



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, June 18, 2019 Derby City Hall, Aldermanic Chambers: 1 Elizabeth St., Derby, CT

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, David Kopjanski, Albert Misiewicz, Raul Sanchez, Raymond Sadlik, Cynthia Knopick and Thomas Lionetti.

Glenn Stevens was excused.

Also present: Atty. Barbara Schellenberg, City Engineer Ryan McEvoy and Building Official Carlo Sarmiento.

4. Communications

Nothing was presented.

5. Public Portion

No one call forward

6. Approval of Minutes

MOTION by Steven Jalowiec and second by Albert Misiewicz. Move to approve the minutes of the monthly meeting on April 16, 2019. Motion carried unanimously.

MOTION by Steven Jalowiec and second by Raul Sanchez. Move to approve the minutes of the monthly meeting on May 21, 2019. Motion carried unanimously.

7. Receipt of Applications:

A. 49 Pershing Drive – Phoenix Vietnamese Cuisine for a Site Plan Approval for a Vietnamese dine-in and take-out restaurant.

MOTION by Theodore Estwan and second by Steven Jalowiec. Move to receive application from 49 Pershing Drive – Phoenix Vietnamese Cuisine – Application for site plan approval to be heard on July 18, 2019. Motion carried unanimously.

B. City of Derby – Planning and Zoning Commission - Zone Text Change Application to create a Core Planned Development District (C-PDD) to the City of Derby.

MOTION by Theodore Estwan and second by Steven Jalowiec. Move to receive application from City of Derby – Planning and Zoning Commission - Zone Text Change Application – Application for zone text change with public hearing to be held on July 18, 2019. Motion carried unanimously.

8. Public Hearing:

A. 73-75 Chatfield Street – South Central CT Regional Water Authority (RWA) – Application for a Special Exception for a 1.0 million gallon water storage tank for a lot 2 (school property) and a proposed parking lot for lot 4 (St. Peter & Paul property).

Rose Gavrilovic P.E. spoke on behalf of RWA. She stressed that there is a significant need for water storage in the Ansonia- Derby service area, particularly on the west side of the Naugatuck River. This need has been well established and commented on by the city officials, by Griffin Hospital, by fire department personnel and local residents. This need was first established in 2003 by the previous Birmingham Utilities. RWA is a not for profit political sub-division of the State formed by special act of the legislature in 1977. There is no monetary benefit for this construction but rather it is to address a known weak area in the system and the purpose is to protect the public health and safety. A few years back a tank was proposed in a location that was not ideal. With public concerns expressed, the application was withdrawn. This proposal includes the best hydraulics for the tank, the lowest construction costs and has minimal disruption to the residents. The cost of this project will be paid by all the communities within the RWA community. There have been ongoing improvements made within the system. With this work, the tank has been reduced from the original projection of 2 million gallons to a 1 million gallon tank; resulting in a smaller footprint and lesser impact on the neighborhood.

RWA are stewards of the environment. An Environmental Scoping report was prepared and reviewed by the Dept. of Health and DEEP. Both agencies concluded that there are no significant impacts and no additional analysis under CEPA is required.

Ms. Gavrilovic noted that an alternative location on Silver Hill was researched. For optimum function the right elevation is crucial, too high or too low effects the hydraulic equations of the tank. The Silver Hill site is higher in elevation, would cost upwards of \$450,000 more and there are difficulties in access and construction logistics. Further, there may be a need for blasting. The Chatfield site provides the more prudent location for the project. Regarding the aesthetics of the tank, tree plantings and landscaping will provide adequate screening similar to the tank that is located on Grassy Hill Road.

Gary Roberts of Tighe & Bond reviewed revisions made in response to the communication from Milone & MacBroom Inc. dated March 28, 2019. All issues appear to be addressed as per the April 11th submittal. Regarding lighting, conduit is being installed for future use in the parking lot, if desired. There is no lighting to be installed under this plan. The storm water management design is an initial concept that will be revised once access to the parcel is granted and sub-surface inspection of the land is accomplished. Any required bonding will be submitted prior to the start of construction.

Mr. McEvoy concurred that the storm water management system is currently designed anticipating the most conservative infiltration scenario and modifications will be reviewed as stated. Dependant on the nature of the change, the plans will come back before the Commission. Mr. McEvoy noted there may be some areas of steep elevation grades and it was agreed that stabilization blanketing will be utilized where needed.

