



City of Ansonia
PLANNING AND ZONING COMMISSION

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TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

June 27, 2011

Regular Meeting

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

Absent: Doug Furtek
James Martin

Others Present: Oswald Inglese, Planning Consultant
James Tanner, ZEO
Tom Welch, P&Z Attorney
Frank Pergola, Conservation Commission

The regular meeting of the Ansonia Planning & Zoning Commission was called to order at 7:30 p.m. by Chairman Flaherty.

All present rose and Pledged Allegiance to the Flag.

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

Approval of Minutes

1. Mr. Phipps made a motion to accept as written and place on file the minutes of the May 23, 2011 Meeting. Mr. Bettini seconded. All in favor, so carried.

Approval of Bills

Mr. Lawlor made a motion to pay Mr. Inglese's invoice # 117 in the amount of \$525 if found to be correct. Mr. Phipps seconded. All in favor, so carried.

Mr. Phipps made a motion to pay Mr. Welch's invoice in the amount of \$454.75 if found to be correct. Mr. Bettini seconded. All in favor, so carried.

Mr. Heon made a motion to pay Ever Ready Press for Zoning DEP receipts in the amount of \$96. Mr. Phipps seconded. All in favor, so carried.

Correspondence

Mr. Phipps 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. Office of the Fire Marshall re: Antonio's Restaurant
2. City of Derby re: Referral 360 Seymour Ave.

There was discussion on the congestion that is currently taking place on Division Street. The 360 Seymour Ave. site is adjacent to Division St. at a very complex intersection near the Cancer Center.

Mr. Phipps made a motion to send a letter to Derby voicing our concern that Division Street is overburdened with traffic, our concern with the increase in traffic this proposal will generate and that this is a complex intersection. The P&Z Commission is requesting Derby does an impact study on that intersection. Mr. Bettini seconded. All in favor, so carried.

3. James Tanner to Board of Aldermen re: Blight and Zoning

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

There is no one present.

Mr. Tanner said he hasn't seen any plans or applications for permits or zoning compliance.

Mr. Phipps said the planter in the front of the building has been removed.

Chairman Flaherty said his concern is that no trees have been planted across the back of the property on West Main Street. They haven't been planted since last Fall when they were granted their approval with the condition the landscaping is done.

Mr. Phipps said the Commission granted approval with the condition the trees are planted and that something is done in the Municipal lot because the City is allowing them the use of the lot for their parking.

A half page statement explaining what Mr. Nocerino planned to do on the site was received and put in the members packets. There was also a small map showing the location of the proposed trees. The work on the dumpster has not been done as yet. The lighting fixtures outside the building are brighter than the existing lights. There is a question as to whether or not these lighting fixtures were replaced with brighter lights.

Mr. Tanner will follow up with Mr. Nocerino regarding the statement and the map showing the plantings. He will report back to the commission.

Friends of ANC request for site plan approval for Pre-school at the Red Wing Pond House (6/27/11) Pending at IWC

Attorney Clifford Hoyle, Jr., Donna Lindgren, Jackie Lema, Richard Wade and Dominic Schefiliti were present.

Attorney Hoyle, Jr. explained the Friends of the Ansonia Nature Center (FANCI) submitted an application for site plan approval for 21 Milan Road for the Red Wing Pond House that has been used as a combination pre-school and other services at the Nature Center.

He continued stating that FANCI would like to change the use of the Red Wing Pond House to a learning center and pre-school for 3 to 5 year old children. The impact is minimal and they have increased the parking by 3 spaces. The property has city sewers and well water. Mr. Dominic Schefiliti, the engineer is here this evening to address any questions the Commission has.

Chairman Flaherty said this facility wasn't approved for children and that is the prime reason we asked FANCI to come for site plan approval so the commission can see how they are handling the children. How the child will get out of the car and get to the building and then from the building to the car. The pond is a safety issue and it has to have a chain link fence around it.

Attorney Hoyle, Jr. said Mr. Schefiliti can speak to the traffic and there is a three rail fence around the pond.

Mr. Schefiliti discussed the map that shows the parking area and the three rail fence. He said there is a gate to the Garden area. They have dedicated one area one way to drop off the children at the end of the walk to the building. The road way is one way for drop off and pick up.

Chairman Flaherty asked how the driveway is delineated.

Mr. Schefiliti said there is signage. They will put up one way signs. Signs are the way to go with this.

Chairman Flaherty asked if there will be cars parked there (map).

Mr. Schefiliti said yes but he hasn't seen any cars parked there when he has been to the Nature Center. There is usually no cars parked in that area (map).

There was discussion on "choking up" the driveway for one car so that they would be forced to go one at a time to the drop off area. These are 3 to 5 year olds. There may be a Mom with an infant, a 2 year old and a five year old in the car. How would she get her child to the building without taking the other children with her. A child could be dropped off and run across the area and get hit by another car. The safety of the children is first.

Mr. Schefiliti said maybe with a fence in that area.

Chairman Flaherty said maybe jersey barriers or a four foot chain link fence to delineate the area.

Mr. Bettini asked how many children.

Ms. Lema said 16 to 20 children two (2) times a day.

Mr. Bettini said there will be 32 cars in and out. You can have 32 cars lined up in a circle.

Chairman Flaherty said there are formulas and scales for that and how long for a car to queue. Our City Engineer knows these formulas and he isn't here this evening.

Mr. Schefiliti asked to have the Commission show him on the map what they mean.

There was discussion on the map and the area where there was discussion to "choke" down the lane for one car. There was a suggestion to put up guard rails on the left. The signage is very important because safety for the children is important and we don't want a child hit.

Mr. Heon asked if the school session were to stop at 12:00 noon and the second session begin at 12:00 noon.

Ms. Lema said she is the Director of the Pre-school and the child must be walked into the building by the family. They have to be signed in and signed out every day. Drop off works for that. Some parents are in a rush and come and go right back out. Some parents want some conversation and we hurry them out. We will compress lingering around between the two program sessions.

Chairman Flaherty said in reality to get 20 children out and 20 children in in a half hour may be tough. Again the Mom or Dad that has 3 children to take with them to get their pre-school child in the building – we want to make sure the children are protected and safe during the process of going in and coming out.

There was discussion on the following between the engineer and the commission members. They used the map during the discussion.

1. Two rows of cars will be a danger. Decrease the width of the lane so only one (1) car can proceed to the drop off area.
2. Install a substantial rail in the area or a landscaping area with plantings and a rail
3. Signage

Mr. Bettini said there is someone stopped and the children are going in and out in the line and someone is using the Community Garden and wants to leave the area. Or if you have to get an ambulance in there and you can't get out. Maybe they should not drive by and drop off but use the parking lot so the exit is not blocked by cars.

Attorney Hoyle, Jr. said they will place barriers in the parking lot.

Mr. Bettini said there is 16 cars in a line to drop off children and if an EMT vehicle or ambulance needs to get in there they can't. Limit it to one way in and one way out then no one not associated with the school can't get in the parking lot.

There was discussion on the fence. The commission suggested a 4 foot to 5 foot chain link fence to keep the children in the proper play area.

Mr. Schefiliti made adjustments on the map as the discussion progressed. He suggested a gate.

There was discussion with the Engineer on controlling the pond area and the traffic for the safety of the children. The commission doesn't want to see a child fall into the pond.

Mr. Heon asked about the lighting on the building and in the area.

Mr. Schefiliti said he didn't entertain any lighting in the plan.

Ms. Lindgren said there are lights in the Parking area and lights on the building.

Chairman Flaherty said if there is a lighting issue you may have to come back to add lights.

Mr. Heon asked if the building is handicap accessible.

Ms. Lema and Ms. Lindgren both said yes.

Ms. Lindgren said they began the building in 1994 and finished in 2004. There is a handicap ramp.

Chairman Flaherty asked if the commission members had any questions or concerns. He would like to hear them now so their Engineer can work on them and be prepared for next month.

Mr. Inglese said he would like the Engineer to prepare a revised map with all of the items discussed this evening shown on the map and submit it so it can be mailed out to the members.

Mr. Schefiliti asked if the commission can see the map before the next meeting.

Chairman Flaherty said yes. He said that this application is currently before the Inland Wetlands Commission. He asked the commission members if they were all satisfied with the application and if anyone had anything further to add or any questions or concerns.

The commission members all agreed they were satisfied and that a revised map should be submitted.

Mr. Heon said they have a place to push the snow in the winter and the emergency vehicles have to be able to get in and out of there. He said a larger egress in the parking area would be better. There will be more people coming to the building and we have to watch the children around the pond.

Mr. Inglese asked the length of time the pre-school will be open.

Ms. Lema said the school year.

Attorney Hoyle, Jr. said it will be open year round. There may be summer programs.

Mr. Heon said children at the Nature Center is not new, there will be more children with the pre-school.

Chairman Flaherty asked if there was any issue any Commissioner had not to support the modified plan.

Frank Pergola, Conservation Commission

Mr. Pergola asked if the P&Z Commission spoke to the gentleman that lives on Milan Road and how it will affect him.

Chairman Flaherty said no but he lives farther down on the road and his house is back from the road.

Mr. Pergola asked where the funding is coming from for this project. What if a child escapes the fence and falls into the pond. Is it the City of Ansonia or the Friends of the Nature Center that is responsible.

Chairman Flaherty said that is a legal question that would have to be answered by the Board of Aldermen and Corporation Counsel.

Mr. Pergola asked if all of this was going to fall on the taxpayer. The taxes are going higher and higher and he would like to know who is paying for this.

Chairman Flaherty said these are Board of Aldermen questions. He said we welcome your questions but our concern is the access and egress and the safety of the children. The measures we took are reasonable and proper. The financial part we have no idea.

Mr. Pergola said it will be a mess in the parking lot.

Chairman Flaherty said that is why we are going through this.

Mr. Heon said the Commission did this with the Day Care facility on Beaver Street. This is the most controlled way to get approvals as far as the bonding and funding. You can't get a permit without everything in place. The State must issue a permit also.

Ms. Lindgren said as the Director of the Nature Center, for the last 3 years there hasn't been anything bad happening at the Nature Center. The City has never been sued, the pond, the woods, and the fields, they are all safe and it will continue that way. When the Board of Ed was there it was safe and nothing happened. This is a feather in Ansonia's cap to approve this and go forward. She said she would love to see the Pre-School open in September. The Friends of the Nature Center have a lot of support. She said she is asking for the blessings of the City for this project.

Chairman Flaherty said he polled everyone here and there is no reason why we can't vote. You need Inland Wetlands approval and the map revised. We can act in July.

Kathy Gabaccini
Sobin Drive

Ms. Gabaccini said she is paid staff at the Nature Center and if it has be that they move one car at a time that is what they will do.

Chairman Flaherty said you could have staff go out to the car and bring the child into the building if there is traffic queuing up.

Ms. Gabaccini said the ANC summer programs each parent would park and walk their child in to the building and then leave.

Chairman Flaherty said we have to make the assumption that Mom and Dad are working and they will drop off their child and leave.

Mr. Schefiliti said that if a parent wishes to speak with the teacher they can make an appointment.

There was discussion on traffic congestion in the drop off lane. The staff for the pre-school stated the parent who wishes to speak with a teacher must park their car in the parking lot so that the line of traffic keeps flowing.

Attorney Hoyle, Jr. said they can put up a sign that states if a parent wishes to stay longer they have to park in the parking lot.

Chairman Flaherty said that all of this information regarding parking and drop off and pick up should be discussed with the parents at the time of registration so that everyone knows what is expected from them.

Mr. Tanner said that they would have to submit a new map with the revisions.

Ms. Lindgren said that there is a grant pending that will provide scholarship funds to needy families. She said there is a meeting with the granting organization but they have to be approved by the P&Z Commission.

Reports: City Engineer

Fred D'Amico, City Engineer was not present this evening.

3 Kiely's Lane/Jewett St.

Reports: Zoning Enforcement Officer

James Tanner, Zoning Enforcement Officer was present.

Violations:

Mr. Tanner said he and Attorney Welch are working on the outstanding violations.

Variances

Mr. Tanner said there are no variances this month.

Reports: Planning Consultant

Mr. Oswald Inglese, Planning Consultant was present.

Mr. Inglese provided information for the commission members to review on the items below:

- a. Fences
- b. Pods & Hoop Houses
- c. Window Signs
- d. Itinerate Vendors
- e. Clothes Donation Bins
- f. Sidewalks

Chairman Flaherty thanked Mr. Inglese for the information and said that the commission will take one issue a meeting to discuss.

Mr. Inglese said he failed to include the Meriden sample on sidewalks. He said he will send a copy to the secretary for distribution.

Any other business to come before the Commission

Twin Oaks Subdivision

Mr. David Bjorklund, Spath Bjorklund Associates Inc. and Michael Massimino were present.

Chairman Flaherty said for the record this is not an official application. There is no application, map or fee submitted.

Mr. Bjorklund said that is correct. He said in 2005-2006 there was an application for Twin Oaks Subdivision on this parcel. The approval lacked the State of CT traffic approval, the bonds were never posted and the deal fell apart because of the economy. The parcel was taken off the market. He said his client has a contract to purchase the property. The lots were half acre or larger and used most of the property except the wetland areas. The subdivision went from Coe Lane to Pulaski Highway and there was a cul de sac. They were going to improve Coe Lane for 600 feet as part of the approval. His clients could take those plans and start over but they took a look at clustering.

Mr. Bjorklund said the previous subdivision had larger homes and larger lots. This proposal would have more open space and they would preserve all of the wetlands and the 100 foot set back. He said he is here to have a conversation on pursuing a cluster subdivision. He said he did not want to come up with a plan that was not acceptable to the Commission.

Mr. Inglese asked the total acres of the site.

Mr. Bjorklund said 25 acres.

Mr. Inglese said the S1 version A map, the average size of the parcel is 75' – 80' frontage.

Mr. Bjorklund said that the lots are one quarter (1/4) acre.

Michael Massimino
50 Mosley Ave.
Branford, CT

Mr. Massimino said he will be the developer and he wanted to discuss the cluster subdivision with the commission because he didn't want to waste the City's time or his time and money.

Mr. Heon said that he doesn't like lot 7 and lot 8 (rear lots).

Mr. Bettini said he agrees.

Mr. Inglese said this subdivision is going from 31 homes in the original Twin Oaks to 36 homes for the cluster. He said the original subdivision could get 31 lots justified. This proposal doesn't appeal as a cluster subdivision. It is not the character of cluster. There is an in and out single road. There is plenty of open space. The road is 1700 feet.

Mr. Bjorklund said the problem is the wetlands. The residents come in off Coe Lane and have a short cul de sac and come in off Pulaski Highway with a cul de sac.

Mr. Heon asked "why deviate from the original plan"?

Mr. Bjorklund said the length of the cul de sac. If you go to Pulaski Highway you get more lots. We can stay with 31 lots and not push any further.

Mr. Heon said the Commission spent a lot of time on the original subdivision. We had an informational meeting, public hearing, etc. It was a beautiful subdivision.

Chairman Flaherty asked if they planned to improve Coe Lane to Fitzpatrick.

Mr. Bjorklund said no, they looked at it and there are physical restraints. He said the Banks said no to lending funds for the project at that time.

Mr. Heon said he thinks they should come out onto Pulaski Highway. All of the paperwork is done.

Chairman Flaherty noted the lots are very small lots.

Mr. Massimino said he has done a project in New Haven and North Haven. The homes are 3000 s.f. home and in today's market they are more compact with luxury living and energy efficient. The foot print is 52'x32' with 2000 s.f. home and some models have an expansion room over the garage.

Mr. Inglese suggested they merge the original idea and do some more rearranging of the road.

Mr. Bjorklund said the old layout was half acre and this is a quarter acre. It is a different layout.

Mr. Massimino said he will minimize the length of the road.

Chairman Flaherty said the homes are all jammed in – a little larger lots would be better.

A discussion continued on the size of the homes, the size of the lots and the creation of a cluster subdivision. Mr. Massimino said he has built homes at Summer Lane, North Haven and Founders Preserve, New Haven if the members would like to look at his work.

Mr. Bettini said there is a 10% open space requirement, they can create a park like setting in there.

Mr. Massimino said his objective is not to come out onto Pulaski Highway.

Chairman Flaherty again said for the record this was not an application that was received.

Mr. Heon said these homes would be an impact on the school system.

Chairman Flaherty said they would have to do a school impact study.

Mr. Heon said all those cars coming in from Coe Lane will cause a problem with the neighbors. He also said that abutting cul de sacs in Shelton have caused problems and the rear lots have to go.

Mr. Bjorklund said he would submit a new proposal.

Stop & Shop – Lisa Davis

A letter was received from Lisa Davis regarding the temporary approval for Stop & Shop's Fuel Facility delivery schedule. She is requesting to receive permanent approval for the hours of operation.

Mr. Bettini said that he has seen trucks there outside of the delivery times.

Several of the members agreed that the delivery of gas has been during off hours that were not permitted. They said they failed to write it down or keep track of the times and days. There should be a time stamp for deliveries and the members said Ms. Davis could get a record of the deliveries.

Mr. Lawlor made a motion to send a letter to the Ansonia Police Dept. to ask if there are any issues at this location. Mr. Bettini seconded. All in favor, so carried.

Mr. Bettini made a motion to extend the temporary approval for another six (6) months because there are reports of delivery outside of the approved times and send a letter to Ms. Davis. Mr. Lawlor seconded. All in favor, so carried.

Mr. Tanner noted that traffic on Division Street Ansonia and Derby is terrible. Cars are backed up to David Humphrey's House on Elm Street and down to Healey's on Main Street.

EBI Tower – 21 Birchwood Drive

The Commission received a letter from EBI Tower regarding the installation of additional antennae to an existing site located at 21 Birchwood Drive.

Mr. Bettini asked at what frequency the radio waves or micro-waves would be because there are children living in this neighborhood and in the surrounding neighborhoods. He said there should be a technical engineer to assess the frequency from the tower.

Mr. Heon said these things are all around us. There is one on Tomlinson Street. The tower is only used for his use.

There was discussion that the tower is a radio tower or a communication tower for the emergency personnel.

The members discussed sending a letter advising EBI that they are not allowed to do this in a residential zone. This requires zoning approval and it is a commercial use in a Residential area. A non-conforming use cannot be increased in a residential area. A cease and desist order should be issued on the increase in the non-conforming use. The Zoning Regulations do not allow an increase of a non-conformance. Without reviewing full plans the commission cannot comment on this request.

Mr. Lawlor made a motion to have Mr. Inglese draft a letter to EBI Tower stating the Commission's concerns. Mr. Bettini seconded. All in favor, so carried.

Executive Session (Pending Litigation)

There is nothing for Executive Session this evening.

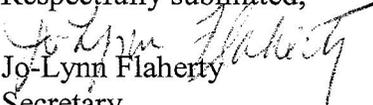
July 2011 Meeting

The July Regular Meeting of the Commission will be held on Monday, July 25, 2011 at 7:30 p.m.

Adjourn

Mr. Heon made a motion to adjourn the meeting at 9:45 p.m. Mr. Bettini seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary