



City of Ansonia
PLANNING AND ZONING COMMISSION FILE

Public Hearing

March 22, 2010

Continued from February 23, 2010

Special Permit

Age Restricted Multifamily Housing
Section 450.0 – Zoning Regulations
110 Clarkson Street & 23 Hull Street

10 MAR 31 PM 2:45

Madelina A. Bottone
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

Present: Bart Flaherty, Chairman
Jared Heon – arrived 7:30 p.m.
Jeff Lawlor
Ed Phipps
Jim Tanner

Absent: Doug Furtek

Others Present: Fred D'Amico, City Engineer
Oswald Inglese, Planning Consultant
Kevin Blake, Corp. Counsel
Steve Blume, Pres. Board of Aldermen
Gene Sharkey, Alderman

The continued public hearing from February 23, 2010 of the Ansonia Planning and Zoning Commission to hear the request for a Special Permit for Age Restricted Multifamily Housing on 110 Clarkson Street and 23 Hull Street was called to order at 7:05 p.m. by Chairman Flaherty.

All present rose and Pledged Allegiance to the Flag.

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

Mr. Phipps made a motion to reopen the public hearing that was continued from Tuesday, February 23, 2010 to Monday, March 22, 2010. Mr. Tanner seconded. All in favor, so carried.

Post Reporting Service is present this evening and will transcribe the minutes verbatim.

Chairman Flaherty received this evening the correspondence listed. He noted that none of this information has been placed on file in the Office of the Town Clerk.

1. Fred D'Amico, City Engineer, letter dated 3/17/10
2. Howard Madigosky, WPCA Chairman, letter dated 3/20/10
3. Oswald Inglese, Planning Consultant, 8 ½ x 11 sheets showing elevations dated 3/22/10
4. Raymond Sadlick, Developer, letter dated 3/22/10 and Map (1 copy)

Chairman Flaherty read Mr. D'Amico's letter and Mr. Madigosky's letter. He stated these communications were just received this evening.

Mr. Inglese said that the information he submitted was faxed to him and there were no floor plans included in the submission. He said the architect told him he had to get clearance from his client to prepare and submit the floor plans and elevations.

Chairman Flaherty said that Planning & Zoning's regular counsel is not present this evening and he doesn't expect Mr. Blake to be familiar with the hearing. He discussed the letter received from counsel regarding local zoning boards and the new law (Clifford vs. City of Ansonia) with regard to blasting, storage of blasting materials, etc. The question is does P&Z have authority over blasting.

There was discussion on page 37 of the verbatim minutes taken at the February 23, 2010 public hearing regarding the allowance in a 55+ development of 20% not 55+ and whether the P&Z Commission can say zero percent. The commission is seeking to find out if they can say zero percent or if the 20% is allowed.

Chairman Flaherty asked if the applicant wished to address the commission at this time.

Present for the applicant:

Clifford Hoyle, Attorney
Ray Sadlick, Developer
Frank Hoinski, Real Estate Agent

Attorney Hoyle presented the letter and map from Mr. Sadlick. He said that his client will comply with the Planning and Zoning Commission and they are very flexible. He said he has resubmitted some of the plans to alleviate a question on 5/100th of an acre when the map was drawn. This will not affect the application.

Attorney Hoyle discussed the information that was presented this evening with regard to blasting and Restrictions on Use, Alienation and Occupancy. He said they are flexible in that regard and the items are negotiable. He said all approvals require the counsel for the City of Ansonia to approve the documents and restrictions. The 55+ residents can be confident they will be living with people their own age.

Corp. Counsel Blake asked if the letters and information presented this evening will be accepted by the Commission because the Commission can't accept anything after the close of the public hearing.

Chairman Flaherty said that is the question he had. These items should have been on file if they are to become part of the public hearing record. They should be available to the public before the hearing.

Corp. Counsel Blake said the commission can accept them tonight and note what they are.

There was discussion on acceptance of the information received at the meeting this evening. Corp. Counsel Blake said for the record identify them.

There was a brief recess at 8:45 p.m. to 8:50 p.m.

Chairman Flaherty asked what the commission's pleasure was on acceptance.

Mr. Heon said accept as evidence presented and put it on the public record. The commission can't comment on it this evening but if there are questions the Chair can bring it up during our regular meeting.

Mr. Heon made a motion to accept the information received this evening as evidence for the public record. Mr. Lawlor seconded. All in favor, 1 abstained (E.Phipps) and 1 opposed (B.Flaherty)

Chairman Flaherty said the information is part of the public record. The public did not read it. Planning and Zoning Commission members did not read it.

There was discussion on rock crushing on the site and how long they will be crushing the rock after blasting. Mr. Sadlick said that they plan to keep it to a minimum – blasting depends on the rock. They will work as quickly as possible but it depends on the site conditions. He will go in and do it and get out.

Mr. Inglese said that P&Z has to determine if this is compatible with the neighborhood.

Chairman Flaherty said the Homeowners Association should have money in the Treasury to start off - \$15,000. He said this should be part of the Homeowners Association document. They will need funds to start and keep going until all of the units are sold and the members contribute to the fund.

Attorney Hoyle said he drafted a document and submitted it to Corporation Counsel for review and comment and to bring any concerns to the P&Z Commission. This has always been part of the process and part of the approval.

Chairman Flaherty asked if Mr. Sadlick was in agreement with Mr. D'Amico's recommendation for two rows of plantings.

Mr. Sadlick said he agreed to plant on the easterly side and southerly side.

Mr. Inglese said Section 440.3 specifies what has to be done.

Chairman Flaherty asked about the 10% open space.

Mr. Sadlick said there is 26,391 s.f. of open space on the site. He said if there are minor changes and tweaks to the plan he wants to have the ability to do that without opening the door and having to come back to the Commission.

Mr. Inglese said the Commission approves on certain submissions so don't make any changes without P&Z.

Chairman Flaherty said the public hearing will be closed this evening. He asked if there was anyone from the public who wished to address the commission.

Residents from the Public who addressed the Commission:

Maureen McDonnell
8 Hart Lane
Ansonia, CT

Ms. McDonnell discussed the older Elderly Act and the limit of people per unit. She is concerned there is no hardship. There are density issues and there should be a stipulation that the units must be sold. She discussed the FHA loans.

Rich Fiddler
4 Willow Street
Ansonia, CT

Mr. Fiddler discussed the 250 foot pre-blast survey. He said that the 250 feet would be covering the area of Mr. Sadlick's property. He is concerned that the area of measurement does not cover the houses bordering this property where the blasting will occur. He is asking what protects their homes.

Attorney Hoyle said his client wants to succeed. There could be a development with much more density that would affect the school system, etc.

Chairman Flaherty asked three (3) times if there was anyone from the public who wished to address the commission.

There was no one.

Chairman Flaherty asked if the Commission members had any questions for the applicant or any comments.

Mr. D'Amico said the 250 feet is measured from the edge of the blasting area. This will encompass existing dwellings on the border of the property.

Chairman Flaherty asked if the applicant can get a schematic of 250 feet for the Commission members so they can see the area.

Attorney Hoyle said he was sure his client could do that. The blasting surveyors will react to the risk and the insurance company doesn't want risk. He said the 250 feet is much more than necessary.

Chairman Flaherty said the Commission would like to see the 250 feet pre-blast survey area.

Mr. Heon said he would feel better if it didn't touch his property if he lived in that area.

Mr. D'Amico suggested they plant evergreen trees and shrubs as a buffer on the east and south side of the property. There are trees there now however in the winter they lose their leaves and evergreens would be a better buffer.

Chairman Flaherty asked if there was any commission member, alderman or staff who wished to address the commission or the applicant. He asked three (3) times. There was no one.

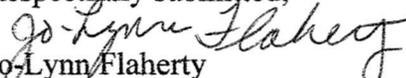
Chairman Flaherty asked if there was anyone else who wished to address the commission. He asked three (3) times. There was no one.

Mr. Phipps made a motion to close the public hearing at 8:35 p.m. Mr. Tanner seconded. All in favor, so carried.

The Public Hearing is closed.

This meeting will be transcribed by Post Reporting Service. The minutes will be on file in the Town Clerk's office.

Respectfully submitted,


Jo Lynn Flaherty
Secretary