

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, Alt.

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, February 19, 2013 at 7:00 p.m. in the Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:05 p.m. by Chairman Ted Estwan. Present were Ted Estwan, Richard Stankye, Raul Sanchez, Glenn Stevens, Albert Misiewicz and Anthony Szewczyk. Also present were Attorney Joseph Coppola, Corporation Counsel, Ryan McEvoy, Milone and MacBroom and Maryanne DeTullio, Clerk.

Additions, Deletions, Corrections to Agenda

Mr. Stankye moved to add as Item 8a cancellation of regularly scheduled monthly meeting on March 19, 2013. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Stevens moved to add as Item 8b schedule a special meeting for Tuesday, March 26, 2013. 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 January 15, 2012 meeting was made by Mr. Stankye, seconded by Mr. Stevens and carried unanimously.

Acceptance of Applications

Mr. Stevens moved to accept and application for site plan approval from Louis Salemme for Pershing Drive for retail and restaurant use. The motion was seconded by Mr. Stankye and carried unanimously.

Mr. Stankye moved to accept an application for site plan modification for parking and lot line revision between Lot 102 and 103 from Gallery 34 Antiques & Auctions for 300 Roosevelt Drive. The motion was seconded by Mr. Misiewicz and carried unanimously.

Mr. Stankye moved to accept an application for CDD approval from Stacey Ference for 23 Elizabeth Street for catering service. The motion was seconded by Mr. Stevens and carried unanimously.

Mr. Stankye moved to accept an application for site plan modification from Spring Spectrum Realty Co. for 137 Derby Avenue for replace and repair of antennas. The motion was seconded by Mr. Misiewicz and carried unanimously.

Mr. Stevens moved to accept an application for site plan modification and special exception from Sprint Spectrum Realty Co. for 134 Roosevelt Drive for replacement of existing Sprint antennas and other equipment. The motion was seconded by Mr. Stankye and carried unanimously.

8a. Mr. Estwan moved that the regular monthly meeting scheduled for March 19, 2013 be cancelled. The motion was seconded by Mr. Sanchez and carried unanimously.

8b. Mr. Stankye moved that the Commission schedule a special meeting for Tuesday, March 26, 2013 at 7:00 p.m. to take the place of the meeting cancelled for March 19, 2013. The motion was seconded by Mr. Sanchez and carried unanimously.

Public Hearing:

(a) Application from South Central Connecticut Regional Water Authority for Site Plan Review for water tank installation – Mountain Street – Application #2012-12-18-01 – Continued from 01/15/13

A motion to open the public hearing and hear it concurrently with Item 9b was made by Mr. Szewczyk, seconded by Mr. Stevens and carried unanimously.

(b) Application from South Central Connecticut Regional Water Authority for Special Exception for rock crusher – Mountain Street – Application #2012-12-18-02 – Continued from 01/15/13

Mr. Stevens moved to open the public hearing and hear it concurrently with Item 9a. The motion was seconded by Mr. Stankye and carried unanimously.

Chm. Estwan read a letter from the applicant dated February 13, 2013 asking for a 28 day extension to keep the public hearings open and also a 28 day extension to act on the applications. The letter further asked that the public hearing scheduled for February 19, 2013 be postponed to the March 19, 2013 meeting. Chm. Estwan asked that they amend the letter based on the change of the meeting date to March 26, 2013 and Atty. Paul McCary agreed and signed the letter with the amended date.

Chm. Estwan also read a letter from Michael Smerznak, 22 Buswell Street, Ansonia expressing his opposition to these two applications.

Chm. Estwan explained that since the applicant asked for the extension to the March 26, 2013 meeting, the public hearings would be open this evening and any additional comments will be accepted from the public but no presentation will be made by the applicant. He also stated that the applicant will not respond to any questions this evening. Chm. Estwan then asked for any public comment on the applications.

Mayor Anthony Staffieri stated that he was reiterating his position against the location of the water tank. He stated that there is a better location for it. He stated that where it is being proposed is close to an old established neighborhood and the quality of life of the people will be negatively impacted. He also raised concerns with the infrastructure, sewer lines and gas lines in that area with the proposed truck traffic. He stated that there is a water tank on Silver Hill Road already and this tank could be located in that area.

Keith McLiverty, 15 Academy Hill Road stated that there is no regulatory agency that oversees the Water Company. He stated that when the Middle School was being built there were discussions with the Water Company and they did not want the City to cut through the parcel of land that exists between Coon Hollow Road and Chatfield Street. He stated that the City spent a lot of money to bring the water to the school. Mr. McLiverty stated that the Water Company conveyed to the City many times that they wanted to leave this land pristine because it could be used for a water tank. He stated that now they do not want to use that land now which would be very cost effective and would have minimal impact on the quality of life. He stated that the water tank is allowed where they are proposing it but the discretion of the Commission is with the blasting and they can deny that. He asked that the board deny the blasting and preserve the quality of life for the citizens of Derby. Chm. Estwan asked him if the discussions that the City had when the middle school was being built were with Birmingham Utilities or South Central Regional Water Authority. Mr. McLiverty stated that they were with South Central Regional Water.

Joe Stobierski, 6 Indian Avenue stated that he lives right below where they are going to put the tank. He also stated that the blasting will be within 150 feet of his house. He felt that his house will be effected by the blasting. His house has a cinderblock foundation and the blasting will ruin that. He also stated that they are going to take 20 feet of the hill away and he is concerned with what could happen to his property when this is done. He stated that the water pressure is terrible and did not feel that it will increase that much with this tank. He felt that Silver Hill Road would be a better location and asked that the Commission not allow them to blast.

Michael White, 22 Cornerstone Drive stated that there will be a lot of dust from the blasting and this will be going on to the schools and ball fields in the area. He stated that he is totally against the project. He stated that Brennan has serious problems with rock crushing.

Carol Madgic, 162 Emmett Avenue stated that the blasting and dust will cause health issues to the people in the area. She asked that the applications be rejected.

Dave Manley, 16 Cherry Street stated that his house is at the bottom on Summit Street which is a very steep hill and too steep for the truck traffic. He stated that it is very narrow and it will

be difficult for the trucks to maneuver coming down the hill. He stated that he also had noise and blasting concerns and there are other areas to place the tank.

Patricia Valentino, 52 Summit Street was concerned that they have asked for a postponement of the public hearing and hoped that they do not ask for another extension. She felt that they should answer the concerns and questions of the public.

Elizabeth Lally, 172 Emmett Avenue stated that this is an industrial site and is so close to three schools and a nursing home. She stated that the proposed tank is going to be cement and cement deteriorates and she was concerned with it breaking. She also felt that it is located too close to the cemetery. She was concerned with blasting and truck traffic and the fact that there are no sidewalks in that area and there are children there. She asked the Board members to walk the site.

Susan Savinsky, 23 Cornerstone Drive stated that she hoped that the members will go and look at the site.

John Trimarki, 6 Evelyn Road felt that this is sacred Indian ground and it should not be disturbed.

Dan Waleski, 21 E Im Street stated that there is no question of the benefits to the Water Company with this tank but there are other sites that are more suitable and less destructive. This will be an intrusion on the lives of the people in that area. He felt that it is too large in scope and was opposed to both applications.

Joan Spetz, 146 Emmett Avenue stated that there are natural water springs under Mountain Street and she was concerned with what will happen to those with this work.

Jim Benanto, 4 Evelyn Road had concerns with the blasting and possible damage to the foundations. He stated that the quality of life of the residents will be negatively affected and people won't be able to go outside when they are blasting.

Sharlene McEvoy, 200 Emmett Avenue stated that she submitted the petition with 140 signatures of people opposed to the application. She stated that only three people spoke in favor of the applications at the last public hearing. She submitted the list of the Board of Directors of The Griffin Hospital and noted that the President of South Central Regional Water Authority is on the Board of Directors. She stated that when the cancer center was put in the Hospital assured the public that the utilities were adequate. She also stated that the fire personnel spoke in favor of the applications and stated that the tank was needed for fire protection. She submitted statistics on fires on the west side of Derby. She stated that the Water Company stated that the location on Silver Hill Road was too high and she asked if they submitted a list of the other sites that they considered. She submitted an article from 1999 about drainage concerns with another project in the same location.

Patricia Valentino, 52 Summit Street asked why the applicant could not respond to any questions. Chm. Estwan stated that they asked for an extension to the next meeting to respond to questions and comments.

Dan Waleski, 21 Elm Street stated that he spoke with representatives from the Fire Department and they are interested in getting as much water as possible but the tank does not have to be in this location. He stated that they indicated that it would be just as beneficial to them if it was in another location.

Mr. Stankye moved to extend the public hearings for Items 9a and 9b to the March 26, 2013 meeting. The motion was seconded by Mr. Stevens and carried unanimously.

New Business

(a) Application from South Central Connecticut Regional Water Authority for Site Plan Review for water tank installation – Mountain Street – Application #2012-12-18-01.

(b) Application from South Central Connecticut Regional Water Authority for Special Exception for rock crusher – Mountain Street – Application #2012-12-18-02.

A motion to table these two items in the March 26, 2013 meeting because the public hearings are still open was made by Mr. Stevens, seconded by Mr. Misiewicz and carried unanimously.

Old Business

(a) Update on Redevelopment Zone.

There was no update at this time.

Executive Session

(a) Update on Enforcement issues; discussion of pending litigation.

A motion to go into Executive Session and have Atty. Coppola and Ryan McEvoy attend was made by Mr. Estwan, seconded by Mr. Sanchez and carried unanimously. The Commission went into executive session at 8:05 p.m.

A motion to come out of Executive Session and resume the regular meeting at 8:20 p.m. was made by Mr. Szewczyk, seconded by Mr. Stevens and carried unanimously.

Payment of Bills

Mr. Stankye moved that the following bills from Milone and MacBroom be paid. – Invoice #62640, #62641, #62642 and #62643. The motion was seconded by Mr. Misiewicz and carried unanimously.

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Stankye and carried unanimously. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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