

# ***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 Planning and Zoning Commission of the City of Derby held a regular meeting on Tuesday, September 16, 2014 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, Glenn Stevens, Albert Misiewicz, David Rogers, Richard Stankye, Raul Sanchez and Anthony Szewczyk. Also present were Mayor Anita Dugatto, Attorney Marjorie Shansky, Carlo Sarmiento, Building Official, Peter Georgetti, City Engineer and Maryanne DeTullio, Clerk.

## Additions, Deletions, Corrections to Agenda

There were no additions, deletions or corrections to the agenda.

## Correspondence

Chm. Estwan stated that there was no new correspondence.

## Public Portion

There was no one from the public wishing to speak.

## Approval of Minutes

Mr. Stankye moved to table the approval of the August 15, 2014 meeting minutes. The motion was seconded by Mr. Rogers and carried unanimously.

## Acceptance of Applications

Mr. Estwan stated that there were no new applications to accept.

## Public Hearing

(a) Application from Buckingham Estates LLC for zone text change for the purpose of removing the confusing definition and interpretation of lot width and replacing it with a minimum square on a lot which will better insure a lot configuration of a reasonable square or rectangular shape.

Attorney Dominick Thomas, 315 Main Street, Derby was present representing the applicant.

He stated that the definition of lot and width and the use of the word “minimal” is ambiguous and confusing. He stated that the applicant had filed a previous application and had been prejudiced by the interpretation of the regulation and had filed an appeal which is still pending. This proposal will have the lot square fit inside the lot and make it easier and more user friendly. Mr. Estwan asked about meeting minimum setbacks and Atty. Thomas stated that you can do that and some towns do. The purpose of the square is to spread the lot out. Mr. Estwan stated that his concern was the effect that this change may have on other zones in the city. Mr. Sanchez asked how this would affect a lot that has a conservation easement. Atty. Thomas stated that it would still need to be within the setbacks and other things would need to be met in order to fit the lot properly.

There was no public comment on the application.

Mr. Georgetti stated that he has not had an opportunity to review this as to how it would affect other zones in the City. He stated that it appears to make sense but would like the opportunity to review further. Mr. Estwan stated that the public hearing will be continued so that the City Engineer and Attorney Shansky can have time to further review the application. A motion to continue the public hearing to the October meeting was made by Mr. Stevens, seconded by Mr. Stankye and carried unanimously.

### New Business

#### (a) Informal Discussion – Derby Housing Authority.

There was no one present from the Derby Housing Authority to address the Commission. A motion to table the item to the October meeting was made by Mr. Estwan, seconded by Mr. Stankye and carried unanimously.

#### (b) Section 8-24 Referral – Water Pollution Facilities Improvements.

L. King, Superintendent stated that the City is going to referendum on this project and approval from this Commission is required. He went over the proposed which includes Phase 1 upgrades to the water pollution control facility to replace existing equipment and upgrades to equipment. It also includes upgrades to the water pollution control facility solids handling system as well as upgrades to the Roosevelt Drive pumping station. Mr. King stated that there will be improvements to the sewers in Route 34 in the downtown area which will be done in concurrently with the State of Connecticut DOT Route 34 improvement project. The pumping station on South Division Street will be upgraded. The Burtville Avenue pumping station is located on private property and will be relocated and upgraded. This also includes the cost of acquiring the land where it will be relocated to.

Mr. Szewczyk stated that the project should be staged so that the downtown roads are torn up only once. Mr. King stated that the project will be coordinated with the State so that it is done concurrently with their project.

Mr. Estwan stated that the road bond portion does not include the dollar amount for this project. Mayor Dugatto stated that it is roughly \$3,000,000.00 and the amount will be on the referendum question.

Mr. Estwan moved that it be resolved, that the Planning and Zoning Commission of the City of Derby approves each of the following projects individually as being in conformance with the City's plan of development pursuant to Section 8-24 of the General Statutes of Connecticut:

Construction and installation of improvements, additions, renovations and upgrades to the City's water pollution control facility and sanitary sewerage system, contemplated to include, but not limited to:

Water Pollution Control Facility Phase 1 Upgrades (estimated cost of \$8,940,000):

Upgrades to the water pollution control facility to provide an influent screening system, replace the influent pumping equipment, replace the grit removal and processing equipment, replace the digester equipment and covers, implement an odor control system and replace the site electrical and instrumentation systems;

Water Pollution Control Facility Solids Handling System Upgrades (estimated cost of \$5,000,000):

Upgrades to the solids handling system at the water pollution control facility including the replacement of the existing solids handling equipment and ancillary support systems required for a complete and integrated system, including an automated sludge conveyor and bin loadout system, replacement of the primary and secondary sludge pumps, installation of primary sludge inline grinders, provision of a new thickened sludge pumping system installation of a new bulk makedown/feed polymer chemical feed system and a new potassium permanganate odor control chemical feed system, structural modifications to the primary and secondary control building to house and support the new equipment, and miscellaneous improvements to the electrical and instrumentation systems;

Roosevelt Drive Wastewater Pumping Station Upgrades (estimated cost of \$7,460,000):

Replacement of the existing pumping station on a new site known as 113-115 Roosevelt Drive in Derby, adjacent to the current site on Route 34, including the cost of acquisition of such site. The new pumping station will be of cast-in-place concrete construction, equipped with a screen, 3 pumps, a standby generator, and station building for operational purposes.

Roosevelt Drive Wastewater Pumping Station Forcemain and Sewer Improvements

(estimated cost of \$3,780,000): Replacement of the existing 12-inch forcemain, which terminates in front of Bridge Street with a 16-inch forcemain that will terminate at the water pollution control facility. The sewer along First Street will be abandoned and the flows re-directed to the Roosevelt Drive Wastewater Pumping Station in the same trench as the forcemain;

Route 34 Sewer Improvements (estimated cost of \$3,660,000): Replacement of the 18-inch gravity sewers in Route 34 and the interceptor on Caroline Street with 24-inch gravity sewers, and replacement of the sewers on Olivia, Elizabeth, Minerva, Caroline and Water Streets with 8, 12, 15, 18 and 24-inch sewers. This project is anticipated to run concurrently with the Connecticut Department of Transportation's Route 34 improvements project;

South Division Street Wastewater Pumping Station Upgrades (estimated cost of \$830,000): Upgrades to the existing pumping station to replace the pumps, provide bypass capabilities, standby power systems and replace the electrical and control systems; and provide a precast concrete building to protect the electrical and control systems from damage; and

Burtville Avenue Wastewater Pumping Station Upgrades (estimated cost of \$1,070,000): Relocation of the existing pumping station off of private property to a site known as 25 Burtville Avenue in Derby, including the cost of acquisition of such site. The new pumping station will include precast concrete wetwell and valve vault structures, submersible pumps, a standby generator and new electrical and control systems; and a precast concrete building will be provided to protect the electrical and control systems from damage.

The motion was seconded by Mr. Stankye and carried unanimously.

Mr. Estwan moved that it be resolved, that the Planning and Zoning Commission of the City of Derby approves each of the following projects individually as being in conformance with the City's plan of development pursuant to Section 8-24 of the General Statutes of Connecticut:

Construction and installation of various improvements to City roads known as the City of Derby Road Improvement Program 2014, contemplated to include, but not limited to, the construction, repair, milling, overlay, surface treatment or other improvement procedures, including equipment, paving, curbing, catch basin installation or replacement, and utility relocation and repairs necessitated or facilitated by such improvements, on all or portions of the following roads: Benanto Drive (approximately 914 linear feet), Bluff Street (approximately 500 linear feet), Derby Milford Road (approximately 1,347 linear feet), East Hawkins Street (approximately 221 linear feet), Eighth Street (approximately 1,022 linear feet), Emmett Avenue (approximately 3,490 linear feet), Evelyn Road (approximately 458 linear feet), Mountain Street (approximately 950 linear feet), Mt. Pleasant Street (approximately 2,500 linear feet), Pleasant View Road (approximately 2,170 linear feet), Seventh Street (approximately 528 linear feet) and Yocher Lane (approximately 250 linear feet), and such other roads as shall be determined by the Board of Aldermen, following receipt of the recommendation of the Road Bond Subcommittee of the Board, including related site and other improvements, utility installation and relocation, and land or easement acquisition;

Provided that this resolution is for approval of conceptual plans only. The projects are subject to and shall comply with all other applicable laws, regulations and permit approvals, and this resolution shall not be a determination that any of the projects is in compliance with any such laws, regulations or permit approvals.

The motion was seconded by Mr. Stevens and carried unanimously.

(c) Review of Walgreen's Approval.

Mr. Estwan stated that he asked to have this put on the agenda for discussion. Walgreen's has decided not to build the Walgreen's store in Derby. He stated that he has tried to reach them and find out what their intentions are. He stated that their engineering company has indicated that they can do whatever that want and do not have to come back before the Commission. The approval that they received was a special exception approval and they would have to come back with any modifications to the approved plan. This will remain on the agenda until it is resolved. Mr. Estwan stated that the original approval was challenged in court and a settlement reached. There were specific changes that were going to be made to the driveway and that is not changing and will be done. Atty. Shansky stated that the approval was based on specific plans and provided that any other modifications need to be submitted to staff for review and possible further review by the Commission. At this time nothing has been submitted to the staff.

Attorney Eugene Micci representing 49 Pershing LLC and Rocco Cingari stated that his client is very concerned about this change. They were involved in the litigation and worked out the settlement. He stated that they are concerned that any changes will disturb what was agreed upon in the settlement.

Phil Hawks, Fire Marshal stated that the plans that were approved allowed for fire accessibility by the ladder truck. If they do not do the driveway improvements it can affect the fire access.

Mr. Estwan stated that this item will remain on the agenda until the City gets resolution. He stated that any changes would have to be submitted to staff for review. There is nothing submitted at this time.

Old Business - None

Review Updates from City Planner

(a) Introduction of Michael Looney from Milone & MacBroom as City Planner

Michael Looney, Milone & MacBroom stated that he has been contracted by the City of Derby as city planner. He will be assisting the Commission on planning matters. He stated that he is also working with VCOG on the upgrades to the City's Plan of Conservation and Development. He stated that at this time he does not have any specific items to update the Commission on. He stated that he is looking at possibly getting some grant funds for the downtown area.

Update from VCOG regarding Derby's Plan of Conservation and Development

Mark Nielson, VCOG presented an updated outline to the commission. He stated that he is taking the existing Plan and using it as a template to move forward with the update. He stated that he is looking at existing conditions, town character, future development strategies and goals. He stated that he will be looking at more focus on the downtown area and how the Route 34 reconstruction project will affect the area. He stated that there will be a lot of coordination with the State on the various projects once they move into the design stage.

Mr. Estwan asked if he had a time line prepared and Mr. Nielson stated that is something that he will be working on. He stated that he wants to get input from the public and this is an important aspect in updating the plan. Mr. Estwan stated that the Commission can schedule a separate workshop just for that purpose. Atty. Shansky asked if there will be a separate website just for the plan update. Mr. Nielson stated that he was not sure about having a separate website or if it will be part of the City's website. He stated that it is his goal to have a draft document by the end of the year.

Executive Session

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

There was no need for an Executive Session.

Payment of Bills

Mr. Stevens moved that all bills be paid if found correct. The motion was seconded by Mr. Stankye and carried unanimously.

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Stankye and carried unanimously. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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