Atty. Kari L. Olson of Murtha Cullina was present representing the applicant. She stated that this is a site plan approval. The applicant has met all zoning requirements and should be granted approval by right. A memorandum dated June 14, 2019 was presented to the Commission.

In response to Atty. Cava who is representing the Intervenor, he has stated that the P zone does not allow outdoor storage within the zone. The water tank is considered a building under the language. Atty. Olson indicated that the valve vault for the project is an accessory structure and is, in fact, allowed. The regulations expressly excludes water tanks, thus this tank is excluded. Regarding the legality of the action as per Atty. Cava's comments, the City of Derby owns the land and as such there is no taking of

land; that taking is per condemnation proceedings. There are no restrictions on the deed. RWA will also be compensating the City with comparable land. The parking lot area will be utilized during construction but will then provide for the creation of a parking lot for the City to utilize and this parking will be for public use. Regarding artificial lighting, no lighting is being proposed. The requirement for landscape buffering for non-residential uses are for uses that abut one and other. In this instance there is no abutting residential use to the parking area. There is a robust landscaping plan associated with the project.

The Derby Plan of Conservation and Development speaks to the need of off-street parking and this design provides for that need. The area that is being taken is not as useful for recreation due to the steep slopes. The only recreational area being encroached upon is an overgrown foot path. A robust water delivery system to the neighborhood will be consistent with the general health and safety of the community.

Concerns were raised that the construction would have an unreasonable likelihood of impairing, polluting or otherwise undermining the natural resources of the state. First, it is their burden to present evidence that what is being proposed does cause injury or damage. There is no evidence provided within the record for any type of pollution. The Commission will have to decide whether they have met their burden. Atty. Olson indicated that there is no feasible or prudent alternative to this location. The intervenor is relying heavily on the opinions of Mr. Danzer who is a soil scientist and arborist, clearly this does not present information regarding pollution or environmental concerns.

Ms. Gavrilovic summarized the essential need for the water tank. She stressed the effects on life-safety and health concerns. Further, continued legal disputes place a financial burden on the customers of the RWA. The customers in Ansonia and Derby should be served with sufficient water service for their needs.

Atty. Gregory Cava was present this evening representing Sharlene McEvoy and Dorothy Marinelli and the Marinelli Trust. First, regarding abutting property, Atty. Cava stated that Chatfield Street is considered an ancient road and as such the parcels of land on each side of the road own up to the center of the road with a granting of the right of way.

Atty. Cava indicated that none of the revisions to the plans address the needs he raised in his previous submittals. He submitted a letter dated May 5, 2019 from Steven Danzer, PhD & Associates LLC which states after review of revised plans dated 3/29/19 that the plans do nothing to lessen the negative impacts on the site's natural resources that were discussed in his previous report.

Atty. Cava noted that he researched the previous RWA application and presented copies of the March 26, 2013 minutes that indicate that the application was withdrawn.

Atty. Cava noted that construction will remove all trees in the area of the parking lot. The proposed new plantings on the Chatfield Street side are different types of trees, some deciduous which will not provide year round screening. He presented a light penetration exhibit which shows lights from vehicles extending onto the Marinelli property.

At this time Atty. Cava presented a petition from Dorothy Marinelli and the Dorothy Marinelli Trust. Atty. Schellenberg noted a discrepancy on the date of the document. Atty. Cava noted that the documents were prepared in anticipation of meetings that were subsequently continued to this meeting. He corrected the date for the record.

Additional Zoning and CEPA issues were raised by Atty. Cava as per the 24 page submittal. He indicates that the applicant, RWA, lacks standing to be before the Planning and Zoning Commission because it has no lawful interest in the property that is the subject of the application. He cites Sec. 22 of the City of Derby charter regarding grants and leases of real estate noting that the memorandum of understanding entered into between RWA and the Board of Alderman, there was no bids, nor public hearing. He noted that after raising this question the Board of Alderman prepared a RFP that is limited in nature to apply to only one such entity, RWA. The applicant's assertion that a water tank use is permitted in the zone in

