



City of Ansonia
PLANNING AND ZONING COMMISSION

February 22, 2010

Regular Meeting

FOR FILE
10 APR -2 PM 2:24
Madelina H. Bottone
CITY AND CITY CLERK
ANSONIA, CONNECTICUT

Present: Bart Flaherty, Chairman
Jared Heon
Jeff Lawlor
Ed Phipps
Jim Tanner

Absent: Doug Furtek

Others Present: Peter Crabtree, ZEO
Fred D'Amico, City Engineer
Oswald Inglese, Planning Consultant
Tom Welch, P&Z Attorney
Steve Blume, Pres. Board of Aldermen
Gene Sharkey, Alderman

The regular meeting of the Ansonia Planning and Zoning Commission was called to order at 7:30 p.m. by Chairman Flaherty.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll. There was a quorum present.

Minutes

Mr. Heon made a motion to accept as written and place on file the minutes of the January 19, 2010 Public Hearing and January 25, 2010 regular, organizational & public hearing & Verbatim transcript January 19, 2010 & January 25, 2010. Mr. Phipps seconded. All in favor, so carried.

Bills

Mr. Phipps made a motion to pay all bills if found to be correct. Mr. Tanner seconded. All in favor, so carried.

1. T. Welch: \$2,112.50
2. Post Reporting Service: \$662

PZ022210

Correspondence

Mr. Tanner made a motion to accept all of the correspondence received, dispense with the reading, and place them on file. If a member requests one read or acted upon the correspondence will be brought up individually. Mr. Phipps seconded. All in favor, so carried.

1. Traffic Study, 110 Clarkson Street & Hull Street, Ansonia, CT dated February 17, 2010, MMI#4193.

Chairman Flaherty said that the Commission received the Traffic Study for the 55 and over project proposed by Ray Sadlick, TWC Development. He said this report is received and is part of the record and part of the public hearing record.

Heriberto DaVilla/Ray Sadlick(TWC Development)request for 55+ Subdivision to be located at 110 Clarkson Street & 23 Hull Street Ansonia. (6/29/09-8/31/09) Withdrawn 8/31/09 and resubmitted (8/31/09-10/26/09) Extension to 12/28/09Withdrawn 11/30/09 and resubmitted (11/30/09) Public Hearing: 1/19/10 continued to 1/25/10 continued to 2/23/10

Mr. Ray Sadlick and Mr. Frank Hoinski were present.

Mr. Sadlick said that he has submitted the Traffic Study on Thursday so that it could be mailed out to the members. He said he hopes that the members will review the Traffic Study for tomorrow's public hearing.

Chairman Flaherty asked Mr. Sadlick to have someone at the public hearing to answer questions from the Public.

Mr. Sadlick said that Mr. Inglese and his architect will confer on the architectural and he will have everything for the regular meeting.

Chairman Flaherty said that would be OK. The Commission will recess and continue the public hearing to March for the information so that they could receive it for the record. He suggested that Mr. Sadlick review the verbatim minutes so that he will be ready for the public hearing.

John Bennett/Potzy & company, LLC (Riverbend Site, LLC) request for Site Plan approval for 22 Maple Street (1/19/10-3/26/10)

There is no one present.

Chairman Flaherty said that this proposal was referred to staff at the last meeting.

Mr. Inglese said that is correct. He presented a memo.

Mr. Welch said the Zoning Enforcement Officer brought a zoning enforcement action against the applicant and this application was received because it was part of the Court requirement to make an application to the commission. They were using the property without the proper approval. The applicant has cleaned up the property however the contempt fine was waived because they were required to submit an application. Mr. Crabtree was not sure if this property is under the City Center Plan and if the use was a permitted use.

Mr. Crabtree said two judges heard this case – Judge Moran and Judge Radcliff. He said he didn't have a copy of the City Center Plan at the time. Judge Radcliff thought all he had to do was apply but that is not the case.

Chairman Flaherty noted that there were tractor trailer parked there, storage units and odd stuff there. They were in the process of building a transfer station on the property.

Mr. Crabtree said I agree. The property was never utilized as is permitted.

Mr. Inglese said he has Ariel photos of the site.

A discussion continued on the use of the property and the location of the property as it pertains to the City Center Plan. It was determined that this property is within the City Center Plan area.

Mr. Phipps made a motion to Deny the application for site plan requested by John Bennett for Potzy & Company, LLC (Riverbend Site, LLC) for 22 Maple Street because it is not an allowed activity in the City Center Plan. Mr. Tanner seconded. All in favor, so carried.

City Center Plan

There was discussion on the original boundaries for the City Center Plan and the changes that were made when it was approved. The Commission would like to change the boundary back to the original plan. Nothing in the City Center Plan will change except the boundary.

Mr. Inglese said the commission will have to prepare the map for a public hearing.

Mr. D'Amico said he will be able to prepare the map.

Mr. Phipps made a motion to hold a public hearing on amending the boundary to the original boundary for the City Center Plan on Monday, March 22, 2010 at 7:00 p.m. Mr. Heon seconded. All in favor, so carried.

Reports: City Engineer

Mr. Fred D'Amico was present.

- a. R. Scinto/Fountain Lake Commerce Park – E&S Bond-Perf Bond & Fence

Mr. D'Amico said that he will meet Mr. Scinto on Wednesday, February 24, 2010 at 9:00 a.m. at the site to discuss the condition of the site and what must be done to remedy the problems.

b. 64 Platt Street Wall & parking lot

Mr. D'Amico said that there has been no further work done on the site because of the snow.

Mr. Sharkey said that there have been two light poles installed by United Illuminating and two large trees have been removed and the site has been cleared of the smaller trees and bushes. He said they will regrade the area after the winter season. There is still a lot of site work to be done.

Reports: Zoning Enforcement Officer

Mr. Peter Crabtree was present.

Violations:

1. Renu Auto Body

The attorney is still researching the information.

2. Mutual Housing

Chairman Flaherty said Mr. Crabtree sent them a letter not relieving them of the site plan approval requirements. The wall is already dug out along that side of the driveway and it should be easy to finish. He said good sense should prevail and they should work something out with the Church to allow them to fix it.

Mr. Crabtree will follow up on this.

3. New Violations

32 Spring Street:

Mr. Crabtree said that he needs a warrant that will allow him to go into the house to inspect it.

Mr. Welch said that Mr. Crabtree sent this to him requesting a warrant to get into the property.

32 Hull Street:

There was discussion on this property at the public hearing. A neighbor stated it was a 2 family and it was converted to a 3 family.

Mr. Crabtree said he will go to 32 Hull Street and take a look.

Mr. Tanner asked what was happening at 32 Spring Street.

Mr. Crabtree said the owner blocked off some apartments and is charging the utilities to the other tenants. There is not enough meters there for the use and the tenants are receiving a large bill. They will not allow Mr. Crabtree access to the apartment. He has requested a warrant from Mr. Welch.

Speed of Sound Sign

Mr. Heon asked about the sign at Speed of Sound on Pershing Drive. He said that he has received complaints from residents that the sign is blinding them as they exit from Clifton Avenue onto Pershing Drive.

Mr. Crabtree will take a look at it.

Tractor Trailer

Mr. Sharkey said there is a white tractor trailer cab parked on Myrtle Avenue. It was gone for awhile but it is back there this weekend.

Mr. Phipps said he called the Police Dept.

Mr. Sharkey said there have been discussions with the Police Department regarding making this an infraction and then the Police can do something.

Mr. Crabtree said that the Police Dept. doesn't have to make an arrest they just have to make a report that they went out there and the tractor trailer is parked there. Once he sees the report he can do something. He doesn't have to go to the site and see the violation himself – there is a Police report that it was parked there.

Mr. Sharkey said the Police can't go on the property.

Mr. Crabtree said if you can view the vehicle from the street, they can make a report that it was parked there on the property.

Mr. Phipps said there are two tractor trailers parked on Sharyl Drive.

Chairman Flaherty said there is a big box truck parked across the street from Rita St. Jacques house on Myrtle Avenue.

Mr. Sharkey said he will notify the Police Department of these locations. He said he will also advise them about the reports.

b. Variances

Mr. Crabtree said there are no variances for this month.

Chairman Flaherty noted that Attorney Welch has been working very hard for the Commission. He has a lot of things he is working on i.e. court cases for violations, law suits, etc.

Bonds

Chairman Flaherty asked Mr. D'Amico if he has returned the all of the bonds that were released by the Commission.

Mr. D'Amico said he has returned all but one – A.J. Grasso, Prestige Builders. He is waiting for Mr. Grasso to submit the sewer laterals.

Reports: Planning Consultant

Mr. Oswald Inglese was present.

Chairman Flaherty said the commission will work on the fee schedule right after the public hearings are over.

Other Business to come before the Commission

Chairman Flaherty said he received a call from Dave Pantelone regarding the fence for the Day Care on Beaver Street. Mr. Pantelone said that the ground is frozen and the contractor for the fence could not put up a permanent fence until the ground defrosts. Mr. Pantelone asked if he could install a temporary fence until the permanent fence could be installed in the Spring.

Chairman Flaherty advised Mr. Pantelone to contact Mr. D'Amico City Engineer and have him review the plans for the temporary fence.

Mr. D'Amico said that he hasn't reviewed the plans for the temporary fence but he will do so next week.

Mr. Tanner made a motion to allow the City Engineer to approve the installation of the temporary fence once he reviews the plans. The temporary fence will be in place only until the ground defrosts and the permanent fence can be installed. Mr. Heon seconded. All in favor, so carried.

Mr. Pantelone presented a copy of all of the contracts for the project.

Chairman Flaherty said that the permanent fence is under contract for installation.

Executive Session

Mr. Phipps made a motion to go into Executive Session at 8:10 p.m. and invite Mr. Inglese to discuss pending litigation. Mr. Heon seconded. All in favor, so carried.

Mr. Phipps made a motion to go back into regular session at 8:25 p.m. Mr. Tanner seconded. All in favor, so carried.

There was a discussion on the ADA Regulation and who is allowed to occupy Senior Housing. The commission is concerned that drug addicts, alcoholics, etc. will be allowed to live in the 55 and over subdivision.

Mr. Welch said that the Elderly Housing Act is specific. He said that can't happen with the 55 and over subdivision. There is specific language for the Housing for Older Persons Act. P&Z can grant a variance if they chose, but it can't happen. He will provide a copy of the Elderly Act.

Public Hearing

Chairman Flaherty reminded the members there is a public hearing tomorrow evening at 6:30 p.m. for the 55 and over subdivision.

Adjourn

Mr. Phipps made a motion to adjourn the meeting at 8:30 p.m. Mr. Lawlor seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary