



City of Ansonia
PLANNING AND ZONING COMMISSION

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Madeline H. Bottone
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

August 29, 2011

Regular Meeting

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

Absent: Doug Furtek

Others Present: Mayor James Della Volpe
Fred D'Amico, City Engineer
James Tanner, Zoning Enforcement Officer
Tom Welch, P&Z Attorney
Steve Blume, Pres. Board of Aldermen
Ed Adamowski, 1st Ward Alderman
Tara Kolakowski, Gov. Liaison

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.

Chairman Flaherty welcomed everyone to the meeting this evening.

PZ 8/29/11

Approval of Minutes

1. Mr. Phipps made a motion to accept as written and place on file the minutes of the June 27, 2011 Meeting. Mr. Martin seconded. All in favor, so carried.

There was no July 2011 meeting.

Approval of Bills

Mr. Phipps 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 Inv. 118R: 6/16/11 – 7/15/11: \$356.25
2. Oswald Inglese: Bill for professional services Inv. 119: 7/16/11 – 8/15/11: \$318.75
3. Thomas Welch: P&Z Attorney: Inv. Dated 7/1/11: \$560.80
4. Thomas Welch: P&Z Attorney: Inv. Dated 8/1/11: \$175.40
5. George Boath: Special Counsel (Tice): Inv. Dated 8/5/11: \$600.00

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.

Correspondence:

1. Welch, Teodosio, Stanek & Blake re; City of Ansonia Kopacz, Paul 8 Root Ave.
2. Welch, Teodosio, Stanek & Blake re: Jeanne F. Shuster v Fountain Lake, City of Ansonia and P&Z dtd. 8/17/11
3. Welch, Teodosio, Stanek & Blake re: Jeanne F. Shuster v Fountain Lake, City of Ansonia and P&Z dtd. 8/1/11
4. Welch, Teodosio, Stanek & Blake re: City of Ansonia v Andrew Tkacs dtd. 8/8/11
5. Karsten & Tallberg, LLC re: Peter Efthymious vs. city of Ansonia dtd. 8/15/11
6. Zanella, Boath & Associates LLC re: Ansonia M&L Properties dtd. 8/9/11
7. Lisa Davis (e-mail) re: Stop & Shop dtd. 8/24/11
8. Mark Romano/Castle Lane Developers LLC re: Subdivision Application dtd. 8/22/11

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

There is no one present.

Chairman Flaherty stated a letter was received from Mr. Nocerino for our July meeting requesting the fence be installed permanently instead of removable. Also he is asking for relief of providing an A-2 survey to the Zoning Dept. Mr. Inglese is not here this evening however he has e-mailed a note with his recommendations.

Chairman Flaherty said Mr. Inglese wrote: "The Nocerino landscaping plan can be approved but I would refrain approving any permanent expansion of the outdoor seating area. This type of expansion may gradually grow into a permanent structure by adding heating, air-conditioning, permanent lighting, etc. etc. As you know this seemingly innocent expansion will affect parking and will invite others merchants to emulate. "

Chairman Flaherty said the Commission wanted a temporary fence for outdoor seating. The fence would be taken down the end of October, early November. If there is two to three feet of snow the snow removal would be hindered by the fence. There would also be no room on the sidewalk for pedestrians to walk. The fence has to be temporary. Storage could be alongside the fence where the dumpsters are located.

He continued stating the other request by the Commission was for an A-2 Survey and as-builts. The commission will leave that to the City Engineer as to whether he wants to waive that requirement.

Mr. Phipps made a motion to send a letter to Mr. Nocerino disallowing the fence to be permanent and to request the City Engineer make the determination if Mr. Nocerino needs an A-2 Survey of the site and As-builts.. Mr. Lawlor seconded. All in favor, so carried.

Friends of ANC request for site plan approval for Pre-school at the Red Wing Pond House (6/27/11) 65 days(8/29/11)

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

Chairman Flaherty asked Mr. Hoyle, Jr. if there were any further changes to the map and plan.

Mr. Hoyle said no, there has been no changes to the plans.

Mr. D'Amico said the plan looks OK to him. They fenced in the playground area and added the landscape that was requested, they put up the sign at the driveway that states "Do Not Enter". They have done what he asked them to do.

Mr. Phipps made a motion to grant site plan approval to the Friends of the ANC for a Pre-School at the Red Wing Pond House. Mr. Heon seconded. All in favor, so carried.

Mark Romano (Castle Lane Developers LLC)/ re: request for 23 lot subdivision known as Castle Lane Subdivision at Castle Lane and 26 Gardner's Lane (7/25/11)

Attorney Clifford Hoyle, Sr., Mark Romano and Brian Nesteriuk were present.

Mr. Hoyle presented the Site Plan application and a check for the fees (CK # 134 for \$5130).

Mr. Hoyle said they were present this evening to establish a night for the public hearing and to present a brief introductory of their plan.

Chairman Flaherty said the public hearing will be established this evening and this presentation will be re-done for the public hearing. He said Attorney Hoyle submitted a withdrawal this evening for the July 2011 application. He said the commission will accept the new submittal (application and map).

Brian Nesteriuk, Engr.
39 New Haven Road
Seymour, CT 06483

Mr. Nesteriuk said the property is located at 26 Gardner's Lane. Castle Lane is to the north, Gardner's Lane to the west, Granite Terr to the south and N. Prospect St. to the east.

The proposal includes extending Castle Lane Subdivision to a cul de sac with 23 lots (1/3 acre to 1 acre lots) This is very similar to the proposal submitted in the early 1990's with some minor changes. The previous subdivision had 24 lots; it continued to Gardner's Lane, there was no Open Space and no Detention pond for the drainage. There is a 90 degree turn to Gardner's Lane; sewer connects up to N. Prospect St. Ext. They have received approval from the WPCA.

Chairman Flaherty said he doesn't remember seeing a letter from the WPCA. He asked that Mr. Nesteriuk provide a copy to the Secretary for the record.

Mr. Nesteriuk said he will make sure he sends a copy to the Commission.

Mr. Nesteriuk said there are no wetlands on the site, they had a Soil Scientist look at the property. They did test pits for a high water ledge and there is no ledge and no high water. There is some water but nothing in the area where they are using the land. Some of the storm water will be diverted, the sheet flow will be diverted around the detention basin to the outlet in Gardner's Lane.

Chairman Flaherty said the Open Space is located in the Detention area that is five feet deep.

Mr. Nesteriuk said yes and the detention area is five feet deep.

Chairman Flaherty asked if there will be a fence around it.

Mr. Nesteriuk said no but if the Commission wants it, we can put one.

Chairman Flaherty asked about the processed stone access way and how steep it is.

Mr. Nesteriuk said between 12 %percent and 15% percent.

Chairman Flaherty asked if is processed stone.

Mr. Nesteriuk said crushed stone.

Chairman Flaherty said he didn't see any easements. He asked who owns the area.

Mr. Nesteriuk said Lot 9 has the access way and there is an easement in favor of the Town.

Chairman Flaherty said the City of Ansonia doesn't accept access ways or detention basins. The Homeowner's Association will own the access way and detention basin. He explained that the Homeowner's Association that would assume ownership and maintenance responsibility of the access way and detention basin. A copy of the Homeowner's Association Agreement should be forwarded to Commission and Corporation Counsel for approval.

Mr. Nesteriuk said no problem, he will do that.

Chairman Flaherty asked about the water way that is shown and what it was.

Mr. Nesteriuk said it is the storm water system discharging directly onto this property to a drainage ditch. It spreads out to sheet flow and then comes back to the ditch.

Chairman Flaherty asked if the proposed swale across the top of the property is catching the sheet flow.

Mr. Nesteriuk said yes so the water doesn't go through the site.

Chairman Flaherty asked does it go into the catch basin to an infiltrator galley.

Mr. Nesteriuk said there are two things:

- 1 - it goes into the ground and
- 2 - it turns back into sheet flow

Mr. Nesteriuk said the soils are very good for infiltration and the water will flow like it does today without development there.

Chairman Flaherty said Wetlands approved that.

Mr. Nesteriuk said Wetlands approved it.

There was discussion on the sheet flow and the detention basin. Mr. Nesteriuk explained the waters that would flow into the detention basin and the waters that would sheet flow around the detention basin and the piped water that will go to "day light" and sheet flow instead of flowing into the detention basin.

Chairman Flaherty asked why the water was not going into the detention basin. The Inland Wetlands Commission has as a no net increase in flow requirement.

Mr. Nesteriuk said the detention pond would have to be larger than what is currently planned. It is sized for six different watersheds and can't handle any more water.

Chairman Flaherty said the footings and roof drains are running to daylight.

Mr. Nesteriuk said it is usually better to spread flow. Spreading the flow across like it is today – across the mountain.

Chairman Flaherty said but you are changing the mountain.

Mr. Nesteriuk said they discussed putting them into the infiltrators but this is a subdivision.

Chairman Flaherty said you are requesting a Subdivision and Site Plan approval at the same time.

Mr. Nesteriuk said each individual lot will have to go for a building permit and zoning approval for whatever drainage system that is proposed for each lot. Each lot will have to get all of their own approvals.

Chairman Flaherty said if you are going to infiltrators then change the plan.

Mr. Bettini asked about the pitch of the property. He said there is 120 feet difference on the pitch and the road drops about 60 feet.

Mr. Nesteriuk said that is correct.

Mr. Bettini asked the width of Castle Lane existing.

Mr. Nesteriuk said existing is 24 feet.

Chairman Flaherty said the retaining walls that are shown – He didn't notice a profile for these walls. He said the Commission would like a detail of the walls.

Mr. Nesteriuk said the walls are not designed in this process. It is unusual to go through this process if the proposal might not get approved.

Mr. Nesteriuk said the maximum height is ten (10) feet but it is a subdivision and because it is a subdivision it doesn't mean walls.

Chairman Flaherty asked the amount of cut and fill.

Mr. Nesteriuk said it will be balanced.

Chairman Flaherty asked how much cut and fill on each lot? How much blasting?

Mr. Nesteriuk said he doesn't have the cut and fill figure. There is no blasting.

Chairman Flaherty said there is a crusher on site.

Mr. Nesteriuk said the crusher on site will be used for the roadway and filling.

Chairman Flaherty asked how long do they plan to use the crusher – what is the time frame.

Mr. Nesteriuk said about two (2) months.

Chairman Flaherty said how much fill will be taken off the site and how much fill will be brought onto the site.

Mr. Romano said they don't plan on bringing in any material except asphalt. They will use it all up - all of the material on site.

Mr. Nesteriuk said there will be no material brought in.

Chairman Flaherty asked how long is the cul de sac.

Mr. Nesteriuk said about 2300 feet.

Chairman Flaherty said the entrance is in Seymour.

Mr. Nesteriuk said that is right. He said they went to Seymour IWC they didn't want to see them.

Chairman Flaherty noted they changed their mind on footings and roof drains.

Mr. Nesteriuk said they discussed it and most likely they will.
Chairman Flaherty said the road regulation is thirty (30) feet wide.

Mr. Nesteriuk said they would like twenty-six (26) feet wide. There is no problem with emergency vehicles - water quality is the issue – it is a better fit the neighborhood.

Chairman Flaherty asked if there are sidewalks.

Mr. Nesteriuk said they are not required.

Chairman Flaherty said there is no playground.

Mr. Nesteriuk said they didn't anticipate a playground because they are right next to Abe Stone Park which is a playground.

There was a discussion on recreation for the children in the subdivision. It was noted that there is no access to Abe Stone Park from this area without going down a very steep hill and woods.

Chairman Flaherty asked how much the houses would sell for.

Mr. Romano said between \$250,000 - \$290,000.

Chairman Flaherty said there would be 2 to 3 children per household in houses that are priced in that range. That would be quite a few children. He said there is no snow shelf. Where would the snow go in the winter.

Mr. Nesteriuk said there is at least a five (5) foot snow shelf.

Chairman Flaherty asked if they are still giving the Town a 50 foot right of way.

Mr. Romano said they are still giving the Town a 50 foot right of way.

Chairman Flaherty said there are phases – Phase 1 is the road.

Mr. Nesteriuk said Phase 1 is the entire road, the sewers, storm water drainage swale and detention system for the entire road. Phase 2 would be to build the houses.

Chairman Flaherty said site preparation would be to get all of the sites roughed in.

Mr. Romano said he didn't understand.

Chairman Flaherty said you would rough in those lots and prepare them.

Mr. Romano said no.

Chairman Flaherty asked how do you build one at a time without disturbing the adjoining lot or the next lot. Will there be temporary easements for landscaping?

Mr. Nesteriuk said you go up to the property line.

Chairman Flaherty said this could take a long time to build out – you could build one house – two – five. What about the remainder of the lots.

Mr. Romano said he would build as the market determines.

Chairman Flaherty said all the grading will be done on the road side. He asked when the crushing will stop.

Mr. Romano said he will crush enough for the road.

Mr. Heon said every time you add a lot is the crusher coming back.

Mr. Nesteriuk said on the site.

Mr. Romano said they don't have to crush on each lot.

Mr. Bettini asked about the lighting.

There was a discussion on the installation of street lights.

Mr. Heon asked how they would put out a fire on lot 11.

Mr. Nesteriuk said there are wells serving the houses. There is not enough pressure to get water up there per the Regional Water Authority.

Mr. Romano said they can put in underground storage for water.

Mr. Heon said there is no city water to that.

Mr. Romano said we could put underground storage tank for 40,000 gallons of water.

Chairman Flaherty said there was a letter in 1989 from the Ansonia Water Company for the previous subdivision stating they had city water.

Mr. Nesteriuk said we have a letter from the Regional Water Authority stating they can't supply water to that area. He said they have a letter from the Naugatuck Valley Health approving the wells.

Chairman Flaherty said you don't know the cut and fill but you will provide that and there is no blasting.

Mr. Nesteriuk said he could provide the soil report.

Chairman Flaherty said that is not necessary he said he believes Mr. Nesteriuk. He asked about the driveway slopes.

Mr. Nesteriuk said that will change with each house. The maximum is 12% percent.

Chairman Flaherty asked about lot 16 and lot 17.

Mr. Nesteriuk said lot 16 is 12%, lot 12 is 13%.

Chairman Flaherty said how are you going to catch water coming down lot 12.

Mr. Nesteriuk said grade to the side or put in a French drain.

Mr. Romano said grade it, pitch down and away and up to 12%. He said he doesn't want water in the garage. The driveways will be paved with asphalt or processed material.

Mr. Nesteriuk said the regulation state over 10% grade it has to be paved. He said he hasn't calculated all the driveways but they will be asphalt.

Chairman Flaherty said the easements mentioned and the existing easements – he said he doesn't see them shown on the map.

Mr. Nesteriuk said he didn't think they would be necessary.

Chairman Flaherty asked about the Open Space.

Mr. Nesteriuk said it is a buffer to Abe Stone Park. It doesn't qualify to be recreation because it is next to Abe Stone Park and serves as a buffer.

Chairman Flaherty said the regulations speak to Open Space. Mr. Inglese will address it. There is also a fee in lieu of open space. Abe Stone Park is not viable. Little children can't go to Abe Stone Park from there. How would get there?

Mr. Nesteriuk said creating access ways and paths.

Chairman Flaherty said you don't own the property.

Mr. Nesteriuk said through the detention pond there is two lines existing. A line could be upgraded and connected to it.

Chairman Flaherty said the fact is there is a subdivision with no place for small children to go. Teenagers will go anywhere. The yards are sloped and children can't play there. There is nowhere to play baseball, etc.

Mr. Romano said he lives on a cul de sac with 8 houses and 13 children and they all play in the cul de sac.

Chairman Flaherty said P&Z can't sanction playing in the cul de sac.

Mr. Romano said if he makes a playground it will be just as steep.

Mr. Heon said the history of this Commission has always required usable open space. The regulations for Open Space is it is to be usable, not even developed with nothing on the area. This is the history of P&Z – usable open space.

Mr. Romano said what do you want to use it for – a baseball field.

Chairman Flaherty suggested they look at the definition of Open Space and they will have a better idea.

Chairman Flaherty asked if there were any questions from the commission members or staff. He said the Commission has to do three things:

1. set a date for the public hearing
2. set a date for a site inspection
3. the application has to be referred to Regional Planning Agency and Town of Seymour

Chairman Flaherty asked Attorney Hoyle if he had any questions or comments.

Attorney Hoyle said no.

Mr. Romano said he is proposing a cul de sac. He said he can bust through to Granite Terrace but it would be a cut through street if they did that. They are making a 95 foot cul de sac.

Chairman Flaherty pointed the normal permanent cul de sacs are 100 feet.

Mr. Nesteriuk said the cul de sac is 95 feet.

Mr. Heon said he is concerned about the lot by lot by lot type of construction. He asked what the commitment is to finish this subdivision.

Mr. Romano said he will clear the trees and the lots will be left alone. They will not be touched. The road will catch the run off.

Mr. Heon asked how long will the silt fence and sediment and erosion measures remain in place.

Mr. Romano said until the area is stabilized.

Mr. Heon said how long before it is stabilized – until the building is all completed?

Attorney Hoyle said there is less run off without a house. All of the drainage improvements will be in place. He said he doesn't know anyone who builds out 23 houses. He doesn't think there is a problem because the gullies and all of the on site improvements and detention basin will be built. He doesn't think there is any danger.

Chairman Flaherty said when you build the road you will build and install all of the infrastructure – the swale, the road, the detention basin, the pipes, and the only thing that will not go in is the infiltrators.

Mr. Nesteriuk said that is correct. All of the road and improvements and drainage and detention basin will be built.

Mr. Nesteriuk said the revisions to the plan are the:

1. the Crusher
2. Erosion & sediment measures are added to the details and the criteria
3. Southwest Conservation District suggested a few things.

Mr. Phipps made a motion to refer this application for Subdivision and Site Plan to Regional Planning Agency and the Town of Seymour. Mr. Bettini seconded. All in favor, so carried.

The secretary asked that Mr. Nesteriuk provide two (2) additional maps so that they could be forwarded with the referrals to RPA and Seymour.

Mr. Nesteriuk said he will provide the maps to the Secretary.

Mr. Phipps made a motion to hold a site inspection on Sunday, September 11, 2011 at 10:00 a.m. at Castle Lane. Mr. Martin seconded. All in favor, so carried.

Attorney Welch said that the Commission can set the public date at the next meeting.

Chairman Flaherty asked Attorney Welch about plowing the road, bus pick up, etc. coming in through Seymour, will there have to be an agreement.

Attorney Welch will check on this.

Mr. Heon made a motion to hold a public hearing on Monday, September 19, 2011 at 7:00 p.m. Mr. Bettini seconded. All in favor, so carried.

Mr. Heon asked if the applicant would have enough time to notify the adjoining property owners of the public hearing.

There was a discussion on the notification area i.e.: 100 feet vs. 500 feet and the adopted amendment. Attorney Welch will review the amendment and advise the commission.

Attorney Hoyle agreed to send out notices to adjoining neighbors within 100 feet and possibly 500 feet pending what Attorney Welch determines.

Mr. Romano stated that they will send out the notices to the adjoining neighbors.

Lisa Davis/Stop & Shop Gas Delivery

Chairman Flaherty said that Ms. Davis could not attend this meeting tonight and requested to be on the September agenda.

Mr. Heon made a motion to table this and put it on the September agenda. Mr. Bettini seconded. All in favor, so carried.

Reports: City Engineer

Fred D'Amico, City Engineer was present.

3 Kiely's Lane/Jewett St.

Chairman Flaherty asked how this area held up under the recent hurricane.

Mr. D'Amico said it held up in the rain. They put sand bags along the road area and the water went to the catch basin on Kiely's Lane. This was an improvement. The water appears to be coming from Spring Street and it is the cause of the street flooding downstream.

Chairman Flaherty asked if they have found out where the water was coming from.

Mr. D'Amico said it is coming from Spring Street.

Mr. Heon noted the curb is broken and causing flooding.

There was a discussion on the water flow from Spring Street down to the catch basins and the area where the curb is broken.

Mr. Heon said that the flooding on Jewett Street was better because they stopped the water from going on the property and flowing down the hill to the street.

Reports: Zoning Enforcement Officer

James Tanner, Zoning Enforcement Officer/Blight Officer was present.

PZ 8/29/11

Violations:

Mr. Tanner said he is currently working on a lot of violations. They are in process and some are in court.

He said 112 Platt Street, the wall will be removed from the public right of way. Prospect Street where there is dumping, a cease and desist order was issued, 22-24 Jewett Street there are four zoning violations. 60 Grove Street is still ongoing and 19-21 Rufus Street has an injunctive action.

Mr. Tanner said on 19-21 Rufus Street there has been an ongoing problem with zoning and the Ansonia P.D.

Chairman Flaherty said that Mr. Tanner is working on all of these issues and has spent time in Court. The Fire Marshall has been alerting him to illegal conversions which he will be addressing.

Mr. Tanner said that there is a violation with Coastal Carriers. They are filling and grading on their property without approval. He said he told them to stop and they did not stop they continued to fill and grade. They have not made an application to do this activity.

Mr. Heon asked where they were filling and how much.

Mr. Tanner said in the back of the site and they have filled over three (3) feet. They are dumping millings from the road and other material back there.

Chairman Flaherty said the City Engineer can determine if they have gone over the allowed limit for filling.

Mr. Tanner said they have stopped.

Mr. Heon said at the end of the street there are piles of millings and junk trucks. He asked about the City of Ansonia right of way to the flood gates in that area and if these flood gates are accessible to the City.

Mr. D'Amico said the piece of property that the City of Ansonia owns is across from Sullivan's Restaurant behind the Beard property and it is 99% underwater and not usable.

Mr. Tanner said the intent is to have Counsel write a letter to them that they meet the Conditions of the IWC permit and exercise our rights to make inspections.

Mr. Tanner said the City won the Tice case for the approval and will be moving forward with a cease and desist.

Mr. Tanner said the City won the discrimination case for Peter Efthymious.

Variances

Mr. Tanner said there are no variances this month.

Reports: Planning Consultant

Mr. Inglese is not present this evening due to Hurricane Irene.

Chairman Flaherty said the Commission will hold a special meeting to go over Mr. Inglese's information on the following:

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

Any other business to come before the Commission

Mr. Heon asked if there is research on the having an alternate for the Commission.

Chairman Flaherty said he has spoken with the Mayor.

Executive Session (Pending Litigation)

Attorney Welch requested the commission go into Executive Session on a complaint received by the City of Ansonia.

Chairman Flaherty asked everyone to leave the room except the commission members for the Executive Session.

Mr. Martin made a motion to go into Executive Session at 9:15 p.m. Mr. Bettini seconded. All in favor, so carried.

Mr. Martin made a motion to go back into regular session at 9:25 p.m. Mr. Heon seconded. All in favor, so carried.

Chairman Flaherty stated that no action was taken during the Executive Session.

September 2011 Meetings:

1. Site Inspection: Sunday, September 11, 2011 at 10:00 a.m. Castle Lane Subdivision
2. Public Hearing: Monday, September 19, 2011 at 7:00 p.m. Castle Lane Subdivision
3. Regular Meeting: Monday, September 26, 2011 at 7:30 p.m.

Adjourn

Mr. Martin made a motion to adjourn the meeting at 9:30 p.m. Mr. Martin seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary