

Regular Meeting

January 31, 2011

Present: Bart Flaherty, Chairman
Michael Bettini
Doug Furtek
Jared Heon
James Martin

Absent: Jeff Lawlor
Ed Phipps

Others Present: Fred D'Amico, City Engineer
Oswald Inglese, Planning Consultant
Thomas Welch, P&Z Attorney
George Boath, Special Counsel

The Regular Meeting of the Ansonia Planning and Zoning Commission was called to order at 7:30 p.m. by Chairman Flaherty.

All present rose and Pledged Allegiance to the Flag

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

Minutes

Mr. Bettini made a motion to accept as written and place on file the minutes of the January 3, 2011 Special Meeting. Mr. Martin seconded. All in favor, so carried.

Bills

PZ013111

Mr. Martin made a motion to pay Mr. Inglese's invoice in the amount of \$881.25. Mr. Bettini seconded. All in favor, so carried.

Mr. Heon made a motion to pay Mr. Welch's invoice in the amount of \$641.70. Mr. Bettini seconded. All in favor, so carried.

Correspondence

Mr. Heon made a motion to accept all of the correspondence received, dispense with the reading, and place them on file. If a member requests one read or acted upon the correspondence will be brought up individually. Mr. Martin seconded. All in favor, so carried.

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

Mr. Steven Zuber was present.

Chairman Flaherty said this application was before the Commission and was withdrawn. Mr. Zuber is resubmitting the application. The drawing was revised to reflect the dialogue from the withdrawn application. Mr. Inglese made a few observations and Mr. Zuber has complied with most of those recommendations.

Mr. Inglese said he reviewed the revisions and he has a question concerning the right of way on the parcel. He asked the size of the right of way.

Mr. Zuber said the right of way is 20 feet.

Mr. Inglese asked the purpose of the right of way continuing all the way back on the parcel. He asked if the right of way may be abandoned.

Mr. Zuber said the right of way was abandoned and it was over grown. He cleared the overgrowth and brush from the site.

Mr. Inglese asked what was behind the right of way.

Mr. Zuber said land.

Mr. Inglese asked if the right of way is an access to the land. He said he is concerned someone will come in and use the right of way easement for access to the land behind this parcel.

Mr. Inglese said he has questions regarding the construction of the driveway, the construction of the proposed wall, the footing for the wall and the location of the footings toward the driveway.

Mr. Zuber said the footings and foundation for the wall will be underground.

Mr. Inglese pointed out that it is shown going toward the garage that is located on another parcel.

Mr. Zuber said the retaining wall will be done by professionals. The old wall will be removed and a new one built.

Mr. D'Amico said Mr. Zuber addressed all of his questions. He said legally Planning and Zoning can't approve it without Inland Wetlands approval.

Chairman Flaherty asked where will you put all of the snow from the driveway.

Mr. Zuber said he will put it in the back of the site. The snow in the front will be pushed out of the way. Some will go to the side of the driveway and then pushed back out of the way along the driveway.

Chairman Flaherty asked the length of the driveway.

Mr. Inglese said it is 125 feet long.

Chairman Flaherty said you will have to push the snow toward the house. You can't push it over the wall onto the neighbor's property.

Mr. Zuber said it will be pushed back to the rear of the property toward the house.

Chairman Flaherty suggested that a snow ledge be installed on the driveway.

Mr. Bettini said he should widen the driveway where the right of way is located and square the driveway off to get more room.

Chairman Flaherty asked Mr. Zuber if he would be willing to square off the driveway and put in a snow shelf.

Mr. Zuber said yes.

Chairman Flaherty asked Mr. D'Amico if the drainage is adequate.

Mr. D'Amico said there will be two (2) different gullies installed to split the runoff and spread it out.

Chairman Flaherty asked if the yard drain can handle the amount of run off from this area.

Mr. D'Amico said the yard drain can handle the driveway. The roof drains will go the other way and it should be able to handle that.

Mr. Heon said the corner by Falcha property on the easterly side there are no trees shown.

Mr. Zuber said there are existing trees there that will remain.

Chairman Flaherty asked the commission members if they had any other concerns or comments.

Mr. Inglese said he is concerned with the long term maintenance of the two gallies. He asked if there is a maintenance document for this.

Mr. Zuber said the maintenance is written down on the map.

Mr. Bettini said he would like to see a comment added to the Warrantee Deed that is given to the homeowner stating there is a maintenance schedule for the gallies on the site. He said that way every owner not just the first owner will be aware of the fact that they have to maintain these gallies.

Mr. Inglese said that is correct and these gallies tend to get debris, etc. in them and they must be cleaned annually. A note should be placed on the Warrantee Deed.

Mr. Bettini said he wants to add a note to the Warrantee Deed regarding the maintenance of the gallies.

Chairman Flaherty said this is a legal questions as to whether we can place a note on the warrantee deed but it could be part of the conditions. We will ask P&Z Counsel regarding the Warrantee Deed. He asked if the gallies can handle a 100 year storm level even if the driveway is paved.

Mr. Zuber said yes. The capacity is 27% increased over the 100 year storm requirement.

Mr. Bettini asked if the driveway was to be paved because the regulations require roads to be paved and this is a long driveway.

Chairman Flaherty said when you pave a driveway you have impervious surface; he asked if this structure will still handle the run off.

Mr. Zuber said yes.

Mr. D'Amico said he agrees with Mr. Bettini on the driveway and that the same note that is on the map should go in the Warrantee Deed.

Chairman Flaherty asked if the sewer was pump up.

Mr. Zuber said at this point it is pump up. If the house is built up a little higher he may be able to do gravity but right now it is pump up.

Chairman Flaherty asked if there were any questions or concerns from the commission members or staff. There were none.

Mr. Zuber does not have IWC approval therefore the Planning & Zoning Commission cannot act on this application.

There was discussion on the fee and whether Mr. Zuber has to pay the fee because this application was withdrawn.

Chairman Flaherty advised Mr. Zuber that he needs to do the following things:

1. Warrantee Deed language regarding the Maintenance of the two gallies.
2. Revise the driveway plan – square off the driveway, snow ledge as discussed.
3. Provide (5) five copies of the revised Record Maps showing the driveway modification.
4. Clarification on the Application fee.

Chairman Flaherty said he will speak with Corporation Counsel regarding the fee and will advise Mr. Zuber.

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

There is no one present.

Mr. Martin made a motion to table to next meeting. Mr. Bettini seconded. All in favor, so carried.

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

Mr. Peter Georgetti and Mr. George Miller from UIC were present.

Chairman Flaherty said he spoke with Mike Schryver and Mr. Schryver asked if it was necessary for him to attend the meeting this evening because he has been working 24-7 with the snow storms and snow removal. Chairman Flaherty said he told Mr. Schryver that it was not necessary for him to attend this evening.

Mr. Georgetti said he is here this evening to give the Commission an update on the plans and to talk about the comments from last month's meeting. He said that they have not prepared any final maps as yet. He said some of the discussion last month was to:

1. Turn the scale house around

2. Flatten the approach on the ramp to the tipping floor. (Mr. Georgetti said they did not make this change yet). He passed out maps showing sight lines.

Chairman Flaherty said that this is an informal discussion this evening so the commission will accept the maps but in the future they should provide the maps before the meeting so they could be mailed to the members.

Mr. Georgetti explained the sight line for the ramps and the landing. He said an adult would be seen but not a child.

Chairman Flaherty asked if they prepared this plan with an eye to change the Commissions minds. He said the commission would rather see a modified plan as was discussed. There is a lot of activity on the level and there is a concern that when a vehicle comes up the ramp and it flattens – if you give a moment in time so you can see the activity on the level.

Mr. Georgetti asked what the commission's criteria is.

Chairman Flaherty said to see a child running up there – running and not familiar with the area. We realize children are not supposed to be up there however it could happen. You can't see a low trailer that is below the three feet if you are driving up the ramp. Drive the vehicle up at an angle and the field of vision is adequate enough to see the platform. If it is not do-able we'll discuss it.

Mr. Georgetti said it is a matter of criteria. 3.7 feet is the worst scenario.

Chairman Flaherty said you won't see a low trailer there.

Mr. Georgetti said for a short period of time but once you get up there you will see it.

Chairman Flaherty said you are at the first drop off area and in the mix – then what.

Mr. Bettini said stretch the ramp ten (10) feet and have an area that is flatter. You won't be able to see a child up there and that isn't good. I'm concerned about the safety.

Mr. Georgetti said this is not the final plan. We will take away a little more detail of what you want. He asked if there are any additional comments.

Chairman Flaherty said the Commission wants to see what is up there when you drive up the ramp. Not that a child should be up there but there could be a homeowner going there and getting rid of stuff and their child is with them and gets out of the vehicle. It could happen.

Mr. Bettini said the last time we discussed elevating the scale house and the drawing doesn't really show it.

Mr. Georgetti said right, we wanted to show you what we have.

Mr. Bettini said the dumpster is at 4 feet and will the scale operator be able to see if anything is there.

Mr. Martin said no, he has his back to it.

Mr. Georgetti said we apologize we weren't able to meet with Mr. Schryver on this. We agreed with what you guys said to move it to the other side but we want to talk to Mr. Schryver.

Chairman Flaherty said we don't want to make decisions on how to run it but the scale operator should be facing the action between the tipping floor.

Mr. Bettini said we didn't make ourselves clear on the issues we raised.

Mr. Georgetti said you were clear, I didn't have time to prepare the modifications.

Mr. Tanner said on Mr. Georgetti's behalf he has been trying to get staff together to discuss the issues but with the weather and all it has not been possible.

Mr. Bettini asked if there are time constraints for the project.

Mr. Georgetti said he wanted to meet tonight for clarification on what the commission wants.

Chairman Flaherty said we are concerned with the ramp and the scale house.

Mr. Georgetti said the drainage was designed for 100 year storm. What they are tying into isn't designed for 100 year storm.

Chairman Flaherty said the existing piping isn't to 100 year storm but the new piping should be to 100 year storm and if you have to in the future you can upgrade to 100 year storm.

Mr. Georgetti said that is correct. He said they have added two more trees to the landscaping.

Chairman Flaherty said that Mr. Bettini suggested arborvitae along where the Riverwalk is being built.

Mr. Georgetti said they added more space on the tipping floor – eight (8) feet was added. They removed the retaining wall and put in plantings on the bank.

Chairman Flaherty said that is great eight feet gives you more room there. He asked that Mr. Georgetti provide the signage so the Commission can see it.

Mr. Georgetti said there is a signage plan. He will provide it to the Commission.

Chairman Flaherty said there is a bunch of scenarios on the traffic patterns. There were observations made concerning the traffic pattern to and from the scale and tipping floor. We would want to discuss the question of the traffic pattern on the scale.

Mr. Georgetti explained the traffic patterns at the scale with a drawing of six (6) different scenarios. He said he would go into this at length at the next meeting.

Chairman Flaherty said where would you dispose of the snow that has been cleared from the tipping floor.

Mr. Bettini said moving the scale house on the other side - would that put the scale house next to the ramp or two car lengths away. He asked if it would be a problem moving the electric wires, etc. should the scale house be moved.

Mr. Martin said the right side of the tipping floor has no buffer area. Someone can drive down there.

Mr. Georgetti said there is a slope there and they will install a fence.

Mr. Martin said that is a safety concern of his.

Chairman Flaherty said if Mr. Georgetti needs anything to contact him.

Mr. Georgetti said he would like to set up a meeting with Mr. Schryver and Mr. D'Amico, Mr. Inglese and Mr. Tanner to go over the plans and modifications.

Chairman Flaherty said that would be great. He thanked Mr. Georgetti for the update.

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

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

Chairman Flaherty said good evening, Ansonia M&L Properties/Mark Tice request for site plan approval.

Attorney Lee said that is correct, for the record my name is Timothy Lee and I represent M&L Properties for site plan application. With me is Jim Swift who has designed the site plan before you. The property we're here for is 420 Main Street and is located in the Heavy Industrial Zone and the City Center District which was approved by the Commission over the last few years. This may be a property that the commission has some familiarity with. It been before the Commission has over the last decade on a

number of occasions. What we are proposing tonight is very similar to the applications that you received in 1990, 1992, 1993, 1994 and 1997. What we are proposing is a 21,000 s.f. commercial industrial building on the site. At this point in time it does not have any particular tenants lined up for this particular property, however the property has been the subject of some zoning enforcement activities and one way to handle the zoning issues is to come before the Zoning Commission and seek site plan approval and actually build the building. Mr. Tice purchased this property in 1999 and since that time has used the property as a contractors yard and basically stored his equipment from his construction business on the site. It is our position that this is a pre-existing non-conforming use that predates the change in the zoning regulations from a couple of years ago when you enacted the City Center overlay zone. With that being said our goal here tonight is to submit a site plan application, have the commission approve the site plan application once the building is built out we will then move the operation inside the building and also hopefully have space for several other additional tenants – commercial based tenants for the building. That may hopefully solve some of the zoning issues that are facing the commission right now. In the line of the zoning issues, Mr. Tice has even though he doesn't have any formal approvals right now he has taken steps to perform some remedial work on the property and two years ago the commission approved an application for a Special Permit which would allow fill on the property to raise the property grade to address some condemnation issues. He has brought fill in and graded the property, in addition he has planted some landscaping to create a visual buffer along Main Street and the property to show good faith even though he doesn't have specific approval he has taken some steps to make improvements to the property. The application before you tonight is the final leg of the journey to get site plan approval for a commercial industrial building. Mr. Swift is here and he can run through the details of the building.

Mr. Swift: Good Evening ladies and gentlemen, my name is Jim Swift and I am a licensed landscape architect and licensed professional engineer in Connecticut. I'll just go through a few of the basics site as you see dotted in the yellow line is 1.71 acres and as stated it is in a Heavy Industrial zone and the City Center Overlay Zone. We have Target to the North and a Commercial development in the corner here and some additional property known as Chestnut Park that the applicant also owns. The building as proposed is 21,450 s.f. as shown on this plan and he proposes to add 66 additional parking spaces on that parcel and if you add up the proposed lot that says Light Industrial uses in that building that comes to a required parking count of 47.2 somewhere well in excess of the zoning regulations required parking. The building coverage we are proposing is 31.4% again well under the 60% max in the zone and we are well within the zoning setbacks. We have worked out our access driveways out onto Main Street which is State Route 115 and we have worked that out with the DOT and are ready to pull the permits with them if and when we are granted approval here. The grading is.....

Chairman Flaherty: Excuse me, Can I just interject for just a second.

Mr. Swift: Sure.

Chairman Flaherty: The grading and the curb cut wasn't that approved already. Or did you change that.

Mr. Swift: There is a previous approval of this building and a previous Special Permit.

Chairman Flaherty: And that was in 2004.

Mr. Swift: yes.

Chairman Flaherty: I mean recently. Recently wasn't it before us just for the curb cuts and change the elevation.

Mr. Swift: Yes, and there was drawings.

Chairman Flaherty: I mean without the building.

Mr. Swift: yes, you are correct.

Chairman Flaherty: and changing the elevation.

Mr. Swift: yes, this is the Special Permit that was before the Board. As you can see it had right turn in, right turn out and a proposed grade elevation.

Chairman Flaherty: right, that application -- unless my memory.....

Mr. Swift: yes, that was proposed for the Special Permit.

Chairman Flaherty: and that was for 420 Main St. Right.

Mr. Swift: I believe it was.

Attorney Lee: that was 4 years ago, you approved the Special Permit which allowed him to bring the fill in. There was no building proposed.

Chairman Flaherty: and the curb cuts.

Attorney Lee: and the curb cuts.

Mr. Swift: and the curb cuts, that is correct.

Mr. Swift: and the curb cuts for that purposes of that application is just to get the City to approve that there would be traffic coming in and out of the site. Since that time we have been working with the DOT and they have just refined it. The principles remained the same. They have asked us to change some grading.

Chairman Flaherty: Now this is 420 Main Street as distinct from the Chestnut Street properties with the existing buildings and so forth, correct.

Mr. Swift: correct, correct.

Chairman Flaherty: this is a separate ...

Mr. Swift: that is correct.

Chairman Flaherty: this is s separate entity, a separate lot.

Mr. Swift: correct, I will get into...

Chairman Flaherty: from 420 Main St.

Mr. Swift: I will get into how those inner react and interact on the site.

Chairman Flaherty: OK but for the record, now this is ...

Mr. Swift: that is correct.

Chairman Flaherty: what we're discussing is 420 Main Street which is distinct parcel of land.

Mr. Swift: correct.

Chairman Flaherty: OK

Mr. Swift: so getting back to that Special Permit that Mr. Tice got a few years ago, that's Special Permit for the grading and the driveways.

Chairman Flaherty: excuse me, just to clarify it, when you say existing you have enough parking spaces you are talking about the Chestnut Street ? You're not talking about... the parking spaces is for this building for the whole....

Mr. Swift: The parking spaces figures that I just gave you are for this parcel only.

Chairman Flaherty: OK, thank you.

Mr. Swift: I will show you in a few maps that we've also, just so the commission has a handle on this how it fits into the overall scheme of things. We calculated it both ways. We calculated it for this lot (map) and for the whole parcel.

Chairman Flaherty: and for the whole parcel. OK, Thank you, I didn't mean to interrupt you, I just, there has been so many iterations of this that I just want to for the record, get the record very, very clear.

Mr. Swift: absolutely.

Chairman Flaherty: so this 420 Main Street that we're talking about. OK, thank you.

Mr. Swift: the grading and the driveway that was the subject of the Special Permit is substantially the same. There is no change, the grading that was proposed and approved by the Commission is for this building at these elevations. So there is no change to the floor elevations. Or anything like that – that step to this step. Then again for the record the building will be just about level with Main Street and then again that's coordinated with the previous grading special permit granted by the Commission. It is basically flat and level with that. Our drainage comes into the side and does not extend down into the State Road which in this case I guess the commission is less concerned because it is a State road. Again for the record, there are major storm water and sanitary sewer mains coming through this property and discharge both to the river for storm and directly across the river to the WPCA plant. We will be tying into those and we do have that approval from the WPCA and from the Wetlands Commission even though we are outside the review area for the Wetlands Commission we did submit to them, they do review for storm water.

Mr. Swift: The landscape plan we are just adding some evergreens buffer between us and the Target site. Some street trees along Main Street and keeping with trying to beautify the City Center with varying landscaping in the front as well.

Mr. Swift: and then as I alluded to before, since, even though they are two separate corporate entities they are the same applicant. Mark Tice is involved with both of these so we are as with good planning trying to connect the parking to distribute traffic a little bit. As you can see there is a driveway connection here (map) that shows how it ties into Chestnut Park. And we gave you site data that combines the requirements for both sites to show that we are in compliance, if you were to combine both of these sites we are in full compliance with the zoning regulations for coverage and parking and uses like that so the commission can have a level of comfort for that sort of thing. That's it in a nutshell for the site. Does the Commission have any questions I can answer.

Chairman Flaherty: Ozzie.

Mr. Inglese: Can we go to the landscaping.

Mr. Swift: Yep.

Mr. Inglese: In the back that long stretch. That section on landscaping called for a tree every so many parking spaces and section 440, by the way. And I don't see it there.

Mr. Swift: you mean the trees.

Mr. Inglese: right, again how many parking spaces do we have there – 16 there right.

Mr. Swift: well, we actually have more than that because if you count out the (inaudible) there are 16 and 6 – 22.

Mr. Inglese: each parking isle, excuse me, each landscape island should be about several parking spaces so that, you will lose two parking spaces but you have an overage. I would appreciate it if you do that.

Mr. Swift: yes.

Mr. Inglese: The size of the trees, we are calling for 2 ½ inch caliber 6 inches above ground. And I don't know what you did with that, I don't think you indicated that did you.

Mr. Swift: well, yeah.

Mr. Inglese: you might have indicated it that more or less from so much to so much.

Mr. Swift: 2 ½ to 3 inches.

Mr. Inglese: so you have the main one. So the main one is 2 ½ .

Mr. Swift: yes.

Mr. Inglese: OK, discard that comment. I have no details of curbing, sidewalk treatment, lighting, and all of that should be shown. Curbing by the way, Section 440 it will tell you that there has to be 4 feet of concrete but extruded will do it in my opinion.

Mr. Swift: I understand.

Mr. Inglese: OK, you've seen those extruded applications I'm sure and they are just as good as the other one, you can just disc lime it and it will last. So we need a sidewalk sketch, a section of it.

Mr. Swift: and lighting details.

Mr. Inglese: and lighting details the standards are described in Section 440 and I think 440.8 and I will tell you the maximum amount of height is 20 feet. That's from base to the top. Of course it will have to be designed in such a fashion sight it will not project any glare onto the streets or any other area.. Try to concentrate on any more lighting poles.

Mr. Swift: I understand.

Mr. Inglese: along the front you have a sidewalk don't you.

Mr. Swift: yes we do but then it's within the City Center Plan.

Mr. Inglese: Target comes through your property and continues further south, is that correct.

Mr. Swift: that is correct.

Mr. Inglese: we need to have it delineated through the isles.

Mr. Swift: We do, we worked that out with the State where the island actually stops short of the highway line. We worked this out with the State so that it is fully handicap accessible as you pass through.

Mr. Inglese: What distinguishes it from the rest of it. What kind of – it's different material.

Mr. Swift: Different material. It is concrete as opposed to (inaudible).

Mr. Inglese: Concrete. OK. In some areas they use exposed aggregate to make it more distinguishable. You don't have to do it that way but anything else that would distinguish it from the rest of the paved area.

Mr. Swift: right.

Mr. Inglese: OK. Needless to say it would have to be handicap area.

Mr. Swift: yeah, yeah, the ramps would be on the (interrupted).

Mr. Inglese: I didn't see any details of that either in your plan, OK. So you may have a standard that you can apply. Also I didn't see any signage details.. Not only directional, internal, but signage for the entry way. I didn't see any of those – whether you are going to have a lollipop there – or I don't know either.

Mr. Swift: The signs are called out pretty comprehensively for the State and I understand what you mean.

Mr. Inglese: Put on the details what it is going to look like OK. So both the main sign and the directional sign. The directional signs are internally you can show one or two . You know I had in mind, that it may very well be and I am not speaking for the commission at this moment because we have not discussed this all with the commission but it may very well be that in the future all of the land uses may be permitted but may require more parking. You are border line – what do you got – 10 – 12 parking spaces extra. What do you got?

Mr. Swift: I got 18 in excess.

Mr. Inglese: OK, you may not have enough to accommodate for an intense use. And I used a couple of bad words – I call it bad words because no one like to hear those words. We use the building signs to accommodate for some small parking area. Parking area that you can go back to 2,3 4, 5 years from now to accommodate a use of land visa by way of parking that you couldn't otherwise so you don't keep adding to the problem that we see in parking lots or wind up parking in Target.

Mr. Swift: well this would be some sort of analysis that we would need to look and see what all of the approved uses are and come up with some sort of analysis as to what possibilities are.

Mr. Inglese: right, my concern is to be provided for at this point in time so you don't build a building as large as planned. Again I'm not echoing any comments of the commission whatsoever just offering that as an option.

Mr. Swift: you're looking for some dialogue.

Mr. Inglese: the other thing that is always a concern to the Zoning Enforcement Officer I'm sure as it has been for me for a number of years, so now you get this building approved and you go home happy and build a building and the next thing you know you got a tenant. Now we don't know who the tenant is and you don't know it now either, so in many places they have provided for some kind of a commitment in the original approval that will say essentially, you can say yourself or the commission can impose it upon approval that all future tenants will comply with the applicable requirement of the heavy industrial and the City Center zones to ascertain that same kind of approval plus attain that site plan approval from the Commission or its authorization will be sought for each use. So that each case will come before the Commission in a relatively simple process. Appearing and just the commission review the site plan. They will include the use in the site plan for that site and compartment building for the tenant and site itself.

Attorney Lee: I clearly don't have a problem with that, the requirement state you have to comply with the zoning regulations.

Mr. Inglese: That's essentially what it is. Right, and I want to make sure that this commission is happy that you did.

Attorney Lee: yes and I agree with that. I guess I would prefer to get a tenant in there to get some kind of zoning permit from the Zoning Enforcement Officer as opposed to having to come back before the Commission and give a presentation. But certainly I understand your concerns and I hope we can get a sign off from the Zoning Enforcement Officer without having to come back before the Commission.

Mr. Inglese: But that is up to this Commission as to what they really want to assign themselves to - it's their job or the Zoning Enforcement Officer.

Attorney Lee: sure, it's not a concern right now.

Mr. Inglese: I don't have any other comments, Mr. Chairman. Maybe some will pop out as we keep talking.

Chairman Flaherty: on your application you state you are going to build a flex building for up to 8 tenants and have an area for storage of material for Yankee Gas inside the building. What are you storing there?

Mr. Inglese: Thank you Mr. Chairman.

Attorney Lee: the answer is right now we don't have Yankee Gas as a ... Yankee Gas is a tenant in one of Mr. Tice's other properties. They are looking for more space. We have no commitment from Yankee Gas to relocate to this new building however the goal would be that if we get Yankee Gas there they could put trucks there and also my guess is if they are involved in projects that do some road work and they bring some of the road material and store it inside until it can be shipped out to somewhere else.

Chairman Flaherty: so what you are saying is that you are going to put a construction activity on 420 Main St.

Attorney Lee: we - with a caveat that, right now we have no tenants so we are not proposing anything but one of Mr. Tice's, what he would like to do with at least one of the spaces is make room for Yankee Gas to accommodate them. They're one of the existing tenants right now and they are cramped for space and they are talking about moving out of Ansonia. One of the ways to keep one of his tenants is to build this space (inaudible) is to put Yankee Gas in there because it is good for the tax base. If Yankee Gas stays one of the things Mr. Tice told me and indicated if Yankee Gas is staying would be that its indoor storage of some of the material - the road material and the trucks.

Chairman Flaherty: but Yankee Gas is now in - on the Chestnut Street address and he exists on the Chestnut Street address but its problematic if you expand into this new 420 Main St. because it is within the City Center Zone which prohibits construction activities within the City Center.

Attorney Lee: we are trying to get it out in the open on purpose that's why we put it on the application.

Chairman Flaherty: and that's kind of why I'm bringing it up too because we can't be blind to this and I understand the -- I just want that for the record.

Attorney Lee: and as he designed the project one of the things he said he was looking at was I know this is the City Center District prohibits contractor's yards and I want a contractors yard for storage of equipment and materials. We were going to have this indoor storage, it's not an inside contractor's yard but it will be a building that has

contractor's equipment and raw material but it will be inside the building it will be out of sight it will not be unsightly or unattractive. That's the kind of distinction ...

Chairman Flaherty: but we don't - but the City Center doesn't make that distinction. Indoor outdoor it is just - you know it just prohibits storage activities and contractor's activity. That type of activities - it just prohibits and I just wanted to - I know that they are currently on Chestnut Street.

Attorney Lee: correct.

Chairman Flaherty: and the Commission has - not making any comment it's allowed, it exists there but 420 is a totally separate entity from the Chestnut Street property. It seems like there would be an expansion into - an expansion of a non-conforming. I think this is an issue that we should discuss. Is that quite possibly an expansion of an existing non-conforming situation. I think that that had to be raised up. If you look at the submittals and look at the history of the activity on this property from the beginning particularly the record of action of 4/20/2002 and the site plan that was submitted in 2001 it is very clear, Attorney Lee that some of the conditions of approval were that there was mutual and reciprocal easements parking and pass and trespass from one parcel to other and they specifically state 420 Main Street and 1 Chestnut Street so they are two separate and distinct entities and the Chestnut Tree Street property was acted upon by this Commission. But this is a totally new, 420 is a totally new submittal once again. It's been, for the record it's been submitted and approved the building, I believe, if memory serves me, the building was approved and nothing was done. He did bring construction equipment there so the commission kind of took the thought that the building was going to be taking place. And then there were a couple of requests for extensions of time and then I believe in 2004 there was a building approved similar to the one we have tonight and that wasn't - that went by the wayside and so there has been no action by this commission on 420 - there's been action but no construction has taken place on the site except that we thought there would be - we hoped, we hoped that there would be.

Mr. Inglese: I think the point that the Chair is trying to raise is very clear in section 245 which is the section on non-conforming uses of buildings - it essentially says that you cannot expand a non-conforming use and if you move it you cannot move it to be non-conforming elsewhere. I urge you to read this section because that's where the muscle is and you know it.

Attorney Lee: yeah, yeah, and I'm not trying to be argumentative ...

Mr. Inglese: I know, if you were I would tell you.

Attorney Lee: right and I guess, we're going to, our application is to build this building. This spring we'll start the building. We don't have any specific tenants right now for this building so we're asking for the commission to approve the building as only as it's presented. Once again, tenants will either come before the commission or come before the Zoning Enforcement Officer. They'll say this works, this use of the property works,

this use of the property doesn't work, we'll deal with it at that point. The stand on non-conforming, I don't know that we are but we'll take the appropriate steps trying to expand the non-conforming. I suppose we'll have to Planning & Zoning for something I don't know if that's the case but right now we're not even at the stage that we're talking about particular tenants.

Mr. Inglese: well originally the Chair raised it the same as I did because it is in the application.

Attorney Lee: yes, I agree, yes.

Chairman Flaherty: Yeah so it puts it in...

Mr. Inglese: and if the Commission approves the application.

Chairman Flaherty: yeah, it puts it in the approval is accepting the application and that's in the application.

Attorney Lee: yeah, we raised it to get it on the table so we got the issue on the table the same as the commission. I think with due respect you can approve the site plan without approving that back piece of property.

Chairman Flaherty: well it would have to be conditioned on an approval. I don't know, we are in the process of looking at this, I don't know, we are just getting into it except we had to raise it because it is part of your application and this is a distinct and separate piece of property, 420 as opposed to Chestnut Street. So I just wanted to raise that. It is something that we'll have to discuss and talk over as there's some (inaudible). For the record the 65 days for approval on this do you agree it will be 3/2/2011.

Attorney Lee: The application was received last week right.

Chairman Flaherty: We said even though we didn't have a meeting 12/27/10 because it was cancelled because of the weather we rescheduled for January 3, 2011 but we would make the acceptance date 12/27/10. Do you agree with that.

Attorney Lee: OK, yeah, no problem, I have no objection.

Chairman Flaherty: OK, very good. Well, Mr. Swift you have a number of things Mr. Inglese brought up to work on the plan. What type of, aside from the Yankee Gas thing, the existing building and all the spaces are they rented out, Mr. Tice.

Mr. Tice: yes.

Chairman Flaherty: Yes, it is, good, OK.

Mr. Tice: Excuse me, Good Evening, I'm Mark Tice, from Ansonia Tice Properties, Ansonia M&L Properties.

Chairman Flaherty: you don't sound too good tonight Mr. Tice.

Mr. Tice: no, I have pneumonia but I came here tonight to listen to this.

Chairman Flaherty: thank you.

Mr. Tice: Through the years, you guys know I've been in here for all my buildings all the way through. I got approved to bring my contractors yard in here in 1999 at 488 or at 1 Chestnut Street and then I bought 488 and I built another building and I built another building and I never got to this building because the economy went bad on me. No we don't have any tenants, we don't even know if we can get tenants. As soon as we get approval we'll market for tenants.

Chairman Flaherty: so this is pure speculation, you don't have anybody yet.

Mr. Tice, yeah, I mean there is so much space in downtown Ansonia now for rent that I don't know, I got to be nuts to build a building but I figure maybe we're on the ground floor now and we can get a building built. It seems like we've always been 100% occupied so and I do run a clean ship, I take care of all my own snow, I don't ask the city for nothing, I do all my own landscaping. We try to keep the place immaculate. I don't think we are asking for anything more than what we have now.

Chairman Flaherty: thank you Mr. Tice, I hope you feel better. Commissioners any questions.

Chairman Flaherty: one thing that confused me a little bit is this master plan. That's why I keep reiterating that it is a separate – how do you look at the master plan it looks like all one piece. It's really 420 is a separate entity.

Mr. Tice: Mr. Flaherty before you became Chairman and were on this Board the previous Boards have asked us to include all our properties and how they relate all the way through so we keep including them on the maps as a master plan so that's how it came up as a master plan for Jimmy.

Mr. Inglese: so it was supplied as a courtesy to this commission.

Mr. Tice, Mr. Swift, Attorney Lee all talking at one time.

Mr. Tice: that's right. We were letting them see it as we were building it, as it tied in.

Mr. Swift: exactly and that's why we took pains to highlight it.

Chairman Flaherty: yep, yep, no criticism, believe me, just to clarify.

Mr. Heon: on that line there (map) the property line, see where the back of your existing buildings are on Chestnut right there , yeah, that line right there where all the parking spaces are – is that the flood wall.

Mr. Swift: no, the flood wall, there's roadways and things, the flood wall is some distance.

Mr. Heon: its farther back, OK.

Mr. Inglese: I'm sorry you were in between me and the floodwall.

Mr. Swift: you can see there is a big wall here and a driveway here.

Mr. Inglese: yes.

Mr. Swift: there is some distance before you get to it.

Mr. Heon: it's just hard to tell.

Mr. Swift: yeah, I can try and indicate that on the plan.

Mr. Heon: well I know we just went through some stuff on the proximity of the flood wall planting and stuff and I just want to make sure you were on top of it, that's all.

Mr. Swift: I'll get that on there, I'll revise it.

Mr. Heon: well,

Chairman Flaherty: you don't go to any great lengths if you could just put it on just be aware that the Army Corp of Engineers is coming, after Katrina, is really watching out for building activity along there, plantings along the dikes.

Mr. Swift: as long as I'm making changes there's no trouble.

Chairman Flaherty: OK, anyone have any more questions. Skip? Fred?

Mr. Inglese: You got to have more time, Fred, I'm sorry. There's a time constraint.

Chairman Flaherty: Fred?

Mr. D'Amico: to reiterate that again, the reason why the flood wall, show the flood wall in there just because in another case we had some concern with the Corp of Engineers

Mr. Swift: sure,

Mr. D'Amico: and when they recertify the dikes they want to make sure that there is no plantings and or (inaudible – coughing) within 20 – 30 feet of the flood dike -based the dike.

Chairman Flaherty: So Mr. Swift you will include that when you make the modifications for the lighting and so forth.

Mr. Swift: When as I make these revisions is there a certain amount of sets that I should get to the Commission.

Mrs. Flaherty: if everyone wants one I would need 14 sets.

Mr. Swift: so 14 sets, a minimum of a week before the next meeting. Two weeks before the next meeting.

Mrs. Flaherty: 10 days before the next meeting.

Chairman Flaherty: 10 days before, that way they get sent out.

Mr. Swift: and the next meeting will be?

Chairman Flaherty: February 24th did someone say – the last Monday in February.

Mrs. Flaherty: do you want an extension.

Mr. .Inglese: yes, that's better.

Chairman Flaherty: we are going to need an extension because we have to act on this February 28th.

Discussion on the meeting February meeting date – i.e. February 24th or February 28th.

Mr. Tice: It's the 28th – Yeah, it's the 28th, my birthday is on the 25th so I know when it is. Just give them the extension for whatever they need.

Attorney Lee: Mr. Tice will grant the commission an extension.

Mr. Tanner asked about the 2001 lot line on the map. (from notes – tape ran out)
(tape 2)

Mr. Swift: I think this is probably the map that should have been submitted. This is the property survey map dated 12/6/2001 which it does show all the existing buildings that are on the site right now maybe this is the map we should provide to you. It is different.

Mr. Tanner: how is it different.

Mr. Swift: It shows all the physical improvements.

Mr. Tanner: and for what development would that be?

Mr. Swift: it is a composite map that shows property surveys for all the properties in the area.

Mr. Tanner: for what submission.

Mr. Swift: well, it could be for this submission, it is existing.

Mr. Tanner: is this one that is on record, a Mylar?

Mr. Swift: Yeah, this is a later map. So when I provide the revised copies to the commission I should provide this survey because it is a later survey map to be honest with you it is more up to date.

Mr. Tanner: I have one more observation, what if the approval was in 1999 then wouldn't it show on this map (2001) as well as that map?

Mr. Swift: I kind of agree.

Mr. Tanner: So what your saying is the construction yard hasn't been built as yet or what hasn't been built yet? This building? (map) which was built at some point in time.

Mr. Swift: I don't know.

Chairman Flaherty: but 420 was not part of this, the original application.

Mr. Swift: correct.

Chairman Flaherty: for the record.

Mr. Swift: it is just a boundary map to show you that we have an A2 boundary line that is accurate.

Chairman Flaherty: OK

Mr. Swift: it is just a more recent map.

Chairman Flaherty: what's the title on that map.

Mr. Swift: the title of this map is "Property Survey, for property located at 420 to 488 Main Street and 1 Chestnut Street" and it's dated, well its actually, it's dated 12/6/2001 but it's also got a revision date of 7/19/2007. So just as a matter of course we should provide the commission with the most up to date survey.

Chairman Flaherty: OK, Ozzie did you have something.

Mr. Inglese: yeah, I had the, the only thing I would put a note indicating that, I would give it to you, "All future tenants will comply with the applicable requirements of the HI and the City Center zones. To ascertain that, site plan approval from the Commission or its authorized agent will be sought for each new use". If you can submit a note or a letter to the Commission that when you transmit the drawings from Mr. Swift that you do that.

Chairman Flaherty: are you going to check out the parking spaces? The parking spaces, are you going to look at the entire site.

Mr. Inglese: for the landscaping?

Chairman Flaherty: the parking.

Mr. Swift: well, our focus kind of remains on making sure that they comply with the regulations here but we'll continue to provide the commission with comprehensive data for all the parcels listed here.

Chairman Flaherty: because as this unfolded and as it rolled out I was on the commission for two of the buildings and they were built prior to a use just like this building so we made assumptions that the parking was adequate because it could always spill over onto 420. With 420 now needing that space itself, my concern as probably the only commission member, well Doug was here too I believe, probably Doug and I were the only two commission members here, just insure that that size building the existing buildings and their uses have adequate parking. And I'm assuming it would. But when we start making assumptions it's a problem. Fred do you have any questions.

Mr. D'Amico: not at this time.

Chairman Flaherty: anything else Jim?

Mr. Tanner: not at this time.

Chairman Flaherty: Ozzie?

Mr. Inglese: no

Chairman Flaherty: Doug?

Mr. Furtek: no

Chairman Flaherty: Michael? Jared?

Mr. Heon: You have my mailer.

Chairman Flaherty: yes, OK. So we are going to enhance the lighting, the signage, the landscaping. You are going to check the parking, the parking spaces on the existing for this parcel primarily. For this parcel - the highest use make sure there is adequate parking. And also, I wonder, the Vice-Chairman very nicely did the: "I, Mark Tice of Ansonia M&L Properties 420 Main Street agree to extend my request for Site Plan approval for a proposed building on said address by 30 days to March 28, 2011. The Planning and Zoning Commission and the applicant agree to extend without prejudice." Would you be willing to sign that extension because now we are cutting it close by the time we gets these maps and review and we're going to spend another meeting reviewing it. I'm not sure we can act on it or if we have a snow storm or something.

Attorney Lee signed the extension letter.

Chairman Flaherty: I thank you very much for your courtesy.

Chairman Flaherty: Do you have anything else you need from the commission Mr. Swift.

Mr. Swift: not at this time.

Chairman Flaherty: Attorney Lee do you have anything that the commission can assist you in.

Attorney Lee: no we got everything and we'll be back on the 28th of February.

Chairman Flaherty: and again to reiterate, this is a separate parcel – 420 and when we have to approve it -- it is with this application as it reads so.

Attorney Lee: I'm sorry we should have talked about the last sentence on the application but we will deal with that.

Chairman Flaherty: very good, very good. OK, I thank you gentlemen very much for your time. Mr. Swift very through presentation appreciate it by the Commission.

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

Elizabeth Baird request for Site Plan approval for In-Law Apt. located at 7 High Acres Road (1/31/11) 65 days is 4/6/11

Attorney Caroline Baird and Elizabeth Baird were present.

Attorney C. Baird said that the In-law Apartment was constructed several years ago. There is a bedroom, living room and small kitchen but it never had zoning approval. She

said that they need Zoning approval for the Bank because Mrs. E. Baird is refinancing and the house must have Zoning approval. The property and the In-Law apartment meet the Zoning Regulations. There are six (6) parking spaces and there is no entrance to the In-law apartment in the front of the home. The entrance is through the main house and in rear. In 1992, Mrs. E. Baird's mother-in-law lived in the In-law apartment. After she left Joel Baird, Mrs. E. Baird's son occupies the apartment. There is a signed affidavit to verify that.

Attorney C. Baird said that the outside of the home remains the same and nothing has changed since 1992 when the apartment was constructed. She is asking to have the existing In-Law apartment approved as it has been existing since 1992.

Chairman Flaherty entertained a motion for approval.

Mr. Heon made a motion to grant approval with conditions for the In-Law Apartment located at 7 High Acres Road. Mr. Martin seconded. All in favor, so carried.

Conditions:

1. That the applicant file the In-Law Apartment Status on the land records as a caveat so that any future title searcher will be able to identify that it is an In-Law Apartment and not a two family dwelling.
2. Note on the land records that this residence is subject to the Zoning Regulations for the In-law apartment, section 320.14.
3. That the applicant advise the Planning and Zoning Commission when this use ceases.
4. That the applicant request to continue the In-Law apartment use three years. A letter must be sent to the P&Z Commission and a copy to the Zoning Enforcement Officer.
5. This home located at 7 High Acres Road, Ansonia with an In-Law Apartment cannot be sold as a two family dwelling.
6. That should the dwelling be sold, the new owner is to be advised that they must come to P&Z to change the ownership and the approval to their name per the regulation.
7. The application will abide by Section 720.14.4 (f) of the Zoning Regulations with regard to home business occupations.

Lisa Davis Associates/Stop & Shop request to amend 1998 approval for Stop & Shop Fueling Facility, 100 Division St.

Lisa Davis was present.

Ms. Davis stated she is representing Stop & Shop in this matter. She said the P&Z Commission granted approval in 2000 for the fueling station. At that time there was a

condition on the fuel delivery hours (12:00 Midnight to 6:00 a.m.). She said these hours are a hardship for fuel delivery and she is asking to modify the condition.

Ms. Davis said that she went over to the Stop & Shop fueling station this evening to observe how it was operating and she was surprised to see that it is a rather busy station. The hours between 4:00 p.m. to 5:00 p.m. and 7:00 p.m. to 8:00 p.m. are very busy at that station.

There was a discussion on Stop & Shop installing larger gas tanks to hold up to 40,000 gallons of gasoline. The commission members discussed the busiest hours for the gas facility at Stop & Shop. Ms. Davis said 4:00 p.m. to 8:00 p.m. would not be a good time for gas delivery because of the amount of customers during that time period.

Mr. Bettini asked about Saturday hours.

Ms. Davis said that 11:00 a.m. to 1:00 p.m. would be the peak hours at that site. Then the amount of customers decreases at both the Stop & Shop Store and the gas facility.

Chairman Flaherty suggested 9:00 a.m. to 9:00 p.m. The Commission could grant a temporary time period to see how it works and if there are no problems we can re-visit it after the trial period.

Discussion continued between the Commission members and Ms. Davis on the hours of operation for fuel delivery to the Stop & Shop. The members agreed that a temporary six(6) month trial period for the change of delivery of fuel could be approved to see how it works on the site.

Mr. Martin made a motion to temporarily modify the Stop & Shop fuel delivery schedule for a six (6) month period. Delivery will be 9:00 p.m. to 10:00 a.m. Sunday through Friday and 9:00 p.m. to 6:00 a.m. on Saturday. Mr. Bettini seconded. All in favor, so carried.

Chairman Flaherty advised Ms. Davis that she could send a letter in six months asking for permanent approval. At that time the Commission will check with the Police Department and Fire Department to verify that there have been no problems with the modified times of delivery.

Referral: Board of Aldermen – Ansonia Nature Center Redwing Pond House, 21 Milan St.

There was discussion on the proposed use for the Redwing Pond House as a pre-school at the Nature Center. The original approval was in 1994 and there was an approval for a turnaround in 2004. The Commission members feel that there should be a new application for approval so that they may review the traffic flow, drop off areas, etc.

Mr. Heon made a motion for an unfavorable response to the Section 8-24 Referral for the Redwing Pond House because the Planning and Zoning Commission feels that the Ansonia Nature Center should make a new statement of use and site plan application for approval. Mr. Bettini seconded. All in favor, so carried.

Planning & Zoning Bonds

Mr. D'Amico reviewed the bonds to be released:

1. Mutual Housing - \$5,138.39
2. Frumento - \$21,051.86
3. Denita Estates - \$5,017.15

Mr. Heon made a motion to release the bonds listed above on the recommendation of Fred D'Amico, City Engineer. Mr. Martin seconded. All in favor, so carried.

Oswald Inglese - City Center Plan Amendment

Mr. Martin made a motion to table to next month. Mr. Heon seconded. All in favor, so carried.

Oswald Inglese – Land Use Fees

Chairman Flaherty said that he would like to attend the February Board of Aldermen meeting and present the new Fee Schedule for their approval.

Mr. Heon made a motion to have Chairman Flaherty attend the Board of Aldermen meeting in February to present the finalized Fee Schedule for approval. Mr. Martin seconded. All in favor, so carried.

Reports: City Engineer

- a. R. Scinto/Fountain Lake Commerce Park – E&S Bond-Perf Bond & Fence

Mr. D'Amico said that the City has a \$5000 cash bond and a \$20,000 Letter of Credit for the Scinto project.

There was a discussion on cash bonds vs. letters of credit/surety bonds. The Corporation Counsel has always stipulated in the past that the bonds be cash bonds because they are easier to access if needed. Attorney Welch cited a recent court case where the Judge allowed a letter of credit.

Mr. Heon said the commission should get clarification on the bonding that we accept.

Mr. D'Amico said he will get a copy of the Letter of Credit for the Commission.

Mr. Bettini said that the commission should send a letter to Mr. Blake asking what is acceptable with regard to bonds.

Mr. Bettini made a motion to request clarification on type of bonds from applicants is acceptable from Corp. Counsel Blake. Mr. Martin seconded. All in favor, so carried.

b. 3 Kiely's Lane/Jewett St.

Mr. D'Amico said they are still in the process of working on what is going on up there on the property and with the drainage.

Reports: Zoning Enforcement Officer

Mr. James Tanner is present.

a. Violations:

Mr. Tanner said that there are no new violations. He is currently working on what is pending with Attorney Welch.

b. Variances

Mr. Tanner said that he did not receive any variances this month from ZBA.

Reports: Planning Consultant

Mr. Inglese is present.

Mr. Martin made a motion to table the following to next month. Mr. Furtek seconded. All in favor, so carried.

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

Any other business to come before the Commission

Chairman Flaherty thanked the Commission members for their support in electing him Chairman. He thanked Jared Heon for accepting the Vice-Chairman position for the Commission.

Mr. Martin made a motion to allow the Chairman or Vice-Chairman if the Chairman is absent to act on behalf of the commission for administrative issues. Mr. Bettini seconded. All in favor, so carried.

Octavio Gonzales
84 Clifton Avenue
Ansonia, CT 06401

Mr. Gonzales said he owns 84 Clifton Avenue in Ansonia. This is a two (2) family house. He said he has two Universities, one in State and one out of State, that have contacted him asking to allow rental of rooms dormitory style in 84 Clifton Ave. These tenants are Medical Residents at Griffin Hospital. They would move in and rent a room. Right now he has some of these Residents living in the basement where there are rooms. He said he is seeking guidance as to how he can achieve this status for the two family home on Clifton Ave. He would like to formally request permission to use the house as a dormitory but he wanted to know how he can legally do it.

Chairman Flaherty said the house is a two (2) family and must be used as such. You can rent an apartment but not rooms.

Mr. Gonzales said they are Medical Residents/Students and they are here for one year only. The University wants to send the student down to him and he will give him a room. He would have medical students staying at the house.

Chairman Flaherty said that this use is not allowed in Zoning. It would be bad practice to allow this. There would be parking issues, Fire Code guidelines and rules, Valley Health would have to be involved.

Mr. Gonzales said he would expand the parking in the back of the house. He asked if he could construct another facility to be used as a dormitory.

Chairman Flaherty said it is not allowed in Zoning.

Mr. Gonzales said he is looking at a dormitory set up for the house on Clifton Avenue and for new construction.

Chairman Flaherty said Mr. Gonzales can rent out his two family house to two separate families as a two family residence.

Mr. Gonzales said he will rent to the University and they will rent the rooms to the students. They will also find roommates for the students in an apartment set-up like this.

The Commission members discussed the proposal for a dormitory use at 84 Clifton Avenue and they agreed that this is not allowed and there are many things that have to be considered such as the increase in density in the dwelling unit, parking, this is an older building and the need for a sprinkler system, emergency lighting, Fire code regulations.

Mr. Gonzales said Mr. Tanner made him aware of this.

Mr. Heon said that this expanded use is not fair to the other residential homes in the area. It is not allowed in Zoning.

Executive Session (Pending Litigation)

Mr. Heon made a motion to go into Executive Session at 9:53 p.m. and invite Mr. Tanner, Mr. Inglese and Mr. D'Amico. Mr. Bettini seconded. All in favor, so carried.

Mr. Heon made a motion to go back into regular session at 10:30 p.m. There were no votes taken in Executive Session. Mr. Bettini seconded. All in favor, so carried.
Mr. Heon made a motion to place Meadowview Estates Subdivision/White Hill Homes on the February 28, 2011 agenda for possible settlement agreement for a two lot/three lot subdivision. Mr. Martin seconded. All in favor, so carried.

February 2011 Meeting:

The Regular Meeting of the Planning & Zoning Commission will be held on Monday, February 28, 2011 at 7:30 p.m.

Adjourn

Mr. Martin made a motion to adjourn the meeting at 10:35 p.m. Mr. Furtek seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary