



City of Ansonia
PLANNING AND ZONING COMMISSION

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Madeleine H. Bettone
CITY CLERK

June 28, 2010

Regular Meeting

Present: Bart Flaherty, Chairman
Michael Bettini
Jared Heon – arrived 7:40 p.m.
Jeff Lawlor
James Martin

Absent: Doug Furtek- excused illness
Ed Phipps – excused illness

Others Present: James Tanner, Zoning Enforcement Officer
Fred D'Amico, City Engineer
Thomas Welch, P&Z Attorney – arrived 7:45 p.m.
Steve Blume

The regular meeting of the Ansonia Planning & 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. Lawlor made a motion to accept as written and place on file the minutes of the May 24, 2010 Regular Meeting. Mr. Bettini seconded. All in favor, so carried.

PZ062810

Bills

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

1. Oswald Inglese: Bill for professional services \$1350
2. Thomas Welch: Bill for professional Legal services - None
3. Marjorie Shansky: Bill for professional Legal services: \$3010

Correspondence

Mr. Lawlor 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. Martin seconded. All in favor, so carried.

1. Peter Crabtree re: Michael Lonardo – 63-65 Pershing Drive
2. Peter Crabtree re: State Statute regarding motor vehicle repair and license
3. O. Inglese re: 55 and over amendment

Chairman Flaherty said he would like to discuss Mr. Crabtree's letter to him regarding 63-65 Pershing Drive. He said that Mr. Lonardo's business was in a C Zone when it was located at 225 Pershing Drive which is just down the street from where he has relocated his Glass business at 63-65 Pershing Drive. He said he doesn't understand why there is a question as to whether or not this business could be located in the C zone. As long as the business meets the requirements for a C zone and the site has enough parking there should be no problem.

Chairman Flaherty said that Mr. Lonardo's business was in a C zone previously and as long as it is in a C zone now and has enough parking spaces on the site the business should be able to continue.

There was a discussion on the above.

Mr. Lawlor made a motion to allow Mr. Lonardo to continue his Glass business in the C zone as long as he has enough parking spaces and the site plan is approved by the Zoning Enforcement Officer as meeting all requirements. Mr. Bettini seconded. All in favor, so carried.

**John Sponheimer/Valley Plaza/ Hancock Pharmacy at 119-121 Wakelee Ave.
Site plan approval to convert existing single family dwelling to a pharmacy
65 days (5/26/10) extension 7/30/10**

The secretary stated that Mr. Sponheimer requested to be tabled to later in the meeting as he had another engagement and would be late to this meeting.

Mr. Heon made a motion to deviate from the agenda and table Hancock Pharmacy to later in the meeting. Mr. Bettini seconded. All in favor, so carried.

NCW Dev./William Griffin request for Subdivision, 54 Benz Street Estates, 54 Benz Street (3 lot subdivision) 5/24/10 (65 days 7/28/10)

Mr. William Griffin and Mr. Joseph Cicerchia were present.

Mr. Griffin presented Check # 2891 in the amount of \$690 for the subdivision and site plan.

There are no tax releases from the tax office or the WPCA.

Mr. Griffin said that they will get the tax releases and submit them.

Chairman Flaherty said that this property was subdivided once when they took the parcel with the house off. Would this now be considered a re-subdivision?

Mr. Griffin said that they are allowed one cut which is called a "free split".

Chairman Flaherty said that Mr. Cicerchia took one lot and now it is divided once. There are two parcels. Now take that parcel and divided it again makes it a re-subdivision. He asked what open space did they give back for the cuts.

Mr. Griffin said none given because there is no requirement for that.

There was discussion as to whether or not this split constituted a re-subdivision of the parcel.

Chairman Flaherty explained to Attorney Welch what the question is regarding subdivision or re-subdivision.

Attorney Welch said that he would review the maps and advise the commission.

Chairman Flaherty asked if there were any other questions.

Mr. Griffin asked what the difference is between a subdivision and a re-subdivision.

Chairman Flaherty said a public hearing however Attorney Welch will research it. He asked Mr. Griffin if there were any plans in the future for a rear lot on that one long parcel.

Mr. Griffin said no, there are no plans for a rear lot.

Chairman Flaherty said this application is for the site plan also.

Mr. Griffin said yes.

Mr. Heon asked if the cut in the road will stay the same.

Mr. Griffin said yes.

Chairman Flaherty asked if there was any flat area on this property.

Mr. Griffin said on the top where the house will be located.

Mr. D'Amico said this is an improvement over the last submission for four (4) lots. It is reduced by two (2) lots and is better than the original plan. He still has to clear the 200 feet sight line and he should be able to accomplish it without a problem. He has to clear along the curb. It meets all requirements.

Mr. Heon said on lot 3 will you cut into the wall.

Mr. Griffin said only for the sight line.

Chairman Flaherty asked Mr. Griffin if he will replace the wall.

Mr. Griffin said yes, that was part of the last submission – all the trees along the sight line will be removed.

Chairman Flaherty said this is a new submission. He said you are not improving the road at all?

Mr. Griffin said no.

Chairman Flaherty said there is no flat area at all on the site.

Mr. Griffin said the big slope curb, the first 30 feet will be graded out.

Mr. Heon asked the grade on the driveway.

Mr. Griffin said 9+ %.

Mr. D'Amico said the intersection narrows down near Milan Street. Mr. Griffin will improve this intersection.

Mr. Heon asked the difference in the two driveways.

Mr. Griffin said they are the same – one bends a little and is a little longer.

Chairman Flaherty asked if there are infiltrators.

Mr. D'Amico said there is detention on the site.

Chairman Flaherty asked how the detention on the site will be maintained.

Mr. D'Amico said the detention is water from the roof. After five (5) years the homeowner can check it and there will be manholes for this. It is only roof run off.

Chairman Flaherty said how do we let the average homeowner know all this.

Mr. D'Amico said on the deed. You state there is underground detention and reference the map for the requirements.

Chairman Flaherty said this is a point that P&Z has to make to the applicants – that the homeowner has to be aware of these things that must be done.

Mr. D'Amico said you are right – look at Kiely's Lane.

Chairman Flaherty said this is underground detention. He asked Attorney Welch to come up with wording for a maintenance schedule, etc. that must be put on the map. He said P&Z should begin to require this.

Mr. D'Amico said he is improving the situation there. The road was left like that and Mr. Griffin will straighten that out and it is improving the safety of the road because it just ends.

Chairman Flaherty asked if Mr. Griffin will blend the road northerly.

Mr. D'Amico said it will be about 75 feet.

Mr. Griffin said in back of the catch basin?

Mr. D'Amico said yes.

Mr. Heon said it will definitely improve the road.

Mr. D'Amico said it will be easy to change the road and he will leave the catch basin where it is.

Chairman Flaherty said he will cut down all the trees – what will be planted there instead.

Mr. Griffin said ground cover to stabilize the area.

Chairman Flaherty said there are hard woods up in the back where the wall is.

Mr. Griffin said they will stay – the big trees will remain.

Chairman Flaherty asked about the trees in lot 2.

Mr. Griffin said they will remain.

Chairman Flaherty asked how much open space will be dedicated.

Mr. Griffin said he will pay in lieu of open space.

Chairman Flaherty said that fees in lieu of open space are at the discretion of the P&Z members.

A discussion followed on fees in lieu of open space. Mr. Heon said as long as there are no rear lots and it remains private and the area is established with trees and growth.

Chairman Flaherty said the commission will agree to payment in lieu of open space.

Mr. Heon said in a larger subdivision open space would be better.

Chairman Flaherty asked if there were any other questions.

