



City of Ansonia
PLANNING AND ZONING COMMISSION

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Elizabeth Lynch
CITY OF ANSONIA
PLANNING AND ZONING COMMISSION

February 28, 2011

Regular Meeting

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

Absent: Doug Furtek
Ed Phipps

Others Present: Fred D'Amico, City Engineer
Oswald Inglese, Planning Consultant
James Tanner, Zoning Enforcement Officer
Tom Welch, P&Z Attorney
George Boath, Special Counsel

The Regular Meeting of the Ansonia Planning and 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. Martin made a motion to accept as written and place on file the minutes of the January 31, 2011 Regular Meeting and the Organizational Meeting. Mr. Bettini seconded. All in favor, so carried.

Bills

Mr. Heon made a motion to pay Mr. Inglese's invoice in the amount of \$637.50. Mr. Martin seconded. All in favor, so carried.

Mr. Martin made a motion to pay Mr. Welch's invoice in the amount of \$2288.46. Mr. Lawlor seconded. All in favor, so carried.

Mr. Martin made a motion to pay Mr. Boath's invoice in the amount of \$500. Mr. Heon seconded. All in favor, so carried.

Mr. Heon made a motion to pay Ms. Shansky's invoice in the amount of \$542.50. Mr. Lawlor seconded. All in favor, so carried.

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. Martin seconded. All in favor, so carried.

Deviate from the Agenda

Chairman Flaherty called for a motion to deviate from the agenda to hear representatives from the Ansonia Nature Center who are not on the agenda.

Mr. Lawlor made a motion to deviate from the agenda to hear the representatives from the Ansonia Nature Center. Mr. Martin seconded. All in favor, so carried.

Richard Wade, President of FANCI
22 Arbor Terrace
Ansonia, CT 06401

Mr. Wade gave everyone a copy of the ANC Calendar of Events.

Mr. Wade said he did not send a letter to the commission however he received a letter from Corporation Counsel Blake dated 2/11/11 stating that the Planning and Zoning Commission needs an update on the Redwing Pond parking lot because of their concerns for the safety of the children.

He said that the Redwing Pond project for a pre-school will have a maximum of 16 children in the morning and 16 children in the afternoon. There will be no buses dropping off or picking up children. They will be brought to the school by parents.

PZ022811

Mr. Wade asked if the Friends of the Nature Center can use the City Engineer to update the plans for the Redwing Pond House and the parking lot area. He also asked if the Commission could waive the fees because it is on City property. He said he has an application form.

Chairman Flaherty said that the request for P&Z approval was not for lack of support for the proposal. He said he is speaking for himself in that he has been a long time supporter of the Ansonia Nature Center. The Planning and Zoning Commission has approved day care facilities in the City of Ansonia in the past and there are things that the commission needs to find out about the proposal. The Commission needs to know what is going on at the Ansonia Nature Center – a statement of use is required. We need the existing site plan. There was a change in the parking situation and the construction of a new parking lot. The Commission needs a current site plan, a current statement of use, how the Mom's and Dad's will enter the area to drop off and pick up their children. What is the timing between the morning and afternoon classes. Will the staff go out and assist the parents when they drive in to drop off their children. Will you have a lane and a fence so the cars can queue behind the fence so the parents can get their children into the building safely.

Chairman Flaherty said there is a pond there and the commission is looking for the proximity of the pond to the building. To protect the children there should be fencing around the playground and within the parking lot. The thrust we are looking for is 16 children get safely in the building dropped off and picked up and there is a plan in place.

Donna Lindgren , Ansonia Nature Center Director came into the meeting at this time (7:40 p.m.).

Chairman Flaherty said that the Planning and Zoning Commission can't waive the fees however the Board of Aldermen can waive fees. The Friends of Nature Center can request a waiver of fees from the Board of Aldermen. The fees would have to be paid first and then refunded if approved by the Aldermen.

Chairman Flaherty said with regard to the City Engineer drawing the plans. The City Engineer is the review for the P&Z. He said he doesn't think the City Engineer can sit down and draw the plans and then review his own drawings.

He continued stating that a statement of use should be submitted stating the hours of operation, the number of employees, the number of children, the time of each class and the number of children in each class. Tell the Commission what is going on on the property. The nature of activities outside of the building – the playground fenced, etc. This information will show that you have thought everything out thoroughly. The activity has been approved and the activity is allowed there.

Ms. Lindgren said the State of Connecticut has a package of rules and regulations that they have to abide by before they open the door including the safety of the children.

Chairman Flaherty said their concern deals with number of staff per child, bathrooms, lunches, playground activities. Our concern is parking and safety. The parents come in and drop off their children and leave – will there be jersey barriers there to protect the children and keep the traffic where it should be on the site. He said that Ms. Lindgren can go to the record and see the recent approvals for day care facilities, there is one on Beaver Street, where there are jersey barriers for parents and children, fencing, etc.

Ms. Lindgren said how did the Board of Education handle it when they had a pre-school there.

Chairman Flaherty said that is irrelevant – that school is gone and you are proposing a new facility. He suggested Ms. Lindgren go to the record and look at the YMCA Day Care approval and the Beaver Street facility. He said she will see the same questions and same routine that P&Z is asking of the Redwing Pond House to do. It is not a matter of allowing it, for myself, we want to know how you will do it and that you thought it out. There has been nothing since 2004 (parking lot) before the Commission. The original approval was in 1994.

Ms. Lindgren agreed with Chairman Flaherty.

There was discussion as to whether or not the City Engineer can draw the plans and then review them.

Chairman Flaherty said the City Engineer can assist them as to what information is needed but cannot draw the plans.

Ms. Lindgren asked if the parking lot had to have marked parking spaces.

Chairman Flaherty said the parking spaces must be delineated on the map and handicap spaces must be marked. The activity outside the building must be stated, there must be a fence around the playground.

Chairman Flaherty asked three (3) times if there was anyone from the public who wished to speak to this because the Commission deviated from the agenda. There was no one.

Steven Zuber request for rear lot and site plan approval for property located at 28 Moulthrop St. (01/31/11) 65 days is 4/6/11

Mr. Steven Zuber was present.

Mr. Zuber said that he revised the maps showing the additional drainage and snow shelf and provided copies for the commission.

Chairman Flaherty asked Mr. D'Amico if the driveway is paved can the retention system handle the flow.

Mr. D'Amico said yes, the design assumed it was a paved driveway.

Chairman Flaherty said the driveway if paved will have to be paved to Fire Department standards so that a fire truck can pass over it.

Mr. Zuber said driveway is 4 inches compressed to 2 inches which is normal.

Chairman Flaherty said the driveway will have to be heavier to be able to support a fire truck. It should be paved to road standards.

Chairman Flaherty asked if there will be natural gas to the home.

Mr. Zuber said yes, it is on the legend.

There was discussion on the recent propane gas explosion in a home where a truck hit the tank and it exploded.

Chairman Flaherty said although Mr. Zuber doesn't have his Inland Wetlands permit they did already issue a permit for one house when Mr. Rohinsky was before them. He said the commission can approve on the condition of the IWC approval.

Mr. Inglese said he recommends approval subject to compliance with the drawings submitted.

Mr. Heon said that the commission walked the site. Anything the commission asked the applicant to do, he's done willingly. He said as long as everything is done per the drawings submitted it should be a good project – he was thorough.

Mr. Heon made a motion to approve with conditions the application for site plan approval by Steven Zuber for a rear lot located at 28 Moulthrop Street. Mr. Martin seconded. All in favor, so carried.

Conditions:

1. Inland Wetlands approval and permit.
2. The driveway is to be constructed to standards that will support a fire truck.
3. Construction will be subject to compliance with the drawings submitted and approved dated 2/20/11.
4. The home will be serviced with Natural Gas.

Ansonia Commons/J. Nocerino re: Landscaping Plan for Antonio's Restaurant

There is no one present.

Chairman Flaherty said the commission received a letter and sketches from Mr. Nocerino dated 12/6/10. Mr. D'Amico was going to meet with Mr. Nocerino to work out some landscaping.

Mr. D'Amico said because of the snow it has been difficult to see the area and the parking lot and if there is room to create any landscaping or plantings on the site. He said there was discussion on landscaping the area along the sidewalk near the building but he wanted to wait until the snow disappears to look at the area again to be sure there is enough room for the sidewalk area to walk.

Chairman Flaherty said there was discussion on two (2) planters in that area.

Mr. D'Amico said there is an existing 3 foot wide by 15 foot long planter area there now with two more proposed along the side of the building and sidewalk. He said he didn't want to make a final decision because of the snow.

Chairman Flaherty asked if it will cut down on the sidewalk area.

Mr. D'Amico said there still is enough room there.

Chairman Flaherty said Mr. Nocerino has 35 parking spaces in the Municipal parking lot. Why not put six (6) trees in the public parking lot in concurrence with Public Works Department instead of in the sidewalk area or the parking area behind the building.

Mr. D'Amico said he will approach Mr. Nocerino this week.

Chairman Flaherty said try to break up the parking area with the trees.

Mr. Inglese said that would be acceptable it is still in the City Center Plan.

Chairman Flaherty asked the Commission members what their thoughts were on the subject.

Mr. D'Amico said it is a good idea to plant trees in the Municipal Parking lot. He will meet with Mr. Nocerino this week.

Mr. Heon said there is a project going on in the parking lot right now, this could be planned in conjunction with that project.

Chairman Flaherty said if Mr. Nocerino feels his parking lot is too constrained, he has the use of the 35 parking spaces in the Municipal lot and this could meet his landscaping obligation.

Mr. Heon made a motion to discuss with Mr. Nocerino the idea of planting trees in the Municipal Parking lot to satisfy the landscaping. Mr. Martin seconded. All in favor, so carried.

City of Ansonia Public Works Dept/United International Corp. request for Site Plan approval for Transfer Station at Public Works Complex, N. Division St. (12/27/10) 65 days is 03/2/11

Peter Georgetti and Jay Jayanthan from United International Corp. were present.

Mr. Georgetti said that he has addressed all of the Commissions comments and he will discuss the changes made.

Chairman Flaherty said his concern was the scale operator and the location of the scale house because the scale operator has to talk to the driver of the vehicle. The scale house has to be situated so the scale operator can speak to the driver from the scale house. The other concern was the ramp and they have extended the ramp and it is more level and extended the tipping floor eight feet.

Mr. Georgetti said that they have lengthened the ramp as the Commission suggested.

Chairman Flaherty said there will be a scale house operator and a person stationed on the tipping floor. So there will be two people in this area.

Mr. Georgetti said the person on the floor will monitor the stacking on the floor.

Mr. Georgetti said that the City Charter requires everyone to be weighed every time they go over the scale. Usually a vehicle is weighed in with a load, they dump the load and go back over the scale. This is not done all the time. There is a procedure the PWD follows. The light weight truck goes over one time, the not so light weight or heavy truck goes over two times. Everyone goes over the scale and get checked.

Mr. Martin said at the scale house is it possible to add another camera to look down into the trucks.

Mr. Georgetti said they are within one foot above ground. They should be able to see inside most of the vehicles. Raising the scale house you have a better view but you will have a set of stairs that will require the scale operator to go up and down stairs instead of going in and out of the building quickly.

Mr. Georgetti said on the tipping floor is another house for that person monitoring up there. A lot of the comments were from the Superintendant and the area has to work for him.

Mr. Martin asked if there are barriers up above on the tipping floor.

Mr. Georgetti said they took into consideration snow removal so they removed the fence so the snow can be dumped down the bank.

Chairman Flaherty said the tipping floor has been increased in size by eight (8) feet so there is more room up there.

Mr. Heon said a resident would go down the ramp and go right and then out of the facility.

Mr. Georgetti said yes that is correct.

There was a discussion on the existing ramp and traffic pattern.

Mr. Bettini asked where the drains on the tipping floor go because there will be oil and gasoline and other materials spilled on the floor. He asked if the drainage is routed to the WPCA or the river.

Mr. Georgetti said untimely it will end up in the river. The catch basin will go through the storm water treatment area before discharging to the pumping station.

Mr. Bettini said the cars will have oil, etc. on the tipping floor. He asked about the maintenance of the floor and catch basins – will they be cleaned out every 60 days or so.

Mr. Georgetti said they will be cleaned out whenever they require cleaning. There is no monitoring device but there is a maintenance schedule which is one time a year but if there is a lot of oil they will be cleaned more often.

Chairman Flaherty asked the time table for construction of the Transfer Station.

Mr. Georgetti said they want to begin this year but before the end of this year but if that is not happening it will be next year. The existing Transfer Station will operate during construction.

Mr. Bettini made a motion to approve with conditions the site plan for a Transfer Station at the PWD Complex. Mr. Heon seconded. All in favor, so carried.

Conditions:

1. Asbuilts are provided.
2. Mylars are filed in the Town Clerk's office
3. Maps are transmitted to the City electronically.
4. Construction will be subject to compliance with the maps, drawings and plans submitted and approved.
5. Inland Wetlands Permit and conditions are part of these conditions

Chairman Flaherty thanked Mr. Georgetti for his responses to the P&Z questions, comments and recommendations and for keeping the Supt. of PWD involved.

Ansonia M&L Properties/Mark Tice request for Site Plan approval for building on 420 Main Street (12/27/10) 65 days is 03/2/11 extension (3/28/11)

Mr. Jim Swift, Mr. Mark Tice and Mr. Tim Lee, Attorney were present.

Chairman Flaherty: Good evening Mr. Swift, how are you.

Mr. Swift: Good. I'm Jim Swift, a licensed landscape architect and licensed professional engineer. As was requested by the Commission, the commission had some questions, some observations last month so we made some changes to the plans. The plans were submitted some time ago, I believe they are in the commissioner's packets. I will review them fairly quickly. One of the comments observations was to make sure we complied to one of the sections of the regulations for landscaping as so on and so forth. For that we did a couple of things. One was we added a planting island that the regulation called for in the parking lot with the appropriate things planted in it. As an aside, we also, one of the commissioners requested that we add additional plantings along the flood control dam which we've done. If you compare this plan to the last one, all these trees along the west side of the parcel were added. We also added on to the drawing the location of the flood control berm and that's indicated by this line on this side of the drawing . It's about 50 feet off the edge of the pavement, just a little bit less off the edge of the property. So you do have 50 feet of flat land in here for maintenance and vehicles on the property.

Chairman Flaherty: Mr. Swift there seems to be an issue with planting near the flood wall. So just make sure your plantings aren't too close to the flood wall like I said this is something new, the Army Corp of Engineers came in andI think they are fine, but Fred might be able to help you.

Mr. Swift: Yeah, as I say we've got some 45 to 50 feet or better.

Chairman Flaherty: I'm sure that's fine, but.....

Mr. Swift: yep, yep.

Mr. D'Amico: It's 15 feet.

Chairman Flaherty: It's 15 feet you're plan. 15 feet from the flood wall. Right Fred.

Mr. Heon: Fred, I believe it's about 15 or 20 feet.

Mr. D'Amico: If the plantings are 15 feet to 20 feet in distance it is OK. This is not a problem.

Mr. Swift: We had a request to provide some detail for this. (inaudible)needs signage, the onsite signage - stop signs and that sort of thing are all State standard and shown on the last sheet of the set where there is a detail. I think one of the signs that the commission is concerned with is any kind of sight identification sign. That is shown and

some basic dimensions are on this drawing. Just so the commission is aware it is the same type sign the applicant has used on his entrance to the other property on Chestnut Street. It is a very attractive sign. It is masonry, brick constructed pillars on the sides and supported by wood structure in the center. I think it is very attractive and as I say it is the same dimension and appearance as the existing sign on the other parcel. Also shown are the concrete walks and curbs and things of that nature. Also made a point of adding on a parking lot light pole sign as was pointed out there is a maximum height of 22 on the light pole and the elevations to the top of the light pole and it is also on the sign. .

Mr. Swift: Another question that came up is with regard to the parking and size of the building. Just for the record, comparing to the drawing there are 67 spaces are provided. We are proposing a building, a light industrial type of building with 10% office space and 90% light industrial type of uses and that is how we calculated our required parking and with that ratio we are coming up with a requirement of about 47 spaces. It's about 20 spaces less than we have. Just as an example to an explanation should any future use change and they wanted to increase the office use as opposed to the industrial use of the building just for the heck of it I did a calculation on 50%. If 50% of the building was office space and 50% industrial that would result in a required parking count of 64.3 spaces so even that hypothetically we would have our parking spaces, but as I say our application is specific to this application. The application is for 10% office and 90% industrial and we are about 20 spaces over the minimum required there.

Mr. Heon: specific to that property alone.

Mr. Swift: specific to this property – that is correct.

Chairman Flaherty: I think we asked that, if possible, if you could check the whole site for the existing – whatever is existing there.

Mr. Swift: right and we're going to go over it. And that is on the cover sheet that we gave to the commission. That would be Sheet 1 that does show both parcels. For the record 420 Main Street is the parcel that this application is concerned with but just because it is owned by, both properties are owned by the same applicant or I should say both entities are controlled by the same applicant. We thought it good to show the entire thing on how it all tied together. And that does have an overall calculation on how much is existing in office space, how much is proposed in industrial space and the totals in that calculation if you were to take our proposed and all the existing conditions here the requirement for parking is 98.9 spaces for the total and the spaces provided is 115 spaces so again we made sure to exceed the expected and required parking for the overall parcels.

Chairman Flaherty: I wonder if you could help me out on this drawing. It is probably logical but I can't figure it out. Item #6 you have February 16, 2011 hearing comments.

Mr. Swift: Yes and that's the comments that we had last month. I got those comments from the commission and I made those adjustments.

Chairman Flaherty: was that the 16th of February 16, 2011.

Mr. Swift: well that's the date when I changed the drawings.

Chairman Flaherty: Oh OK. I didn't remember a hearing on February 16th, I went through the minutes and the notes. That's the date of the change, OK thank you.

Mr. Swift: I understand.

Chairman Flaherty: The building itself, there are no front elevations, do you have this.

Mr. Swift: I don't have it on the board, it is provided by the architect. I'm

Chairman Flaherty: there's no seal, there's no date. I'm assuming this is what's being proposed though.

Mr. Swift: yes.

Chairman Flaherty: OK, So you'll certify that this because your name is not it, nobody's name is on it. Mr. Tice, nothing's on it.

Mr. Swift: we'll we can certainly certify it for you.

Mr. Inglese: there is no specifications for the treatment of walls or what material is that.

Chairman Flaherty: so on the front elevations – is this each a door across the front here or is this a bay. Eight bays?

Mr. Swift: those are decorative arches to frame the windows along those. Those are not bays per say.

Chairman Flaherty: OK, so the only entrance in the front is two(2) doors.

Mr. Swift: yes

Chairman Flaherty: four (4) doors.

Mr. Swift: that is correct.

Chairman Flaherty: four (4) doors – two on each - two (2) doors here and two (2) doors here (referring to the map).

Mr. Swift: that is correct, yes, that is correct.

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Chairman Flaherty: now on the left elevation – again this is decorative arches here.

Mr. Swift: that is correct.

Chairman Flaherty: now what if – what are these (map) - two big overhead doors?

Mr. Swift: yes.

Chairman Flaherty: and a single door. How big are those overhead doors. These I am assuming are overhead doors on the left side.

Mr. Swift: yes, they are commercial grade.

Mr. Tice: they are 14' x 14'.

Chairman Flaherty: 14'x14'. Thank you Mr. Tice.

Chairman Flaherty: so you are going to have two overhead doors on the left. On the rear you have I'm assuming a 14 x 14 and then this one is much bigger. What is this door here.

Mr. Tice: the higher door.

Chairman Flaherty: yeah.

Mr. Tice: the higher door. (inaudible)

Chairman Flaherty: so it's 18 feet high.

Mr. Tice: probably (inaudible)

Secretary: I can't hear him.

Chairman Flaherty: "He probably will not put in any doors until he has a tenant in the building."

Chairman Flaherty: Mr. Tice, on the right side elevation there are again three (3) doors 14x14 and is the interior twenty-four (24) feet high.

Mr. Tice: yes, it is the same as the existing building and it will look the same as the existing building that is there.

Chairman Flaherty: only larger, much larger right?

Mr. Tice: well it is a bigger building.

Chairman Flaherty: what you are going to do is build a big empty building with no doors in it.

Mr. Tice: well it will be a flex building. Until you have different tenants you don't know what you are going to do with them so you make the building so you can accommodate them and you put the doors where they need them - this and that. So I'm not saying the doors are going to be exactly where they are on that print it really depends on the tenants that is what flex space is what it is all about.

Chairman Flaherty: so what you are going to do is build one big building and then if you get a tenant that requires (interrupted by Mr. Tice).

Mr. Tice: Hopefully I will have a tenant before the building gets started- at least one tenant. You know.

Chairman Flaherty: And this is the same material as the existing building.

Mr. Tice: Stucco front just like the existing. Anything facing Main Street will be stucco front.

Chairman Flaherty: will be stucco front – good.

Mr. Tice: right.

Mr. Inglese: (could not understand his statement)

Mr. Martin: I have one, a couple of questions - leaving the property is that a RIGHT turn only.

Mr. Swift: yes

Mr. Martin: onto Main Street.

Mr. Swift: yes, that is correct.

Mr. Martin: will there be signs there. I don't see any signs.

Mr. Swift: yes, there are. This is, you can tell from the number of revisions there in the block – that the DOT is very concerned about Main Street and the signage is more completely shown on sheet 2 of 4. Mr. Swift showed the members the signage sheet (2 of 4) that details this.

Mr. Heon: How is the placement of the doors going to work with the placement of the green space and the parking spots.

Mr. Swift: where - down here.

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Mr. Heon: yes.

Mr. Swift: yeah, this green line is to just highlight the perimeter.

Mr. Heon: no, no, no. when you put the doors on the building, on the proposed building

Mr. Swift: here? (map)

Mr. Heon: yeah, they are going to have to empty out somewhere.

Mr. Swift: yeah, the two doors here (shown on the map) are docking and non graded.

Mr. Heon: Ok, see the back how you got the island.

Mr. Swift: yeah, in the back, yeah, it – doors need to be put back there obviously there will be more space.

Mr. Swift: quite honestly the way we perceive this building being divided up there will be dock and door, the rear doors are unlikely.

Mr. Heon: OK, I was just thinking a space coming out and turning out of the bays and stuff with the parking spots there it looks like it will be kind of tight.

Mr. Swift: some of the users want these doors not as an ongoing use but just to get their equipment in and out.

Mr. Inglese: interesting enough for the first time I saw here the landscaping plan I did not have it in my set. I didn't have any statement added to the application regarding future tenants being subject to site plan approval. That was not submitted.

Attorney Lee: I did bring a letter with me tonight. I thought that P&Z would make the language all future uses would be subject to site plan approval – not site plan approval but subject to the section in the zoning regulations. I was going to entertain whether all future uses are subject to site plan approval – is that correct.

Mr. Inglese: correct. That is what my comment is.

Attorney Lee gave the Chairman the letter at this time.

Mr. Inglese: It may sound silly to you but it bothers me. I want to show you something sheet 2 of 4. Take a look at the spelling of "Ansonia" on the map it is mis-spelled.

Mr. Swift: it must be some other town. He will correct it.

Mr. Inglese: The package that he got this time had a lot line revision map. Was that filed in the Town Clerk's office.

Mr. Swift: I don't necessarily think it was filed in the Town Clerk's office.

Mr. Inglese: well it was dated in 2001. It is 2001 and I'm wondering if it was filed in the office of the Town & City Clerk.

Mr. Swift: I don't believe it has. I'm not sure though.

Mr. Tice: no the map has not been filed in the Town Clerk's office.

Mr. Inglese : there are some mechanical problems that your counsel should straighten out because it reflects the property sizes which are not what they are in the land records today.

Mr. Inglese: the problem I make about that drawing is that in your, in that Southeasterly corner of the building, the new building see where you got the little drive there.

Mr. Swift: no

Mr. Inglese: the southeasterly corner the opposite side (map) a little bit further, further in, right there. You got to drive right through it. You have parking there on the right side at the bottom of it and I believe what you should have for that to function properly, it says the properties is in different names that can't be sold separately. There should be a mutual and reciprocal parking, pedestrian, construction, property maintenance agreement by and between parcels now or formerly owned by Ansonia Tice LLC which is the owner of 1 Chestnut Street and Ansonia M&L Properties LLC which is 420 Main Street. The reason I am saying that is in the event the property were to be sold separately what would happen to that driveway – it doesn't belong to this anymore and one day having (inaudible) but I know it happened elsewhere – that beautiful driveway set up is gone, OK. It could happen, OK.

Mr. Swift said yes it can happen and that is why the design is not necessarily dependent on having that. I mean it is a matter of convenience and its appropriate with both owners being under the same control.

Mr. Inglese: correct

Mr. Swift: but we would not want to forgo the possibility that these people can go their separate ways and that's good to know then too....

Mr. Inglese: then that advantage of having a united design if you will, a master plan and this commission would be approving based upon the master plan with easements (inaudible).

Mr. Swift: it could happen.

Mr. D'Amico: I think what he is saying is let's keep it in the deed and restricted so that it cannot happen.

Mr. Swift: Well yeah, the cross easements once you start talking about cross responsibilities for maintenance then the going gets more complicated.

There was discussion on the easements and drive through between the applicant and staff.

Mr. Inglese: I did not have as I said before on the onset, I did not have a landscaping plan that we had talked about with the planting schedule. I assume you will comply. We certainly don't have it.

Mr. Swift: I think it is assumed if the commission approves the plan, we must comply.

Mr. Inglese: the sign on the identification side, I don't know what the objective is but only the people across the street will be able to see it the way it is positioned now. The position is parallel to Main Street rather than vertical. If I come from the south or the north I have to park right in front of the sign to see what it says.

Mr. Swift : well that is a good question.

Mr. Inglese: It's got to be rotated 90 degrees.

Mr. Swift: yeah, it is not difficult if the sign is back but perhaps we will make a two sided sign.

Mr. Inglese: OK, that's the point, thank you. Right on that drawing 2 of 4 there is a notation right in front of the front parking area where the handicap parking is located and it says bituminous curbing and nowhere else does it say that it says it should be curbing made of concrete for which you kindly provided and extruded curbing detail and it doesn't say it anywhere else but it should be concrete curbing throughout, And that would be Section 440.02 of the regulations. In reading the regulations and that would be section 440 again it says that the pedestrian crosswalks – should be brick, concrete or Belgium block or similar material contrasting in color and texture to the surrounding pavement. Quotes from the regulations. I don't see it there on the plans. I see that you put some kind of legend. This is, it doesn't give the dots and so on but it's not an explanation of that.

Mr. Swift: well it is called out as a concrete walkway here and they will follow the State of CT regulations for concrete walks it is fully within a State Highway.

Mr. Inglese: correct.

Mr. Swift: I don't see how we can do anything else.

Mr. Inglese: is it painted.

Mr. Swift: I think the painted is the standard State requirement for rectangular blocks. The material is concrete but the painting is required by the State of CT to be a crosswalk.

Mr. Inglese: OK, thank you. The light standard conforms. The free standing sign also complies. The outside corner of all the curbing I don't know what diameter you got there or radii that you got there for all of the outside corner from the paved area.

Mr. Swift: the little one, the smaller ones.

Mr. Inglese: yes, it should be five (5) foot.

Mr. Swift: five foot.

Mr. Inglese: that would be the internal. OK thank you Mr. Swift.

Chairman Flaherty: On page 9 of the minutes Attorney Lee you stated and I think you meant the approvals were very similar to the applications you received in 1990, 1992, 1993, 1994 and 1997. I think you meant 1999, 2002, 2003.

Attorney Lee said yes.

Chairman Flaherty: OK I just wanted that clarification because listening to the tape it was so, thank you.

Chairman Flaherty: Jimmy, "Mr. Tice said that I got approved to bring my contractors yard in here in 1999 at 488 or at 1 Chestnut Street and then I bought 488 and built the other building and then the other building. Do you have any record of that?"

Mr. Tanner: I have no record of that.

Chairman Flaherty: nothing on record for a contractor's yard

Mr. Tanner: no.

Mr. Tice: I have one, I can bring you copies.

Chairman Flaherty: that would be helpful. Now you bought, just to clarify it, you bought 1 Chestnut Street first and then 488 Main Street.

Mr. Tice: Yep.

Chairman Flaherty: OK. Commissioners I have a letter from Attorney Lee amending, supplementing the Site Plan Application. This we'll have to look at too.

Mr. Inglese: I found the word "painted". You got to look at the drawing 2 of 4. Do you see it.

Mr. Swift: yes, painted pedestrian crosswalk. But it is concrete and you know what I'm talking about.

Mr. Inglese: are you going to paint it.

Mr. Swift: I think you have to. You have to paint crosswalks by State Law.

Mr. Inglese: thank you.

Chairman Flaherty: OK, any other questions. What do you want done with the maps, Mr. Inglese.

Mr. Inglese: I think they should be revised to what we are looking. At least put one detail for the turning radii in the parking area. I assume that that letter counsel submitted tonight that is to be amended to the application.

Chairman Flaherty: yes, this is a supplemental to the original application statement of use and this we will have to review. We just got it.

Mr. Heon: I know I would like to see the building plan a little bit more dressed up. It's being a flex building that's fine but I just think it should be labeled with property and the name and who prepared it and all that kind of stuff, in light of that we have another 30 on this I think we should wait until we get all that squared away, wait until the final corrections are made to the drawings and so forth before we take - everyone takes a copy of the letter and counsel gets to look at it. We don't typically get stuff right in. I would feel more comfortable holding off until next month before we move anywhere on this.

Mr. Inglese. That is a rather prominent building in a location that is very visible.

Mr. Heon: we understand the inner workings are going to be flex but the outer walls are going to be pretty much there so I just personally would like to see a little bit more, I'm sorry I don't mean to cut you off.

Mr. Tice: I can build it out of block like Target if you prefer. To me that is - isn't as attractive as the stucco.

Mr. Heon: I'm not debating that.

Mr. Tice: no?

Mr. Heon: I'm just saying that I would like to see a little bit of a more prepared drawing and

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Mr. Swift: and notations on the drawing.

Mr. Heon: and notations as to what has been done. I mean I'm not

Mr. Swift: Oh OK, you mean material and so forth.

Mr. Heon: right.

Mr. Tice: Well, I just tell you guys - go down and see what we've done down there. For all we do we have to submit drawings.

Mr. Heon: we see it. We need them for our records. We have to have everything correct.

Mr. Tice: you're asking for regular construction drawings to get a permit.

Chairman Flaherty: well you are asking for approval so that a commissioner asked if we could get a little more detail on the drawings.....

Mr. Tice: no, I'm just asking if I have to get them to get a permit.

Chairman Flaherty: what??

Mr. Tice: bring in construction drawings and Jim has to go through them before a permit is issued (inaudible)

Chairman Flaherty: well, but he has to make sure they match the drawings that we approve. And so far as that goes, the answer would be yes.

Mr. Tice: I just didn't want to spend the money on purchasing those drawings pending whether I had an approval or not.

Mr. Heon: we're not looking for a full blown.....

Chairman Flaherty: we're just looking for a little more- some dimensions...(interrupted by Mr. Inglese)

Mr. Inglese: the architect will know if you tell him you need preliminary drawings in certain areas.

Mr. Tice: I understand that, the dimensions are on the site plan.

(a lot of background talking at this time)

Mr. Swift: They want the front elevations, they want more detailed elevations.

Mr. Tanner: the commission needs the details and architectural and the finished building plan.

Chairman Flaherty: and some dimensions on it and a title block and so forth, who did it.

Mr. Heon: that's all, I'm not asking for a full blown, just to have it on record that's all. I'm not doubting your properties either by the way. I know how nice the other buildings are.

Mr. Tice: I try to keep them very nice, I am one of the few landlords who do that.

Mr. Heon: I know, I can tell. It's nothing, it's just....

Mr. Tice: I understand, I'll take care of it.

Mr. Bettini: when is our March meeting.

Chairman Flaherty: we have to act on this by the 28th I believe.

Secretary: Our March meeting is Monday, the 28th.

Chairman Flaherty: Monday, the 28th and does it have to be acted upon on the 28th.

Secretary: yes.

Mr. Inglese: we are going to need those drawings to be seen by somebody before you act on them at that meeting.

Mr. Swift: Well, I'll have them ready as we did with this revision.

Chairman Flaherty: they'll be on the agenda and sent out with the agenda.

Mr. Swift: right.

Mr. Heon made a motion to table to next month when we get the finalized drawings. Mr. Lawlor seconded. All in favor, so carried.

Chairman Flaherty: I declare the motion passed. Thank you very much Mr. Swift.

Mr. Martin: I did have one comment about the walkways around the building. Right now you don't show any walkways, lets say on the Target side. It's all.....

Mr. Swift: that's correct. What we do have, this is a four foot loading dock type of door. This is a non door and this is a walk in. Beyond that.

Mr. Martin: there's not going to be any doors on that side (map). I don't have any other drawing that shows the doors.

Mr. Swift: right, no, no there aren't, correct.

Mr. Martin: mainly the front of the building is your..

Mr. Swift: is the pedestrian.

Mr. Martin: is the pedestrian.

Mr. Swift: right, as we develop it and more accurate architectural elevations, there is no pedestrian elevations.

Mr. Martin: my concern is you're saying it's a flex building so you can build it the way you want it but you're putting – the Target side you're putting overhead doors in there already and you haven't designed it already yet you're saying it's a flex building and you don't have to design it.

Mr. Swift: what we can do is – is we can still split up the inside of this building any way we want and that's the reason why we have two doors on the front as opposed to one in the front. We can have two tenants splitting the building down the middle. We can have four tenants wanting two doors, etc., etc.,

Mr. Martin: so you are going to be able to split the garage doors just as.....

Mr. Swift: well, we have enough of them, we have at least four of them around the building so, let's face it.

Mr. Martin: you're not going to add anything, I mean.

Mr. Tice: we may add pass doors.

Mr. Martin: you may. Oh.

Mr. Tice: it depends on the tenants.

Mr. Martin: and that's my concern.

Mr. Tice: Every tenant you have to come back here and get approval. You just said that in the letter.

Mr. Martin: OK

Mr. Tice: So you will be able to see it then.

Mr. Heon: that's what he is saying, they are basically putting up a shell and then.

Mr. Martin: yes, and he's showing the shell and I'm just wondering about the doors though.

Mr. Heon: and anything further

Mr. Martin: they are saying they are not going to put them there and may not....

Mr. Heon: any other further use they have to come back.

Mr. Martin: so we are going to approve this drawing and they are going to be putting garage doors there and what if they don't want to put them there what's going to happen.

Chairman Flaherty: they are not going to put them there. They put the garage doors there to typify what the garage doors that they would be putting in. The only thing that's going to be constant, I'm assuming is on the Main Street side. The front and side and that's going to be (interrupted)

Mr. Tice: the front and around that corner, whatever you can see from Main Street just like I drew on that drawing. 75 feet of the drawing on one side of it will look like the front. .

Chairman Flaherty: the rest of the building.

Mr. Tice: it's going to be black monitory just like we have on Chestnut Street.

Mr. Martin: I was just concerned with the loading docks and things like that but you are showing loading docks but you are saying you may not be using the loading docks.

Mr. Tice: correct.

Mr. Martin: so that's not going to happen the way it is.

Chairman Flaherty: that's what I'm assuming.

Mr. Tice: the loading dock can't change because that's where that goes.

Chairman Flaherty: that has to be there and it has to have a loading dock first so that will stay. The other doors there might be more, there might be less, they might be bigger, they might be smaller.

Mr. Tice: or one tenant will take the whole thing and we all don't have to worry.

Chairman Flaherty: there you go.

Mr. Inglese: Can I ask a question. Has this been reviewed by the Fire Marshall.

Mr. Tice: you mean the location of the exit doors.

Mr. Swift said no, that's typically done during the zoning permit application process. Once a tenant has finalized and has his layout then building codes and fire exits are drafted.

Mr. Heon: he couldn't do anything with it like that he don't know what is inside.

Chairman Flaherty: OK, thank you very much Mr. Swift we really appreciate it.

This presentation by M&L properties was typed verbatim from the tape of the meeting.

Recess

Mr. Martin made a motion for a 10 minute recess at 9:00 p.m. Mr. Lawlor seconded. All in favor, so carried.

Mr. Heon made a motion to reconvene the meeting at 9:10 p.m. Mr. Lawlor seconded. All in favor, so carried.

Executive Session (Pending Litigation)

Mr. Martin made a motion to go into Executive Session at 9:10 p.m. and invite Mr. Inglese, Mr. Tanner and Mr. D'Amico. Mr. Lawlor seconded.

Mr. Martin made a motion to back into regular session. There was no action taken during the executive session. Mr. Bettini seconded. All in favor, so carried.

Mr. Heon made a motion to recommend the two full lots off the access way with the building envelope as shown on the sketch presented in executive session. Mr. Martin seconded. All in favor, so carried.

Oswald Inglese - City Center Plan Amendment

Chairman Flaherty said that Mr. Inglese is working on the amendment.

Land Use Fees

Chairman Flaherty said that the Board of Alderman will hold a public hearing on Tuesday, March 8, 2011 at 6:45 p.m. on the land use fees.

Reports: City Engineer

Mr. Fred D'Amico is present.

3 Kiely's Lane/Jewett St.

Mr. D'Amico discussed the flooding from Keily's Lane, Spring St. and Jewett St. He said that the Nocerino property is not flooding a lot. There is water from above Spring Street that is coming down from property behind Spring Street. Up to today there has been no water.

Mr. Tanner said there is siltation up there. The house on the right hand side has downspouts. There is a curb that was installed by the City and that changed the direction of the flow.

Mr. D'Amico said he is working on this problem with Mr. Tanner.

Reports: Zoning Enforcement Officer

Mr. James Tanner is present.

Violations:

Mr. Tanner said he is working on the violations with Attorney Welch. They are in court with some of them.

Variances

Mr. Tanner said there are no variances for this month.

Reports: P&Z Attorney

Attorney Tom Welch is present.

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Attorney Welch said he working with Mr. Tanner on a number of violations. There are three injunctions, one agreement and two trials (Monday at 2:00 p.m.)

Reports: Planning Consultant

Mr. Oswald Inglese is present.

Chairman Flaherty said that Mr. Inglese has been working on the following items. He asked the secretary to copy and send out the information that was previously given to the members last year.

Fences
Pods & Hoop Houses
Window Signs
Itinerate Vendors
Clothes Donation Bins

Any other business to come before the Commission

Mr. Tanner reminded the members of the Connecticut Land Use Seminar on Saturday, March 12, 2011 at Wesleyan University. He asked if anyone wanted to car pool to contact him.

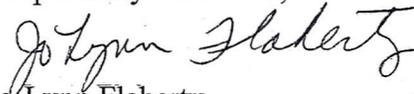
March 2011 Meeting

Regular Meeting: Monday, March 28, 2011 at 7:30 p.m.

Adjourn

Mr. Martin made a motion to adjourn the meeting at 9:55 p.m. Mr. Bettini seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary