



# Planning and Zoning Commission City of Derby

Theodore J. Estwan, Chairman  
Albert Misiewicz  
Raymond Sadlik

Steven A. Jalowiec, Vice Chairman  
Raul Sanchez  
Cynthia Knopick – Alternate

David Kopjanski  
Glenn H. Stevens  
Thomas Lionetti - Alternate

## **Regular Meeting Minutes – 7:00 p.m. – Tuesday, September 17, 2019**

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

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### **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:

Theodore Estwan, Steven Jalowiec, Raul Sanchez, Albert Misiewicz, Glenn Stevens, David Kopjanski and Thomas Lionetti.

Raymond Sadlik and Cynthia Knopick were excused.

Also present: Atty. Barbara Schellenberg, City Engineer Ryan McEvoy, Building Official Carlo Sarmiento and Economic Development Liaison Carmen DiCenso.

### **4. Communications**

Nothing was presented.

### **5. Public Portion**

Michael Walker stated that he owns buildings in the downtown area and he is concerned with parking. He supports any new business coming to Derby but parking issues need to be addressed. Currently, parking is at a premium for existing businesses and tenants. He asked that the Commission give consideration to the existing uses when they are making decisions on the application before them this evening.

No one else came forward

### **6. Approval of Minutes**

**MOTION** by David Kopjanski and second by Theodore Estwan. Move to approve the minutes of the monthly meeting on July 16, 2019. Motion carried with Steven Jalowiec abstaining.

### **7. Receipt of Applications:**

**A. 33 Elizabeth Street – the Royal Palace Hall – Application for a Site Plan Approval** for a rental hall for special occasions including birthday parties, baby showers, and business meetings.

**MOTION** by Theodore Estwan and second by Steven Jalowiec. Move to accept the application for 33 Elizabeth Street – The Royal Place Hall. Motion carried unanimously.

**B. 249-251 Roosevelt Drive – Bad Sons Beer Company – Application for Site Plan approval** to add a room to the existing assembly use for charity and private events.

**MOTION** by Theodore Estwan and second by Glenn Stevens. Move to accept the application for 249-251 Roosevelt Drive – Bad Sons Beer Company. Motion carried unanimously.

**C. 249-251 Roosevelt Drive – HRP Associates, Inc – Application for Site Plan approval** to add office space to the second floor of Bad Sons Beer Company for an engineering company.

**MOTION** by Theodore Estwan and second by Glenn Stevens. Move to accept the application for 249-251 Roosevelt Drive – HRP Associates, Inc. Motion carried unanimously.

Mr. Estwan noted that there was no August meeting as the applications were not received until the day before the scheduled date of the meeting. For purposes of meeting protocol the time of submittal can be seen that the applications were received in August as if the meeting had been held.

#### **8. New Business:**

**A. 33 Elizabeth Street – the Royal Palace Hall – Application for a Site Plan Approval** for a rental hall for special occasions including birthday parties, baby showers, and business meetings.

Jessica Boswell of 430 Ives St, Hamden CT was present. She explained that she would like to create special moments, something classy for her patrons. There would be no cooking; any food would be brought to the event. She intends to start slowly and hold birthday parties, baby showers, business meetings. Hall days of operation are predicted as Monday through Thursday for 10 am to 6 pm and Friday from 10 am to 11 pm. Saturday 10 am to 11 pm and Sunday for 10 am to 6 pm as per her statement of use. Her “statement of use” detailed information on her business and the intentions of use.

It was noted that the location is within 300 feet of the parking garage so the parking requirement is exempt in accordance to Section 195-54B (4). It was stressed that the applicant should encourage her patrons to utilize the garage during the events. It was verified that there is sufficient space in the garage to support this activity.

It was questioned whether she will be seeking a liquor permit. Ms. Boswell indicated that she would not as the insurance premium makes it too cost prohibitive at this time.

The application dated 9/3/19 was submitted. Attached are the list of adjoining properties that were notified along with the Certificate of Mail acknowledgements.

A letter dated September 5, 2019 from Joseph Voll, member of 33 Elizabeth Street LLC., the owners of the property states that he “is aware and support Jessica Boswell who will open The Royal Palace Hall, a party rental hall at 33 Elizabeth Street, Derby.”

A proposed floor plan prepared by Cierra I. Saunders dated 9/2/19 displaying the existing dance floor and the proposed modifications and space usage was submitted.

A sample of the sign was submitted.

Communication from the office of the Fire Marshal dated September 13, 2019 was entered into the record. It stated that “upon review of these plans this office sees no problems pertaining to Fire Department accessibility or fire protection with this project. When more detailed plans are submitted a review for fire code compliance will take place.”

**MOTION** by Theodore Estwan and second by Thomas Lionetti. Move to approve the **Site Plan Approval Application** for a rental hall for special occasions with stipulations as stated:

Application: Jessica Boswell

Application for Site Plan Approval  
33 Elizabeth Street

Motion: Following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Site Plan Application for The Royal Palace based upon the following documents submitted in support of this application:

- 1) Derby Planning and Zoning Commission Application for Special Exception Use and /or Site Plan Approval dated September 3, 2019 with a Statement of Use
- 2) Sample of proposed sign
- 3) Proposed floor plan prepared by Cierra I. Saunders dated 9/2/19 displaying the existing dance floor and the proposed modifications and space usage
- 4) Letter from 33 Elizabeth Street, LLC consenting to the application
- 5) Letter from the Office of the Fire Marshal dated September 13, 2019
- 6) Certificate of mailing notices
- 7) The application as proposed would best be applied to a retail establishment that is a permitted use in the CDD Zone.
- 8) Parking requirements are exempt in accordance with Section 195-54 B(4) with the municipal parking garage within 300' of the subject parcel.

Motion carried unanimously.

**B. 249-251 Roosevelt Drive – Bad Sons Beer Company – Application for Site Plan approval to add a room to the existing assembly use for charity and private events**

William da Silva was present this evening. He explained that the old gym area was divided with intentions of having the brewery and tap room with hours of operation generally Monday through Thursday from 4pm to 9 pm, Friday and Saturday 12 pm to 10 pm and Sunday from 12 pm to 7 pm. The other new section is intended for special events and would likely be used on Friday or Saturday nights approximately three or four times per month.

Mr. Estwan reviewed history on this room. The new room is already constructed and was done without notification to the Building Department. Mr. da Silva confirmed that it was constructed and he had made a mistake in not going to the Building Department. When the Building Department became aware of this new room a Cease and Desist was issued and subsequent to that action an event was in fact held in the new room. Mr. da Silva stated that the event was scheduled prior to the Cease and Desist and that it was for a charitable event that he was providing the space free of charge. Further, it was another associate of the company that opened for the charity and when he and his brother became aware that the event was going on Mr. da Silva responded and moved the event to the area of the building that has been approved by the City. That associate has since left. Mr. da Silva further pointed out that this room will only be used for pre-scheduled special events and would not be used for overflow from the primary area.

The gravity of overlooking the permitting process and ignoring a cease and desist was expressed. The Commission members discussed the effects that this additional room would impact on the zoning requirements for this parcel. The parking requirements were discussed. New calculations need to be done to determine the number of spaces needed for the use. At question also was the classification of use, whether this is determined to be an assembly use or a restaurant use. Most members felt the initial designation of assembly fits best for this use. Another question, has the outdoor patio area been

included as usable square footage space. If there are agreements with Dew Drop Inn for use of their parking spaces, how does this apply to the calculations for either business parking needs. Has the Police Department reviewed this additional room. New drawings are needed for the overall usage of the building for purposes of an overall review zoning regulation compliance. There is a building at the east point of the parcel and it was questioned the intended use of that building, is this just for storage.

The letter from the Office of the Fire Marshal Philip A. Hawks dated September 11, 2019 was read into the record.

“This letter is in regards to the plans this office received from Bad Sons Beer Co. for the proposed event Barrel Room located at 251. Roosevelt Drive.

Upon review of these plans this office sees no problems pertaining to Fire Department accessibility or fire protection with this project. When more detailed plans are submitted a review for fire code compliance will take place.

NOTE: Drawing PP-1 indicated for the Barrel Room 72 seats that number will change depending on how the room is occupied. Using drawings with dimensions submitted to get the square footage, by code different chairs and tables could have up to 139 seats, just chairs could have up to 298, and standing could have up to 417 people.

The Tasting Room according to my Planning and Zoning Commission review in 2017 the occupant load is 317 people and their web site list the room as 150+ people...”

It was decided to table the application so Corporation Counsel and the City Engineer can provide further review and to receive all necessary documents to support the discussions at this meeting.

**MOTION** by Theodore Estwan and second by Steven Jalowiec. Move to table the **Site Plan Approval Application for 249-251 Roosevelt Drive – Bad Sons Beer Company** to add a room to the existing assembly use for charity and private events. Motion carried unanimously.

**C. 249-251 Roosevelt Drive – HRP Associates, Inc. – Application for Site Plan approval** to add office space to the second floor of Bad Sons Beer Company for an engineering company.

The letter from the Office of the Fire Marshal Philip A. Hawks dated September 12, 2019 was read into the record.

“This letter is in regards to the plans this office received from Bad Sons Beer Co. for the proposed HRP Office on the second floor located at 251. Roosevelt Drive.

Upon review of these plans this office sees no problems pertaining to Fire Department accessibility or fire protection with this project. When more detailed plans are submitted a review for fire code compliance will take place.

NOTE: When the second floor is split to create the HRP Office there will be an area of approximately 52ft x 38ft left that only has access from an open stairs from the first floor storage area in the rear of the Barrel Room. This area would not be able to be used until a 1-hour fire rated stairway that exits to the outside is constructed...”

The plan is to add 3800 sf of office space for an engineering company to the second floor of the building over the area that is entitled future retail space and the barrel aging room. The office is to be located along the B Street portion of the parcel. The company will employ 8 people to start with potential of 12 people. The hours of operation will be Monday through Friday from 8am to 5 pm which will not affect the taproom or event space at all.

Members discussed the parking needs of the use. It was suggested that because the use does not conflict with the primary use of the parcel, the applicant is allowed a 50% reduction in parking requirement calculations.

**MOTION** by Theodore Estwan and second by Steven Jalowiec. Move to approve the **Site Plan Approval Application** to add office space to the second floor of Bad Sons Beer Company for an engineering company with stipulations as stated:

Application:     HRP Associates, Inc.  
                      Application for Site Plan Approval  
                      251 Roosevelt Drive

Motion:           Following review of the plans and supporting documentation submitted in support of this application, the Derby Planning & Zoning Commission hereby approves the Site Plan Application for HRP Associates, Inc on property shown on Derby Assessors Map 9-4, Lot 6. The Commission finds that the parking for the proposed use does not overlap with other uses on the parcel, therefore the applicant may amend their parking for the proposed use to 50% of the standard specified in §195-54 in accordance with §195-17(A).F.2).b. The approval shall be based on the following documents submitted in support of this application:

1. Derby Planning and Zoning Commission application for Special Exception Use and/or Site Plan Approval
2. Letter from William da Silva with statement of use, revised, undated and received on September 11, 2019
3. Plan entitled "Proposed Floor Plan, RCP, & Restroom Details, Sheet A-2.0," scale: not noted, dated July 16, 2019, revised to August 13, 2019, prepared by Gregg Wies & Gardner Architects, LLC
4. Plan entitled "Door & Window Schedule & Types, Sheet A-8.0," scale: not noted, dated July 16, 2019, revised to August 13, 2019, prepared by Gregg Wies & Gardner Architects, LLC
5. Plan entitled "Code Information & Egress Plan, Sheet T-1.1," scale: not noted, dated July 16, 2019, revised to August 13, 2019, prepared by Gregg Wies & Gardner Architects, LLC
6. Plan entitled "Existing Parking Plan, Sheet PP-1," scale: 1" = 20', dated August 21, 2019, revised to September 11, 2019, prepared by HRP Associates, Inc.
7. Letter from Milone and MacBroom, Inc. dated September 3, 2019.
8. Letter from 251 Roosevelt Drive, LLC giving consent to the application, undated and received on September 11, 2019
9. Letter from the Derby Fire Marshall dated September 12, 2019
10. Testimony from the Applicant, City Staff and the Commission at the regularly scheduled meeting on September 17, 2019

Motion carried unanimously.

## **9. Updates on Previous Approvals**

Big Y is moving forward with a target date to open as the first week in November. They are hopeful to finish early.

The driveway over the culvert between Lowes and Burger King is sinking again. The owner of the property went before the Army Corp of Engineering seeking permission for approval of emergency work to repair or replace the culvert. He was advised that the matter will be placed on their list of projects but no timeframe could be offered for the review. Mr. Estwan explained that Two Mile Brook that flows through the culvert is fed from underground culverts under the Big Lots/Edge parcel and extends upstream collecting water from basins on Lanzieri Court, Woodland Walk and Jeanetti Drive. Flow calculations are being reviewed and there are outstanding questions regarding the function of the basins.

The detention basins inventory was tallied. Letters were sent from the Building Department to the basin owners or associations to determine the conditions of the basins and to request documents regarding maintenance of the basin. The Lanzieri Court basin – D Basin Inc. does feed into the watershed and there are some questions as to whether modifications made during the Cornfield development were properly accomplished. Gaining access to the basin to review the culvert design has been unsuccessful. Members discussed the next steps in the review of the basins.

The Route 34/Main Street road reconstruction should have construction plans in place by April 2020.

## **12. Payment of bills**

**MOTION** by Theodore Estwan and second by Steven Jalowiec. Move payment of the following invoices to Milone and MacBroom for professional services for the period August 1, 2019 to August 31, 2019:

Invoice #93111 dated September 11, 2019 for Application review and draft motion	\$470.00
251 Roosevelt Dr. HRP Associates Site plan	
And Application review and draft motion	\$898.75
251 Roosevelt Dr. Bad Sons Beer Co. Site plan	
For a <b>TOTAL</b> of	<u>\$1,368.75</u>

Invoice #93112 dated September 11, 2019 for General consultation & administration	\$87.50
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## **13. Adjournment**

**MOTION** by Glenn Stevens and second by Raul Sanchez. Move to adjourn the meeting at 8:15 PM. Motion passed unanimously.

Respectfully submitted;  
Karen Kemmesies

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