



City of Ansonia
PLANNING AND ZONING COMMISSION

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TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

December 19, 2011

Special Meeting

Present: Bart Flaherty, Chairman
Michael Bettini
Doug Furtek
Jeff Lawlor
Jared Heon

Absent: James Martin
Ed Phipps

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

The Special Meeting of the Ansonia Planning & Zoning Commission was called to order at 7:35 p.m. by Chairman Flaherty.

All present rose and Pledged Allegiance to the Flag.

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

Approval of Minutes

Mr. Bettini made a motion to accept as written and place on file the minutes of the November 28, 2011 Regular Meeting & Public Hearing. Mr. Lawlor seconded. All in favor, so carried.

PZ121911

Approval of Bills

Mr. Furtek made a motion to pay Oswald Inglese's Invoice in the amount of \$1387.50 if found to be correct. Mr. Heon seconded. All in favor, so carried.

Mr. Heon made a motion to pay Attorney Tom Welch's Invoice in the amount of \$1156.10 if found to be correct. Mr. Furtek seconded. All in favor, so carried.

Mr. Heon made a motion to pay Attorney George Boath's Invoice in the amount of \$150 if found to be correct. Mr. Lawlor seconded. All in favor, so carried.

Correspondence

Mr. Furtek 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. Heon seconded. All in favor, so carried.

1. EBI Consulting re; Telecommunications facility at 501 E.Main St. dtd. 12/1/11
2. Ansonia Commons LLC re: Site Plan Application for Antonio's Restaurant
3. 501 East Main Ansonia LLC re: Site Plan Application for MetroPCS Communication tower.

EBI Consulting re: Telecommunications facility installation at 501 E. Main St.

Christopher Fisher, Attorney, John Nester, EBT Repr. And F. Pierre, Metro PCS Radio Engineer were present.

Attorney Fisher discussed the other telecommunication sites located in this area. There are three sites: 1) Nolan Field; 2) Woodbridge Border; and 3) Derby. They plan to connect with the Derby site and Route 8. The proposal is to mount a pipe to the Penthouse. It will be 75 to 80 feet tall with six antennas – 3 on top and 3 below – 6 inches in width and 4 feet in height. This proposal has equipment on the roof top (radio cabinets that hook up to land line phones). They have a lease agreement with the landowner. The contract provides for relocation and reintroduction of the telecommunications facility should there be revitalization of this area.

Attorney Fisher said they have made a filing with the Historic Conservation Agency. The towers will not have a direct effect on the district. A report from the Historic Agency will be forwarded within the next few weeks.

Chairman Flaherty said this location is in the City Center Plan area. The Commission has a defined City Center plan. The plan is done very well and the applicant should take the

opportunity to read it. The plan has extensive request for buildings, lighting, sidewalks, etc. to keep the general turn of the century look. He said the Commission realizes that here has to be cell towers but how intrusive are they in this area. Can it be seen from the town. Mr. Inglese did some work on it and there have been people standing where AHA is and they would be able to see it. He asked what the tower would look like, can we get some screening to mitigate the impact on the downtown area and have it blend in.

Chairman Flaherty asked if any commissioners had any questions or comments.

Attorney Fisher said they could paint the pipe and mask it. They could use rust or brown or sky blue paint whichever the commission would prefer. The equipment on the roof top they will incorporate a screen wall. The equipment is functional equipment.

Attorney Fisher said he did take a ride around down on Main Street. It is very difficult to pick up and see the tower. You can see it more down toward Maple Street. He said they can mitigate it.

The discussion continued on mitigating the tower, equipment on the roof and screening of the site.

Mr. Inglese discussed the communications that he sent to EBI and Mr. Forest. He read the fourth paragraph from the EBI letter dated 12/1/11.

Mr. Inglese said there are a number of questions that were raised and answered. There will be no generator. He said P&Z is clear to require the company install a fence. The drawing did not show the fence and it should be incorporated into the drawings.

Attorney Fisher said they will incorporate the fencing and screening into the drawings.

Chairman Flaherty asked if this proposal has to go before the Siting Council.

Attorney Fisher said no, some proposals are determined by local Zoning Boards.

Mr. Inglese discussed the letter sent to the State Historic Preservation Office.

The Commission discussed the proposal and that there are six (6) antennas planned for the tower (3 on top and 3 below). They will be vertical and the depth of each antenna is 3 inches and across is 18 inches. The diameter is 24 inches.

Mr. Bettini asked if the Historic Commission has the final say on the tower installation.

Mr. Inglese said they take prevalence over anything outside of the Historic District but is visible from the Historic District.

Chairman Flaherty said the building across the street is on the Historic Register but it is not located in a Historic District. He asked if the radio waves will affect the birds or other wireless devices or radios especially the emergency radios used by emergency personnel.

Mr. Pierre said there are no issues with the radios or wireless they are on a different frequency. They have never had an issue of public safety and there should not be an issue with this tower.

A point was raised by the Chairman that there may be plans for the surrounding building to have housing and across the street there are 20 apartments in that building. The Ansonia Tech Building may have people living in there. The Zoning Regulations allow Commercial on the first floor and residential on the second and third floor. The concern is for the exposure the residential may have to the radio waves.

Mr. Pierre said with regard to the exposure, they are required to do measurements three months after the installation and file a report with the FCC for compliance.

Attorney Fisher said it is low power.

Mr. Heon said the building next to this is a cell site and there is another cell site on the hill behind it in the Church tower. He asked if this tower could be camouflaged so you can't see it. The Penthouse is lined with a rust color. The Police Dept. and the Fire Dept. have their communication on the ATP Building.

Mr. Pierre said there have been 6 to 10 on roof tops.

Mr. Heon questioned the height of the tower.

Mr. Pierre said there are other cell towers and to avoid shadowing of the other cell towers they have to go higher.

Attorney Fisher said with regard to the bird question, there is a guidance document on it.

Chairman Flaherty asked if there are microwaves emitted from this tower.

Mr. Pierre said there are no microwaves.

Mr. Inglese said if approved there would be conditions that would have to be met.

Mr. Heon asked if they would provide as builds and a projection of the sight line.

Chairman Flaherty asked if the commission could impose on them to put up a 30 foot pole or balloon so they could see the height of the tower.

Mr. Nester said Nextel is right next to their proposed tower. He said they will ask the landlord about putting up a balloon.

Chairman Flaherty said it would be easier if Mr. Nester put a couple of balloons up so the Commission can walk from different directions to see it and how it looks and what the impact if any would be on the area.

Mr. Nester said we can do simulations so you can see it.

Mr. Heon made a motion to table this and have the applicant put a balloon up so the commission can see the height of the tower. Mr. Lawlor seconded. All in favor, so carried.

Mr. Nester said he will try to have this done and notify the commission right after the holidays.

Referral: City of Derby re: Special Exception for Walgreen's, Pershing Drive, Derby

Commission members discussed the traffic on Division Street and Pershing Drive. There is a concern about the additional traffic that will be generated by this Walgreen's.

Mr. Inglese agreed that the traffic will be increased and is an issue.

Mr. Furtek said if you look at it – it may actually help the traffic. The curb cuts will be different and may do something differently to relieve some of the traffic. The CVS located there on the corner is the busiest CVS in Connecticut.

Chairman Flaherty said there will be 120 additional vehicle trips in the p.m. and on Saturday.

Mr. Heon said we don't have enough information to comment on this referral.

Chairman Flaherty said the commission can comment on the traffic and increase of traffic, Division Street is over burdened now and traffic is backed up now on Division St. and Main St., in front of General Muffler and Elm Street. The traffic would be detrimental to Ansonia.

Commission members discussed the number of lanes and turn lanes in Ansonia and Derby at the intersection of Division Street, Elm Street, Main Street and Derby Ave. The right turn on red is a bad condition also.

Mr. Bettini made a motion to have Mr. Inglese write a letter to Derby P&Z voicing the Commission's concern on the traffic and the circulation of the traffic in that area. Mr. Lawlor seconded. All in favor, so carried.

Ansonia Commons LLC/Jerry Nocerino request for site plan approval for an addition to Antonio's Restaurant, 54 Bridge St. For an additional 20 seats

There is no one present.

Mr. Bettini asked if there was enough parking for an additional 20 patrons.

Mr. Inglese said they are near the Municipal Lot and they can plant a few more trees.

Commission members discussed the application and the original application for the outside tables. At that time the applicant was asked if they planned to expand into another store and their answer was absolutely not. The room is existing and it will eliminate having people wait for a table. The impact is not too bad and the patrons will be there.

Chairman Flaherty said he is glad to see they are successful and it isn't detrimental for 5 more tables with seating for 20 additional customers. They have to meet the building code and get Fire Marshall approval. He asked about the calculations for the parking. There is a Restaurant section for parking in the Zoning Regulations and it is clear cut. Antonio's also has a takeout business. The initial application didn't include take out. He asked Mr. Inglese how does the Commission calculate the required parking spaces.

Mr. Inglese said you supply percentage of take out vs. meals and based on that you make adjustments.

The commission discussed the parking in the lot in the fire lane and loading areas and the intersection where the light is located at W. Main Street and Bridge St. Crossing the street is terrible at that intersection. They need 113 parking spaces for the stores and they only have 62. They now need 5 more parking spaces for the restaurant.

Mr. Heon made a motion to approve the request for an additional five tables with 20 additional patrons as long as the Fire Marshall and Building Department approve the area. Mr. Lawlor seconded. All in favor, so carried.

Mr. Bettini made a motion to have Mr. Inglese write a letter to the Police Commission voicing the concern of the Commission regarding the signal light at Bridge Street and W. Main Street and the pedestrian crossing at that light. Mr. Heon seconded. All in favor, so carried.

Reports: City Engineer

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

Chairman Flaherty said Mr. D'Amico was to review the curb cut for Coastal Carriers on Riverside Drive.

Mr. Tanner said that Mr. D'Amico approved the curb cut on Riverside Drive and the maps were fine and the position was good.

Chairman Flaherty read the 11/28/11 minutes were it stated Mr. D'Amico was to provide a written report. He approved it and there is no letter to the commission notifying us of his

findings. He said he was to check on the height of the wall behind the first and second houses on Valentine Dr. The wall should be an engineered wall and he was going to contact the developer on this and sent a report to the Commission. He asked the secretary to send a letter to the City Engineer reminding him the Commission hasn't received the written communication on the above.

Reports: Zoning Enforcement Officer

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

Mr. Tanner said he did not have any new violations at this time. The only variance for ZBA is the variance request from Tice Brothers that was reviewed last month.

Reports: Planning Consultant

- a. Fences
- b. Temporary Accessory Structures & Membrane Structures
- c. Window Signs
- d. Itinerate Vendors
- e. Clothes Donation Bins
- f. Sidewalks
- g. Dumpsters

Mr. Oswald Inglese was present.

Mr. Inglese requested this be tabled to the next meeting.

Mr. Bettini made a motion to table. Mr. Lawlor seconded. All in favor, so carried.

Any other business to come before the Commission

Subway

Chairman Flaherty said there was an inquiry from Subway to come in across from the Big Y and Target in the building that was part of B&L Men's Store. He said that he asked them to come to P&Z for Site Plan approval because the use for the building is not clear. He said that he asked Mr. Inglese to review the plan and advise the them of his findings.

Mr. Inglese said he wrote a letter to the proposed applicant advising them that they should come to P&Z for site plan approval.

Chairman Flaherty said there is a regulation for takeout restaurant with specific parking requirements. There is an insurance company located in the building and an empty storefront

next to the proposed Subway. The regulations call out 1 parking space each 75 sf. Drive In restaurant is 1 parking space each 20 sf.

Commission members discussed take out restaurant and a restaurant that serves food. Subway is not like a McDonalds. The members are concerned with the number of parking spaces required and the number of spaces they have available to use.

Chairman Flaherty said it looks like they have 13 spaces.

Mr. Inglese said the problem with the spaces they have is that 2 parking spaces don't work.

Chairman Flaherty said the office located in the building needs 4 spaces per 1000 sf. It would be 4 - 4 - 1 for every 75 feet and not 1 space for every 75 feet but 1 space for every 20 feet or a blend. He said what concerns him is the Subway patrons parking in Target parking lot. P&Z would need to see an agreement between Subway and Target for use of those parking spaces. He said he would like to see Subway come in to P&Z for site plan approval.

Mr. Tanner said their location is more than 500 feet from the Municipal Parking lot.

Chairman Flaherty said he recommended to them that they should make application to the P&Z Commission but they didn't.

There was discussion on the owner of the building not renting out the empty space. The Insurance Co. doesn't have much traffic. The Commission's concern is what if another Subway type restaurant wants to relocate to the empty store. This would generate more traffic backing in and out of the driveway onto a busy street.

Mr. Inglese said parking across the street in Big Y parking lot is not an option because that will not work. You would have to depend on the existing driveway which is not safe at all. He said parking spaces must be considered for the entire building and the uses in each store.

Mr. Bettini said they have 13 real parking spaces, they need 11 for the Subway, 4 for the insurance office, 4 for the empty space for a total of 19 spaces. They are 6 parking spaces short.

Mr. Furtek said someone going to Subway will not use the municipal parking lot.

Mr. Heon said you may have 2 to 6 people at the tables and other people running in and out buying a sandwich.

Chairman Flaherty said the commission members should give this some thought. He would like to see Subway locate there if the parking can be addressed.

Mr. Bettini made a motion to have the City Engineer take a measurement from the Municipal Parking lot on West Main Street to the B&L parking lot. Mr. Heon seconded. All in favor, so carried.

Mr. Tanner discussed the violation on Prospect Street. They will be submitting an application for Special Exception with the existing contours to remediate the site. There has been illegal dumping of material mixed with solid waste. They are asking for an on-site crusher for 2 to 3 days to break up the solid waste. There is a couple of thousand yards of material to separate. They have to separate the organic and non-organic matter. They are asking to allow an on-site crusher for 2 to 3 days.

Mr. Tanner said there is also another violation on North Prospect St. Ext. and they will be coming forward with an application for Special Exception also.

Chairman Flaherty said he is not too happy with a crusher on site for 2 to 3 days but this is the only viable course of action.

Mr. Heon said it will cost less to have the crusher there than to have them remove everything.

Mr. Tanner said he would like them in and out as soon as possible. The best thing we can do is allow him to do it. There is a lot of money involved and we have to move forward and keep expenses down.

Chairman Flaherty said there seems to be agreement with the commission members. The Board is OK with it but there is nothing before us to act on. The Zoning Enforcement Official can guide the solution..

Mr. Inglese said there are conditions to this type of thing

Mr. Tanner said he is aware of the conditions with this type of dumping. They have to tell us where the material will be taken, where the stumps and wood will be taken, and so forth.

Chairman Flaherty said there are no excuses for him not doing what he is supposed to do to clear up this violation.

Ed Musante
138 Old Ansonia Rd.

Mr. Musante said there is a violation on Prospect Street and they are hauling out the same thing. The road is not any better on Prospect Street as it is on Castle Lane.

Mr. Tanner said that is the violation the Commission was just speaking about. The property owner on Prospect Street was illegally hauling in material and illegally dumping it on the site. The property owner has to come before the P&Z Commission.

Mr. Musante asked what happens on Castle Lane when they start to do this.

Mr. Heon said that the Castle Lane Subdivision was denied.

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Mr. Musante said there is heavy concrete hauling at the end of Prospect St. Ext. and there is dumping there.

Chairman Flaherty said that is what Mr. Tanner and the commission is discussing the dumping at the end of N. Prospect St. Ext and the dumping on Prospect St.

Mr. Tanner said he has issued a cease and desist order to those who are dumping.

Adjourn

Mr. Bettini made a motion to adjourn the meeting at 9:15 p.m. Mr. Lawlor seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary