d) & Section 195-71.C(4).

Mr. Estwan motioned to table until next month for text clean up, Mr. Stankye seconded and the motion carried.

- B.** Discussion and possible action on **49 Pershing Drive, LLC-Shop Rite Plaza for a Special Exception** for an electric sign per (proposed) Section 195-67.S & 195-71.C(4).

Mr. Estwan motioned to table until next month for text clean up, Mr. Jalowiec seconded and the motion carried.

- C.** Discussion and possible action on **T.H.C The Hops Company, LLC 77 Sodom Lane for a modification of Site Plan Approval** for reconstruction of area of event building to add bathroom to code and indoor bar area, improve former bathroom building and other outbuildings, relocate and reconstruct stand-alone outside bar/concession stand. Related landscaping and site improvements. All work in upper event area.

A break was held at 8:48 PM. The meeting reopened to the public at 8:57 PM.

Mr. Jalowiec recused himself for the discussion of Item 10 C.

Attorney Thomas gave a presentation on the site plan application. He stated that this is a Planning and Zoning meeting, not a meeting of the State of CT Liquor Commission. This application is just for the rear portion of the location. The back was used for catering and weddings. Additionally, he stated they received 111 signatures from residents in close proximity to THC who are in support of THC. There are an additional 250 signatures in that ward. Mr. Estwan read into record a letter from the Fire Marshall:

Revised site plans were distributed that addressed the Fire Marshall's concerns.

Mr. Estwan said questions were asked about why work was being done on the property when a site plan change was being presented. Mr. McEvoy said they are allowed to pave a walkway, repairing fencing, etc. That construction has nothing to do with this application. There is nothing preventing a business from improving their building as long as there isn't expansion. It was also stated that the basement is storage area and it does not increase the patron area.

Mr. Estwan stated that Attorney Willinger was incorrect in stating that if the Commission passed the PDD Zone then THC would automatically have been able to do whatever they wanted. Mr. Estwan said they would have still needed to come before the Commission for approval of site changes.

Mr. Misiewicz asked why they can't add parking and say it was an improvement of the parking area. Mr. McEvoy said that adding parking can be perceived as an expansion which is not allowed for a non-conforming location.

Mr. Estwan asked that the engineer determine the historical square footage of the building and legal counsel for guidance.

Mr. Estwan motioned to continue this discussion next month, Mr. Stankye seconded and the motion carried.

Mr. Jalowiec returned to the table and rejoined the meeting.

D. Move to provide a favorable 8-24 referral from the Board of Aldermen/Aldermen to sell 5 Coon Hollow Road in Derby generally known as the VARCA Building.

Motioned by Mr. Estwan, Mr. Jalowiec seconded and the motion carried

E. Move to provide a favorable 8-24 referral from the Board of Aldermen/Aldermen to sell property located at 7-8-1, consisting of 25.60 acres, located in Zone I-1 and generally referred to as "Road B" or the area behind BJ's.

Motioned by Mr. Estwan, Mr. Jalowiec seconded and the motion carried.

11. Old Business:

A. Continued discussion on proceeding with a PDD Zone addition to the City of Derby.

Mr. McEvoy discussed samples of PDD Zones. They will continue to work on the details and come back to the commission with their recommendations.

Mr. Sarmiento stated they created a building department Facebook page and they will be posting photos and updates on current projects.

12. Updates on Previous Approvals

Derby Downtown, LLC gave a presentation on the status of their plan. They hope to submit their complete application at the next meeting.

13. Payment of Bills

Mr. Estwan motioned to approve the payment of invoices as appropriate. Mr. Stankye seconded and the motion carried.

14. Adjournment

Mr. Rogers motioned to adjourn at 11:06 PM, Mr. Stankye seconded and the motion carried at 11:06 PM.

Respectfully submitted,

Terri Kuskowski

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