which the park is located is irrelevant; it may be legal in the zone but it cannot be placed on land like the parcel in question which is dedicated as a park. Atty. Cava reviewed the history of how the parcel was acquired by the City. He indicated that once the land was acquired for a park, it could not be put to another purpose such as this tank without proper legislation and that has not happened. Atty. Cava noted that the entire property which was the original parcel acquired back in 1934 provides a route for wildlife to link from the Housatonic River, through this parcel and extending into Osbornedale Park. Further, in referencing the submittal Atty. Cava indicated that the applicant is asserting that this application is fully consistent with the intent of the Plan of Conservation and Development which in his opinion is wrong. The Plan identified a need for the City to better publicize, promote and manage its existing park and it specifically cites Coon Hollow Park. It is a bit misleading to toss up general notions of public safety that nowhere recommend adding water tanks anywhere in Derby much less in a park when there are specific directions to maintain public open space, parks in general for outdoor recreation. He raised question to the representation that the landscaping would provide shielding which he stated would not for many years. He noted that the parcel now is covered with native vegetation, the Douglas firs proposed are not native. Next, he speaks to the applicant's representation of the comments from Eric McPhee. Atty. Cava indicated that a conversation with Mr. McPhee indicates that he based his conclusion on comments rendered by the DEEP, and that he did not personally visit the site. He questioned the cursory review that appears to have occurred and suggested that a deeper environmental assessment review was needed as per a recommendation from Dr. Danzer in his communication dated June 17, 2019. Upon questioning it was clarified that Dr. Danzer did not specifically study the entire site but rather has only walked in limited areas and his conclusions and references to the DEEP NDDDB map speaks in overall generic observations as per geographical mapping.

Debate continued between Atty. Cava and Commission members as to calling the parcel a park. Atty. Cava points to land records and stressed that the definition of a park does not necessarily appear as a piece of land that has active recreation but rather it can be maintained in a more natural condition with passive recreational use. Commission members pointed to no knowledge of this specific section being used for recreational purposes and further pointed to the developed portions of athletic fields, school buildings and other city uses.

At this time a recess was called.

MOTION by Raymond Sadlik and second by Steven Jalowiec. Move to take a recess at 8:10 pm. Motion carried unanimously.

MOTION by Steven Jalowiec and second by Raul Sanchez. Move to return from recess at 8:25 pm. Motion carried unanimously.

Atty. Cava noted that numerous large trees will be removed destroying the natural resources that provide food and habitat for the wildlife. The application will involve conduct which will cause unreasonable pollution, impairment and/or destruction of the natural resources of the state and that can not be considered unless there is no feasible alternative for the project. The feasible alternative would be not to construct this 50 foot diameter tank and rather, leave the parcel in its natural state.

Atty. Cava questioned the building height requirement within the regulations for the zone and additionally the assertion that water towers are excluded. The applicant represented that code states the building heights usually exclude penthouses containing mechanical equipment such as air-conditioning or elevator equipment and church spires, water towers, radio antennas, etc. The maximum height allowed is 50 feet and the tank is designed to 57 feet. The proposed water tank is not exempt from the building height requirements, and it is non-conforming, and because it is non-conforming, the Commission has no other choice but to deny the application. The exclusion being referenced speaks to water towers placed on top of buildings to provide water to said building, not to the building itself and in this instance the building is the tank itself. He presented pictures of tanks located on top of buildings.

Atty. Cava next represented that vehicle headlights create artificial lighting. The proposed parking lot will introduce artificial light extending beyond the parameters of the parcel, actually extending onto Ms. Marinelli's property. Derby zoning regulations prohibit such light reflection beyond the limits of the lot.

In conclusion, Atty. Cava stated that based upon the reasons set forth as well as the reasons contained within Dr Danzer's reports, and the fact that this is the last piece of undeveloped land within Coon Hollow Park the Commission must deny the application. And under CEPA it should be denied because there is not just the reasonable chance but the absolute certainty that trees, canopy, wildlife refuge, natural resources will not be impaired but actually destroyed. The feasible alternative would be leaving it as a park.

At this time the hearing was opened to the public.

Carmen DiCenso of 22 Jeanetti Drive indicated that he has attended the Board of Alderman meetings and listened to the request for this tank. He lives by the water tank on Strang Road and is unaware of any complaints. That tank is surrounded by residential homes, is effectively landscaped and there are no complaints. Further, he has been coaching for 33 years and has passed by this parcel countless times. He was unaware of any recreational activities ever on this section of land. He has never seen a deer on this stretch of land. Osbornedale Park is directly across the street, a real park. He questioned whether the Marinelli property was affected by headlights from the street traffic or by the street lights in the area and how that effect would differ from what is being argued. Further, RWA will be presenting two and one half acres of undeveloped land in exchange for the use of the parcel. Atty Cava speaks of natural resources but Mr. DiCenso stated that the community is the natural resource and providing fire safety is a crucial need. God forbid a life is lost because a fire occurs in a home and it can not be saved due to poor water supply in the area. He felt the tank is in a perfect location, the prior application on Telescope Mountain would have been visible all the way to Long Island Sound. This tank is needed for the hospital, the schools, the new field house and hundreds of families on that side of town and it will enhance the quality of life for those in the service area.

Frank Pepe of 69 Harrison Ave. stated that RWA came before with the Telescope Mountain application and after public outcry they went back and restudied the area finding a more prudent site. He noted that water pressure on Summit Street is lousy. His mother lives there and she had to have a booster pump installed. Water pressure is poor in much of the surrounding area. He stressed the need for water pressure for the hospital. Certainly if additional trees are needed for screening, the RWA would comply with the request. He noted that the tank of Grassy Hill is barely noticeable and he took no issue to the placement of a water tank on the proposed site.

Atty. Kari Olsen, representing RWA took exception to Atty. Cava's comments. She stated that Chatfield Street and Coon Hollow Road are public streets listed on the DOT road list that is submitted to the State utilized for requests for funding and improvements, not an ancient road. When Dr. Danzer's comments were presented, the comments are based on supposition; there are no concrete studies of the parcel. Speaking to Atty. Cava's conversation with Eric McPhee from the DPH, the DPH relies on DEEP comments to draw their conclusions. Further, Atty. Cava highlights specific comments – those being "Effect on natural land resources and formations, including coastal and inland wetlands, and the maintenance of in-stream flows – The proposed project is not expected to cause negative impacts. Most of the construction will be in the road. And, Effect on natural communities and upon critical species of animal or plant and their habitats; interference with the movement of any resident or migratory fish or wildlife species – The proposed project is not expected to cause negative impacts." Another submittal from Atty. Cava references a communication dated 8/2/2018 sent to Mr. McPhee and the subject speaks to A Scoping Notice between Norwich Public Utilities and Sprague Water and Sewer Authority – that communication is not specific to this proposal. The comments are supposition, there is no testimony from actual studies performed on the parcel.

Addressing the question of height, the "and" in the language specifically separates the listing of roof-top mechanicals from church spires or water towers, etc. Atty. Olson maintained that the interpretation of the exemption was correct. A tank is a tank whether on the ground or on a roof.

Regarding the comment on the RWA lacking standing, much of the comments speak to legal procedures and that is not within the Planning and Zoning Commission purview. The lacking standing does come to this Commission. The way the courts interpret standing for purposes of an application versus standing for purposes of an appeal are completely different. Standing in filing an application requires the barest minimum of interest in the property. The RWA has been negotiating with the City for months. They certainly have standing and further, they have permission from the owner of the property.

Mr. Estwan noted that artificial lights have been discussed during this hearing. He clarified that the intent of the regulations has been and will always be that there shall be no bleed over of illumination beyond the boundary of the parcel from on-site lighting. The language and intent does not speak to vehicular lighting conditions or effects. This has been for at least the 21 years that he has served.

Peter Grabowski, PE of Tighe & Bond stated that he has been doing work in the State of Connecticut for the past 24 years and has worked with the DPH on many occasions. At the end of the date the process is the process. During reviews, if an environmental impact study is required then it is done. If it is deemed not warranted, then it is not done. In environmentally sensitive areas, the report is pursued and is done. In this case it was determined that a study was not required.

Atty. Cava noted that he did observe traffic on Chatfield Street and how the vehicle lights impacted the Marinelli house. Due to the curve of the street, the direction of the lights is away from the house.

Mr. Lionetti questioned when RWA will be using the lot at night causing this vehicle light intrusion. Atty. Cava indicated that the lot will be for public use with access 24 hours a day. Ms. Knopick questioned the elevations.

Mr. McEvoy noted that the elevation of the lot will be 168 -170 ft, the Chatfield Street by the house appears to be at 174 – 176 ft and that would then appear that the window elevations would be at 184 ft or higher.

Atty. Cava responded that he based his calculations on final grade elevation on the plan. Regarding ancient roads, the city may accept the roads but if the deeds of the parcels are researched, it will show the boundary of the parcel and the ownership is to the center of the roadway. Speaking to the discussion on the DPH comments, he took exception to the interpretation made by Counsel for the applicant and noted that the DEEP did not require a report as this is a City application, they did not make a determination on the need. Regarding the height requirements and definition of a water tower, he stands by his interpretation that this water tank is not exempt. He indicated that the language referenced in the regulations points to projections on the roof line of the building such as spires, antennas, etc.

Ms. Gavrilovic noted that RWA will be applying for a state permit and will be pursuing funding for the project from the state. She referenced Environmental Assessment Study dated February 5, 2019 which in its conclusions states: "Based on the DPH's environmental assessment of the proposed project which includes a review of the comments provided by the DEEP date January 15, 2019, it has been determined that the project does not require the preparation of an Environmental Impact Evaluation (EIE) under CEPA. The DPH will coordinate with the Regional Water Authority to ensure that the recommendations by the DEEP are implemented." In speaking to comments from Dr. Danzer, it is unclear how deeply he explored the parcel and one visit would not sufficiently provide an understanding of the character or environment of a parcel.

MOTION by Theodore Estwan and second by Steven Jalowiec. Move to close the public hearing for South Central CT Regional Water Authority. Motion carried unanimously.

B. 31-37 Anson Street – Anson Street Realty, LLC – Application for special exception to convert a vacant commercial space into a residential apartment.

Aaron Kanersky – applicant sent communication that he would like the application to be continued to the July meeting and grants any necessary extension.

MOTION by Steven Jalowiec and second by Theodore Estwan. Move to continue the public hearing for 31-37 Anson Street – Anson Street Realty, LLC. Motion carried unanimously.

9. New Business:

A. 147 Caroline Street – Discussion and possible action on the 8-24 referral from the Board of Alderman/Alderwomen to sell a municipal building at this location.

Mr. DiCenso reported that this is the municipal parking lot owned by the City. He noted that there is no parking space available for 119 Caroline Street and as such, 6 parking spaces within this parcel shall be deemed for parking for 119 Caroline Street.

B. 119 Caroline Street – Discussion and possible action on the 8-24 referral from the Board of Alderman/Alderwomen to sell a municipal building at this location.

Mr. DiCenso reported that this is the old Hotchkiss Hose building. This was previously used by Spooner House and subsequently the Valley Arts Council.

C. 67-71 Minerva Street – Discussion and possible action on the 8-24 referral from the Board of Alderman/Alderwomen to sell a municipal building at this location.

Mr. DiCenso reported that this is the old Lombardi building. This is already interest being expressed for this parcel. Mr. Estwan noted that there have been previous discussions on this parcel. This latest proposal would be seeking to group all three pieces in the sale.

MOTION by Steven Jalowiec and second by Theodore Estwan. Move to send a positive 8-24 referral to the Board of Alderman/Alderwomen to sell municipal property at 147 Caroline Street. Motion carried unanimously.

MOTION by Steven Jalowiec and second by Theodore Estwan. Move to send a positive 8-24 referral to the Board of Alderman/Alderwomen to sell municipal property at 119 Caroline Street. Motion carried unanimously.

MOTION by Steven Jalowiec and second by Theodore Estwan. Move to send a positive 8-24 referral to the Board of Alderman/Alderwomen to sell municipal property at 67-71 Minerva Street. Motion carried unanimously.

10. Old Business:

A. 73-75 Chatfield Street – South Central CT Regional Water Authority – Application for Site Plan Approval – Water Tower and Parking Lot Assessor's Lots 9-6, Lots 2 & 4.

There was discussion on preparation of a motion. Increased plantings were expressed during the public hearing. While plantings will unlikely fully screen a 57 foot tank there is a desire to expand the screening. Consensus is a double row of planting. Mr. Estwan commented that the Silver Hill Road suggestion had been considered previously but is in a heavily dense residential neighborhood with access concerns. After the 2013 withdrawal, discussion was entertained between RWA and the City of Derby to explore the parcel on Chatfield Street. The height limitation was raised and consensus was that the exemption appears consistent with the regulations. Atty. Schellenberg noted it states "usually", thus providing discretion for the Commission. Any modification in diameter and height would critically affect the hydraulics of the system.

MOTION made by Theodore Estwan and second by Steven Jalowiec

Following review of the plans and supporting documentation submitted in support of this application, the Derby Planning and Zoning Commission finds the following:

1. The application and supporting documentation as presented is in accordance with Sections 195-30 of the Derby Zoning Regulations (the Regulations).
2. That the height of the water tower is exempt from the calculation of proposed building height based on the definition of Building Height found in section 195-7 of the Zoning Regulations.
3. There is no prudent and feasible alternative to the location of the proposed water tower.
4. That there will be no unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state and no conduct likely to have negative impact to the public health, safety and welfare as a result of the proposed site plan.
5. The applicant's engineer has produced documentation demonstrating that there will be no increases in runoff and it therefore in compliance with the Regulations.
6. The site plan improvement contains a detailed sediment and erosion control plan that is in compliance with the Regulations.
7. The proposed plan will not cause any access or traffic concerns.
8. The proposed landscaping plan is adequate.

Therefore, the Derby Planning and Zoning Commission hereby approves the Site Plan Application for the South Central Connecticut Regional water Authority on property shown on Derby Assessors Map 9-6, Lots 2 & 4 subject to the following conditions:

1. Any modifications to the above referenced drawing, including proposed light fixtures shall be submitted to the Planning and Zoning Commission for review and action if necessary.
2. Any modification to the proposed storm water management system shall be reviewed by the City Engineer for compliance with the Regulations, and submitted to the Planning and Zoning Commission for review and action if necessary.
3. The sediment and erosion control plan shall be modified to incorporate temporary erosion control blankets on proposed slopes steeper than 3:1
4. Prior to any issuance of any zoning or Building Department approvals, a cost estimate bond covering the costs of the sedimentation and erosion control measures, including site stabilization shall be filed with the City Clerk by the applicant. The amount and form of the bond approved by the City Engineer and Corporation Counsel.
5. Prior to any earthmoving activities, the proper installation of all sediment and erosion control measures indicated on the above referenced plans.
6. The Zoning Enforcement Officer and City Engineer shall have the authority to direct the applicant to install sediment and erosion control measures as conditions may warrant.
7. The Commission determined that there shall be double rows of staggered plantings of trees along Chatfield Street from the school entrance area to the northerly tank driveway replacing the single row of plantings as detailed on the submitted plans. No plantings shall affect any line of sight requirements of the intersections.
8. Maintenance of the storm water management system associated with the water tank shall be the responsibility of the owner of the tank and maintenance of the storm water management system associated with the parking lot shall fall upon the owner of the lot. The City of Derby shall retain authority to inspect said systems, maintain and provide corrective measures if needed of said systems and all costs shall be the responsibility of said responsible parties. Further, the rights of the City shall be recorded on Derby's land records.

The approval shall be based upon the following documents submitted in support of this application:

1. Plans entitled "1.0 MG water Storage Tank, Derby, Connecticut, South Central Connecticut Regional Water Authority," dated March 2019, revised to April 2019, prepared by Tighe & Bond including 31 sheets.
2. Engineering memorandum entitled "South Central Connecticut Regional Water Authority, 1.0 MG water Storage Tank - Derby, CT," dated March 21, 2019 prepared by Tighe & Bond
3. Perspective renderings entitled "Tank Renderings – figure 1,2,3 and 4"
4. Application package including a letter from South Central Connecticut Regional Water Authority, dated March 11, 2019
5. Letter from Robert Jaskilka of St. Peter & Paul Ukrainian Catholic Church to Derby Planning and Zoning board regarding South Central Connecticut Regional Water's application for the 1.0 MG water storage tank, dated February 28, 2019
6. Statement of Use
7. Letter regarding 1.0 MG Water Storage Tank Planning and Zoning Application from Gary Roberts of Tighe and Bond to Carlo Sarmiento, Zoning Enforcement Officer, dated April 11, 2019, containing response to City Engineer's comment
8. Memorandum regarding South Central Connecticut Regional Water Authority 1.0 MG Water Storage Tank including supporting storm water management system calculations, dated April 11, 2019.
9. Letter from State Senator George S. Logan, dated April 16, 2019.
10. Letters from Milone & MacBroom Inc. dated March 28, 2019, and revised to April 12, 2019.
11. Verified Pleading filed Pursuant to Section 22A-19 of the Connecticut General Statutes, dated March 26, 2019 prepared by Gregory Cava, signed by Sharlene McEvoy, including as Appendix A a report entitled "environmental Evaluation of the Planning and Zoning Commission Application of the South Central Connecticut Regional Water Authority – Derby Water Tank, Derby, Connecticut, dated March 22, 2019 prepared by Steven Danzer PhD. Verified Pleading filed Pursuant to Section 22A-19 of the Connecticut General Statutes, dated April 16, 2019 prepared by Gregory Cava, signed by Dorothy Marinelli, Trustee of Marinelli Family Trust with appendix A "Environmental Evaluation" dated 3/22/19 prepared by Steven Danzer PhD
12. Document entitled "Zoning Issues", undated consisting of 12 sheets, submitted by Gregory Cava to the Planning and Zoning Commission on March 26, 2019
13. Excerpts from the Derby Zoning Regulations submitted by Gregory Cava to the Planning and Zoning Commission on March 26, 2019
14. Copies of Town Proceedings, 1888-1960, Town of Derby, pages 256-262 inclusive, pages 283-295 inclusive, pages 301-309 inclusive, pages 317-319 inclusive, and 328-335 inclusive, submitted by Gregory Cava to the Planning and Zoning Commission on March 26, 2019.
15. Letter from Kari Olsen of Murtha Cullina to the Planning and Zoning Commission, dated June 14, 2019 including the following:
 - a. Appendix A, Connecticut Department of Public Health's environmental Assessment Summary dated February 9, 2018
 - b. Appendix B, Connecticut Department of energy and environmental Protection's Environmental Scoping Notice review, dated January 15, 2019

16. Testimony from the applicant, Commission, City Staff and members of the public at the Public Hearings held on March 26, 2019 and June 18, 2019.

17. Exhibits submitted at the Public Hearing held on June 18, 2019

- a. "Supplemental Environmental Comments of the Planning and Zoning Commission Application of the South Central Connecticut Regional Water Authority – Derby Water Tank, Derby, Connecticut" dated May 5, 2019 from Steven Danzer PhD presented by Atty. Gregory Cava.
- b. Two page "Opponents' Light Penetration Exhibit" presented by Atty. Gregory Cava.
- c. Two page "Additional Environmental Comments of the Planning and Zoning Commission Application of the South Central Connecticut Regional Water Authority – Derby Water Tank, Derby, Connecticut" dated June 17, 2019 from Steven Danzer PhD presented by Atty. Gregory Cava with Appendix A – from CTECO website, and sheet that details the resume of Steven J. Danzer, PhD.
- d. 1 sheet depicting pictures of water towers presented by Atty. Gregory Cava.
- e. 11 page "Additional Zoning & CEPA Issues" presented by Atty. Gregory Cava with attachments
 - i. of a 7 page "Exhibit 9-5",
 - ii. 3 page "Under "Summary"" dated February 5, 2019 – the Environmental Assessment Summary from Eric McPhee
 - iii. "Under "Memorandum"" dated February 5, 2019 to Council on Environmental Quality, Environmental Monitor from Eric McPhee
 - iv. 3 page "Under Comment"" dated 8/28/18 to Mr. Eric McPhee from Linda Brunza

Motion carried unanimously.

B. 31-37 Anson Street – Anson Street Realty, LLC

This applicant is continued to the July 16, 2019 meeting.

11. Updates on Previous Approvals

Nothing was discussed.

12. Payment of bills

MOTION by Theodore Estwan and second by Raul Sanchez. Move payment of the following invoices to Milone and MacBroom for professional services for the period May 1, 2019 to May 31, 2019:

Invoice #91628 dated June 12, 2019 for review Spec Exception Red Raider Derby llc	\$437.50
40-60 Pershing Drive	
Invoice #91629 dated June 12, 2019 for review of Site plan review Savin Brands	\$608.75
44 Pershing Drive	
Invoice #91630 dated June 12, 2019 for May public hearing prep and PDD changes	\$ 1,253.13
Invoice #91633 dated June 12, 2019 for review and draft motion to approve	\$782.50
Jason Miller 326/328 Derby Ave	

13. Adjournment

MOTION by Theodore Estwan and second by Steven Jalowiec. Move to adjourn the meeting at 9:50 PM. Motion passed unanimously.

Respectfully submitted;
Karen Kemmesies

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