



City of Ansonia  
**PLANNING AND ZONING COMMISSION** OR FILE

September 8, 2010

Special Meeting

10 SEP 21 AM 8:35

*Elizabeth Lynch*  
TOWN AND CITY CLERK  
ANSONIA, CONNECTICUT

Present: Bart Flaherty, Chairman  
Michael Bettini  
Jeff Lawlor  
Jared Heon

Absent: Doug Furtek- excused illness  
Ed Phipps – excused illness  
James Martin – excused work

Others Present: Fred D'Amico, City Engineer  
Oswald Inglese, Planning Consultant  
James Tanner, ZEO/Blight Officer  
Thomas Welch, P&Z Attorney

The Special Meeting of the Ansonia Planning and Zoning Commission was called to order at 7:35 p.m. by Chairman Flaherty.

All present rose and Pledged Allegiance to the Flag.

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

### Approval of Minutes

Mr. Heon made a motion to accept as written and place on file the minutes of the July 26, 2010 meeting. Mr. Lawlor seconded. All in favor, so carried.

### Approval of Bills

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

1. Oswald Inglese: Bill for profession planning services: \$1725

PZ SpcMtg 090810

2. Thomas Welch: Two (2) Bills for Legal services: 8/9/10: \$619.70  
9/2/10: \$548.70
3. Cameta Camera, reimbursement J. Tanner: \$752.85

### **Correspondence**

Mr. Heon 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. Bettini seconded. All in favor, so carried.

1. Revised Map Butler & Butler, Inc. 696 Main St., Ansonia, CT Rev. Date 8/3/10
2. Jerry Nocerino re: application Antonio Restaurant at 314 Main St. Ansonia Commons bldg. Ansonia, CT
3. F. D'Amico re: Mutual Housing, Pershing Dr., Ansonia dtd. 8/27/10
4. F. D'Amico re: Butler & Butler, Inc./Shell Station 696 Main St., Ansonia, CT dtd. 8/23/10 with attached letter dated 4/23/10
5. T. Welch r; Jeanne F. Shuster v. Fountain Lake, LLC/City of Ansonia & P&Z Commission of Ansonia dtd. 8/18/10
6. Coastal Carriers of CT re: change location of above ground tank on 14 Riverside Dr. Ansonia dtd. 8/20/10
7. Zoning Board of Appeals variances

### **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) Decision/Resolution**

There was no one present.

Mr. Inglese asked if the Commission has received an estimate for the Open Space. He said Mr. Griffin promised to have it to the Commission for this meeting.

The secretary said she did not receive anything from Mr. Griffin.

Mr. Bettini made a motion to table this to the next meeting and to send a letter to Mr. Griffin requesting the appraisal of the property because the decision cannot go forward without one. Mr. Heon 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 6/28/10 (65 days 8/31/10) Decision/Resolution**

There is no one present.

Mr. Inglese presented a revised Resolution.

Mr. Lawlor made a motion to approve the Resolution dated 9/1/2010 for the Shell Station. Mr. Heon seconded. All in favor, so carried.

**Jerry Nocerino re: request for site plan approval for restaurant to be located at Ansonia Commons, Main St.**

Mr. Jerry Nocerino and Ms. Gina Nocerino were present.

Mr. Nocerino presented pictures of the Ansonia Commons building showing the planted area of the brick building, the Main entrance to the Restaurant from the parking lot.

Mr. Nocerino said he installed more lighting in the parking lot. He said he took over the building in 2000 and installed a new roof and concrete walkway. He also installed the planter with the 3 foot walkway. There are signs on the building and he will make the signs all uniform as the tenants replace them. He said he will give the tenants some type of frame work for the new signage so they know what to do.

Mr. Inglese said normally for the tenants the owner designs one type of sign and tells them this is what they are to install.

Mr. Inglese said he suggested to Mr. Nocerino that the lights are close to the building on the back street (W. Main St.). He asked Mr. Nocerino if there is lighting available that can be placed on the lot.

Mr. Nocerino said there are three (3) large lights that he rents from United Illuminating on the lot.

Mr. Inglese discussed the landscaping in the parking lot and asked if he could install a landscape island somewhere.

Mr. Nocerino said he planted bushes and they have not lived. He is trying to do something however in a snow storm there is limited room in the parking lot and he is afraid to put something in the parking lot. He said he had steel bowls fitted with concrete and they still got hit by the plows. These protect the building.

Mr. Heon said maybe an island that is not expansive but a concrete curb island with rock and small shrubs. He said the commission is trying to get away from the all black top. The snow is pushed where the dumpsters are. He suggested two islands with one or two trees to break up the parking lot. It dresses up the entire area.

Mr. Nocerino said he could do that if the Commission doesn't mind losing a couple of parking spaces.

Ms. Gina Nocerino said that during the day the parking lot is pretty full.

Chairman Flaherty said Mr. Heon suggested trees out on the peripheral of the lot.

Mr. Heon said you have dressed it up by painting and it helps.

Chairman Flaherty said look at Big Y they have a tremendous amount of landscaping. That is the type of thing Mr. Heon is talking about. There are trees, shrubs, and an abortive border along the back of the property.

Mr. Nocerino said his drainage runs north to south and there are three catch basins in the parking lot.

Mr. Inglese said to leave a gap in the island to accommodate the catch basin.

Mr. Nocerino said he did a lot – along Main Street he planted shrubs and put in mulch. He said there is a lot of stuff that bothers him on Main Street and he doesn't like it.

Mr. Heon said as they come in the Commission is addressing it.

Mr. Nocerino he will seek the help of a professional landscaper with the parking lot plan.

Mr. Heon said that Mr. Nocerino has to do a landscape plan because the Commission has asked for one.

Ms. Nocerino said they need to measure to be sure they have enough room.

Mr. Heon said the Commission would like to see a landscape plan.

Mr. Nocerino said he doesn't have a problem with that – he has a partner that does landscaping and he will have him do a plan.

Mr. Bettini asked Mr. Nocerino what problems he has that he referred to earlier in the meeting.

Mr. Nocerino said he installed a surveillance camera. He said they have their fair share of problems but they monitor it. When the Bars in the area come out there is a problem, they use the bushes to relieve themselves, etc.

Mr. Heon said the Ansonia Police go down Main Street and around that entire area between 1:15 a.m. to 2:15 a.m.. They are circling every Friday and Saturday night. He suggested that Mr. Nocerino include lighting in that area so they can see someone in the bushes and in the entry way located in the rear of the building.

Chairman Flaherty said the Ansonia Police have been very responsive.

Mr. Heon said we can put it in a letter.

Chairman Flaherty said to look at the application, the layout seems adequate – the Fire Marshall has to approve it. He said Mr. Nocerino will need a building permit also. The municipal parking lot is 200 feet away from the restaurant so there is parking for the overflow. He said Mr. Nocerino needs 50 parking spaces and he probably will not need all of the 50 spaces. He said the commission can approve with conditions.

The Conditions:

1. They will use 50 parking spaces in the Municipal parking lot to meet the required parking spaces per the Zoning Regulations..
2. They will submit a landscaping plan and a lighting plan to the Commission by January 2011 meeting.
3. Signage and Lighting as discussed will be implemented. The applicant will discuss the plans with the Zoning Enforcement Officer and they must meet his approval.

Mr. Nocerino said as the tenants come he will require the same signage.

Chairman Flaherty suggested signs in the 1920 motif – that is in the City Center Plan.

There was a discussion on uniformity in the downtown area.

Mr. Nocerino said he is ready to move on and do more with his building.

Chairman Flaherty said that Mr. Nocerino must follow the City Center Plan and present his plans to the Commission for approval.

Mr. Bettini made a motion to approve with Conditions the request site plan approval for a restaurant (Antonio's) to be located in Ansonia Commons, Main Street. Mr. Lawlor seconded. All in favor, so carried.

Mr. Bettini made a motion to send a letter to the Ansonia Police Dept. advising them there is a restaurant opening and there has been mention of people in the inside corner of the parking lot using it as a bathroom. The building owner will improve the lighting per their P&Z approval. This occurs especially when the Bar is closing. The owner will post a NO Loitering sign and will forward a letter to the Police to take enforcement action of the No Loitering and nuisance request. Mr. Heon seconded. All in favor, so carried.

Mr. Heon said it helps to post a no loitering sign and ask the Police Dept. to take enforcement action.

**Coastal Carriers, 12-14 Riverside Drive request to amend site plan approval to change location of fuel tanks 8/30/10**

There was no one present.

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Chairman Flaherty said this was handled administratively with the Zoning Enforcement Officer. Coastal Carriers has submitted a revised map showing the location of the tanks. They have also submitted a letter from the Fire Marshall approving the location.

Mr. Heon made a motion that Planning & Zoning Commission recognizes that the double walled tank that was originally approved in the same spot except it was turned north to south will be moved to turn east to west. The City Engineer reviewed the plan and it met with his approval. The Fire Marshall reviewed the plan and he has approved it. Mr. Lawlor seconded. All in favor, so carried.

### **Oswald Inglese – Land Use Fees**

Mr. Inglese was present.

Mr. Inglese opened discussion with a review of the “Land Use Fee” chart he prepared.

Mr. Inglese is suggesting the Commission collect fees in advance for public hearing publications in the local newspaper.

A discussion continued on the collection of the fees for public hearing in advance. Mr. Heon stated the commission should not approve an application unless the fees are current.

Mr. Inglese said the Commission should not accept the application without the fees.

Chairman Flaherty asked if the applicant can publish the legal notice.

Attorney Welch said no.

Mr. Bettini asked how much money was spent last year on legal notices.

The members agreed the fees should cover the cost of the publication but it should also include review of the application and any other expenses.

The members discussed the fees for site plan, residential building, commercial buildings and how to determine the cost for additional dwelling units (flat rate, square footage).

Mr. Heon made a motion to table this section and have Mr. Inglese re-write this section based on the commission’s dialogue this evening. Mr. Lawlor seconded. All in favor, so carried.

Mr. Inglese discussed the fee for signage. He said it took 4 hours to process an application for signage. The fee should be \$50 plus \$60 for 2/5 size sign. Total would be \$110.

Mr. Heon made a motion to continue discussion on the land use fees next month due to the hour and the remainder of the agenda. Mr. Lawlor 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

Mr. D'Amico said this is on hold. He said he is still in the process of getting the exact amount of the bonds posted.

b. 64 Platt Street Wall & parking lot

Mr. Heon made a motion to remove 64 Platt Street from the agenda because the work has been completed per City Engineer Fred D'Amico. Mr. Lawlor seconded. All in favor, so carried.

c. 3 Kiely's Lane/Jewett St.

Mr. D'Amico said the he has contacted the P&Z Attorney regarding this violation. He is working on a resolution.

d. Mead School Detention Basin

Mr. D'Amico said he has contacted Mr. Evans, Board of Education Supervisor regarding the overgrowth in the Detention Basin that must be cleared.

e. Hilltop Nursing Home Detention Basin

Mr. D'Amico said he will wait until the end of September to contact Hilltop again. There have been a few deer born in the thicket of the detention basin this summer and Hilltop is waiting for them to leave the area before they begin to clear it and clean the detention basin.

**Reports: Zoning Enforcement Officer**

Mr. Jim Tanner was present.

a. Variances

1. Steven Kulas for Peter Efthymiou for property located at 133 South Cliff Street, Ansonia. Request to vary Section 310 – These regulations do not allow a three family home in a two family zone.

Mr. Heon moved to recommend denial of the request because the property is currently conforming and changing it is non-conforming – three family residences is not allowed in Zoning and there is no hardship. Financial consideration is not a hard ship and the building stands conforming. Three family residences is not a permissible use and the other homes in the neighborhood are pre-existing. Mr. Lawlor seconded. All in favor, so carried.

2. John Sponheimer for Pension Services LLC Trustee for property located at 10 North Street, Ansonia. Request to vary Section 315, Schedule C to divide a 10,442 s.f. parcel to create two non-conforming parcels.

Mr. Heon moved to recommend denial of the request because the split would create two non-conforming lots from a conforming lot. There is no hardship situation as the property conforms to Zoning Regulations and the property owner is creating his own hardship. Mr. Lawlor seconded. All in favor, so carried.

3. Fast Cycle, 225 Pershing Drive, Ansonia request for motorcycle dealership.

Mr. Heon made a motion that the Commission acknowledges this is an allowed activity in a “C” Commercial Zone and recommends approval with the condition they meet all Zoning Regulations i.e. parking requirements, etc. Mr. Bettini seconded. All in favor, so carried.

b. Violations:

1. Mutual Housing

A letter was received from Mr. D’Amico, City Engineer stating the work has been done according to the plan.

Mr. Heon made a motion to send a letter to Mutual Housing that the work in parking lot meets the approval of the City Engineer. Mr. Bettini seconded. All in favor, so carried.

2. 23 Spring St.

Nothing on this violation.

3. 128 Jewett Street

Mr. Tanner said the property owner is still in the process of clearing the site. He is still out of compliance.

4. 420 Main Street

Mr. Tanner said he has issued a cease and desist order and has sent it to Attorney Boath for enforcement.

5. 37 Hubbell Avenue

Mr. Tanner said that Sky Properties located at 37 Hubbell Ave. is operating a business from the home without permits.

6. 93 South Cliff Street

Mr. Tanner said that Giamo Associates is operating home business without permits.

Mr. Tanner explained that professional offices are allowed. Commercial business is NOT allowed in a residential zone. He said 37 Hubbell Ave. is a gray area because he uses the home to book jobs and bill the customers. He has leased space from CBS Contractors on Riverside Drive to store his vehicles and equipment (trucks).

There was a discussion on Professional Office. Real Estate office is under a Professional Office. There is no traffic in and out and not a lot of customers.

Mr. Inglese read the section on Professional Office from the Zoning Regulations.

There was discussion on a business that uses a room in a house to book appointments and bill and they are not conducting business there. The size of the vehicles and equipment is a police action and doesn't fall under P&Z guidelines.

Mr. Inglese said in most municipalities do allow it as long as they don't have in and out traffic. No employees and no customers.

Mr. Tanner said do we want a business to be allowed in a home. The business is on line and he is storing his trucks on Riverside Drive. The equipment is not taxed and there is no declaration page. Using the mailing address doesn't mean they are running a business vs. a sign stating they are running it as a business. He advertises on line. Sky Property Services LLC is 37 Hubbell Ave.

Mr. Bettini said if you advertise you have a business there.

Mr. Tanner said his state license with the State used 37 Hubbell Ave. as the address. He said the owner wanted to come to P&Z however Mr. Tanner said his concern is it is not allowed.

7. 80 Star Street

Mr. Tanner said the driveway is cut in bordering Seventh Street and there is a boat and trailer in the front yard which is not allowed. He said he has referred this to legal counsel.

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Chairman Flaherty said he would like to state that our Zoning Enforcement Officer is clarifying our answers and doing a great job.

**Reports: Planning Consultant**

Mr. Inglese is present.

Mr. Inglese said that the Commission is working on the Fee Schedule at this time.

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

**Any other business to come before the Commission**

None

**Executive Session (Pending Litigation)**

None

**September Meeting:**

The September regular meeting will be held on Monday, September 27, 2010 at 7:30 p.m.

**Adjourn**

Mr. Bettini made a motion to adjourn the meeting at 10:00 p.m. Mr. Lawlor seconded. All in favor, so carried.

Respectfully submitted,

  
Jo-Lynn Flaherty  
Secretary