Chairman Flaherty said in a memo received from Mr. Inglese he states the applicant needs to provide an affidavit that the property is eligible for a free split.

Mr. D'Amico said he can revise the application.

Mr. Griffin said Mr. Crabtree has the affidavit.

Chairman Flaherty said the following information must be provided to the commission before the next meeting:

1. Is it a subdivision or a re-subdivision
2. Provide the Affidavit
3. Show the blend in the road – Milan St. north
4. Tax Releases for Real Estate and Sewer
5. Appraisal on the land for the 10% open space fee
6. First cut certification

Mr. Heon asked if most of the trees on the property will remain.

Mr. Griffin said yes.

Chairman Flaherty asked if there was anything else.

Mr. Heon said

1. the driveway,
2. the road and
3. the open space.

Mr. Heon made a motion to refer this application to P&Z Attorney Welch to clarify the subdivision or re-subdivision. Mr. Martin seconded. All in favor, so carried.

Ljubcia Jurkota-Butler & Butler Inc./Shell Station re: request for site plan amendment for 696 Main Street for a new canopy and additional pumps

Attorney Dominic Thomas, Ljubcia (Victoria) Jurkota and Baker Abu were present.

Chairman Flaherty said this is the first meeting that this application is before P&Z.

Attorney Thomas said that the application is for the Shell Station located at 696 Main St. on the corner of Main St. and Division St. They are asking to modify the existing site plan by adding an additional pump and extending the canopy. There is also a car wash, car vacuum center and a convenience store on the site.

Chairman Flaherty said there are 12 parking spaces shown on the map and there should be 15 parking spaces.

There was a review of the map presented. Parking space #13 is located at the intersection of Division Street and Main Street next to the Island. The parking spaces must be verified by the City Engineer.

Chairman Flaherty said the prime concern is that this is a very busy intersection. He said Mr. D'Amico will review the plan to see the traffic flow – there is a convenience store, vacuum center and a car wash on the site and now four (4) pumping stations which equals eight (8) pumping spots that serve gas. Each pump has two outlets equaling eight outlets to serve gas.

Mr. D'Amico said the existing curb cut at the intersection which P&Z wanted it blocked off actually worked better as the light was red the cars could go in and out easily.

Chairman Flaherty said one problem with that was it disallowed a right turn on red to Division Street from Main Street causing a queuing problem on Main St.

Mr. D'Amico said he will make sure the State of Conn. is happy with this plan. They have to have a permit from the State.

Attorney Thomas said the engineer thought he needed approval from the State but they wanted \$30,000 of additional drainage. The State boundary states no work in the State right of way and we have no encroachment so we are not required to get State approval.

Attorney Thomas said he gave the State of CT the old map with the landscape island which was never built. State said no encroaching on the permit. Closing of the curb cut and shortening of the other curb the State doesn't care. The initial reaction was the intersection of two State roads, the drainage is sufficient and there is no change to the site except for a longer canopy. The State wanted to know how the tanker truck would flow in and flow out of the site. There has to be an appropriate radius for this.

Mr. Heon said when you come out of the car wash and exit the site make that a Right turn only out of there. He asked was this considered – cars coming out and making a left hand turn block traffic and it is a safety issue crossing the lanes of traffic to make a left turn.

Attorney Thomas said the State had no issue with it.

Mr. Heon said that driveway has to be looked at.

Attorney Thomas said people pull in either way. There are cars at the pump and there is room to drive past the cars. He explained the room between the pumps for the cars to travel around the site. He said it's the same situation now and there is more than enough space to relocate the flow. Attorney Thomas said he understands what Mr. D'Amico and Chairman Flaherty said about the curb cuts and the draw backs.

Mr. D'Amico said most of the time it is better not to have a curb cut.

Chairman Flaherty said the applicant came in for the convenience store and we didn't make him close the curb cut and there is a car wash and car vacuum on the site and he is still selling flowers, paintings and fireworks on the corner. There is a lot of activity on this property and not too much room for people to walk. There is a safety issue.

Baker Abu and Violet Jurkota said no one will sell flowers, we promised last time no selling flowers or anything.

Chairman Flaherty said the parcel is small and it is dangerous for people there. It is a safety issue.

Mr. Bettini asked if they were replacing all of the tanks.

Attorney Thomas said yes.

Baker Abu said they are fiberglass tanks and the life is 20 years. He will replace them next year. Shell will be monitoring all of the work we do on the property.

Attorney Thomas said Shell is responsible for the tanks.

Chairman Flaherty asked if they are closing the curb cut and fixing the sidewalk.

Attorney Thomas said yes.

Chairman Flaherty asked if they have been to Inland Wetlands Commission.

Attorney Thomas said no, there is no wetlands and nothing is changing on the site.

Chairman Flaherty asked Mr. D'Amico if the map is certified and sealed.

Mr. D'Amico said no.

Chairman Flaherty said the map must be certified and sealed and reviewed and approved by Mr. D'Amico.

Mr. Heon said is it a problem to get what DOT told you in the form of a letter committed to writing concerning the curb cut.

Attorney Thomas said he will ask Mr. Murphy, DOT for a letter. He said they had issues with State Traffic Commission and they don't need STC permit per their regulation. One town wanted a letter that they don't need a permit and STC will not do it.

Mr. Heon said show P&Z the regulation that they don't have to have a permit for closing a curb cut.

Attorney Thomas said he will call Mr. Murphy.

Chairman Flaherty asked Attorney Thomas if he will certify in writing as the Attorney as an officer of the Court that the applicant doesn't need a permit.

Attorney Thomas said he will do that.

Chairman Flaherty said there is a lot of activity on this small parcel of land. The City Engineer will have to make sure there is adequate traffic flow without queuing up cars on Division Street and Main Street.

Attorney Thomas said it hasn't happened, closing one and shrinking one does give us a little room.

Mr. Bettini asked if the delivery truck will always enter from Main St.

Baker Abu said yes, they come in from Main Street and leave on Division Street.

Chairman Flaherty said the Commission may require they come during certain hours.

Baker Abu said most of the time they deliver late at night unless there is an emergency.

Chairman Flaherty said it could be a condition that the delivery is in the late evening unless there is an emergency.

Baker Abu said the delivery will be in the night time.

Mr. Bettini made a motion to refer the application to staff (Mr. Inglese, Mr. Tanner, Mr. D'Amico) for review and comment. Mr. Martin seconded. All in favor, so carried.

Chairman Flaherty said the map will need a live seal. The City Engineer has to think it through on the traffic flow.

Mr. Heon made a motion to deviate from the agenda to take Item #6 -John Sponheimer/Hancock Pharmacy. Mr. Martin seconded. All in favor, so carried.

**John Sponheimer/Valley Plaza/ Hancock Pharmacy at 119-121 Wakelee Ave.
Site plan approval to convert existing single family dwelling to a pharmacy
65 days (5/26/10) extension 7/30/10**

John Sponheimer was present.

Mr. Sponheimer said he has filed the Mylar in the Town Clerk's office this morning and six (6) copies of the map were delivered to the secretary. He said Mr. Inglese suggested to do it this way.

The secretary gave everyone a copy of the new map which was filed in the Town Clerk's office for them to review.

The members reviewed the map of the property lay out.

Chairman Flaherty asked if any of the dimensions change.

Mr. Sponheimer said no change from the site plan that was presented before to the commission.

Chairman Flaherty said Mr. Rose gave a whole planting schedule for the parcel.

Mr. Sponheimer said Mr. Inglese said the only other item to be completed was the map.

Chairman Flaherty said yes, we also had a site plan for the application.

Chairman Flaherty said Mr. Inglese prepared a Draft Resolution of Approval. He will have to add under #1 - item "M" Merged property layout.

Mr. Heon made a motion to approve the Resolution as modified by adding item "M" merged property layout under item 1. Dated June 25, 2010. Mr. Lawler seconded. All in favor, so carried.

Reports: City Engineer

Mr. Fred D'Amico is present.

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

PZ062810

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Mr. D'Amico said there are still no bonds. There has been no silt going off the site even with the recent big storms.

Chairman Flaherty said the area is a mess. He asked Mr. D'Amico if Mr. Scinto has stated when he will start to build something.

Mr. D'Amico said no, unfortunately there is no market for product. He is selling crushed stone or material and will leave it the way it is – the area is stable.

Chairman Flaherty said he would like to see a road built. The intent was to develop the parcel not to sell gravel.

64 Platt Street Wall & parking lot

Mr. D'Amico said it is 75% complete. The lower wall is done and the next tier is done. They are landscaping the area and the handicap access ramp will stay. The lights are up and it is almost complete.

Mr. Tanner said the neighbors are happy with the lights. They feel safe.

B. Mead School Detention Basin

Mr. D'Amico said Bob Evans from the Board of Ed has cleaned it out and it looks good.

C. Hilltop Nursing Home Detention Basin

Mr. D'Amico said he has looked at the Hilltop Nursing Home detention Pond and it has to be cleaned. There are two to four trees growing in there that have to be removed. They have to clear the outlet structure and clear the sides. He said this week a deer had two fawns in the detention pond and they will have to remain there protected for two to three weeks before they can begin the clean up of the area.

D. 3 Kiely's Lane/Jewett St.

Mr. D'Amico said the secretary found the record of approval for this property. Mr. Nocerino received a one (1) lot re-subdivision from P&Z. The Assessor's office records still has his name on the property so it is not sold. The people living there are renting.

Mr. D'Amico said the people living there know the problems with the site. The garage was flooded. It hasn't been sold and we still have the E&S bond. He said he will write another letter to Mr. Nocerino and see what he does because the bond can be used to repair the damage and fix the problem.

Chairman Flaherty said it was approved with conditions that the parcel below is known as "other land of Nocerino" and not a building lot. The detention pond is Nocerino's and whoever buys the house they should know the detention pond is on another parcel.

Mr. D'Amico said it is better to have the detention pond on another parcel separate from the house.

Chairman Flaherty said yes but the parcel must be owned by the person who owns the home.

Chairman Flaherty asked if it is on the record subdivision map.

Mr. D'Amico said he doesn't believe Mr. Nocerino put an easement for the detention pond for the lot. He will get a copy of the map tomorrow.

Chairman Flaherty asked if everyone understand what the problem is.

Mr. D'Amico said yes, if he sells the house without the easement on "other land of Nocerino" the homeowner has a problem.

Chairman Flaherty read the minutes from the meeting when this was approved regarding the easement and the easement should be on the Record so someone purchasing the house sees it.

Mr. Heon said he agrees with the Chairman.

Chairman Flaherty said Mr. D'Amico will check it and report back.

Mr. Heon said that Kiely's Lane is in terrible condition. The road is broken up and the drainage is bad.

Mr. D'Amico said he talked with Public Works on the condition of Kiely's Lane. They were going to go up there and take a look at it to see what can be done to fix it.

Mr. Heon said that all of the problems up there are being caused by 3 Kiely's Lane. The City of Ansonia is not causing the problems. They fix the street and six month later it will happen again.

Chairman Flaherty asked if it is within our slope rights.

Mr. D'Amico said I have to check another subdivision Castle Lane for slope rights so I'll check this one also.

Chairman Flaherty said there was a referral from the Board of Aldermen on selling part of the abandoned road to Witzmann with a condition that it did not land lock that property. He suggested Mr. D'Amico look into that agreement.

There was a discussion on Castle Lane and the tremendous amount of cut and fill that would have to be done for that property. Also discussed was the very steep slopes and the density requirement.

Chairman Flaherty asked Mr. D'Amico to look at the slopes and density for the property located at Prospect Street (one lot) and Keily's Lane and Castle Lane.

Reports: Zoning Enforcement Officer

Mr. James Tanner was present. Mr. Crabtree was absent.

Chairman Flaherty introduced Mr. Tanner as the new full-time Zoning Enforcement Officer.

A. Violations:

1. Mutual Housing

Mr. Tanner said there is nothing new to report.

2. 23 Spring St.

Mr. Tanner said they removed the kitchen.

3. Speed of Sound sign

Mr. Tanner said that the sign is not flashing.

B. New Violations

Mr. Tanner said there are no new violations.

Coastal Carriers

Chairman Flaherty said that Coastal Carriers wants to move the fuel tanks on the site. He asked Mr. Tanner about it.

Mr. Tanner said they want to move them to the northern side on the property toward the corner of the lot. He said Mr. Crabtree asked IWC if they wanted to see it. Inland Wetlands said they want Coastal Carriers to come back in to them with the plan so they can see it.

Chairman Flaherty said that Planning and Zoning wants them to come back to P&Z for approval to ensure a revised map of the property.

Mr. Tanner said he will tell Mr. Crabtree that they have to come back to IWC and P&Z for any changes.

C. Variances

Flash-back Cycles, 225 Pershing Drive

Mr. Tanner said the State Statute states a city with 18,000 to 20,000 cut off goes to ZBA for approval.

Mr. Welch said the question was what the Statute said. Ansonia has P&Z and ZBA and the cut off is 20,000 and under goes to ZBA and over 20,000 goes to P&Z.

Mr. Martin asked if they are going to be selling motor cycles.

There was a discussion on parking of the cycles on the sidewalk and at the curb on Pershing Drive.

Chairman Flaherty said the application seems to be sale and repair.

Mr. Tanner said they can go back to them and ask if they are selling cycles.

Mr. Heon said we will see the State application.

Chairman Flaherty said no it is out of our hands it goes to ZBA because of the population.

Mr. Heon said send a note to ZBA to keep in mind the parking situation and the congestion in the area.

Mr. Tanner said they can't park on the curb cut.

Chairman Flaherty said Mr. Tanner will clarify it at ZBA.

Mr. Heon asked if the store on Hodge Avenue has been resolved.

Mr. Tanner said they went out and looked Monday evening and they are writing it up.

Mr. Tanner said that 178 Prindle Avenue is being written up also.

Reports: Planning Consultant

Mr. Oswald Inglese is not present.

Set Workshop meeting for Fee Schedule, Sidewalks, Fences, Pods, Hoop Houses, Window Signs, Itinerate Vendors, Clothes Donation Bins

Chairman Flaherty said the commission will set up a workshop for the Fall.

Reports: P&Z Attorney

Mr. Tom Welch is present.

Mr. Welch said he has nothing to report this evening.

Chairman Flaherty reminded him to send in his invoice before the end of the year.

Attorney Welch said he would have the invoice in before the July 7th deadline.

Chairman Flaherty asked for a motion to pay the invoice when it is received.

Mr. Lawlor made a motion to pay Mr. Welch's invoice when received. Mr. Heon seconded. All in favor, so carried.

Any other business to come before the Commission

None

Executive Session (Pending Litigation)

None

July 2010 Meeting

The regular meeting will be held on Monday, July 26, 2010 at 7:30 p.m.

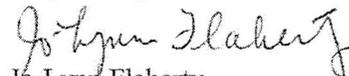
New Members

Chairman Flaherty introduced the two members appointed to the Commission: Michael Bettini and James Martin.

Adjourn

Mr. Lawlor made a motion to adjourn the meeting at 9:30 p.m. Mr. Bettini seconded. All in favor, so carried.

Respectfully submitted,



Jo-Lynn Flaherty
Secretary