



City of Ansonia
PLANNING AND ZONING COMMISSION

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October 25, 2010

TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

Regular Meeting

Present: Bart Flaherty, Chairman
Michael Bettini
Jared Heon
James Martin

Absent: Doug Furtek
Ed Phipps
Jeff Lawlor

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 27, 2010 Regular Meeting. Mr. Bettini seconded. All in favor, so carried.

Approval of Bills

Mr. Heon 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: \$900
2. Thomas Welch: Bill for Legal Services: \$1156.70

Chairman Flaherty asked Mr. Tanner if he had any invoices.

Mr. Tanner said not at this time. He is still in the process of enrolling in his classes.

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.

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.

Chairman Flaherty said the commission voted for approval for a positive resolution.

Mr. Inglese said that it was pending the receipt of an appraisal and revised map.

Chairman Flaherty said Attorney Welch has contacted their attorney to discuss the issues.

Attorney Welch said Mr. Griffin informed the owner that he has to get the appraisal to us.

There was discussion on whether it was approved.

Mr. Inglese said there was approval to draft a resolution.

Mr. Heon said we need to be clear on what was needed.

Mr. Bettini said the Chairman was very clear on it when they were here.

Chairman Flaherty said it was approved conditional on a Resolution with conditions that have not been met.

Mr. Inglese said that would be his recommendation. If you approve it without receipt of the appraisal required it would be carte blanche.

Chairman Flaherty said could the commission set a cost for a lot – say \$65,000 for each lot and go forward from there so that we can complete this.

Mr. Inglese said the State Statutes are very precise on what you can and cannot do with regard to the appraisal of the land.

Mr. Heon said can we move to approve with a condition the owner sign a waiver for the 65 day extension.

Mr. Inglese said there is language right now about the Open Space and that one can pay in lieu of Open Space. If you refer to paragraph D in the preliminary draft resolution there is a total amount to be paid to the city and it is blank. You will have to modify “D” unless the appraisal determines it differently.

Mr. Heon made a motion to deny without prejudice. Mr. Bettini seconded. All in favor, so carried.

Attorney Welch said he spoke to the attorney for Mr. Griffin and the Commission has a right to approve the resolution.

Mr. Heon said he wanted it noted for the record that Planning and Zoning did due diligence in this application.

City Center Plan – Amendment to Update the Plan

Mr. Inglese said he is still in the process of revising the amendments to the City Center Plan. He asked the Chair that it be tabled to the next meeting.

Mr. Bettini made a motion to table the City Center Plan to the next meeting. Mr. Heon seconded. All in favor, so carried.

Oswald Inglese – Land Use Fees

Mr. Inglese was present.

Mr. Inglese presented the revised format for the Land Use Fees. A copy was given to each commission member this evening.

Mr. Inglese said he encourages the members to read the notes on page 2 before they get into the details of the report.

The members reviewed the notes and the fees.

The Chairman stated that at last month's meeting it was agreed that the totals would be removed.

There was discussion on the public hearing fee shown in each block for each activity. A public hearing is not always required for these zoning and subdivision requests.

Mr. Heon said we all agreed not to show the total that was the intention.

Chairman Flaherty said for the public hearing there is an amount. Maybe there should be just an asterisk after it. And explain the fee in the asterisk at the end where a public hearing is required it would be \$450 in these instances.

There was a discussion on other towns and their fees for public hearings.

Mr. Heon discussed parking spaces for subdivisions. He suggested that Mr. Inglese remove Derby, Seymour, Shelton fees from the table.

Mr. Bettini suggested a second sheet.

Chairman Flaherty discussed the parking spaces in the Municipal lot and suggested a parking charge. He said our ordinance allows the applicants to count the municipal parking lot for their parking requirements. He said other towns charge for parking.

Mr. Inglese said State Statute allows for fees in lieu of parking spaces. It would be the same scenario as the fees in lieu of open space. The fees would go into a Special Fund to improve the existing parking areas only.

Chairman Flaherty said we could build up money and re-line the Municipal lots. Save money for a possible parking garage. Right now we are giving parking space out for use in the municipal lots without any fees.

Mr. Heon said Fitzpatrick's is leasing parking spaces from the City.

Chairman Flaherty said we are allowing those who need parking spaces to meet the zoning requirements to use the municipal lot and maybe we should charge those using the municipal lot to fulfill their parking requirements. Other businesses further from the lots must meet the parking requirements..

There was a lengthy discussion on parking spaces.

Mr. D'Amico said currently we are charging \$10 a parking space. He discussed the required number of parking spaces are determined by square footage per the regulation. He suggested the application fee remain as one fee for parking spaces and the use of the municipal lot fee remain an additional fee. Two separate fees.

There was discussion on the above.

Chairman Flaherty suggested that the “Fees in lieu of Parking Spaces” amendment be included in the public hearing that the commission must hold for the City Center Plan. That way both items will be heard at one public hearing.

There was discussion on the two separate parking space issues – (1) additional parking in the Municipal Lot and (2) Site Plan application parking fee (\$10).

Mr. Bettini asked how the fee for parking was arrived at for the Target Store.

The Secretary said she asked them how many parking spaces they had on the application and then charged them \$10 per parking space.

There was discussion on charging for the actual number of parking spaces or the number of required parking spaces per the regulation. Any fees collected for parking in the municipal lot could go in a line item to improve the parking from the “fee in lieu of parking spaces regulation”. There should be an application parking rule and a municipal parking rule.

Mr. Inglese said he would have language for the next meeting on “Fees in lieu of Parking”.

Mr. Bettini made a motion to table for the revisions. 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 he has spoken with Mr. Scinto about the condition of the site. He said he has sent a letter to Attorney Blake and Attorney Welch regarding the bonds. He hasn’t received a copy of the bond as yet. He will follow up to get the actual bond and bond amounts. He said Mr. Scinto has begun to take out more material from the site.

2. Platt Street

Mr. D’Amico said that the parking lot is complete. They will add the plantings and the lights.

3. 3 Kiely's Lane/Jewett St.

Mr. D'Amico said he has to go up to the area and review it again. There hasn't been any large rain storms and the area has been OK.

Mr. Heon said the night after the last P&Z meeting it rained and washed out both sides of Spring Street. The water was coming from somewhere and ran to the new catch basin and followed the lip down Spring Street to Kiely's Lane to the catch basin. All the water went to that catch basin. It then goes directly down to the brook. Letting the water sit there has torn up the road and it is making the road almost impassable.

Chairman Flaherty said we have testimony that there is water coming down from up there.

Mr. Tanner said it is not Emmett O'Brien. There is a 13 acre lot in there and something has changed. The curb is gone on the right hand side. He said he will go up there again.

Mr. Heon said he is concerned with winter coming and the ice conditions on the road. It will be very bad. The latest water flow was the night after the P&Z meeting when it was pouring rain.

Mr. D'Amico said the gutters on Spring Street have to be repaired. They will be filled in and they will put in a curb.

Chairman Flaherty said obviously something has changed from above because there is an inordinately amount of water coming down from there. He asked Mr. D'Amico if he will go up there and check it out.

Mr. D'Amico said he will inspect the area and check it out.

4. Mead School Detention Basin

Mr. D'Amico said the Board of Education has cleaned up the Detention Basin area again and he will go up there and double check it.

5. Hilltop Nursing Home Detention Basin

Mr. D'Amico said he will go up there to check and see if they have cleaned it out.

Reports: Zoning Enforcement Officer

Mr. Jim Tanner was present.

1. Mutual Housing

Mr. D'Amico will write a letter to Mutual Housing that the measures they have taken have met the approved plan and he recommends release of the bond.

2. 35 Spring Street: There is a boat and trailer on the site.
3. 8 Root Ave. The owners have removed the retaining wall along Root Ave. and it is causing a big erosion problem.

Mr. Tanner said this is with the Attorney.

4. 32 Spring Street: There are several violations, the use is greater than allowed. It is in litigation.

Violations

Mr. Tanner said there are new violations.

1. Wakelee Ave.
2. 25 Church St.
3. 59 Church St.
4. 73 Platt St.

He said there are others in addition and he is currently working on them with the Attorney.

Variances

Mr. Tanner said there is one new variances however he is not sure whether or not Ms. Sardinia has put it on the agenda because he did not receive it from her and there is no map. He presented the variance he had:

1. Andrew Gregory: Rufus Street and Rufus Street Extension. Property line in the center of the garage.

Mr. Tanner said the applicant wants to make the parcel into two separate pieces of property. There are two structures on this one parcel – 1 house and 1 garage on one piece and 1 house on the other piece. It is not new construction and the owner wants to separate the two parcels. He needs a variance because of the lot line and set backs. It is located on corner of Rufus and corner of Bassett St. He said it is the right thing to do.

Mr. Heon move to reply “no comment” because there are no maps received for the commission members to review.

There was no second.

Mr. Tanner said he is not sure if this is on the ZBA agenda.

There was discussion on the ZBA agenda. The commission members noted that this is one parcel with a house and garage and a house.

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 and it should be removed from the above list. He said the commission can put the other items on the agenda or discard them.

Chairman Flaherty said maybe the commission should schedule a workshop on the above items.

A discussion followed on the above.

Chairman Flaherty said the Commission will take one item a month from the list and put it on the agenda. He said sidewalks for next month.

Mr. Tanner said he would rather see fences and hoop houses on the agenda first. He has a lot of questions on fences and hoop houses.

Chairman Flaherty requested the secretary to take off workshop meeting and just list the items on the agenda.

Mr. Inglese said he will send out the information he has on the items and they can be discussed as time permits.

Any other business to come before the Commission

82-84 Main Street – Coffee Shop

Aldin Frroku was present.

Mr. Frroku said he has a plan for a coffee shop and he spoke to Mr. Tanner. The coffee shop will be on Main Street and he has parking in the lot across the street.

Chairman Flaherty asked Mr. Tanner if it is an allowed use.

Mr. Tanner said yes but there is a question on the parking requirements. He said Mr. Frroku is here to ask for parking in the Municipal parking lot.

Chairman Flaherty said he needs 16 parking spaces and he has 5 parking spaces. He asked if he was within 300 feet of the Municipal lot.

Mr. Frroku said he has parking across the street. There is a big parking lot there and it is empty every day.

Chairman Flaherty said it is an allowed use and it is within 300 feet of the municipal parking lot.

Mr. Inglese said you need to have something to allow him to use the municipal parking lot. He has to make a written statement.

Chairman Flaherty said Mr. Frroku should make application for site plan approval to P&Z because he needs to use the municipal lot. This way there will be a record of action on what happened and on the approval.

Mr. Frroku said he will be using just the first floor. The basement will be for storage and the second floor there will be nothing there.

Chairman Flaherty advised Mr. Frroku to make application and the Commission will take it up at next months meeting. It is allowed in the zone and it is within 300 feet of the Municipal lot.

Castle Lane Subdivision

Mark Romano, 6 Fran's Way, Shelton, CT was present.

Mr. Romano said he is looking to purchase some property and he would like to get some feedback from the Commission. He wants to subdivide the property on Castle Lane. It was approved in 1993 for 24 lots and he is thinking he may do 15 to 18 lots. He said maybe the commission knows this property already. He said if the Commission is going to fight him tooth and nail then he won't waste his money. He said he hasn't purchased the land yet and he hasn't invested in any plans. But if there is going to be a fight on this he will save his money and walk away.

Mr. Inglese asked if the property has wetlands.

Mr. Romano said there are no wetlands.

Mr. Inglese asked if the property is steep.

be reviewed and looked at. 20 years ago it was a big issue with the cut and fill and the access issues with the Board of Aldermen. He said there is a long road and cul de sac, there is a concern of water pressure, concern for the fire hydrants. He said our Regulations are our Regulations if you meet them there are no problems. He noted Inland Wetlands requires no net increase in flow off the property.

Executive Session (Pending Litigation)

Attorney Welch requested the Commission go into Executive Session to discuss White Hills Homes. He invited Mr. Inglese to remain.

Mr. Heon made a motion to go into Executive Session at 9:00 p.m. Mr. Bettini seconded. All in favor, so carried.

Mr. Heon made a motion to go out of Executive Session at 9:25 p.m. For the record there were no votes taken during the Executive Session. Mr. Bettini seconded. All in favor, so carried.

November Meeting

The November 2010 regular meeting will be on Monday, November 29, 2010 at 7:30 p.m.

Adjourn

Mr. Heon made a motion to adjourn the meeting at 9:27 p.m. Mr. Martin seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary