

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

Cynthia Knopick (Alternate)

Maryanne DeTullio, Clerk

The regular meeting of the Planning and Zoning Commission of the City of Derby was held on Tuesday, November 21, 2017 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, David Rogers, Richard Stankye, Steven Jalowiec, Albert Misiewicz, Raul Sanchez, Cynthia Knopick and Glenn Stevens. Also present were Atty. Marjorie Shansky, Ryan McEvoy, Milone and MacBroom, Leslie Creane, Economic Development Director, and Maryanne DeTullio, Clerk.

Public Portion

There was no one from the public wishing to speak.

Approval of Minutes

Mr. Stankye moved to table the approval of the October 17, 2017 regular meeting minutes. The motion was seconded by Mr. Jalowiec and carried unanimously.,

Mr. Stankye moved to table the approval of the November 1, 2017 special meeting minutes. The motion was seconded by Mr. Stevens and carried unanimously.

Public Hearing

(a) Application for Special Exception from AIEP for educational dormitory at 101 Marshal Lane.

Atty. Dominick Thomas, 315 Main Street, Derby stated that he is representing the applicant AIEP for the special exception for student dormitory at 101 Marshal Lane. He presented the notices of mailings and certificate of mailings. He stated that the mailings included a copy of the site plan, floor plan and statement of use. He also presented revised site plan and floor plan. He stated that the site plan has changed to remove some landscaping to address line of sight. The floor plan is the same. He stated that this is the former Marshal Lane Manor convalescent home. He stated that they had commenced a tax appeal because the convalescent home was closed and he State will not issue any licenses for convalescent homes. The assessment was reduced from \$66,000.00 to \$22,000.00.

He stated that the owner was approached by someone interested in putting apartments there but they determined that apartments were not a fit for this site. He stated that under the zoning regulations it could be a public use or church which would mean no taxes being paid.

Vincent Guardiano did an appraisal of the property and it was determined that the highest and best use was possibly five to six lot subdivision. Atty. Thomas stated that with the cost to demolish the existing building and development costs per lot it would not be financially feasible to do a subdivision of single family homes.

Atty. Thomas stated that the proposal is for a dormitory for foreign international students who will be attending private schools in the area. He stated that they received the review letter from Milone and MacBroom and will respond to that.

David Guarrera, AIEP stated that they found the building approximately nine months ago and the location is perfect for this use. He stated that AIEP brings diversity to the American classroom with the international students. There are 350 students total attending private schools. The students are in grades 8 to 12 and are mostly Chinese students. He stated that this is a family oriented program and the students are all attending private schools and paying full tuition. The students give back to the community with volunteer hours in different areas.

He stated that there are full time RAs on staff and they are all trained. There is one RA for every 25 students. There will be two students per room. The students cannot drive any vehicles, have any pets or visitors. There will be a six foot fence around the recreation area and in the rear of the property.

Atty. Thomas presented letters from Holy Cross and Sacred Heart high schools in Waterbury. Dr. Polly Peterson, Chase Collegiate School stated that they have a similar program there and use one of their buildings as a dormitory for these students. She stated that they have over forty students and fourteen students living on campus and have no problems with the students.

Atty. Thomas stated that he held a neighborhood meeting on site and also explained that this is not a non-profit organization.

Vincent Guardiano, appraiser stated that the building cannot be used as a nursing home. He stated that this is a new use and no real difference from what was there before. He stated that there was no need for a full impact study. He stated that there is no reason to think that this will have a negative impact on property values.

Atty. Thomas presented photos of the site and stated that no exterior renovations are proposed. There will be 15 passenger vans parked on site which the staff will use to transport students to their schools. The existing lighting will be used. Atty. Thomas stated that outdoor cameras will be installed. The property is connected to public sewers and there is no issue with capacity. They will need to go through the WPCA process.

Patrick Rose, Rose-Tiso stated that the dogwoods along Marshal Lane are within the sight line. There is also a large tree which was in the line of sight. Both the dogwoods and the large tree will be removed. He stated that the lighting on the building provides significant illumination. There are dumpsters in the rear where there was loading dock. The fence in the rear will be a six foot chainlink fence. The parking for the 15 passenger vans will fit in the existing parking lot. He stated that they have added some benches in the rear courtyard and also a small basketball court in another courtyard. There will be some drainage work done in that area. He stated that some drywells on the site will need to be corrected.

Mr. Tiso reviewed the floor plans and stated that very little renovations will be done. They are adding security doors which will be activated by a fob system. There will be showers added and some toilets and sinks. There will be study rooms and two dining rooms and a kitchen.

Atty. Thomas stated that they have addressed the issues in the text change and comply with all the regulations. The proposed use is similar to a nursing home. He stated that during the summer months the students must return to their home countries. During the day the students are out at their schools. He stated that the use will be less intense than what was there previously. He stated that the amount of traffic and the amount of noise will be less than previously.

Mr. Stevens asked if the chainlink fence will have privacy slats and also about visitors. David Guarrera stated that family members can come and visit the students but no other visitors are allowed and the students will not have cars. Also staff parking and the vans will be parked on site.

Mr. Rogers asked what if someone becomes ill. Mr. Guarrera stated that all students will have a health plan and all staff members are medically trained. They will be looking to have a nurse on staff if necessary.

Mr. Stankye asked what would happen if an RA did not show up for work. Mr. Guarrera stated that the RAs will be living on site and there will be backup RAs. They would like to have couples serve as RAs. Mr. Stankye asked the ratio of RAs to students. Mr. Guarrera stated that they do have room for another RA and the RAs will not be designated to one wing only.

Mr. Sanchez asked about curfews and if there are any activities that the students would want to participate in that are after curfew. Mr. Guarrera stated that a student has to be back by curfew but can come a little later because of an activity once they have permission. The key fob system monitors and regulates the comings and goings.

Mr. Misiewicz asked about the number of showers and Mr. Guarrera explained that there will be 13 total and that is regulated by Code.

Mr. Guarrera stated that some students will live with host families and some will want to live in the dormitory. He stated that it will be at least three to four years to get the maximum capacity of 25-30 students. Mr. Estwan asked why not just continue with host family concept. Dr. Polly Peterson, Chase Collegiate School stated that some students want to live with a family and some want the dormitory experience; it is really about preference. Mr. Guarrera stated that this is an option for the students.

Atty. Thomas stated that the tax appeal is done and there will be substantial work to the inside of the building which will increase the assessment and appraised value of the property. Mr. Estwan stated that since only staff can drive and there will be vans there will clearly be less traffic. Mr. Estwan stated that a letter was received from the Fire Marshal dated 10/26/17 indicating no problems with fire accessibility.

Mr. Stevens asked about the basketball court and Mr. Guarrera stated that they will have to put some regulations in place regarding the use of the court. Mr. McEvoy stated that he has not had a chance to thoroughly review the responses to his letter. Mr. Estwan asked for any public comment.

Lori Capuano, 325 David Humphreys Road asked if there was some confirmation that they will not be attending Derby High School. Mr. Estwan stated that if they were to attend Derby High School they would have to pay full tuition and also be pre-approved to attend and Derby High School is not in the program. Ms. Capuano stated that Derby High School is overcrowded and they should not go there. She asked where the students will be coming from and Mr. Estwan stated that they will be coming from China. She stated that the meeting minutes from July indicate that this has been approved. Mr. Estwan explained that it was the zone text change application that was approved in July and not this application. Ms. Capuano asked why other towns are not doing this type of facility; she felt that there will be issues with the students.

Steve Ponzilo, 32 Bellevue Drive asked how the City is going to benefit from this since the tax revenue will be minimal. He stated that there are no sidewalks and poor lighting in that area. He stated that he cannot see any gain to the City of the residents and felt that property values will go down. He did not feel it was economically feasible for the City and does nothing for the City or its residents and the majority of residents are not in favor of this. Mr. Estwan stated that Planning and Zoning represents the town and they do what they feel is in the best interest for the town.

Richard Augustine, 91 Harold Avenue asked about how this will affect the sewage system. Mr. McEvoy stated that he questioned the applicant if they reached out to WPCA and the Sewer Commission. Mr. Estwan stated that they have reached out to WPCA a number of times. Mr. McEvoy stated that the ability to use the sewer system lays with the WPCA. Mr. Stankye stated that they will need to get a letter from the WPCA giving their approval to the proposed plan that the sewer system can handle what they are proposing.

Atty. Thomas stated that the proposed use is substantially less than what was there previously. He stated that they reached out to the WPCA several times and will contact them again.

David Binkowski, 32 John Street representing his parents stated that they are opposed to this. He stated that they would like a metal fence and not a chainlink fence.

Thomas Russell, 124 Harold Avenue asked if the students will be immunized. Mr. Guarrera stated that during the first two weeks of getting here they get immunization and a TB test and have to meet all medical criteria.

David Kopjanski, 54 Franklin Avenue asked if there was any response back from the Corporation Counsel and Mr. Estwan stated that they has not been. Mr. Kopjanski stated that the traffic will be less than the nursing home and asked if this has been referred to the Police Department. Mr. Estwan stated that it has not been. Mr. Kopjanski stated that the zoning regulations have a definition for the term adaptive reuse. He stated that the bulk requirements in Section 195-11 are applicable. This building is non-conforming in terms of lot coverage and rear yard setbacks. He stated that the setbacks for recreational use is 65 feet and he did not think that they had that. He did not feel that the Commission should take any action on this application at this time; as there are a lot of issues that need to be answered.

Mike Alberta, 325 David Humphreys Road asked what the cost per student is to educate and house a student. He also asked what are the costs to the City.

Tony Ponzilo, 32 Belleview Drive asked the number of students that will be in the facility. Mr. Guarrera stated that they have 350 students in their program in total. Mr. Estwan asked if there were enough restrictions in place to handle this size and stated that it should be managed properly. Mr. Ponzilo stated that he did not feel that this area is conducive to handle the number of students that will be in this facility. Mr. Stevens noted that they have to be back by 7:00 p.m. He also stated that they have to remain in the building and cannot leave the dormitory after 9:00 p.m.

The meeting was recessed at 8:55 p.m. and a motion to resume the meeting and public hearing was made by Mr. Stevens, seconded by Mr. Stankye and carried unanimously. The public hearing was resumed at 9:04 p.m.

Mr. Estwan asked how many people attended the neighborhood meeting and Atty. Thomas stated that no one attended. He also stated that this is an adaptive reuse of an empty building and taking an older building and transforming it into a new use.

Mr. Stankye asked how the students are accounted for on the weekends. Mr. Guarrera stated that they have a sign out policy and there is one RA for every 25 students. He stated that it is a key fob system. Mr. Estwan noted that the doors have alarm systems on them. Mr. McEvoy asked what happens in the event of a problem student and Mr. Guarrera stated that they have the right to send a student home at any time. Dr. Peterson stated that if there is an issue the student would be asked to leave. Mr. Guarrera stated that these students want to get a well-rounded education and go on to college.

Atty. Thomas submitted an e-mail exchange that he had with the WPCA. Mr. Estwan read a letter that the Commission received from Maureen Kelleher, 39 Belleview Drive.

Mr. Guarrera stated that they hold two orientation programs with all students and host families.

Kathleen Kiley, 31 Rolling Green Road, Bethany stated that they also do an orientation program in China for new students.

Mr. Stevens stated that the Commission represents the entire City and if this property were used for single family homes with students attending Derby public schools there would not be any gain for the City. This is not an easy decision to make and everyone is working hard on this application and making sure that all concerns are addressed. Mr. Estwan stated that a public hearing is held to get concerns from the public. Mr. Misiewicz felt that this is a unique opportunity for the City.

Carmen DiCenso, Jeanette Drive asked if a student is involved in sports at the school that they attend and other students want to go and see a game how is that handled. Mr. Guarrera stated that would be difficult since they have to remain at the dormitory on weekends. Dr. Peterson stated that the students like to stay in and study and if they do want to go somewhere an RA would drive them. She stated that they come from different cultural backgrounds and are here to study.

Carmen Durante, Ansonia stated that he has been a host family for international students and this has been a tremendous experience for his family.

Mr. McEvoy stated that the Commission should consider the landscaping to the rear of the building and whether the fence is suitable and also consider if the lighting is adequate.

Patty Vogel, Fairfield stated that she has been a host family and has not had any problems.

Anthony Simonetti, 6 Hayfield Drive, Shelton, owner of the property stated that the water usage when it was a nursing home was phenomenal and they never had any problems. He also stated that they used police, fire and ambulance services constantly.

Atty. Thomas stated that at the easterly boundary there is really no reason for a planting buffer. He stated that there will be a six foot fence with slats. He also stated that they will address the northern boundary. He stated that the front of the building is well lit and there will not be a log of nighttime traffic. Mr. McEvoy stated that there are gaps in the lighting and from a safety perspective they should consider more lighting.

Mr. Estwan moved to continue the public hearing. The motion was seconded by Mr. Stankye and carried unanimously.

New Business

(a) Request for Bond Release from Andy Mortensen for 88 Sodom Lane, R-3 Zone

Mr. McEvoy stated that the vegetative buffer has not been put in and until the site is completely stabilized he would recommend a partial reduction of the bond. Mr. Estwan moved to hold the bond until all work is completed and the property is stabilized. The motion was seconded by Mr. Stankey and carried unanimously.

Mr. Estwan stated that this proposal looks like something that would fit an overlay zone. Atty. Dominick Thsent Atty. Marjorie Shansky a sample PDD regulation. This will be worked on and brought before the Commission.

Payment of Bills

Mr. Stevens moved to approve payment of bills. The motion was seconded by Mr. Jalowiec and carried unanimously.

Atty. Shansky stated that a subcommittee meeting will be scheduled for July 18, 2017 before the regular meeting or the week before. Mr. Jalowiec moved that the sub-committee meeting be scheduled for 6:00 p.m. on July 18, 2017. The motion was seconded by Mr. Stankye and carried unanimously.

A motion to adjourn was made by Mr. Stevens, seconded by Mr. Estwan and carried unanimously. The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Maryanne DeTullio, Clerk

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