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TO: DERBY PLANNING & ZONING COMMISSION

RE: RESPONSE TO SLR SUPPLEMENTAL REPORT

In addition to the response to the SLR supplemental report, the undersigned has the following additional responses:

- The thrust of SLR Comment 1 is that Subdivision 3.5.1 required less grading in order to work with the natural terrain. This regulation, as with any regulation, must be read in conjunction with other regulations and requirements in the regulations and ordinances such as public roadway grades and lines of sight, utility installation and appropriate level yard area for residential development. To develop the property that the PZC has zoned for R-5 and P, the applicant needs to construct the infrastructure over the entire property in accordance with regulations and ordinances and that is what necessitates the extent of the site work. SLR has not proposed or produced an alternative of infrastructure construction that would result in less site work other than an implication to develop less of the property for which there is no legal basis. Furthermore, the applicant proposed and the PZC denied a Planned Residential District regulation that would have permitted attached townhouse units with private roads and access to Coon Hollow Road that would have resulted in
 - Substantially less site work;

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By Marc J Garofalo MPA, MMC, MCTC at 4:58 pm, Aug 17, 2026

- No construction traffic on Summit Street; and
 - No need to connect to Mountain Road.
- SLR Comment 2 contains the following statement: “Under normal conditions, adding the traffic related to construction activity from a typical a subdivision onto an existing public street should not be the sole basis for denying a subdivision application. However, *this is not a typical subdivision given the extent and duration of proposed rock excavation that will be required to install the infrastructure and create the building lots.*” SLR does admit that it is the **required infrastructure** that necessitates the extensive site work. However, there is no such thing in subdivision or zoning regulations or, for that matter, the statutes of the State of Connecticut as a “*not typical*” subdivision. Once a parcel is zoned, the property owner only needs to comply with existing regulations – which include those requirements for road grade, sightline, utility installation, etc. This project has been before the PZC for over 3 years and during that time, the PZC has not amended its regulations to, for example, eliminate slopes in excess of 25% to count toward lot size. Such would have reduced to density but not the infrastructure requirements that necessitate the site work. In addition, the comment refers to the impact of construction traffic on Summit Street when SLR is well aware that in the PRD proposal and in last year’s proposal, the application proposed a connection to Coon Hollow Road which would have eliminated construction traffic on Summit Street and the need for the Mountain Road connection. To now raise that issue after a denial by the PZC and a refusal by the Mayor and Board of Alderpersons to permit such connection is disingenuous and hypocritical.
- Comment 3 contains the following statement: “The Commission does not have the

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authority to attach conditions of approval in its decision, as it may have with other zoning applications.” Such a statement is directly contrary to the law of the State of Connecticut and the zoning and subdivision regulations of the City of Derby. See section 1.5 of the Derby Subdivision Regulations: “Approval: All subdivisions or resubdivisions shall be approved only by majority vote of the entire membership of the Commission. *Approval may be granted subject to conditions and safeguards necessary to carry out the letter and the purpose and intent of these Regulations and to protect the public health, safety and welfare and property values.*” A condition related to Geotech reports would clearly be allowed. Such a comment points to the unusual effort to find reasons to deny – even if not supported in the Derby regulations.

- There are other comments related to the ROW width of Mountain Road and Summit Street. Those streets and the surrounding and connecting streets have 40’-45’ ROW widths. Since the City of Derby has not determined such width is unsafe per se and taken property by eminent domain to widen them, the connection to such streets is not a reason for denying access. This is especially so when the connection to Mountain Road is necessitated by the PZC and the Board of Alderpersons with the denial to access Coon Hollow Road simply due to the unpopularity of the proposal with the neighbors who will now be impacted by the construction traffic that should be going down to Coon Hollow Road.

Regarding remaining SLR comments, I refer to the Rose Tiso responses.

Cohen and Thomas



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