

VERBATIM PROCEEDINGS

ANSONIA PLANNING & ZONING COMMISSION

PUBLIC HEARING

CASTLE LANE ESTATES SUBDIVISION

OCTOBER 24, 2011

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ANSONIA CITY HALL  
253 MAIN STREET  
ANSONIA, CONNECTICUT

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HEARING RE: ANSONIA PLANNING & ZONING COMMISSION  
OCTOBER 24, 2011

1 . . . Verbatim proceedings of a public  
2 hearing before the Ansonia Planning & Zoning Commission in  
3 re: Castle Lane Estates Subdivision, held at the Ansonia  
4 City Hall, 253 Main Street, Ansonia, Connecticut, on  
5 October 24, 2011, at 7:00 p.m. . . .

6  
7  
8  
9  
10 (Whereupon, the Pledge of Allegiance was  
11 recited.)

12 CHAIRMAN BART FLAHERTY: Can I have a roll  
13 please?

14 (Whereupon, roll call was taken.)

15 CHAIRMAN FLAHERTY: I have a quorum, the  
16 public hearing continued, September 26, 2011 to October  
17 24, 2011, Castle Lane Estates Subdivision, Gardner's Lane,  
18 North Prospect, Castle Lane, Ansonia, Connecticut, Castle  
19 Lane Development, Mark Romano.

20 The Planning & Zoning Commission, City of

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1 Ansonia, has continued the public hearing on Castle Lane  
2 Estates Subdivision held Monday, September 26, 2011 to  
3 Monday, October 24, 2011, at 7:00 p.m., Ansonia City Hall,  
4 Main Street. The proposed 23 lot subdivision is located  
5 on and borders Gardner's Lane, Castle Lane, North  
6 Prospect, North Prospect Extension, Granite Terrace all in  
7 Ansonia, and Old Ansonia Road, Seymour. At said hearing  
8 all interested parties will be given an opportunity to be  
9 heard. A copy of the application and map are on file,  
10 dated Ansonia, Connecticut, the 13th day of October,  
11 Bartholomew Flaherty, Chairman, published two times,  
12 Thursday, October 13, 2011 and Thursday, October 20, 2011.

13 I'll entertain a motion to accept the call  
14 of the meeting.

15 MR. ED PHIPPS: I make a motion.

16 MR. JAMES MARTIN: Second.

17 CHAIRMAN FLAHERTY: All in favor?

18 VOICES: Aye.

19 CHAIRMAN FLAHERTY: Anyone opposed,  
20 abstained? Chair declares the motion passed. I'll

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1 entertain a motion to accept the minutes of the public  
2 hearing of 9/26/11, verbatim, and our Secretary's.

3 MR. PHIPPS: Motion.

4 CHAIRMAN FLAHERTY: Second?

5 MR. MARTIN: Second.

6 CHAIRMAN FLAHERTY: All in favor?

7 VOICES: Aye.

8 CHAIRMAN FLAHERTY: Anyone opposed?

9 Anyone abstain? Chair declares the motion passed. I'll  
10 entertain a motion to accept all correspondence and place  
11 on file and bring it up during the meeting if necessary.

12 MR. PHIPPS: Make a motion.

13 MR. MARTIN: Second.

14 CHAIRMAN FLAHERTY: All in favor?

15 VOICES: Aye.

16 CHAIRMAN FLAHERTY: Anyone opposed?

17 Anyone abstained? I'd like the following to be entered -  
18 - if I just may Cliff for a minute, this housekeeping, or  
19 else you'll be standing quite awhile and there's no sense  
20 in doing that.

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1           The following was entered into the record  
2           for the public hearing: a letter from the Regional  
3           Planning Commission of VICO; Connecticut Public Health  
4           Code Minimum Well Yields; letter to the Fire Commission  
5           from Planning & Zoning; letter from Mr. Stowe as licensed  
6           sewer, plumbing and piping contractor; additional letter  
7           from Seymour Planning & Zoning dated 10/19/11; Naugatuck  
8           Valley Health District Private Water Well Code, also  
9           stamped 9/29/11; information from Cliff McLean to Charles  
10          Stowe dated 9/23/11; 1988 Kings Mark Environmental Review  
11          Report from Mr. Stowe, it seems though page 7 and 17 are  
12          missing but they could have been empty copies; copy of a  
13          quit-claim deed from Mrs. Stowe, fee and existing and  
14          proposed road connecting Granite Terrace and Castle Lane;  
15          Connecticut General Statutes 15-16, pages 498 and 499;  
16          pictures from Mr. Nelson, Castle Lane, Old Ansonia Road  
17          intersection; letter from Attorney Hoyle requesting the  
18          public hearing be continued to 10/24/11 meeting; letter  
19          from Attorney Hoyle granting extension of Planning &  
20          Zoning public hearing to another 35 days to 11/28/11; and

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1 another letter from Mr. and Mrs. Stowe dated 9/22/11.

2 I'll entertain a motion to enter those  
3 into the record.

4 MR. PHIPPS: I make a motion.

5 MR. MARTIN: Second.

6 CHAIRMAN FLAHERTY: All in favor?

7 VOICES: Aye.

8 CHAIRMAN FLAHERTY: Anyone opposed?

9 Anyone abstain? Chair declares the motion passed. How  
10 are you tonight? What's your name? Okay, you can vote if  
11 you want to. Okay, also permission for Kings Mark  
12 Environmental Review team to enter the property is -- Jo  
13 Lynn is --

14 MS. JO LYNN FLAHERTY: I sent that letter  
15 -- I sent this letter --

16 CHAIRMAN FLAHERTY: Yeah I know, but is  
17 this the permission letter?

18 MS. FLAHERTY: It's got the blank letter  
19 of permission on the back of it --

20 CHAIRMAN FLAHERTY: Okay, okay so we

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1 haven't received that.

2 MS. FLAHERTY: -- we haven't received it,  
3 no.

4 CHAIRMAN FLAHERTY: Okay, and I know what  
5 that is, okay. Okay, Attorney Hoyle, good evening.

6 MR. CLIFFORD HOYLE: Thank you Mr.  
7 Flaherty. My name is Clifford Hoyle, I represent Mr.  
8 Romano. At the outset I would like to indicate that after  
9 listening to the members of the public and the Commission,  
10 Mr. Romano has indicated to me that he is going to provide  
11 a private water system from the public water supply. In  
12 other words that he's going to receive public water from  
13 the Regional Water Authority and he is going to pay  
14 himself to install a pump that will pump the water to  
15 every home located in the proposed subdivision. There will  
16 be no wells.

17 Now, he does this despite the fact that  
18 he's confident that these wells would not interfere with  
19 the existing wells in the neighborhood. But he also, as I  
20 said, is very cognizant of the feelings of the people in

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1 the area and their serious concerns about the effect it  
2 could potentially have on their --

3 CHAIRMAN FLAHERTY: Excuse me, can  
4 somebody shut off that whatever -- the noise please? And  
5 if you could shut your cell phones off it would be  
6 helpful. It interferes with the reception for the  
7 recording Secretary. Thank you Mr. Hoyle, I'm sorry to  
8 interrupt.

9 MR. HOYLE: Okay. So hopefully the idea  
10 of interfering with neighbor's existing water supply is a  
11 moot issue, it's not going to occur. This system will be  
12 paid and maintained -- paid by Mr. Romano and will be  
13 maintained by the Homeowner's Association that would be  
14 formed as part of any approval that occurred.

15 Now going on, I want to, if I could, give  
16 the Commission a copy of a letter from Fidelity National  
17 Title Insurance Company, which indicates that the real  
18 property owned and described as the entryway to Granite  
19 Terrace was conveyed to Mr. Romano's predecessor in title  
20 in 1988. And to quote from the report, it said at the

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1 time of the deed from the Estate of John N. Cass to  
2 Charles Stowe and Deirdre Stowe dated October 30, 2008 and  
3 recorded in Volume 478, Page 267, Helene Cass, who was the  
4 fiduciary of the Estate of John, had no interest in the  
5 property because it had been previously conveyed to Mr.  
6 Romano's predecessor in title. And that deed is invalid  
7 and outside of the chain of title.

8 We do that for informational purposes for  
9 you folks at the Board here because we know you don't try  
10 title to land but there's been some claims that this  
11 roadway or potential roadway to Granite Terrace is not in  
12 fact owned by Mr. Romano. He has a title insurance policy  
13 on it. In other words, the Title Company guaranteeing the  
14 fact that he does own it. So I would like, if I could --

15 CHAIRMAN FLAHERTY: Yes.

16 MR. HOYLE: -- provide you with a copy of  
17 that title search and the letter --

18 CHAIRMAN FLAHERTY: Okay, thank you.

19 MR. HOYLE: -- and we also have copies of  
20 the letters Mr. Chairman -- of the letter alone for the

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1 Committee.

2 CHAIRMAN FLAHERTY: Okay.

3 MR. HOYLE: Now, I think one of -- another  
4 issue that the Board had wanted us to address and discuss,  
5 and I'll have Mr. Nesteriak speak to you, was the idea of  
6 whether or not this property should be, if approved,  
7 consist of thru streets or a cul-de-sac. Now, it's our  
8 position that it's much safer as a cul-de-sac. The reason  
9 being, obviously, that you're going to have only people  
10 who live there using the property, people are not going to  
11 speed, and it's going to cause less traffic to go through  
12 the area.

13 Now, we also had requested that the width  
14 of the road be 24 feet paved -- 26, excuse me, 26 feet  
15 paved. We're going to, in any event, give the City a  
16 standard 50 foot right-of-way. If the Board is not in  
17 favor of this 26 foot roadway, Mr. Romano will give a 30  
18 foot roadway. It's been his experience and I think the  
19 experience of many people and planners that the more  
20 narrow the roadway the less speed, and I think that's very

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1 important in this day and age. And again, our consultant  
2 will speak to you more about that. Also, after Mr.  
3 Nesteriak speaks we're going to have co-counsel, Attorney  
4 Dana Friedman, speak to the Board about 320.5 as well as  
5 the idea of giving notice to people of the existence of  
6 rules and regulations of the City.

7 I just, at this time, ask Mr. Nesteriak if  
8 he could come forward for the purpose -- he has also some  
9 changes in plans that he's made in response to the City  
10 engineer's concerns and he'd like to at least present them  
11 to the Board now. Mr. Nesteriak.

12 MR. BRYAN NESTERIAK: Good evening, for  
13 the record Bryan Nesteriak, professional engineer, B&B  
14 Engineering. I do have revised plans for the Board and  
15 the majority of the changes in these plans. How would you  
16 like them?

17 CHAIRMAN FLAHERTY: I would have liked  
18 them a week ago.

19 MR. NESTERIAK: I understand that and I  
20 apologize.

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1 CHAIRMAN FLAHERTY: It's not accepted --  
2 okay.

3 MR. NESTERIAK: There were -- I'm not  
4 going to try and --

5 CHAIRMAN FLAHERTY: The Secretary has to  
6 have them.

7 MR. NESTERIAK: I'll go through briefly  
8 what the changes are, but --

9 CHAIRMAN FLAHERTY: Give him -- you see,  
10 the members of the public haven't -- it's a public hearing  
11 and they haven't have an opportunity to read -- look at  
12 them. Either has the members of the Commission. What's  
13 the date on the maps, the revision?

14 MR. NESTERIAK: The 20th.

15 CHAIRMAN FLAHERTY: The 20th.

16 MR. NESTERIAK: This Friday -- or  
17 Thursday, sorry.

18 CHAIRMAN FLAHERTY: Okay, well --

19 MR. NESTERIAK: Well, the majority of  
20 these changes are technical in nature. They address the

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1 items that Mr. D'Amico came up and a few of the items that  
2 Mr. Inglese had brought up --

3 CHAIRMAN FLAHERTY: Pass them out.

4 MR. NESTERIAK: -- and that's why they do  
5 not have any major significant changes other than  
6 technical details.

7 CHAIRMAN FLAHERTY: How many copies do you  
8 need?

9 MS. FLAHERTY: I need seven.

10 CHAIRMAN FLAHERTY: Did you get two Jo  
11 Lynn? Is there one for the Town and City Clerk? Here Jo  
12 Lynn.

13 MR. NESTERIAK: Again, the changes are  
14 technical in nature. There's some changes to the storm  
15 drainage, there's some -- I added street trees, some  
16 easements and some very basic notes that Mr. D'Amico had  
17 wanted.

18 CHAIRMAN FLAHERTY: Okay, what you're  
19 going to have to do is go page by page for us so we can  
20 look. There will be a public hearing night, another

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1 night, a full night not on our regular meeting night. And  
2 this will be on file, it will give everyone here the  
3 opportunity to knowledgably discuss what's on these maps  
4 because I realize you don't have copies of these maps. So  
5 we'll have to set another public hearing night and we'll  
6 do that before --

7 FEMALE VOICE: Can I say something?

8 CHAIRMAN FLAHERTY: Yes, of course.

9 FEMALE VOICE: Okay, I think at the  
10 meeting in September you had the same issue.

11 COURT REPORTER: Your name?

12 MS. NOREEN DECRICIS: Oh, Noreen DeCricis,  
13 I'm sorry. It seems like --

14 COURT REPORTER: I'm sorry, you have to  
15 come up to a microphone.

16 CHAIRMAN FLAHERTY: No, stop, stop right  
17 now. You're not recognized Ma'am, so please sit down.

18 MS. DECRICIS: Okay.

19 CHAIRMAN FLAHERTY: This Commission is  
20 doing the best that we can. Do I like more meetings,

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1 absolutely not.

2 MS. DECRICIS: I think you're being very

3 --

4 CHAIRMAN FLAHERTY: Should this have been  
5 to this Commission and on public record before this, of  
6 course. But it isn't and I can't change that.

7 MS. DECRICIS: Now he can stand up here  
8 and hand something out and get this meeting postponed but  
9 I try to make one statement and I get asked to sit down.

10 CHAIRMAN FLAHERTY: When you get the  
11 opportunity for the public to speak you're going to be  
12 called up. It's his dime right now. He's been  
13 recognized.

14 MS. DECRICIS: So the public will still be  
15 heard tonight?

16 CHAIRMAN FLAHERTY: Absolutely.

17 MS. DECRICIS: Okay.

18 CHAIRMAN FLAHERTY: And another night, not  
19 a regular meeting night. But I know you're going to  
20 complain about this, I have no control over that. I have

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1 no control when we get the maps. Go page by page --

2 MR. NESTERIAK: If you turn to --

3 CHAIRMAN FLAHERTY: -- and if you do it  
4 again, I'm not going to hear you. Do you understand?

5 MR. NESTERIAK: Yes.

6 CHAIRMAN FLAHERTY: You had since the 24th  
7 -- or the 19th of September.

8 MR. NESTERIAK: There was some other  
9 conditions that --

10 CHAIRMAN FLAHERTY: You had from the 19th  
11 of September --

12 MR. NESTERIAK: -- we're going to talk  
13 about later that --

14 CHAIRMAN FLAHERTY: -- you've had from the  
15 19th of September to work on this. There's been no public  
16 input since the 19th of September.

17 MR. NESTERIAK: That's correct.

18 CHAIRMAN FLAHERTY: You had from the 19th  
19 of September till the 24th of October and we get these the  
20 24th of October.

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1 MR. NESTERIAK: That's correct.

2 CHAIRMAN FLAHERTY: And if it happens  
3 again -- okay, continue.

4 MR. NESTERIAK: Thank you.

5 CHAIRMAN FLAHERTY: Page by page, let's  
6 get going.

7 MR. NESTERIAK: Please turn to page 05-01,  
8 it's the third one in your set.

9 MR. OSWALD INGLESE: Can you repeat that  
10 number?

11 MR. NESTERIAK: 05-01.

12 MR. INGLESE: Thank you.

13 MR. NESTERIAK: It's also called the  
14 record subdivision map. In the south --

15 CHAIRMAN FLAHERTY: And again, the other  
16 thing I have in mind is you made an application with one  
17 map. What are we hearing? I mean, at what point --

18 MR. NESTERIAK: I don't know what you're  
19 asking.

20 CHAIRMAN FLAHERTY: -- does this become

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1 another submission?

2 MR. NESTERIAK: Excuse me? You asked for  
3 revisions --

4 CHAIRMAN FLAHERTY: At what point does  
5 this come --

6 MR. NESTERIAK: -- so we're providing the  
7 revisions.

8 CHAIRMAN FLAHERTY: -- we didn't ask for  
9 anything yet.

10 MR. NESTERIAK: Well, I'm trying to --

11 CHAIRMAN FLAHERTY: We're in the public  
12 hearing mode.

13 MR. NESTERIAK: Well I apologize, I didn't  
14 know that we were --

15 CHAIRMAN FLAHERTY: Go ahead, continue.

16 MR. NESTERIAK: -- just hearing the --

17 CHAIRMAN FLAHERTY: Continue.

18 MR. NESTERIAK: -- recommendations.

19 CHAIRMAN FLAHERTY: Continue.

20 MR. NESTERIAK: On the south side of the

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1 subdivision from lot 23 to lot 16, an easement was added  
2 in the place of the proposed swale like Mr. D'Amico had  
3 asked for. Whenever you're ready --

4 CHAIRMAN FLAHERTY: I complained about you  
5 people and I forgot -- I can't catch a break. This has  
6 been -- okay, 25-01 on the south side --

7 MR. NESTERIAK: 05-01.

8 CHAIRMAN FLAHERTY: 05-01, right.

9 MR. NESTERIAK: On the south side from lot  
10 16 to 23, there's a new easement, a storm easement that's  
11 in place of where the proposed swales are going to be.  
12 All of the easements have been increased from 15 feet to  
13 20 feet. That is the extent of the changes on this map.

14 CHAIRMAN FLAHERTY: Okay.

15 MR. NESTERIAK: Drawing 11-01, all of the  
16 houses have been designed to have underground infiltration  
17 for the roof leaders. This will put less of a burden on  
18 the storm drainage systems. It will also allow for some  
19 recharge and the intent of that was to help the  
20 groundwater in the area. However, if we're going to go

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1 with a private water main it may be moot. But  
2 nonetheless, they are in and we are proposing that way.  
3 We added in driveway grades; we added in a fire storage  
4 tank, 30,000 fire storage tank, and that's right near lot  
5 -- between 18 and 19.

6 I increased the size of the infiltration  
7 galley level spreader --

8 CHAIRMAN FLAHERTY: How many gallons was  
9 that?

10 MR. NESTERIAK: -- 30,000 gallons. That's  
11 what the Fire Marshal had asked for.

12 CHAIRMAN FLAHERTY: That's that cross X  
13 right here?

14 MR. NESTERIAK: That is that cross X, yes.  
15 It's also shown with a note on the next plan. The  
16 infiltration galley level spreader was increased in size  
17 like Mr. D'Amico asked. That's in the open space on the  
18 north side. And reverse benching was added to some of the  
19 slopes that are proposed.

20 CHAIRMAN FLAHERTY: Which ones?

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1 MR. NESTERIAK: Downhill from lots 5  
2 through 7 and on lot 14. If you turn to page 12-01 --

3 CHAIRMAN FLAHERTY: 5 through 7 and what  
4 was the other one?

5 MR. NESTERIAK: 5 through 7 and No. 14.  
6 Is everybody at the utility plan, 12-01? Again, fire  
7 storage tank, between lots 18 and 19, in this plan you'll  
8 see we added street trees in alternating fashion every 100  
9 feet. 13-01 -- 13-01, the previous 13-01 has been split  
10 into two plans, 13-1 and 13-2. That was basically because  
11 Mr. D'Amico asked for it to go from a 50 scale to a 40  
12 scale. Some minor changes due to the level spreader and a  
13 few other things, changed the silt fence. I also added  
14 in-stock pile areas, that was a comment from Mr. Inglese.

15 13-02 did not change -- 3, I'm sorry, 13-  
16 03, I'm sorry. 15-01, which is the roadway plan and  
17 profile, same thing. Mr. D'Amico wanted to go from a 50  
18 scale to a 40 scale so it was split into two, 15-01 and  
19 15-02. He also wanted some pipe labeling and some  
20 percentage to the slopes added in. Nothing changed, all

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1 it was added in as text. 15-03 did not change. 20-01  
2 is the last one that changed and the only thing that was  
3 added is the 30,000 gallon water storage tank on the lower  
4 left-hand side. That is the extent of the changes. Does  
5 anyone have any questions?

6 CHAIRMAN FLAHERTY: Did you put in the  
7 walls -- you're going to have walls on -- walls are  
8 required on the number of lots. Did you add those?

9 MR. NESTERIAK: Add what? The walls are  
10 in the -- they've always been in the plan.

11 CHAIRMAN FLAHERTY: Those are the only  
12 walls that are needed.

13 MR. NESTERIAK: I'm sorry?

14 CHAIRMAN FLAHERTY: Those are the only  
15 walls that are needed?

16 MR. NESTERIAK: The ones that are shown on  
17 the plan, yeah. I don't --

18 CHAIRMAN FLAHERTY: Okay.

19 MR. NESTERIAK: -- know why there'd be any  
20 other walls that are needed.

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1                   CHAIRMAN FLAHERTY: And these are just  
2                   piled rock walls?

3                   MR. NESTERIAK: Well it depends on --  
4                   there is a detail in there for modular block walls. If  
5                   they're over four feet they will have to be designed by a  
6                   professional engineer, whether they're piled rocks or  
7                   whether they're --

8                   CHAIRMAN FLAHERTY: Well, on our site walk  
9                   your -- the applicant said he was going to put in -- use a  
10                  lot of those rocks for rock walls.

11                  MR. NESTERIAK: They're ideal for soil  
12                  stabilization. I would suggest that if you were going to  
13                  use that and are over four feet, then they'd have to be  
14                  certified by a professional engineer until they're built.

15                  CHAIRMAN FLAHERTY: Okay, but you don't  
16                  show any of those on your --

17                  MR. NESTERIAK: No, actually this would I  
18                  guess be a worse case scenario. That could actually  
19                  improve the grading on this site but it's very difficult  
20                  to engineer that because it's such a large variable.

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1 CHAIRMAN FLAHERTY: Anyone have any  
2 questions at this time?

3 MR. MICHAEL BETTINI: Mr. Chairman, I  
4 actually do have a question. I recall from our last  
5 meeting there was some discussion regarding the tank, the  
6 size of the water tank for fire. And at one point we were  
7 discussing that the tank should have been like 20,000  
8 gallons per five homes or something. But I'm not sure at  
9 one point we had discussed the tank being -- there being  
10 multiple tanks there and I'm just not sure what the  
11 ultimate outcome of that was.

12 I thought we had asked the City engineer  
13 to review that but I could be mistaken.

14 MR. FRED D'AMICO: I think I recommended  
15 10,000 gallon tanks, one 10,000 gallon tank per five  
16 houses.

17 MR. BETTINI: No, 20,000 --

18 MR. D'AMICO: So it would be a total of  
19 20,000, but separate them.

20 MR. BETTINI: -- separating them.

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1 MR. D'AMICO: The Fire Marshal --

2 CHAIRMAN FLAHERTY: The Fire Marshal said  
3 that the State -- an FPA requirement is a 30,000 gallon  
4 tank recommendation. I think you were quoting --

5 MR. D'AMICO: So it would be four tanks at  
6 20,000, it would be a total of 40,000.

7 CHAIRMAN FLAHERTY: That's 80,000 --

8 MR. D'AMICO: 80,000 gallons rather.

9 MR. BETTINI: But which regulation would  
10 that be or that would be your guidance?

11 MR. D'AMICO: I was basically trying to --  
12 a couple of towns in this area, that's basically what  
13 their regulations are. It may or may not be necessary if  
14 they're going to -- if in fact they're going to have  
15 public water then it may change it because then you'll  
16 have fire hydrants --

17 MR. BETTINI: Maybe they'll put hydrants  
18 in --

19 MR. D'AMICO: -- then I would recommend  
20 hydrants, at least one hydrant or maybe two because of the

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1 length of the road.

2 MR. BETTINI: So I guess the determination  
3 for whether there be fire hydrants or tanks is yet to be  
4 determined.

5 MR. D'AMICO: Right, and if they don't  
6 supply the water then I think they do need more than just  
7 one 30,000 gallon tank.

8 MR. BETTINI: Okay.

9 CHAIRMAN FLAHERTY: That's going to have  
10 to be addressed, we'll have to finalize it. Anything  
11 else? Thanks.

12 MR. DANA FRIEDMAN: Good evening, my name  
13 is Dana Friedman, Harlow, Adams & Friedman, P.C., Milford,  
14 Connecticut. I wanted to speak with you tonight  
15 concerning Section 320.5 of your zoning regulations, the  
16 amendment thereto, which in part limits the density of  
17 subdivisions based upon the steepness of slopes.

18 And we don't believe this should be  
19 enforced against this applicant because the Zoning  
20 Committee erred in its enactment of this regulation in

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1 that it failed to meet the mandatory requirements of  
2 Section 8.8-3B of the General Statutes. Under the  
3 Statutes it should have been referred to the Valley  
4 Council of Government and the South Central Regional  
5 Council of Governments prior to enactment because it  
6 affects property within 500 feet of another municipality.

7 FEMALE VOICE: Excuse me, we can't hear  
8 back here. Is the mike on?

9 CHAIRMAN FLAHERTY: Can you speak louder.

10 MR. FRIEDMAN: I will.

11 CHAIRMAN FLAHERTY: Is your mike off? The  
12 other one, not that one the other one.

13 COURT REPORTER: The small one doesn't  
14 amplify.

15 CHAIRMAN FLAHERTY: Okay, you're going to  
16 have to talk louder.

17 COURT REPORTER: Speak into the large --

18 MR. FRIEDMAN: Is that better? Okay. A  
19 review of the Valley Council of Governments confirms that  
20 although a referral was made in 2002 when the Town

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1 considered a development moratorium, in order to consider  
2 and adopt Regulation 320.5, no referral of the regulation  
3 itself was ever made to the Council of Governments.

4                   Additionally and more significantly,  
5 Section 320.5 was never included in the copies of the  
6 zoning regulations provided to the applicant by Town  
7 officials. Connecticut General Statute 8-2A, mandates the  
8 secretary or clerk of the Zoning Commission make printed  
9 copies of the zoning regulations available to the public  
10 at a reasonable price upon request. Although the  
11 applicant and his representatives purchased what they  
12 believed to be complete copies of the zoning regulations,  
13 the amendment to Section 320.5 was never included. No  
14 mention of Section 320.5 was ever made before the Town  
15 Planner, in fact discussed this at the first public  
16 hearing.

17                   The applicant and his representatives have  
18 met with the Town engineer, the zoning enforcement officer  
19 and I believe the Chairman of this Commission, prior to  
20 filing its applications and again, no mention was ever

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1 made of this regulation when the proposed project was  
2 discussed.

3 CHAIRMAN FLAHERTY: When did I meet with  
4 him?

5 MR. FRIEDMAN: I'm informed that you met  
6 with him --

7 CHAIRMAN FLAHERTY: Say that last sentence  
8 again.

9 MR. FRIEDMAN: -- I'm informed you met  
10 with -- he met with the Town engineer, ZEO and yourself  
11 prior to the --

12 CHAIRMAN FLAHERTY: He came to a meeting.

13 MR. FRIEDMAN: Yes.

14 CHAIRMAN FLAHERTY: Well, he met with the  
15 full Board.

16 MR. FRIEDMAN: Excuse me, the full Board  
17 okay.

18 CHAIRMAN FLAHERTY: Okay. I mean, the way  
19 you intimated it was a private meeting.

20 MR. FRIEDMAN: No, I've never --

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1 CHAIRMAN FLAHERTY: Between myself and --

2 MR. FRIEDMAN: -- meant to mean it was a  
3 private meeting sir.

4 CHAIRMAN FLAHERTY: -- and that's not so.  
5 Just for clarification, continue.

6 MR. FRIEDMAN: Okay. The application was  
7 in fact drafted without knowledge of the applicability of  
8 this section. The applicant purchased the property  
9 without knowledge of this section. The applicant  
10 purchased the property with financing obtained from a  
11 lender who advanced funds without knowledge of this  
12 section. The applicant prepared his application and the  
13 engineering for this project, again, without knowledge of  
14 this section.

15 We think it's unreasonable for the Town to  
16 consider enforcement of that section of the regulations  
17 against him based on the fact that it was not included  
18 within the zoning regulations as same were provided to the  
19 general public prior to a day or two I am advised after  
20 the first public hearing. Thank you.

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1 CHAIRMAN FLAHERTY: Tom, did you get that?

2 MR. TOM WELCH: I did.

3 CHAIRMAN FLAHERTY: Okay, before you sit  
4 down where did he get his copy of his -- come up here  
5 please. Where did he get a copy of his planning & zoning  
6 regulations?

7 MR. FRIEDMAN: From the Town Clerk.

8 CHAIRMAN FLAHERTY: From the Town Clerk,  
9 okay, thank you. Thanks. Anyone else Cliff?

10 MR. HOYLE: I don't believe so at this  
11 time, no Mr. Chairman.

12 CHAIRMAN FLAHERTY: Okay, I'd like to call  
13 the meeting -- the public hearing section of the meeting  
14 to order. Ma'am, if you'd like to speak before you leave  
15 you're welcome to.

16 MS. DECRICIS: Yes, I would love that.

17 CHAIRMAN FLAHERTY: Yes.

18 MS. DECRICIS: I'm sorry.

19 CHAIRMAN FLAHERTY: Don't be sorry.

20 MS. DECRICIS: Thank you.

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1 CHAIRMAN FLAHERTY: You're welcome, take  
2 your time.

3 MS. DECRICIS: I have a 13 year old that's  
4 in the hospital with pneumonia so I need to go home to  
5 him.

6 CHAIRMAN FLAHERTY: Yes, certainly. Well,  
7 you can speak first.

8 MS. DECRICIS: I just want to say a couple  
9 of things. These are my concerns. I live on North  
10 Prospect Street, I've been there for approximately 19  
11 years. I have four children. When I first moved there it  
12 was a quiet rural area, very little traffic. Now I have  
13 to go back to what Judge Hoyle said, as far as the smaller  
14 the road is the less speed.

15 That's not true and I'm sure everybody who  
16 lives in that area can attest to this. It's crazy, the  
17 people speed up and down the road. The police have been  
18 up there. There's been, in the last five years, 25  
19 accidents on North Prospect Street alone, me being one of  
20 them during the snowstorms. It's -- the drivers are

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1 crazy. That's a major concern to me. Secondly, in  
2 Ansonia alone as of today there's 143 houses for sale on  
3 the market. That doesn't include private sales, it  
4 doesn't include rentals. So what makes them think that  
5 these houses are going to sell? What makes these houses  
6 so special? I don't understand it.

7 Another point is schools. I have four  
8 kids in the school system. They're holding storage  
9 closets as classrooms at Prendergast. They can't afford  
10 pencil sharpeners. They can't afford supplies for the  
11 kids. These are going to be more kids going to the  
12 schools, more supplies, more room needed. Cars, if  
13 there's 23 houses you have to figure two cars per house.  
14 That's 56 cars not including guests or children driving. I  
15 mean, there's a lot of concerns that don't even include  
16 the wells or anything structural. The school systems, the  
17 kids in the neighborhood, it's just more chaos, you know?

18 I mean, we have tons of wildlife, it's  
19 nice, it's peaceful, it's serene. Why does everybody have  
20 to think that everywhere there's a couple of trees, let's

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1 build there. You know, it just doesn't make sense to me.

2 I think that they should reconsider it. Thank you for  
3 your time.

4 CHAIRMAN FLAHERTY: Thank you. Anyone  
5 else from the public who wishes to speak? There's going  
6 to be another night of public hearings ladies and  
7 gentlemen. There's a list -- okay. Okay, I'm going to  
8 call and if you could -- if you have anything new to say,  
9 great. I'll give everybody two minutes. We have a  
10 regular meeting after this.

11 You don't have this map in front of you so  
12 you can't even review this map and we will have a public  
13 hearing night probably the week of -- the 7th or the 14th,  
14 and I'm going to ask Commission members when they can make  
15 it. Ed Musante.

16 MR. EDWARD MUSANTE: Edward Musante, I  
17 live on 138B Old Ansonia Road, the back of my house is on  
18 Castle Lane. I feel that the kids are going to have to  
19 walk a mile and a half up Castle Lane, up Old Ansonia  
20 Road, down Elaine Drive to get the bus because that's the

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1 only place that there's school buses.

2 And then the other issue that I gave you  
3 back in September, that Koslowski did a survey how the  
4 roads cannot handle any more traffic up there. They were  
5 having a project over in (indiscernible) there, he did a  
6 survey. So what are these here? You're going to have two  
7 or three cars coming in per house. How's that going to  
8 go? Thank you.

9 CHAIRMAN FLAHERTY: Thank you. Bob  
10 Koslowski. Good evening Mr. Koslowski.

11 MR. BOB KOSLOWSKI: Good evening, Bob  
12 Koslowski, Granite Terrace, Ansonia. It's a good thing  
13 that they're going to be putting public water in for  
14 Castle Lane but what about the rest of the houses in that  
15 area? They're all on well water. This year was an  
16 exceptional year for water, it's not a scarcity.

17 I think that you guys should have them  
18 post a large enough bond so that if any people in that  
19 area on well water that have been damaged because of the  
20 construction, they should put in new wells or put in city

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1 water for everybody. Thank you.

2 CHAIRMAN FLAHERTY: Thank you Mr.

3 Koslowski. Nelson Tchakirides.

4 MR. NELSON TCHAKIRIDES: Thank you Mr.

5 Chairman. Nelson Tchakirides, 138 Old Ansonia Road,  
6 Seymour. I live on the corner of Castle Lane on the  
7 southern property that borders the corner. Since our last  
8 public meeting here I addressed -- I've lived in this  
9 house for 38 years but it's been in existence 55 years.  
10 There's a 55 year old septic system.

11 In checking the Town records and the map  
12 plot my property borders on Castle Lane as I mentioned  
13 before. The narrowest part of the road on my property  
14 boundary is 17 and a half feet. Now if they're proposing  
15 a wider road, I already mentioned that they're going to  
16 need a retaining wall, but also they're going to impinge  
17 on my septic tank and the drainage system for it. That  
18 day I found that out I went to visit Valley Health. They  
19 told me any disruption of my septic system is going to  
20 require permits and remediation.

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1                   They said more than likely because it's so  
2 old, it's going to have to be brought to standards and  
3 that would mean seeing that there is a sewer system on  
4 Castle Lane approximately 250 feet from my property, that  
5 it would behoove the builder to tie me into that system.  
6 Now, that's an additional expense and I don't think I  
7 should have to bear that if I am against this proposal to  
8 start with.

9                   CHAIRMAN FLAHERTY: Are you an Ansonia  
10 resident?

11                   MR. TSHAKIRIDES: I'm Seymour.

12                   CHAIRMAN FLAHERTY: Seymour, so Seymour  
13 didn't provide sewers?

14                   MR. TSHAKIRIDES: Seymour -- no.

15                   CHAIRMAN FLAHERTY: Okay.

16                   MR. TSHAKIRIDES: No sewers, no water.  
17 We're also a well system also.

18                   CHAIRMAN FLAHERTY: Okay.

19                   MR. TSHAKIRIDES: And as I'm sure the  
20 letter from the Seymour Planning & Zoning indicates,

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1 they're opposed to this proposal. Now, they mentioned  
2 that it would be beneficial to have a narrower road, not  
3 to have a connecting road. Well, they're talking about  
4 Ansonia. Seymour is going to bear the burden of all that  
5 traffic on Old Ansonia Road. And I had mentioned  
6 previously that we're now a cut through to the Silver Mine  
7 Industrial Park, so we're a heavily traveled road.

8 The repairs of that road are terrible. If  
9 you walk that area you can see the potholes. If there are  
10 any variances or any changes to Town stipulations and laws  
11 or policies that this organization is requesting, I  
12 suggest you refuse them and that would kill the project.  
13 That's going to be your only legal course, I believe.  
14 Thank you.

15 CHAIRMAN FLAHERTY: Thank you. Noreen --

16 FEMALE VOICE: Noreen left.

17 CHAIRMAN FLAHERTY: Okay, was that the  
18 first speaker?

19 FEMALE VOICE: Yes.

20 CHAIRMAN FLAHERTY: Oh, okay. Susan

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1       Giovacchino.

2                   SUSAN GIOVACCHINO:  Hi, Susan Giovacchino,  
3       I'm here representing my family and we have a lot on North  
4       Prospect Street in Ansonia.  I live on Old Quarry Road in  
5       Seymour, which is a neighboring street.  My parents live  
6       on Potter Road in Seymour.  I've spent almost the whole 40  
7       years of my life in my neighborhood.

8                   This absolutely does not fit in this  
9       neighborhood at all.  It's going to completely change the  
10      face of this neighborhood.  People who have bought homes  
11      here and lived here, I mean, we just don't want this.  
12      It's too much.  There's a few things I'd like to rebut.  
13      You're talking about bringing in a public water supply.  
14      Currently the public water supply goes to the top of North  
15      Prospect Street.  Well, who's going to pay for this?  
16      Normally when they run the water lines in front of  
17      people's houses each lot owner that this runs in front of  
18      has to pay in thousands of dollars, even if they don't tap  
19      into the public water supply.

20                   So is he going to pay for this entire line

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1 with no cost to any homeowners? I mean, that's a major  
2 cost for people.

3 CHAIRMAN FLAHERTY: I don't know where the  
4 line is, I didn't see it yet but --

5 MS. GIOVACCHINO: It stops at the top of  
6 North Prospect Street.

7 CHAIRMAN FLAHERTY: But no, the line he's  
8 putting in. He says it's a private line so you can't tap  
9 into this line. It's a private line -- yeah, if you could  
10 just answer how you're going to get the water there?

11 MR. MARK ROMANO: We're actually going to  
12 come in from Gardner's Lane --

13 COURT REPORTER: Could you get closer to  
14 the microphone please?

15 CHAIRMAN FLAHERTY: State your name  
16 please.

17 MR. ROMANO: I'm Mark Romano, Castle Lane  
18 Developers. We're going to come in from Gardner's Lane  
19 down below, small pump station, private, and we're going  
20 to pump up.

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1 CHAIRMAN FLAHERTY: Up the hill?

2 MR. ROMANO: We're going to pump up the  
3 hill so we're not going to go in front of anybody's house.  
4 We're also working out the details in to get hydrants in  
5 versus underground tanks.

6 CHAIRMAN FLAHERTY: Okay, thank you. So  
7 he's -- the water line isn't going -- it's coming up from  
8 Gardner's Lane.

9 MS. GIOVACCHINO: Okay, I don't live down  
10 there so I don't know but there might be a resident that  
11 is concerned. I'll try to keep it brief, I know you're  
12 going to have a public meeting. These lot sizes are  
13 absolutely tiny. They're going to have a tiny driveway. I  
14 was looking on Ansonia's website, the size of the driveway  
15 can't exceed 12 feet and this goes back to where are  
16 people going to park. There's going to be parking on both  
17 sides of the street. This is a narrow road.

18 And another thing I don't see on this map  
19 but, I don't know if you're aware of it but there's three  
20 old quarries right around this and there's a reason why I

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1 live on Old Quarry Road and there's a street called  
2 Granite Terrace. This is all ledge. And this is going to  
3 be blasting, blasting, blasting, okay. There's no way  
4 he's going to excavate this. He's not going to be able to  
5 excavate the lots or the foundations. I mean -- you know,  
6 we all have septic tanks, we all have sewer systems, our  
7 foundations and the stress and the vibrations, they travel  
8 quite a ways. We're talking all of Old Ansonia Road,  
9 Potter Road, North Prospect Street Extension.

10 I mean, I haven't heard anything touching  
11 upon these issues. So, I'll keep it to that tonight.  
12 Alright, thank you.

13 CHAIRMAN FLAHERTY: Thank you. Sue  
14 Garafalo.

15 SUE GARAFALO: Hi, Sue Garafalo, North  
16 Prospect Street Extension. I don't know about any of  
17 those lines but from what I can see, I have like two and a  
18 half houses in my backyard and I have a lot of woods. So  
19 if they take down whatever trees they're taking down and  
20 my trees that are left on my property, if they fall over

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1       there is that my fault or do I have to clean that up or  
2       how far does it go to the street or their backyards or --  
3       if we had like a 3-D photo things that would be really  
4       good because then we could see things because -- I mean,  
5       I'm up here and if they're down here, my trees here, if  
6       they fall where are they going because now if they fall  
7       they fall. But now do I hit someone's house and if so, is  
8       it mine or is it theirs? That's all.

9                       CHAIRMAN FLAHERTY: Yeah, thank you.  
10       Michael Garafolo.

11                      MR. MICHAEL GARAFOLO: Yeah, I'm  
12       deferring. I agree with what the first woman said, thank  
13       you.

14                      CHAIRMAN FLAHERTY: Okay, thank you Mr.  
15       Garafolo. Gay Zerella -- or Gary, excuse me I'm sorry,  
16       Gary Zerella.

17                      MALE VOICE: He's gone.

18                      CHAIRMAN FLAHERTY: He's gone, okay.  
19       Heather and Joe Lee -- Heather.

20                      MS. HEATHER LEE: Heather Lee, 102 North

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1 Prospect Street Extension. I spoke to someone that  
2 drilled wells their entire life and they said God forbid  
3 they do blasting because they consider what we have  
4 granite hard rock. For one thing, it's difficult to hit  
5 water with it but any blasting could definitely damage our  
6 well systems.

7 So hopefully -- he says there's going to  
8 be no blasting and I hope he can stick to that if this  
9 goes through. My other comment is going to be on that  
10 first -- this gentleman here, Joe something that spoke.  
11 And I'm going to say this, they made an investment. They  
12 bought some property and they made an investment with the  
13 hopes to do this. Sometimes you make a good investment  
14 and sometimes you make a bad investment, that's why it's  
15 called an investment. It's kind of like Wall Street, it  
16 can go up, it can go down. So my opinion is maybe he made  
17 a bad investment.

18 The slope out there, I walked it. I almost  
19 had a heart attack coming back up that mountain. And the  
20 slope is horrific. I have no idea how they're going to

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1 keep erosion away from the ball field and the pond down  
2 below. I've been there now 29 years and the lots are  
3 small but the thing is, we have a wonderful neighborhood.  
4 As you can see, we have a bunch of people that will come  
5 together and stand together and I wonder how much damage  
6 all this extra traffic will do to our neighborhood. And  
7 again, the blasting.

8 I hope there is none because a guy that  
9 did this his whole life, drilled wells his whole life,  
10 told me that would be the worst scenario for my well.  
11 Thank you.

12 CHAIRMAN FLAHERTY: Thank you. Dave and  
13 Judy Connelly. Dave and Judy --

14 MR. DAVE CONNELLY: My name is Dave  
15 Connelly, 53 North Prospect Street Extension.

16 CHAIRMAN FLAHERTY: Good evening Mr.  
17 Connelly, how are you this evening?

18 MR. CONNELLY: First of all, I'd like to  
19 commend Mr. Romano on the decision to put in public water.

20 I think that takes a lot of pressure off of the resident

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1 that are here but again, I reiterate what Heather said.  
2 Blasting is going to be a tremendously bad idea.

3 Ten years ago they did some blasting on  
4 the other side of Colony Pond from where we are and it  
5 caused the walls of one of my wells to collapse. I had to  
6 drill a new well as a result of that and that was four  
7 times further away than this development is located to our  
8 street. Thank you.

9 CHAIRMAN FLAHERTY: Thank you Mr.  
10 Connelly. Did Judy wish to speak -- okay. Philip Tripp.

11 MR. PHILIP TRIPP: Mr. Chairman, Zoning  
12 Board of Appeals, my name is Philip Tripp, 57 Eagle  
13 Street. For all the aforementioned reasons by the  
14 previous speakers, I am very strongly opposed to this  
15 development. I'd like to add another dimension to this  
16 conversation.

17 As many of us in this chamber are aware,  
18 Ansonia's public services are stretched to the limit.  
19 Right now the Board of Alderman has the difficult task of  
20 trying to stretch tax revenues in order to support a

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1 school system that is overburdened. We already have  
2 plenty of students in our school system. We have good  
3 teachers, we have excellent schools, but right now the  
4 funding is not available to take on another, who knows,  
5 10, 20, 30, 40 more students, alright.

6 I don't think the infrastructure, roads,  
7 etc., is ready to accommodate the new arrivals of  
8 residents in the City of Ansonia, the new students into  
9 the school system. I don't think the City can accommodate  
10 all that. That's all I have to say, thank you.

11 CHAIRMAN FLAHERTY: Thank you Mr. Tripp.  
12 Charles Stowe. Careful of the wires Mr. Stowe, I don't  
13 know if there's any wires over there.

14 MR. CHARLES STOWE: There's traps all over  
15 the place.

16 CHAIRMAN FLAHERTY: Yeah, we didn't get  
17 you though.

18 MR. STOWE: Thank you. My name is Charles  
19 Stowe, 23 Granite Terrace. I am very happy to hear about  
20 that private water. That's a step in the right direction.

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1 This fellow over here, what was your name sir?

2 MR. FRIEDMAN: Dana Friedman.

3 MR. STOWE: Dana Friedman, was that an  
4 admittance that the slopes are too steep on the property?

5 CHAIRMAN FLAHERTY: I'd have to read the  
6 transcript and that whole section has to be reviewed by  
7 our attorney.

8 MR. STOWE: Well, I just -- you know, for  
9 him to stand --

10 CHAIRMAN FLAHERTY: I don't know, you make  
11 your own --

12 MR. STOWE: -- that's what I interpreted  
13 when I heard it. It was a pre-admittance that the slopes  
14 are too steep. My wife and I worked about 10 hours,  
15 that's about it, on looking into what was going on on that  
16 piece of property over there.

17 CHAIRMAN FLAHERTY: Address the Chair  
18 please.

19 MR. STOWE: And we found the Kings Mark --  
20 we had the missing pages which you made, and it talked

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1 about the slopes and the sedimentation and the ground not  
2 growing -- you know, the topsoil that's there not being  
3 able to accommodate growth on it they believe. You know,  
4 and that -- so I'm just -- that stuff was all available  
5 with addressing it easily, you know.

6 I don't understand why they couldn't have  
7 done that research beforehand. My big concern right now  
8 after what I've heard is that the pipe that's going --  
9 you've got the set of plans in front of you. Is the pipe  
10 that's going down to Gardner's Lane a 15 inch pipe still  
11 into a 12 inch pipe?

12 CHAIRMAN FLAHERTY: You point it out in  
13 your letter.

14 MR. STOWE: Is that still -- did you  
15 change that? How does that work? It can't work. I'm  
16 just -- in the Kings Mark they suggested a 30 inch pipe  
17 going into --

18 CHAIRMAN FLAHERTY: Mr. Stowe, please --

19 MR. STOWE: -- well he's the engineer, he  
20 --

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1                   CHAIRMAN FLAHERTY: Yeah, but you can't do  
2 that. You have to --

3                   MR. STOWE: Well, I'm trying to actually  
4 help him. I mean, they called for a 30 inch pipe going  
5 into the existing swale that was at Colony Park and that  
6 swale is gone but the swale is across the other side of  
7 the street. I just want to make you aware of that.

8                   CHAIRMAN FLAHERTY: Well, I have your  
9 letter and -- if you heard me read it into the record and  
10 it's going to be on the record. The City engineer has to  
11 go through all that plus their engineer I'm assuming, but  
12 his answer is no, it's still 15 going into 12.

13                   MR. NESTERIAK: Would you like me to  
14 address it?

15                   CHAIRMAN FLAHERTY: Sure, if you could.

16                   MR. NESTERIAK: The reason they had  
17 upgraded the pipe to a 30 inch and then in a couple of  
18 places 24 inch is because before they didn't provide any  
19 detention. So they were just shooting all the water down  
20 Gardner's Lane and into Colony Road. We're not doing

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1 that. We're actually reducing the amount of storm water  
2 that's going that's going to go to Gardner's Lane and  
3 therefore, we don't have to upgrade that system. That's  
4 the reason.

5 MR. STOWE: I mean, I have a plumbing  
6 license and one of the requirements is you cannot run a  
7 bigger storm drainage pipe into a smaller one. The only  
8 thing that can do that is waterlines.

9 CHAIRMAN FLAHERTY: Okay.

10 MR. STOWE: Something I know everyone here  
11 is concerned with is how is this going to mesh with the  
12 Seymour Zoning because I noticed in the paper that the  
13 zoning --

14 CHAIRMAN FLAHERTY: If you -- if you heard  
15 me, for the record there were 14 items and one of them is  
16 another letter from the Seymour Planning & Zoning  
17 Commission that will be on file.

18 MS. FLAHERTY: It's on file.

19 CHAIRMAN FLAHERTY: I'm sorry?

20 MS. FLAHERTY: It's on file.

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1 CHAIRMAN FLAHERTY: It's on file.

2 MR. STOWE: And are we still going to be  
3 able to get the Kings Mark to do a new research on this if  
4 they're willing? I mean, I don't know if we have enough  
5 time for that.

6 CHAIRMAN FLAHERTY: All the information is  
7 sent for. We've asked for a permission letter for their  
8 environmentalist to go on the property and I'm going to  
9 see if it's here this evening.

10 MR. STOWE: Well, the good thing about the  
11 Kings Mark is it's not weighing towards either party.  
12 It's not weighing towards the public, it's not weighing  
13 towards the developer.

14 CHAIRMAN FLAHERTY: So to answer your  
15 question this is open till the 28th of November, I believe  
16 it will be. So that should give enough time for them to  
17 get their report in. But we don't have a permission slip  
18 yet. That's -- we'll have to -- I have a note right here,  
19 permission question mark.

20 MR. STOWE: So the developer has to give

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1 permission for that.

2 CHAIRMAN FLAHERTY: It has to give him  
3 permission to go on their property just like --

4 MR. STOWE: Right, exactly.

5 CHAIRMAN FLAHERTY: -- just like they  
6 can't go on your property without your permission. We  
7 need permission, so we either get it or we don't.

8 MR. STOWE: For the record --

9 CHAIRMAN FLAHERTY: So if we get it we  
10 will have the Kings Mark study. If we don't get it then  
11 we're not going to have it, so.

12 MR. STOWE: Okay, because the original  
13 188, when the engineer here was talking about the  
14 detention basin that he talked about with the less flow  
15 they said in their original research that had water, they  
16 had City water in the original plan, that that sediment  
17 pond was not going to be able to handle the water because  
18 of the steepness of the slopes.

19 I've also asked before here at the public  
20 hearing what are the percentage of grades of that storm

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1 drainage that comes down the hill from their proposed road  
2 down to Gardner's Lane because -- I mean, that is steep  
3 there and when you -- which our engineer here I know knows  
4 this. You know, you have an issue of velocity, you know,  
5 and we could have a little water fountain down there.

6 CHAIRMAN FLAHERTY: So your question is  
7 will that detention pond take care of the storm drainage?

8 MR. STOWE: Storm drainage and the  
9 velocity of the water going into it.

10 CHAIRMAN FLAHERTY: The velocity of the  
11 water, okay.

12 MR. STOWE: Okay, and that's about it for  
13 me. And I am glad they went to private water. That was  
14 good.

15 CHAIRMAN FLAHERTY: Okay, Deirdre Stowe.  
16 Deirdre Stowe?

17 MS. DEIRDRE STOWE: Um, I don't have --

18 MR. STOWE: I did. You might want to ask  
19 Mr. Hoyle for a copy of that --

20 CHAIRMAN FLAHERTY: That will be on

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1 record. What we got, that will be on record tomorrow  
2 morning.

3 MR. STOWE: Thank you.

4 CHAIRMAN FLAHERTY: Ms. Stowe, did you  
5 want to speak?

6 MS. STOWE: No, I didn't.

7 CHAIRMAN FLAHERTY: Okay, thank you. Lisa  
8 Bisio. Lisa Bisio?

9 MS. LISA BISO: No, I -- I'm like  
10 everybody else, I worry about the well water.

11 CHAIRMAN FLAHERTY: Okay. You put her  
12 name down?

13 MR. STOWE: I thought she'd want to speak,  
14 I'm sorry.

15 CHAIRMAN FLAHERTY: Okay, thank you Ma'am.  
16 Alright, Bill Gambino.

17 MR. BILL GAMBINO: Good evening.

18 CHAIRMAN FLAHERTY: Good evening Mr.  
19 Gambino.

20 MR. GAMBINO: Bill Gambino, 131 Old

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1 Ansonia Road, Seymour.

2 CHAIRMAN FLAHERTY: How are you tonight?

3 MR. GAMBINO: Very good. I don't have  
4 much to add to what everyone else has added about, the  
5 wells and the traffic. If you were to sit in my driveway  
6 -- I live right across from where Castle Lane is and I  
7 have the garbage guys coming in on my yard turning around  
8 and stuff. So I'm concerned about the traffic.

9 Old Ansonia Road, like others have said,  
10 is a narrow road. Barely sometimes two cars can go by let  
11 alone 10 wheelers or tractor trailers with all the dozers  
12 and whatever equipment they're going to bring in. I have a  
13 shallow well. My house sits on the ledge and I'm also  
14 concerned about the well because I know the vibrations  
15 will run right through that rock. That's about it. I'm  
16 opposed to it because I'm going to be looking at it for  
17 the next 10 years. So there you go, thank you.

18 CHAIRMAN FLAHERTY: Thank you sir. James  
19 Nickle.

20 MR. JAMES NICKLE: James Nickle, 23 North

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1 Prospect Street Extension. I really don't have anything  
2 else to add than other concerns that have been addressed.  
3 The only thing I think that I could be able to add is the  
4 private water that was mentioned, I'd like to hear more  
5 about it and if North Prospect Street Extension could be  
6 pipe-lined into it. In the case of a well issue with  
7 blasting, if there'd be blasting, and thank you.

8 CHAIRMAN FLAHERTY: Okay, thank you very  
9 much Mr. Nickle. That's all that's on the list. Is there  
10 anyone else from the public who'd like to briefly speak?  
11 Okay, gentleman in the back first. Mr. Cruz.

12 MR. JESUS CRUZ: Yeah, Jesus Cruz, 25  
13 Castle Lane.

14 CHAIRMAN FLAHERTY: How are you?

15 MR. CRUZ: I'm alright.

16 COURT REPORTER: Say your name again?

17 MR. CRUZ: Jesus Cruz. First I'd like to  
18 congratulate Mr. Romano on coming around to our side and  
19 bringing in water. I think this is a great idea. I think  
20 it's going to help the project a lot. I'd also like to

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1 address his second lawyer's comment about not being  
2 informed by this Board or by the City of Ansonia as to the  
3 Regulation 320 or it not being included in their copy of  
4 the zoning regulation.

5 I'm a businessman. I do a lot of research  
6 when I'm going into any kind of project. It is a  
7 requirement of me to know what I have to do and when I  
8 don't find out, I have to add it in. It is something that  
9 every businessman that's here knows. You know, you can't  
10 expect to know every single change. You've got to go with  
11 the flow. And I understand that ignorance of the law even  
12 in a civilian area is no excuse. He has two lawyers  
13 sitting in here, he should be asking them why they didn't  
14 know this. Not us or not you, okay.

15 CHAIRMAN FLAHERTY: Thank you Mr. Cruz.

16 MR. CRUZ: You're welcome, have a good  
17 night.

18 CHAIRMAN FLAHERTY: And then the gentleman  
19 in the first row after.

20 MS. JANET BEBE: Janet Bebe, 10 Potter

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1 Road in Seymour. If he does blast his property on Castle  
2 Road, if somehow someday our foundations or our wells  
3 fracture or malfunction, who's responsible for fixing  
4 those? That's my comment, thank you.

5 CHAIRMAN FLAHERTY: That's a civil matter  
6 Ma'am. I can't -- it's very, very difficult -- it's under  
7 the jurisdiction of the Fire Marshal. And the Fire  
8 Marshal has to put safeguards -- make sure safeguards are  
9 in place to measure the blast and so forth. And a  
10 blasting study prior to any start, but that's the Fire  
11 Marshal's responsibility. Planning & Zoning can't control  
12 that.

13 Gentleman in the first row.

14 MR. MIKE WOLINSON: Mike Wolinson, 97 Old  
15 Ansonia Road in Seymour. I share the same concerns. I  
16 have well water. I'm also concerned that it's a State  
17 road, 115, that joins the 313 that comes up to Haddad  
18 Road. Right now if they put that road through you'll save  
19 two miles instead of going by State road. So that would  
20 be a cut-through going through Old Ansonia Road saving

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1 half the time or half the mileage.

2 And I guess my concern is that people from  
3 the State road would go onto my road and cut through. So  
4 it's a traffic issue or a safety issue because instead of  
5 going on the State road where they should, they would cut  
6 through. That's it, thank you.

7 CHAIRMAN FLAHERTY: Alright, thank you.  
8 Okay, anyone else who wishes to speak? Yes.

9 MR. DAVID WILLIAMS: David Williams, 69  
10 Rockwood Avenue, Ansonia. I really hadn't planned on  
11 speaking but I wanted to address a couple of things that  
12 have come to my mind. One of them is, the blasting now is  
13 something that I hadn't thought greatly about except that  
14 when they built the house up the street from my home, four  
15 houses up, five houses up, they were blasting and my  
16 sister attested to this at the first hearing, her walls  
17 were cracked.

18 You know what they told us, too bad.  
19 Nothing you could do. We had to pay for the repairs  
20 ourselves. Can this Board or does it have the power, to

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1 forbid blasting? Don't you have the power to do that?

2 CHAIRMAN FLAHERTY: We don't have the  
3 power to really address it. It's State statute that gives  
4 it to the Fire Marshal and the Fire Marshal controls  
5 blasting.

6 MR. WILLIAMS: Ahum, okay.

7 CHAIRMAN FLAHERTY: I mean, he can require  
8 pre-blast tests.

9 MR. WILLIAMS: Another thing I'd like to  
10 address is --

11 CHAIRMAN FLAHERTY: But we're told by the  
12 applicant that he don't plan to blast, so.

13 MR. WILLIAMS: He don't plan it -- raise  
14 your right hand to God and still swear, right. The second  
15 thing I'd like to address is the potential damage to --  
16 it's been mentioned here but the potential damage to  
17 Gardner's Lane. If you think back to August 1st of this  
18 year, that was the day that we had torrential rains and  
19 the water came down Pulaski Highway, down Prindle Avenue,  
20 down Platt Street and where did it wind up? A foot and a

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1 half of it wound up on Main and Father Selani Drive. It  
2 washed out part of the bank coming down from the bottom of  
3 Platt Street.

4 When you take down all those trees to put  
5 up those 23 houses, when you put macadam and grass down  
6 for driveways and lawns, what's going to hold it back?  
7 What's going to hold the water back? And believe me,  
8 having lived there and roamed those hills when I was a kid  
9 I know exactly how steep that is. And I've also had to  
10 haul hose up from Colony Pond to fight fires up there.  
11 Believe me, try taking an inch and a half, that's all we  
12 brought up, and that was heavy enough. That water that's  
13 going to come down there is going to flood Gardner's Lane.

14 Third thing I'd like to address, he  
15 mentions the size of the pump -- or he mentioned the pump  
16 but he didn't mention the size of the pump, how adequate  
17 it would be. Is it going to be adequate to fight a fire  
18 with pumpers using two and a half gallons a minute? Two  
19 pumpers to a house fire?

20 CHAIRMAN FLAHERTY: This is all new to us.

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1 We just found out this evening that --

2 MR. WILLIAMS: That's why I'm bringing it  
3 up.

4 CHAIRMAN FLAHERTY: -- that the water --  
5 he's providing water so we have to -- those are the  
6 questions that have to be asked.

7 MR. WILLIAMS: It sounded to me like he --  
8 the engineer said that they're going to just keep the  
9 30,000 gallon tank and depend on this pump. Is the pump  
10 going to be big enough? Is it going to be adequate enough  
11 to get the water up there?

12 CHAIRMAN FLAHERTY: Well Mr. Romano  
13 mentioned that he is exploring hydrants, so.

14 MR. WILLIAMS: Water weighs over seven  
15 pounds a gallon. It takes a heavy pump to get it up that  
16 hill that high. The last thing I would like to address is  
17 an article that was in last week's Valley Gazette, and  
18 I'll hand you a copy. I highlighted a couple of things  
19 there. In it two Aldermen spoke at the last Board about  
20 this exact type of thing.

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1 Alderman Membrini says Ansonia has a  
2 residential overdevelopment problem. Our education system  
3 and public services are already stretched to their limits.  
4 More housing will increase the burden to our schools and  
5 taxpayers. That's a quote -- it's in quotes. The other  
6 Alderman was Mr. Blume, who stated we need to permanently  
7 avoid the cost increases that would be imposed by the  
8 construction of more single-family homes. The cost  
9 increases would affect the school system and public safety  
10 he said.

11 Along with public safety comes the traffic  
12 that's going to come by my house. Just like the first  
13 lady said, she lives on North Prospect Street Extension, I  
14 live on Rockwood Avenue. The section I live on on  
15 Rockwood Avenue is the only straight section and believe  
16 me, they go by my house sometimes 60 miles an hour. Three  
17 accidents on my sister's car right next door. They drive  
18 over the lawns. It's the widest section of the road so if  
19 you widen Castle Lane or anything else, it's just going to  
20 make a bigger racetrack. And that's about it, I

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1 appreciate your time. Thank you very much.

2 CHAIRMAN FLAHERTY: Thank you. Anyone  
3 else? Is there anyone else who wishes to speak? Anyone  
4 else? Yes Ma'am, state your name and address please.

5 MS. ROSEMARY SLOWIK: My name is Rosemary  
6 Slowik, I live on 31 Castle Lane. I'm two houses away  
7 from where this development would begin and needless to  
8 say, I'm not thrilled about any kind of blasting or any  
9 damage to my well. I also have to add though that I do  
10 have concerns about the public services with roads and  
11 education in the public schools and I just don't think  
12 there's anything good that can come out of this for  
13 Ansonia.

14 CHAIRMAN FLAHERTY: Thank you very much.  
15 Anyone else who wishes to speak? Anyone else who wishes  
16 to speak?

17 FEMALE VOICE: Can I add one thing to what  
18 I spoke to earlier?

19 CHAIRMAN FLAHERTY: Sure briefly, go  
20 ahead.

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1 COURT REPORTER: You have to come up here.  
2 State your name please.

3 MS. GIOVACCHINO: Susan Giovacchino. We  
4 went through this a few years ago with another proposed  
5 development and I'm not sure if you're aware of this but  
6 where Potter Road intersects with North Prospect Street,  
7 there is a completely blind hill and the cars are flying  
8 over this. They have to be going 50/60 miles an hour.  
9 You cannot get anybody there to take any kind of radar.  
10 Well, they found that this was -- they couldn't put this  
11 development in because this could not handle this. It was  
12 a safety issue and this is in Ansonia. So you need to  
13 look at this spot because there's no way we can handle the  
14 traffic.

15 I mean, I walk with my three year old on  
16 Castle Lane because Old Ansonia Road, it's gotten so crazy  
17 that -- I mean, it's dangerous. And we walk over to  
18 Castle Lane because it's a nice quiet road and it's going  
19 to be trashed. You know, there's going to be dump trucks  
20 coming up and down. And there was a few houses being

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1 built that the dump trucks were flying. No one polices  
2 them. I called the Town Hall, I called the Police  
3 Department, nobody cares. These are dump trucks flying  
4 over blind hills, around corners and these are tiny  
5 streets.

6 You know, this is very unsafe and I just  
7 don't think that -- I just don't see how this could be  
8 passed, thank you.

9 CHAIRMAN FLAHERTY: You should talk to  
10 your Alderman on the speeding thing. You know, it's a  
11 Police Department issue and it should be responded to.

12 MS. GIOVACCHINO: Yeah, it should.

13 CHAIRMAN FLAHERTY: Okay, anyone else who  
14 wishes to speak? Anyone else who wishes to speak? Anyone  
15 else who wishes to speak? The Chair declares the public  
16 session closed.

17 Cliff, we needed a permission letter for  
18 Kings Mark to go onto your property. I was wondering if  
19 you had that so we could forward it?

20 MR. HOYLE: Mr. Chairman, we've gone

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1 through this with the Wetlands Commission back in  
2 February. We agreed that a Kings Mark study would occur.  
3 And then at the end of June Kings Mark sent a letter, I  
4 believe the Board has a copy of it don't they?

5 CHAIRMAN FLAHERTY: We've talked to Kings  
6 Mark and they're waiting for a permission slip.

7 MR. HOYLE: Well, but they indicated at  
8 the end of June that they didn't want to.

9 CHAIRMAN FLAHERTY: Well they're  
10 indicating now that they will, so.

11 MR. HOYLE: Well from a time point of view  
12 Mr. Chairman, we've been -- six months have gone by and  
13 the Board -- the Commission -- the Wetlands Commission  
14 received the letter --

15 CHAIRMAN FLAHERTY: We're not the Wetlands  
16 Commission. If you'll give us a letter of permission,  
17 fine. If you won't, then that's fine too. I can't  
18 control that. We went and left a letter at your office to  
19 see if you would forward a permission slip, I have no  
20 control over when they'll do it or if it will be on time.

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1 I'm not the Wetland's Commission, we're the Planning &  
2 Zoning Commission. I'm under the impression -- I had the  
3 Secretary call, and I'm under the impression -- we've sent  
4 maps which you didn't get to us. I had to send my record  
5 map.

6 We've sent maps and information to Kings  
7 Mark and the last thing they're waiting for is permission  
8 to go on the property. So we didn't get the permission, I  
9 had the Secretary go to your office Friday with a letter  
10 and a permission slip and I was hoping to get the  
11 permission this evening.

12 MR. HOYLE: I think at this time Your  
13 Honor, my client believes that all it's going to do is set  
14 up a potential for a great deal of delay. They wrote a  
15 letter to the Wetlands Commission indicating that they did  
16 not want to be involved with this property again. That  
17 was after many months and now more months go by and he's  
18 confronted with a request that well now, maybe they want  
19 to do it.

20 CHAIRMAN FLAHERTY: You know that we have

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1 time constraints Mr. Hoyle --

2 MR. HOYLE: Exactly.

3 CHAIRMAN FLAHERTY: -- and if the  
4 information isn't here in that time span then we can't use  
5 it. It won't be part of the public hearing. If they can  
6 get out there and do the study in a timeframe before  
7 November 28th, they could put it on the public record.

8 MS. FLAHERTY: Elaine Fitch is the person  
9 that Mr. Stowe had called. She called me, I got the whole  
10 packet together and we had it delivered. She called me on  
11 Friday stating that she's still waiting for this.

12 MR. HOYLE: Right.

13 MS. FLAHERTY: So if I get it signed today  
14 and fax it to her tomorrow, they'd be all set. That's  
15 what she told me.

16 MR. HOYLE: Did she indicate any time  
17 period?

18 MS. FLAHERTY: She said -- I gave her the  
19 timeframe that we had and she said just fax me the letter  
20 of permission. That was her extent of the conversation,

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1 that's why I brought this over to your office on Friday.

2 CHAIRMAN FLAHERTY: Okay, that's fine.

3 MR. HOYLE: Thank you.

4 CHAIRMAN FLAHERTY: Thank you.

5 MR. HOYLE: Mr. Chairman, perhaps I can  
6 discuss some more with my client and I'll be back in touch  
7 with the Chairlady.

8 MR. JARED HEON: Can I ask a question?

9 CHAIRMAN FLAHERTY: Sure.

10 MR. HEON: Do you or maybe one of your  
11 staff want to address the blasting concern at all because  
12 I think that's going to be an underlying thing after you  
13 leave here tonight so maybe explain --

14 MR. HOYLE: Well, I'm no expert in  
15 blasting. My previous involvement with blasting has been  
16 that, as you know, it's very, very, very closely  
17 controlled. There's pre-blast studies done before any  
18 blasting occurs. Our studies have indicated that we're  
19 not going to be blasting on this property. And there has  
20 been tests that have been performed that lead him to that

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1 conclusion. He doesn't want to blast and he's had tests  
2 performed that indicate that he shouldn't be blasting.  
3 But if he does, he's got to comply with all the  
4 regulations that I think people that have been involved  
5 with projects know that today it's very, very, very  
6 closely regulated.

7 So I think that although the concern is  
8 there, I certainly would be concerned if I lived nearby  
9 there, I think that people should be confident that there  
10 are precautions that are taken and rules and regulations  
11 that are in effect that require them to comply and to use  
12 very, very limited charges based upon what they have to  
13 do. And I know areas in Town where they have blasted  
14 residential areas where there's been no damage or claims  
15 of damage by anyone. So I think that's all we can say at  
16 this time, it's something we've discussed ourselves as  
17 we're sitting here hearing about blasting concerns, that  
18 we may address that in greater detail.

19 MR. HEON: But you're aware of the  
20 topography in your --

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1                   CHAIRMAN FLAHERTY: Absolutely,  
2 absolutely. And as I say, we're discussing among  
3 ourselves here while we're sitting here tonight that we  
4 intend to address that more too.

5                   CHAIRMAN FLAHERTY: How many test holes  
6 were dug?

7                   MR. ROMANO: Five.

8                   CHAIRMAN FLAHERTY: Five, five on that  
9 whole parcel and you can determine you don't need any  
10 blasting with five test holes?

11                  MR. ROMANO: Well, it's not just test  
12 holes. The sewer line has been installed right through  
13 the middle of the property and down through the property.  
14 There, there's no evidence of blasting. The well reports  
15 from everybody on Castle Lane shows bedrock is down at 30  
16 feet, so that's a very good indicator. And yeah, the test  
17 pits -- on the high side we're doing raised ranches. We'd  
18 have to go down three feet, 40 inches. On the low side  
19 we're doing colonials with walkouts. Again, you're not  
20 going very deep, you're filling in front yards if

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1 anything.

2 And there's no evidence, there's no  
3 outcroppings of ledge. There's a lot of big rocks, a lot  
4 of big rocks, but there's no evidence of ledge coming  
5 right out of the ground.

6 CHAIRMAN FLAHERTY: Fred, do you think  
7 five test holes are adequate or would you require more?  
8 Here's my reason, I want to know by -- we're going to have  
9 another public hearing. What I plan at the next public  
10 hearing is I want to know from the applicant every step  
11 right from the day you drive up with a truck and start  
12 work, how you plan to -- are you clear cutting, what you  
13 plan to do, when are you going to put your retention  
14 devices in, when you're going to put your upper swales --  
15 I want to know everything. I want to know inch by inch,  
16 every -- and you're going to be questioned on everything.

17 I'm going to talk to our City engineer and  
18 our planner, so please be prepared to address blasting, to  
19 address are you clear cutting -- all the questions. Mr.  
20 Stowe, are you going 13 inches or 15 inches into 12

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1 inches, and the City engineer will have to determine if  
2 that's acceptable or not. Have you made application to  
3 the State? You're disturbing more than 10 acres.

4 MR. ROMANO: We're not -- we don't plan on  
5 disturbing more than 10 acres.

6 CHAIRMAN FLAHERTY: Well you got 13 acres,  
7 you're going to develop it.

8 MR. ROMANO: We're not developing all 13  
9 acres.

10 CHAIRMAN FLAHERTY: Well Attorney Welch,  
11 I'd like you to check that to see if they have to make --  
12 I'm sorry Ozzie?

13 MR. INGLESE: I thought they had to  
14 perform one or two acres --

15 CHAIRMAN FLAHERTY: I thought they had to  
16 too, so those type things you're going to have to check.

17 MR. ROMANO: I also believe that's only  
18 during construction not now during the approval.

19 CHAIRMAN FLAHERTY: So at the next public  
20 hearing if you could be prepared, plus this map wasn't on

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1 file so the folks here have an opportunity to look at any  
2 changes that you made. And I'm going to entertain a  
3 motion to send a letter to the Fire Marshal to come and  
4 explain blasting so the folks here can hear first-hand  
5 about the blasting situation.

6 I hope you're more knowledgeable on your  
7 water supply, if you could put hydrants in at that time.  
8 And there will be a number of questions when we go through  
9 the transcripts of all the questions that were asked --  
10 know they're on file so you can read them too, of all the  
11 questions that were asked and we're going to have those  
12 questions again for you. So that's the question, are you  
13 at the threshold you have to notify the State?

14 MR. ROMANO: We are not the way I  
15 understand it.

16 CHAIRMAN FLAHERTY: And I don't have that  
17 right in front of me, but somewhere I do. But that  
18 question will also be so you better double-check on that.

19 MR. HOYLE: We'll research that more.

20 CHAIRMAN FLAHERTY: If you could research

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1 it. We have to set a public hearing date and not on a  
2 meeting night. And I want it soon enough so that we can  
3 get the information and have time to review it and ask  
4 questions before we run out of time for a public hearing.  
5 So I'm suggesting -- let's see, October 7th I can't make  
6 it. The 8th is no good.

7 MR. INGLESE: You mean November.

8 CHAIRMAN FLAHERTY: Excuse me, I'm sorry.  
9 November 8th, that's election day. So November 9th is a  
10 Wednesday, November 10th is a Thursday, November 11th is  
11 out because that's Veteran's Day, that's the week of the  
12 7th. So there's two days available, the 9th and the 10th.  
13 Then the following Monday is the 14th, I believe. I don't  
14 have a calendar in front of me.

15 MR. HOYLE: Yes it is Mr. Chairman.

16 CHAIRMAN FLAHERTY: Okay, so the following  
17 Monday is the 14th. So we'd like to set a meeting date  
18 now for a full public hearing. I want you to be prepared  
19 to begin the public hearing with a full explanation on how  
20 you plan to do this and then we will open it up to the

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1 public to question anything of those things that you  
2 submitted, plus have an opportunity to look at this map  
3 which will be on file.

4 So guys, think about it -- Mr. Musante, do  
5 you have something to add?

6 MR. MUSANTE: Yes, when we did the  
7 walkthrough up there he said he was going to do drilling  
8 not blasting. When we did the walkthrough with him up  
9 there he said he was going to do drilling, now he's  
10 contradicting he's going to blast.

11 CHAIRMAN FLAHERTY: He didn't say he's  
12 going to blast. He said he's not going to blast and my  
13 question was is five test pits enough to tell him that  
14 he's not going to have to blast. And I want the City  
15 engineer to start thinking about this before the end of  
16 the meeting because you might want to require more test  
17 drills on that area.

18 MR. D'AMICO: I think it might be even  
19 more beneficial for the applicant to do at least five more  
20 additional holes maybe 10 feet deep. If he really does

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1 feel that there's no blasting, it will only prove it for  
2 himself and everybody else that rather than having to  
3 address the blasting issue then he'll eliminate the  
4 blasting issue. It would probably make more sense for him  
5 to do that.

6 CHAIRMAN FLAHERTY: That's a suggestion  
7 being made. Whether you take the suggestion up or not is  
8 up to you. Sir, do you have something to add?

9 MR. NELSON CHECKARADIS: Yes Mr. Chairman.

10 CHAIRMAN FLAHERTY: Your name and address  
11 please.

12 MR. CHECKARADIS: Nelson Checkaradis  
13 (phonetic), 138 Old Ansonia Road. If they're going to be  
14 requesting -- producing plans and everything, could they  
15 submit plans to show how they would retain my property if  
16 they have to widen Castle Lane?

17 CHAIRMAN FLAHERTY: They have to submit  
18 plans on anything that they're going to do.

19 MR. CHECKARADIS: Okay.

20 CHAIRMAN FLAHERTY: The State law controls

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1 everything that we're talking about off-site. So if they  
2 have to do that -- if they're going to do that they'll  
3 have to do it, but off-site, that's off-site. We're very  
4 limited as to what control, we have off-site.

5 So does anyone -- Gentlemen, what --

6 MR. INGLESE: What date of continuance --

7 CHAIRMAN FLAHERTY: -- yeah, to continue  
8 the public hearing to.

9 MR. INGLESE: -- yeah, what day would that  
10 be?

11 CHAIRMAN FLAHERTY: I don't know, I'm  
12 trying to ascertain that. The 14th would be a Monday, the  
13 14th? Okay --

14 MALE VOICE: That would give us two full  
15 weeks to process whatever came out of that hearing --

16 CHAIRMAN FLAHERTY: Okay, 14th at 7:00  
17 p.m. here, and I will have an alternate site in case we  
18 need it. As long as you folks don't mind sitting up there  
19 we probably can do it here. Okay, I'll entertain a motion  
20 to --

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1 MS. FLAHERTY: Bart, there's somebody --

2 CHAIRMAN FLAHERTY: Yeah okay, I'm sorry  
3 your arm was behind Attorney Hoyle.

4 MS. STOWE: I'm Deirdre Stowe, 23 Granite  
5 Terrace. I just want to --

6 COURT REPORTER: I'm sorry, your first  
7 name please?

8 MS. STOWE: --Deirdre, Deirdre Stowe, 23  
9 Granite Terrace. I just want it to be clear that we've  
10 asked for permission to go on the property, and what was  
11 the answer?

12 CHAIRMAN FLAHERTY: We haven't -- they're  
13 thinking about it.

14 MS. STOWE: They're thinking about it --

15 CHAIRMAN FLAHERTY: Correct.

16 MS. STOWE: -- okay, just to be clear.  
17 Thank you.

18 CHAIRMAN FLAHERTY: Correct. Okay, I have  
19 a motion to -- well, I don't want to yet. Commissioners,  
20 anyone have anything? Attorney --

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1 MR. WELCH: No Mr. Chairman, there was a  
2 comment to say that we're closing the public hearing and I  
3 understand that was -- ending it tonight to continue it --

4 CHAIRMAN FLAHERTY: Continue it --

5 MR. WELCH: -- to a date certain.

6 CHAIRMAN FLAHERTY: Yeah, okay. Fred?

7 MR. D'AMICO: Nothing right now.

8 CHAIRMAN FLAHERTY: Okay, but you suggest  
9 five more test holes?

10 MR. D'AMICO: I would think that would  
11 solve the problem so at least for the next meeting then  
12 we'll know that -- have that information also.

13 CHAIRMAN FLAHERTY: Okay, Ozzie?

14 MR. INGLESE: I'm still concerned about  
15 whether Attorney Friedman prevails in his notion that it  
16 was not referred to the Regional Planning Agency and  
17 therefore, illegal, whether they still can meet the  
18 criteria of Section 320.4. I haven't got an answer for  
19 that yet.

20 CHAIRMAN FLAHERTY: We'd like that answer

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1 too at the next public hearing, that if you cannot meet  
2 Section 320.4 we'd like to know. That's the slopes.  
3 Okay, I'll entertain a motion to send a letter to the Fire  
4 Marshal requesting that he be here at our November 14th  
5 public hearing to give a brief explanation on blasting and  
6 the requirements and the criteria and to answer any  
7 questions. I'm sorry?

8 MR. BETTINI: We should first do the  
9 motion for the 14th.

10 CHAIRMAN FLAHERTY: Yeah, but when I do  
11 that it closes the public hearing. So I'm assuming we're  
12 going to do the 14th.

13 MR. INGLESE: I make a motion --

14 MALE VOICE: Second.

15 CHAIRMAN FLAHERTY: Motion to send a  
16 letter --

17 MALE VOICE: Second.

18 CHAIRMAN FLAHERTY: All in favor?

19 VOICES: Aye.

20 CHAIRMAN FLAHERTY: Anyone opposed?

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1 Anyone abstained? Okay, we will send a letter to the Fire  
2 Marshal. I'll entertain a motion to continue the public  
3 hearing to November 14th at 7:00 p.m. in this room.

4 MALE VOICE: So moved.

5 MR. INGLESE: I make a motion --

6 CHAIRMAN FLAHERTY: All in favor?

7 VOICES: Aye.

8 CHAIRMAN FLAHERTY: Anyone opposed?

9 Anyone abstain? Chair declares the motion passed. Ladies  
10 and gentlemen, the public hearing is continued until  
11 November 14th at 7:00 p.m. here.

12 Everything that's discussed is going to be  
13 on file at the Town and City Clerk's office. The verbatim  
14 transcript of these minutes will be on file within four or  
15 five days. And that will be on file at the Town and City  
16 Clerk and it will probably be online also. I apologize  
17 for not having this map. We received it tonight, you  
18 didn't have an opportunity to look at it. You will have  
19 the opportunity to look at it before our next public  
20 hearing.

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1                   Our next public hearing is not the night  
2 of a regular meeting so there'd be no time constraints  
3 whatsoever. We may or may not have to move.

4                   MR. NESTERIAK: Just a quick question if I  
5 may?

6                   CHAIRMAN FLAHERTY: Sure.

7                   MR. NESTERIAK: Obviously we want to get  
8 these plans in as soon as possible so you have time to  
9 review them. The next set with the water line details,  
10 does that need to be on your plan?

11                   CHAIRMAN FLAHERTY: If that's what you're  
12 proposing.

13                   MR. NESTERIAK: I would think that that  
14 would be prudent, yes. So if that's the case --

15                   CHAIRMAN FLAHERTY: Well you know, it's  
16 strike one here.

17                   MR. NESTERIAK: Well, we don't have to do  
18 it --

19                   CHAIRMAN FLAHERTY: You don't want strike  
20 two -- yes, you do. I want it -- if you're proposing --

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1 anything you're proposing -- you made proposals this  
2 evening of what you were going to do. My suggestion is to  
3 get a set of maps a week before the meeting.

4 MR. NESTERIAK: How many sets?

5 MS. FLAHERTY: Thirteen.

6 CHAIRMAN FLAHERTY: Thirteen sets.

7 MR. NESTERIAK: Very good, thank you.

8 CHAIRMAN FLAHERTY: Ah, 14 sets.

9 MS. FLAHERTY: Fourteen sets.

10 MR. NESTERIAK: Thank you.

11 MR. D'AMICO: Mr. Chairman --

12 CHAIRMAN FLAHERTY: Yes.

13 MR. D'AMICO: -- we did discuss last time  
14 sidewalks and lighting. I don't know if -- I didn't see  
15 it on the plan so I don't know if the Commission doesn't  
16 care to see sidewalks or lighting or does anyone have any  
17 concerns or whatever?

18 CHAIRMAN FLAHERTY: I have a big problem  
19 about sidewalks.

20 MR. INGLESE: But there has not been any

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1 plans submitted as yet for that.

2 CHAIRMAN FLAHERTY: It's not on the plans  
3 but it's a public health and safety measure as far as  
4 sidewalks and places to get off, especially after the  
5 storms we had last winter.

6 MR. BETTINI: And lighting in the cul-de-  
7 sac as well.

8 MR. INGLESE: Lighting too.

9 CHAIRMAN FLAHERTY: Well, there has to be  
10 street lighting all along the road, standard street  
11 lighting. Every 100 feet there has to be some lighting.  
12 You're shaking your head, do you have something to say?

13 MALE VOICE: No.

14 CHAIRMAN FLAHERTY: Is there anything  
15 else? Okay, the Chair declares the public hearing  
16 continued to the 14th. Thank you very much for your  
17 courtesy Attorney Hoyle and applicants, and also ladies  
18 and gentlemen. And you're welcome to stay to our regular  
19 meeting. You don't have to leave. We'll have a five  
20 minute recess.

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1 (Whereupon, the hearing was concluded at  
2 8:39 p.m.)  
3

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