

# ***Planning and Zoning Commission***

## ***City of Derby***

Theodore J. Estwan, Jr.,  
Chairman

Steven A. Jalowiec  
David J. Rogers  
David Barboza II  
Richard A. Stankye  
Albert Misiewicz  
Glenn H. Stevens  
Raul Sanchez (Alternate)  
Maryanne DeTullio, Clerk

A meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, June 16, 2009 at 7:00 p.m. in the Aldermanic Chambers, New City Hall, 1 Elizabeth Street, Derby.

The meeting was called to order at 7:05 p.m. by Acting Chairman Steve Jalowiec. Present were David Rogers, Albert Misiewicz, Richard Stankye, Steven Jalowiec and Raul Sanchez. Also present were Attorney Joseph Coppola, Michael Joyce, Milone & MacBroom and Maryanne DeTullio, Clerk.

### Additions, Deletions, Corrections to Agenda

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

### Correspondence - None

### Public Portion

There was no one from the public wishing to speak.

### Approval of Minutes:

A motion to approve the minutes of 05/21/09 meeting was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously.

### Acceptance of Applications:

There were no new applications to accept.

### Public Hearings

(a) Application for Special Exception Use from William Korolyshun for temporary rock crushing on property at Division Street (Application #2009-04-2-1) - Continued from May 21, 2009.

Mr. Korolyshun stated that everything requested by the City Engineer was submitted except for Inland Wetlands approval which he is in the process of obtaining.

Mr. Joyce stated that he met with the applicant and received the revised plans and has some concerns. He stated that the company that made the plans has no knowledge that the plans are being used for a different project than what they were drawn for originally.

the plans indicate that they cannot be used for any other project. There needs to be more detail on the silt fence and also the quantity of fill needs to be determined. He stated that the applicant has indicated that he will only be processing the material that is on the site at this time, but it does not appear to be accurate. There were also concerns raised about the amount of truck traffic from the site.

Mr. Misiewicz stated that he looked at the application and did not feel that it met the requirements for this type of operation on this particular site. He stated that the zoning regulations have no provision for this type of operation. He was also concerned about noise, dust and traffic. He stated that there are major concerns regarding the health and safety of the public with this type of operation. He stated that this will be close to the Greenway and other businesses which will be adversely affected by the rock crushing. He felt that the applicant should be held to the highest standards and the Commission should be very careful in proceeding on this application.

Mr. Joyce stated that there is a provision for this type of operation and the land is zoned industrial and an industrial zone can have that type of facility.

Mr. Jalowiec asked for any public comment on the application.

Randall Collette, 157 Minerva Street stated that he did not feel that this is the best location for this type of operation. It is too close to the Greenway and the City has been trying to encourage businesses in this location and this would be a detriment. He felt that the application should be denied.

Carolyn Duhaine, 25 Elm Street stated that she is a member of the Greenway Committee and asked how far this will be from the Greenway. Mr. Jalowiec stated that it will be directly behind BJ's. He also noted that the application is for a temporary permit for rock crushing with a maximum of two years.

Bart Flaherty, Chairman Ansonia P&Z stated that they did not receive notification of this application and Mr. Joyce stated that he felt it was beyond the required notification. Mr. Flaherty stated that he took the amount of material to be processed and determined that this will generate an enormous amount of truck traffic on a daily basis from the site. He stated that Division Street has already reached its capacity and more traffic will only make it worse. He stated that consideration should be given to limiting the hours of operation. He stated that this facility will be located in the center of both Derby and Ansonia and the noise will have a major impact on the people and businesses in that area. He felt that they should consider an earthen berm and an active sprinkler system to cut down on the dust. He stated that there will be adverse affects on the public health and safety and also on the number of people using the Greenway. He felt that the Commission should take careful consideration in acting on this application.

Mr. Korolyshun stated that he does not foresee having that much truck traffic and will only be processing material that is there now which is less than what was quoted.

Mr. Joyce stated that if we do not know the amount of material then it will be difficult to determine the number of truck trips a day. He stated that there are existing piles on the site now and the plans show another location for piles. He stated that the applicant needs to delineate on the plans where the operation will be located.

Mr. Jalowiec asked if the site would be returned to the way it was and Mr. Korolyshun stated that he would like to return it to the way it should be.

Mr. Flaherty stated that there should be some specificity on the number of yards processed and the number of trucks going in and out.

Lucinda Ames, 204 New Haven Avenue stated that she uses the Greenway and it is a jewel for the town. She felt that this operation will be noisy and produce a lot of dust as well as an increase in traffic. She felt that it would be ruining the Greenway.

Joseph Tracz, Tracy's Garage, Water Street stated that he is more of a character witness for the applicant and he did not feel that he would want to make the operation detrimental to the City. He felt that the applicant would want to keep the Greenway a viable place and would only want to help the City.

Mr. Rogers stated that the plans indicate land to be acquired and land to be conveyed to the City and asked if that was part of this application. Mr. Korolyshun stated that the City is trying to acquire some of his land but it is not part of this application.

Mr. Rogers asked how long the applicant anticipates it will take to move the material out. Mr. Korolyshun stated that he would process it as he needs it for jobs but because of the economy it is difficult to determine.

Mr. Stankye stated that the applicant had indicated at the last meeting that the hours of operation would be Monday to Friday from 8:00 a.m. to 3:00 p.m. with no work on weekends or holidays. The work would not be done during heavy use of the Greenway.

Mr. Misiewicz stated that he felt that everything should be written out and specifically the amount of fill that is there. He also felt that there should be strict standards regarding noise and dust.

Mr. Jalowiec stated that the Commission still needs to get an answer on the wetlands issue and if the letter is not available then they will have to go to Inland Wetlands for approval. He also stated that there needs to be a drawing which is specific to this application including details of various things. Mr. Joyce asked what will the finished site look like if everything is taken out and will it be vegetated or left to go back to its natural condition.

Mr. Jalowiec stated that the public hearing will be continued to the next meeting and the applicant will need to grant an extension. Mr. Korolyshun stated that he agrees to the extension and will submit something in writing regarding that.

A motion to continue the public hearing was made by Mr. Stankye, seconded by Mr. Misiewicz and carried unanimously.

### New Business

(a) Discussion and possible action - Application for CDD Approval from 14-16 Cottage St. LLC for driveway to access rear utilities in basement and provide for three cars at 14-16 Cottage Street.

Paul Kochiss was present and stated that he has rehabilitated an older house at this site and there is a parking problem in the area. He would like to put in a 700' driveway to get cars off the road. Mr. Joyce stated that he reviewed the original drawings and received revised ones in response to his comments. He stated that the driveway is close to the adjacent property line and there is a fence that may be encroaching and asked who owned the fence. Mr. Kochiss stated that he spoke with the surveyor on this.

Patricia Whitaker, 18 Cottage Street stated that she will be replacing the fence and needs to survey the property. She has no problem with the driveway but wants to make sure it is not on her property. She stated that she needs to know where the property lines are.

There was a discussion on the proposed wall and Mr. Joyce asked if it would be built without going onto the adjacent property. He also asked if the applicant has considered using a permeable concrete paver driveway that can mitigate the increase in runoff. Mr. Kochiss stated that he wants to be able to provide parking for his tenants and would consider using different materials. Mr. Joyce stated that this is very close to the property line and there could be a coordination issue with the two property owners.

Mr. Rogers asked how deep the existing sewer lateral is and he was concerned it may get dug up. Mr. Kochiss stated that he was not sure but he was not going down very deep. Mr. Rogers suggested he consider putting in a clean out because of the turn in the lateral.

Mr. Joyce was concerned about the construction being so close to the adjacent property and felt it should be identified exactly where it will be. He stated that this is a simple application but very close to the property line. Mr. Kochiss stated that he felt that he could do the work without going onto the adjoining property. Mr. Jopyce stated that he should demonstrate that there is no encroachment. Mr. Kochiss stated that he already has a lot of money invested in this property and can live without the driveway as he does not want to spend more money. Mrs. Whitaker stated that she did not have a problem with his coming on her property to do the work she only wants to know where the line is.

Mr. Kochiss stated that it was becoming too involved and he withdrew the application.

(B) Discussion and possible action - Request for Bond Reduction - Prestige Builders - Frank Gates Lane Subdivision.

Mr. Joyce stated that the roadway has been formally accepted by the City. It was his recommendation that the bond be reduced from \$27,000 to \$10,000. A. J. Grasso, Prestige Builders stated that it will now be a cash bond and not a surety bond. Mr. Rogers moved to approve the bond reduction for Frank Gates Subdivision from \$27,000. to \$10,000. The motion was seconded by Mr. Stankye and carried unanimously.

(c) Board of Aldermen adopted Ordinance 58-1 appointing Derby Planning & Zoning Commission as the Aquifer Protection Agency.

Mr. Joyce stated that the DEP notified the City that the Level A mapping was done. He stated that they have submitted a proposal to do the mapping for the City regarding this matter.

(d) Discussion and Possible Action - Application for Special Exception Use from William Korolyshun for temporary rock crushing on property at Division Street (Application #2009-04-2-1) - Continued from May 21, 2009.

Mr. Jalowiec noted that the public hearing on this application is still open and therefore no action will be taken.

### Old Business

(a) Update on Redevelopment Zones

Atty. Coppola stated that the last scheduled meeting was canceled and there was no report.

(c) Update on Enforcement Issues.

Atty. Coppola stated that there are about ten property that are being worked on at this time with enforcement issues.

### Payment of Bills

There were no bills to be paid at this time.

A motion to adjourn was made by Mr. Rogers, seconded by Mr. Misiewicz and carried unanimously. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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