



City of Ansonia
PLANNING AND ZONING COMMISSION

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Madeleine H. Bottone
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

September 27, 2010

Regular Meeting

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

Absent: Doug Furtek
Ed Phipps
James Martin

Others Present: Fred D'Amico, City Engineer
James Tanner, ZEO/Blight Officer
Oswald Inglese, Planning Consultant
Tom Welch, P&Z Attorney
Steve Blume, Pres. Board of Alderman

The regular meeting of the Ansonia Planning & 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 September/08, 2010 Special Meeting. Mr. Lawlor seconded. All in favor, so carried.

Approval of Bills

Mr. Bettini 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 professional services: \$1313.74

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. Lawlor seconded. All in favor, so carried.

1. T. Welch to C. Hoyle re: TWC Developers 55+ Site Plan Homeowners Agreement
2. T. Welch re: Peter Efthymiou, So. Cliff St.
3. T. Welch re: Short Calendar
4. Board of Aldermen – Referrals

Mr. Bettini asked if TWC Developers has applied for any of their permits.

Mr. Tanner said they have not applied for any building permits as yet.

Chairman Flaherty explained that this was a 55 and over development that was approved before Mr. Bettini became a member of P&Z. He explained the permit process for site plan approval to Mr. Bettini.

NCW Dev./William Griffin request for Subdivision, 54 Benz Street Estates, 54 Benz Street (3 lot subdivision) 5/24/10 Decision/Resolution

There was no one present.

A letter was sent to Mr. Griffin requesting the estimate for the open space land on the site. The Commission allowed Mr. Griffin to do a "fee in lieu of open space" for the 10% open space requirement. Mr. Griffin would be required to submit an estimate for 10% of the value of the property.

Mr. Ingles said under section 3.11.4 the commission can require a fee in lieu of open space. The applicant is required to submit an estimate for the contribution in lieu of open space.

There was discussion as whether the Commission should get their own appraisal of the property.

Attorney Welch said the Commission certainly has the right to get their own appraisal. The Commission can review it and push the cost of the appraisal back to the applicant.

Chairman Flaherty said the Commission can't spend any funds without Board of Aldermen approval.

Mr. Heon said that Mr. Griffin told the commission that he would have the appraisal done and get a copy to the commission.

Chairman Flaherty said the land has been subdivided.

Attorney Welch said they have 90 days to file the map.

Chairman Flaherty said the commission should request Attorney Welch send a letter to owner advising him of the appraisal.

Mr. Bettini made a motion to request Attorney Welch send a letter to the owner of 54 Benz Street regarding the appraisal for the subdivision. Mr. Heon seconded. All in favor, so carried.

There was discussion on Denita Estates Subdivision and that Mr. Macero has sold one lot. Mr. Macero would owe the City of Ansonia one-fifth of the cost for the open space fee.

Mr. Welch said he would put a caveat on the land record for Denita Estates Subdivision so that every time a lot is sold the City will collect that portion of the fee for open space. He will prepare the caveat and place the lien on the property. The lien will be released after payment.

Board of Aldermen Referrals:

1. Easement Yankee Gas

Mr. D'Amico said that this easement is to upgrade the valves on the high pressure line to Waterbury. They will move it from under the pavement and then it will be underground the same as the UI easement. He said he advised Yankee Gas that they had to go before the Board of Aldermen for approval.

The cost is \$100,000 for the three valves and for the 18 inch line up to Waterbury. If they have to replace it in the future, they will be off the street.

Mr. Heon made a motion to send a favorable response for this referral. Mr. Lawlor seconded. All in favor, so carried.

2. Temporary construction easement & drainage & maintenance Easement & agreement for 161 O'Neils Court

Chairman Flaherty asked if this would fix the drainage problems in this area.

Mr. D'Amico said O'Neils Court has been flooded for years. It is a major drainage problem. They will run the line to Pershing Drive and they need a temporary easement from the adjoining property owner to get down to Pershing Drive. This project has been in the works for 15 years. The neighbors are complaining.

President Blume said the adjoining neighbors wanted to charge the City to go on his property however they were able to make an agreement with him to allow the City on his property to fix the problem.

Mr. Heon made a motion to send a favorable response for this referral. Mr. Bettini seconded. All in favor, so carried.

3. Environmental Land Use Restriction Subordination Agreements 153 Main St. & 497 East Main St.

Attorney Welch explained there is remediation on these sites and the City has to sign an agreement with the State of Conn. He said the easement means the rights to the property are subordinate. You don't have the right to dig in the area of remediation. There are subordinate rights if you want to dig on the area. The City of Ansonia owns the land and property and this agreement goes with the land when sold.

He said Farrels has 6 rights, Yankee Gas has 4 rights and the last is the City of Ansonia owns the building. He said DEP asked the City of Ansonia to do this.

There was a discussion on what this type of easement means.

Mr. Bettini said the City of Ansonia owns the property, the City of Ansonia sells the property or builds on the property.

Attorney Welch said the City owns the property and they are currently cleaning it up.

Chairman Flaherty explained the location of the property clean up and that this area is a Brownfield and VRPA is currently remediating it.

Attorney Welch said the title search may have 20 to 25 easements and right of ways. Everybody must subordinate their rights to DEP so no one has the right to go in and dig.

Mr. Bettini said is this stated on the deed so anyone buying the property will see the easements and the DEP requirements. He said the City should make sure all notations are clear on the land records.

Mr. Heon made a motion to send a favorable response with the suggestion that the easements and DEP requirements are noted on the land records. Mr. Bettini seconded. All in favor, so carried.

City Center Plan – Amendment to Update the Plan

There was discussion on the revisions that were given to Mr. Inglese so that he could incorporate them into the revised amendment.

Mr. Inglese did not incorporate the revisions discussed at the last meeting. A Copy of the revisions was given to him for the next meeting.

Executive Session (Pending Litigation)

Chairman Flaherty called for a motion to deviate from the agenda to go into Executive Session at this time to allow Counsel to speak with the Commission.

Mr. Heon made a motion to deviate from the agenda to allow Attorney Welch to discuss his case. Mr. Lawlor seconded. All in favor, so carried.

Mr. Heon made a motion to go into Executive Session at 8:40 p.m. Mr. Bettini seconded. All in favor, so carried.

Mr. Heon made a motion to go back into regular session of the meeting at 9:00 p.m. For the record there were no votes taken during the Executive Session. Mr. Bettini seconded. All in favor, so carried.

Oswald Inglese – Land Use Fees

Mr. Inglese explained to the members the procedure for changing the zone text and the zone map. He said that Subdivision Regulations cannot be changed by anyone other than the Commission.

The members discussed the different fees for public hearings, review of the application, processing of the application, publications, etc. The discussion lead to the fees being

Mr. Inglese said he had more work to do on the fees. He will prepare for next month.

Mr. Bettini made a motion to table to allow Mr. Inglese to work on the fees. Mr. Heon seconded. All in favor, so carried.

Reports: City Engineer

Mr. Fred D'Amico was present.

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

Mr. D'Amico said there is no activity at the site. Mr. Scinto told him he was planning to start work however he has not started any new work.

There was discussion on sending Mr. Scinto a cease and desist order until the City receives the bond money.

Mr. D'Amico said he spoke with Peter Burns and he was going to take care of getting the bond money to City but he hasn't done that yet. Mr. D'Amico said he will contact Mr. Burns and tell him the City needs the additional bonds in place.

2. 3 Kiely's Lane/Jewett St.

Mr. D'Amico said he determined that the site is one lot and not a subdivision. The sedimentation control pond is on the one lot. Mr. Nocerino has to sell the pond with the house because there is no other lot.

Chairman Flaherty asked what is on the deed, how does the Commission know this.

Mr. D'Amico said he looked at the map and the property is a whole piece. There is nothing on the map stating the maintenance and the pond is there. The pond was constructed as a temporary sedimentation pond and it can't handle this much water.

Chairman Flaherty said he has a plunge pool that is inadequate. He made some changes and the water is scouring out the whole hill. The construction is complete and it should be stable. He has to construct a retention pond on the site to handle the amount of water that is there.

Mr. Heon said he is claiming water is coming off of Spring Street. He put in a catch basin next to the house. This catch basin should be put into the existing one to fix it. If he doesn't do it, the City should take his bond and do it.

Mr. D'Amico said he can run the pipe one to the other and tie into the catch basin and it would clear the problem. There is a lot of water from Spring Street, Prior to the house being built, all of the water went to the next catch basin.

Mr. Heon said tie that in and it takes his claims of additional water out of the loop.

Chairman Flaherty said there is a lot of ledge up there and they would have to blast.

Mr. D'Amico said it is not a shallow slope, they can put a pipe in there.

Mr. Tanner said something else is going on. There is a lot of erosion and a large volume of water coming down that hill. The upper part of Spring Street is where there is something going on.

Chairman Flaherty said it is a perched water table. He suggested the City Engineer look into the development above this street – Emmett O'Brien School.

Mr. D'Amico said he will go to Spring Street to see if there are any changes from Emmett O'Brien School causing water to flow down over the hill.

3. Mead School Detention Basin

Mr. D'Amico will make sure the detention basin is cleaned up before December.

4. Hilltop Nursing Home Detention Basin

Mr. D'Amico said he will go up there to check and see if the deer have left and the detention bond is cleaned out.

Reports: Zoning Enforcement Officer

Mr. Jim Tanner was present.

1. 35 Spring Street: There is a boat and trailer on the site.
2. 8 Root Ave. The owners have removed the retaining wall along Root Ave. and it is causing a big erosion problem.
3. 32 Spring Street: There are several violations, the use is greater than allowed. It is in litigation.

Violations

Mr. Tanner said there are no new violations.

Variances

Mr. Tanner said there are no new variances.

Chairman Flaherty said that he has been in Mr. Tanner's office and he is doing a phenomenal job. He has 30 – 40 files, he is attending school and enjoying it and he is very thorough, using good judgment on his decisions. He is digging into issues and handling the public with dispatch and respect. He is strong and conducting himself very well. The time frame is 2 to 3 months and he has to keep track of the time constraints. He commended Mr. Tanner on his good work.

Reports: Planning Consultant

Mr. .Oswald Inglese is present.

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

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

Any other business to come before the Commission

None

October Meeting

The October 2010 regular meeting will be on Monday, October 25, 2010 at 7:30 p.m.

Adjourn

Mr. Heon made a motion to adjourn the meeting at 10:15 p.m. Mr. Bettini seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary