



City of Ansonia
PLANNING AND ZONING COMMISSION

Transcript
of
May 18, 2009

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TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

Public Hearing
420 Main Street – Change the Grade,
Store and Sell Earth Material

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

Others Present: Peter Crabtree, ZEO arrived at 7:05 p.m.
Fred D'Amico, C.E.
Oswald Inglese, Planning Consultant

The Public Hearing of the Ansonia Planning and Zoning Commission to hear the petition by Mark Tice/M&L Properties, 1 Chestnut Street, Ansonia, CT for a Special Exception Site Plan approval to bring fill onto property located at 420 Main Street to raise the grade of said property further away from the contamination and to store and sell earth material on this site located at 420 Main Street, Ansonia was called to order at 7:00 p.m. by Chairman Flaherty.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll.

There was a quorum present.

The secretary read the call of the meeting as follows:

Notice of Public Hearing

May 18, 2009

The Planning & Zoning Commission of the City of Ansonia, Connecticut will hold a public hearing on Monday, May 18, 2009 at 7:00 p.m. to hear the petition by Mark Tice/M&L

PZPHtrans Tice 5/18/09

Properties, 1 Chestnut Street, Ansonia, CT for a Special Exception Site Plan approval to bring fill onto property located at 420 Main Street to raise the grade of said property further away from the contamination and to store and sell earth material on this site located at 420 Main Street, Ansonia.

At said hearing all parties will be given an opportunity to be heard. A copy of the file is on file in the office of the Town & City Clerk, 253 Main Street, Ansonia, Ct. 06401.

Dated at Ansonia, Connecticut this 7th day of May, 2009.

ANSONIA PLANNING & ZONING COMMISSION

Bartholomew R. Flaherty, III, Chairman

Jo-Lynn Flaherty, Secretary

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Chairman Flaherty: do I have a motion to accept the call of the public hearing.

Mr. Phipps: I make a motion to accept it.

Mr. Heon: Second.

Chairman Flaherty: A motion and second. All in favor,

Membership: Aye

Chairman Flaherty: anyone opposed, anyone abstained. The chair declares the motion passed and Good Evening.

Good evening.

Mr. Mark Tice and Mr. Jim Swift were present.

Mr. Tice: There was Planning & Zoning approval for the building but it has expired.

Jim Swift: My name is Jim Swift, landscape architect and Mr. Tice is here as well. This is for property located at 420 Main St., this is an extension of Mr. Tice's property in the neighborhood.

PZPHtrans Tice 5/18/09

Until recently he was operating on just this side of the site - you have Main St. over on this side and the Naugatuck river over here. This site was approved for a, it is in the heavy industrial zone, this site was approved for a heavy industrial building a little while ago. It's since expired. But we will be coming back at some point in the future for something on that building.

Chairman Flaherty: And that expired June 1st, 2004.

Mr. Swift: Yes. Ah, what we've been doing is there is some fill required for underneath that building and a lot of it has been brought in over the past few years and is basically located in this area here (show on the map). So basically prepping for some sort of building in the future probably very similar to the one that the approval has expired on. The other thing we are doing is Mr. Tice is parking a few vehicles towards the back part of the site back over in here so what we are asking for in this special permit is to be allowed to finish and stabilize the placement of the fill underneath where that future building will probably go. What will do is we'll also, of course stabilize it loam and seed it get it to be stabilized. We'll also loam and seed the front area, dress the front area up a little bit and we show a proposed line of arborvitae across the front to do a little bit of screening. We are working with the State right now to get a driveway entrance in for whatever use that we decide to use this property for - for whatever heavy industrial use to put it back on the tax rolls. So we are working with the State to get that in so we'll put that pavement in and get that all set up and we'll put a gate across there something with a little bit of decorative to it so that from the street it will present a nice look for the City. Um, that is pretty much the presentation. I'll take questions from the Board.

Chairman Flaherty: the existing elevation is what?

Mr. Swift: somewheres, somewheres in the 20, 21 range, 22 range some of that fill has brought in so that could be up to around 23, 24.

Chairman Flaherty: the final grade will be how much higher than the sidewalk.

Mr. Swift: the sidewalk is at 23 it would be about 25 - it would be about 2 feet.

Chairman Flaherty: 2 feet higher than sidewalk.

Mr. Swift: 2 feet higher.

Chairman Flaherty: and then that will slope down and - within those lines.....

Mr. Swift: unhuh.

Chairman Flaherty: in other words the elevation is only going to be changed where the footprint is that I'm looking at.

Mr. Swift: that's correct.

Mr. Tice: we don't really plan on doing anything below grade.

Chairman Flaherty: below grade – go to grade and grade it out to the sidewalk.

Mr. Swift: that is correct.

Chairman Flaherty: Are there any questions.

None

Chairman Flaherty: Certainly has - the area has been greatly enhanced since you started this whole adventure. The burned out building.

Mr. Tice: I wish I had a tenant I would have built the next building.

Chairman Flaherty: burned out building and everything and all.

Mr. Tice: It was too costly.

Chairman Flaherty: To where we are now with Target all landscaped – Big Y pretty well built out and all this. We're working to enhance the rest of downtown Main St. Commissioners. Ozzie, yes, certainly for the record.

Mr. Inglese: you have, you're encapsulating something there? You're covering something.

Mr. Tice: Yeah, there is, there is oil.

Mr. Inglese: spilled from the past.

Mr. Tice: spilled from the what – I don't think it's from the past.

Mr. Inglese: spilled from past operations.

Mr. Tice: yeah – it's old, yeah, very old probably the 1940's, 1950's. maybe even older than that and rather than when we dig this building we have to go down 48 inches I'd rather than I had borings done on that and I think there is a book on that and the last time I went through it it showed the contamination anywhere from three to four feet deep that's where it starts and goes down from there.

Mr. Inglese: is it sporadic or is it consistent throughout the site.

Mr. Tice: no it is more or less the rear of the property.

Mr. Inglese: the rear end of the property.

Mr. Tice: Yeah, it is more or less – well, I can't really say rear - rear because it came this way so it will cut across part of this building, but it is more or less in here – the tank I think, from what I understood the tank was over here somewhere (all of this was shown on the map)

Mr. Inglese: Yeah, Yukon's.

Mr. Tice: yeah, it was an above ground a big, big tank, a big tank for fuel for the trucks. Yeah - it was for like Farrels or something as far as I know. I know the gentleman that I bought off of -Mr. Yukon, I went back in the records because I didn't know what was there when I purchased it and he got compensated by Farrels so I'm assuming it was Farrels problem.

Mr. Inglese: and you are paving this on top.

Mr. Tice: oh yeah, now it is going to stay dirt but once the building goes up the whole thing will be paved.

Mr. Inglese: what about the balance, the rest of it. The area that is not marked as going to be disturbed. To the top of the map Mr. Tice.

Mr. Swift: Well not beyond what is disturbed now it's pretty stable, it's got some gravel on it – you know, we're just parking some vehicles – we'll leave it at that until we get a user.

Mr. Inglese: has this been the subject of any kind of site investigation by DEP people or anybody.

Mr. Tice: when I was looking to buy the Latex site we went to a bunch of meetings with the DEP and they didn't have jurisdiction over this site – they told us.

Mr. Inglese: did they tell you why then.

Mr. Tice: it wasn't part of their jurisdiction.

Mr. Inglese: it was not labeled a brown site - is that right.

Mr. Tice: right. That is what they are telling me. I guess the other one – Latex has some other issues besides OF but ours was more - there is oil spilled there at Latex but it's just they were more concerned with the other stuff they got over there you know.

Mr. Inglese: thank you

Chairman Flaherty: you mentioned you are going to pave the whole thing – you're paving out to the sidewalk in the front of it or is that going to be grass.

Mr. Swift: under this application.

Mr. Inglese: they're going to pave it.

Chairman Flaherty: you mentioned, no, no

Mr. Swift: under the future application there was a building here, a lot of paving for parking here and then a little strip for parking here with some grass and some landscaping. So that's the future.

Chairman Flaherty: Yeah, OK well you had mentioned it so for the record I wanted to clarify it. That cross hatching that's to be left alone as is.

Mr. Swift: well this cross hatching is for loading of the vehicles, parking and stuff. We understand the City's concern with the esthetics and how it looks so we will dress up the front with a bit of landscaping. Most of the trucks are back here. And there is also some dirt spot piling you know for selling of materials and things but the vehicles and trucks will be stored back on the cross hatching area.

Mr. Tice: I asked him to put the cross hatching on there so I'll show you guys that I wouldn't come any farther than that forward with any of that stuff. That was my intent.

Mr. D'Amico: you said you were only going to fill a couple of feet. There's one foot contours right around where the proposed building is.

Mr. Swift: yeah., yeah.

Mr. D'Amico: I was wondering why there was five lines – that's why I couldn't.....

Mr. Swift: some of the fill is there now.

Mr. D'Amico: OK

Mr. Swift: but what we did was just take the base survey so there are some – the contours, there is some fill there now but we're showing going back to the original contours. And just to touch on the drainage for a second we're going to, we're going to put the drainage in that was approved previously for the parking lots and everything just so we get it in there and don't have to disturb it later.

Mr. D'Amico: OK, so you're going to actually install the drainage in there.

Mr. Swift: Yeah, we're going to put three basins in there and tie in.

Mr. Phipps: and you're going to bring in fill and then you're going to build on that fill that you basically will not be going into the original ground where the oil was – right.

Mr. Tice: it will just touch the top.

Mr. Phipps: it will just be touching the top but you won't come there.

Mr. Tice: that's what my intent was.

Mr. Phipps: right you will have about two or three foot clearance between the oil and

Mr. Tice: right and I really don't think we have to bring in any more fill. I'm sure there is enough on the site already to accomplish what I was trying to accomplish.

Mr. Phipps: alright.

Chairman Flaherty: Well, what this public hearing is for is for the fill and the pile. It's not for that drainage. That drainage is gone. That went June of 2004.

Mr. Tice: we don't need to put it in, I mean it was more of a convenience.

Chairman Flaherty: It's OK. But if you are going to just understand that's gone because you never went forward with it, you got no signed maps or anything – right – it just disappeared. You asked for an 18 month extension from 4/23/2002 I think until June 1, 2004. So the map was never signed. So just understand that that's gone it's not that if – if you want to do that I don't see any problem with it but you have to make application for that. What we're doing here is just the fill, just to change an elevation.

Mr. Tice: OK

Chairman Flaherty: I mean that's what you're asking for.

Mr. Swift: I understand.

Chairman Flaherty: Right.

Mr. Swift: yes.

Chairman Flaherty: That's what you're asking for or am I under – I just want to make that.

Mr. Inglese: if he wants to put the drainage in he should say it now.

Mr. Swift: it does need to be put in because its, it's not in now and the drainage pattern....

Chairman Flaherty: but if you, alright Ozzie, then what you're telling me is that it's OK to put the drainage in – you don't know anything about it.

Mr. Inglese: if he wants to make it part of the application.

Chairman Flaherty: Do you have any - is it adequate. Does this drainage meet the requirements.

Mr. Inglese: well that's up to the applicant.

Chairman Flaherty: There's no maps.

Mr. Inglese: That's it. That's it.

Chairman Flaherty: That's it

Mr. Inglese: Then no. Then no.

Mr. Swift: Well it's shown on these maps that were submitted.

Chairman Flaherty: correct, but you don't have any drainage calculations, you don't have any Wetlands authorization. It....

Mr. Swift: correct.

Mr. Tice: we'll go back to them on that.

Chairman Flaherty: I'm just trying to get it clear. I could see it going where - we're here.

Mr. Swift: OK, I understand, I see your point.

Mr. Tice: We'll come back in with that. I assumed we could work on that only because we weren't doing nothing and I wanted to get it done but we'll come back in with the plans.

Chairman Flaherty: Understand I don't have any problem with it but if you wanted that

Mr. Tice: no, no I understand we'll come in for that approval too.

Chairman Flaherty: it should have been included in the scope. It should have been - the drainage calculations, the wetlands then should say yeah it's OK or no it's not OK. I mean there are other things that have to take place - sequentially I mean.

Mr. Tice: Well we'll probably come right back in with that anyways because I do want to have it ready in case a tenant comes about and I want to be able to go with it.

Chairman Flaherty: sure, that's fine Mr. Tice.

Mr. Tice: We'll come back in right away for it.

Chairman Flaherty: Sure, that's fine Mr. Tice, I have no, if you wanted to do that now then that would have been OK too but with great specificity, we have a public hearing very specifically for a use not for the others so.

Mr. Tice: OK

Mr. Swift : Well I have to also research as to whether what the expiration on the Wetlands, I don't know if we have any more time on that than we have on the original site plan.

Chairman Flaherty: I honestly don't know, I don't see why you would have any problem reapplying, you know, I think Mr. Tice said he had bonds in place.

Mr. Tice: Oh yeah, I gave them \$5000 bond for the first place. I know they never sent it back to me. I never asked for it either, you know.

Chairman Flaherty: so I can't answer you specifically.

Mr. Tice: right

Chairman Flaherty: Commissioners anyone have any questions, Ozzie do you have anything. Peter, Mr. Swift.

Mr. Swift: I'm all set.

Chairman Flaherty: Anyone from the public who wishes to speak to this application.

Chairman Flaherty: Anyone from the public who wishes to speak to this application.

Chairman Flaherty: For the last time, anyone from the public who wishes to speak to this application. Hearing none the public session is closed.

Chairman Flaherty: Did you want to read something into the record Mr. Inglese.

Mr. Inglese: I have a report. I will read it to the commission. I have a report which was dated, 2 seconds, Mr. Chairman.

Mr. Inglese: I have it here it got mixed up with the papers. It has to do with another aspect of the application which we didn't touch on too much which was in response, this report is in response to questioning that I posed to Mr. Tice at the meeting when the application was acknowledged receipt. And it is as follows:

“At the April 27th meeting the applicant explained that he plans to store on the 1.7 acre site approximately 300 cubic yards of surplus earth fill for sale to others. That is what I understood. He could not inform how long the material would remain on the site or for how long the operation would continue. The applicant acknowledged that he commenced the described use without zoning permission. The site is on the easterly side of the Naugatuck River, west of Main Street and north of chestnut Street, in a (HI) heavy industrial zone and entirely within the City Center Overlay Zone.

Compliance with Zoning Regulations. Maintaining earth fill surplus is a use traditionally associated with contractor or subcontractor yards. While “building contractors and subcontractors yards” is a use permissible in an HI (heavy industrial) zoning district, the use is

specifically prohibited if that portion of the premises falls within the City Overlay Zone. As indicated earlier the premises are entirely within the City Center Overlay Zone and the stockpiling of earth material was not a use that pre-dated the adoption of Section 222 the City Center Zone.

Recommendations. Since the use is prohibited within the City Center Zone and did not predated the adoption of Section 222, the Commission may deny the application or the applicant may withdraw.”

Mr. Inglese: It is only addressing that portion of the application that has to do with the storage of material. The site preparation that was involved here I have no comment about. That was it Mr. Chairman. That was dated May 8th by the way.

Chairman Flaherty: Thank you. Anyone else have anything. Anyone else have anything. Anyone else have anything. Mr. Tice do you have anything further for the public hearing.

Mr. Tice: No

Chairman Flaherty: Mr. Swift

Mr. Swift: No, sir.

Chairman Flaherty: I'll entertain a motion to adjourn.

Mr. Phipps: I make a motion to close this public session.

Mr. Furtek: I second.

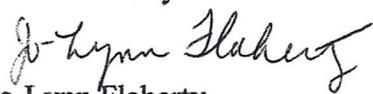
Chairman Flaherty: All in favor.

Membership: Aye.

Chairman Flaherty: any one opposed. Our regularly scheduled meeting will start at 7:30 p.m. Thank you.

The public hearing closed and adjourned at 7:25 p.m.

Transcribed by:


Jo-Lynn Flaherty
Secretary
Planning & Zoning Commission