



City of Ansonia
PLANNING AND ZONING COMMISSION

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TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

July 30, 2012

Regular Meeting

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

Absent: Doug Furtek
James Martin

Others Present: James Tanner, Zoning Enforcement Officer
Joan Radin, Alderwoman 5th Ward

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.

Approval of Minutes

Mr. Bettini made a motion to accept as written and place on file the minutes of the June 25, 2012 Regular Meeting. Mr. Lawlor seconded. All in favor, so carried.

Approval of Bills

Mr. Heon made a motion to pay Oswald Inglese's Invoice's in the amount of \$1012.50 (May 16, 2012 to June 30, 2012) if found to be correct. Mr. Lawlor seconded. All in favor, so carried.

Mr. Heon made a motion to pay Oswald Inglese's Invoice's in the amount of \$300 (July 1, 2012 to July 15, 2012) if found to be correct. Mr. Lawlor seconded. All in favor, so carried.

Mr. Heon made a motion to pay Attorney Tom Welch's Invoice in the amount of \$420.40 if found to be correct. Mr. Lawlor 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. Bettini seconded. All in favor, so carried.

Farm Market

Mr. Vincent Scarlota, Chairman EDC was present.

Chairman Flaherty explained to the commissioners that he gave the OK to start the Farmer's Market on City property pending approval from the Board of Aldermen, Public Works Department and the Police Department. He conferred with Mayor Della Volpe, Mr. Inglese, Mr. Tanner and Attorney Welch and it was agreed that the Commission would go forward with developing regulations for a Farmer's Market once we see how it unfolds.

Mr. Scarlota thanked the commission for allowing him to start the Farmer's Market before the growing season ended. He said he appreciated that he did not have to go through the system. He gave everyone a picture and map of the area.

Chairman Flaherty said the commission will develop regulations as we go forward with the Farmer's Market. He said they realize that Mr. Scarlota is trying to get something started to bring people to Main Street.

Mr. Scarlota said the big problem is within the farmers themselves. The Farmer's Market concept is to sell what you grow scenario. Some of the more successful farmer's markets purchases produce from larger farms to sell.

Chairman Flaherty said the role as a farmer's market is to grow what you sell.

Mr. Scarlota said next year there will be time for the local growers to grow produce for the Farmer's Market. He said they don't have a fruit farmer and Marcucio is purchasing fruit from local growers to sell at the market.

Mr. Bettini asked the number of vendors participating in the market.

Mr. Scarlota said Marcucio from Benz Street and Marcucio from Route 34-Derby are selling flowers and plants. Joe Marchesni from Grassy Hill is participating. Darling Farms in Woodbridge (this farm was just taken back by the owner and it has to stay a farm). He is still waiting for Eastside Greenhouse. Hillside Nurseries may come on Saturday. He said that he has contacted the local bakeries and they are involved with Valley Health District and labeling what they sell at the market. The bakeries are trying to resolve this issue. He said VHD (Lucy) said that if you don't cut the bread or pie you don't have to label. Darling Farm has a Vegan Bakery and he wants to come to the market. He is also trying to get local jams and jellies and honey at the market.

Chairman Flaherty said it is a happening that is an unfolding event and he is hopeful it will be a successful worthy effort. He said he had a thought on the location of the Farmers Market – block off the end of the parking lot where there is vehicular access so that there will be no cars traveling back there because there is no outlet from that area of the parking lot.

Mr. Scarlota said there was a handful of people what came around the barricade and parked against the flood wall.

Chairman Flaherty said he was at the market and there is another parking lot located near the Railroad Station that was empty. No one ever parks there and this may be a viable solution for parking and ensuring public health and safety for the pedestrians and children attending the Farmer's Market.

Mr. Scarlota said Tonino Maulvuoli whom owns 200 Main Street, 240 Main Street and the Villa Bianca on Rt. 34 in Derby said he is willing to plant trees on his side of the street to help with the beautification of that area.

Mr. Scarlota said there was a meeting with Mayor Della Volpe and Supt. Schryver on the planting of the trees. He said there is a new establishment opening on Main Street and the owner is charged with planting 16 trees at the discretion of the City. He said that Public Works Dept. can dig the holes for the trees and the only cost to the owner is the trees. Mr. Scarlota said he spoke with Rick Dunne regarding the street line and grass areas between them. He said he doesn't know if the drawings or maps are in process.

Chairman Flaherty said that Planning & Zoning Commission is trying to encourage trees in the downtown area. He said he spoke with Grant Writer Eileen Krugel regarding a grant for trees. She said every tree has to be accounted for. She said she will speak with

Supt. Schryver and ask him to come up with a tree planting plan. She said the applicant can give a check to the City for the trees to be planted.

Chairman Flaherty said he is not in favor of bump outs in the street. He said that this is the northeast where we have been getting a lot of snow and PWD cannot do a good job plowing with bump outs. The Commissioners agreed.

Chairman Flaherty suggested they plant along the line of the guard rail or along the fence line. Supt. Schryver knows the distances between the planted trees. He said Mr. Scarlota said the Farmer's Market vendors would do beautification in this area in the line of planters with flowers, etc. He asked if they are doing anything else for this project.

Mr. Scarlota said no.

Mr. Heon said there should be a stanchion and lighting installed along with an island.

Mr. Scarlota said Supt. Schryver is going to clear out the parking lot.

Mr. Scarlota said that he and Chairman Flaherty talked a long time ago and there is no engine for moving forward on EDC projects. He said he keeps asking Mayor Della Volpe and the Mayor keeps saying go ahead. Economic Development Commission members are anxious to move forward with their plans. He asked if there were any problems with this with regard to P&Z.

Chairman Flaherty said EDC has to follow the rules and regulations – he asked Mr. Scarlota to give him a “for instance”.

Mr. Scarlota said the Farmer's Market – we didn't have to go before the Commission.

Chairman Flaherty said you did that – you came to P&Z and you followed the rules currently in effect. You received a “go ahead” pending the outcome of the Farmer's Market and the Commission would look into setting up a Farmer's Market regulation. He said as Chairman of EDC you have a responsibility to get bids, get plans, get itemized list of bills and invoices and get permission from the Economic Development Commission to spend the money and to do these things. You have to make sure you are aligned with BOAT, get proper bids and go through the Board of Aldermen and you have to follow the Zoning Regulations with approvals from P&Z. EDC is not like a private business. No one has the venue to go there and do things without written requests. The Board of Aldermen and Planning and Zoning are easy to work with.

Chairman Flaherty said that's what Economic Development is all about. You have to represent the community first, not the businessman but the Community which reflects the needs of the people.

There was discussion on the \$90,000 that is planned to fix the facades of the buildings on Main St. The concern is that every building is tagged with the same character which will deter new businesses and people from coming to our downtown area.

Mr. Heon said when Economic Development gets their new Director some of these things should be addressed.

Chairman Flaherty said a plan of Economic Development will soon be in place.

Mr. Scarlota said that there is a lot of information in the City Center Plan that he would like to see happen for Ansonia. He would like to do it the same way he did the Farmer's Market. He said it is a good thing he is on EDC and he is anxious to get started.

Chairman Flaherty said that there will be a plan of Economic Development in place shortly for the Economic Development Commission to implement.

Mr. Scarlota said that Tonino is willing to help.

Chairman Flaherty said that the taxpayers of Ansonia paid \$385,000 to fund the Flood Wall Engineering Study to keep the flood insurance costs down for the businessmen downtown. That is a direct benefit for the businessman located on Main Street.

The Chairman said he went to Derby to Archie Moore's for lunch with his son and it cost \$1.50 to park and every 18 feet all the way down Main Street was a parking meter. There is not one charge to park for the businesses in Ansonia. Derby parking garage has a charge – Ansonia doesn't charge for parking in downtown. Ansonia is very business friendly. Those are the things that have to be talked to for the business community. Businessmen have to be made aware of the benefits Ansonia offers to them. So as the Economic Development Commission you represent everyone. There is an 8-24 referral from the Board of Aldermen tonight for Crave to put a deck on for outside dining. This is a good thing for Main St. There are pluses for the community such as the Farmer's Market; those are the type of things you have to promote. You are an advocate for the Taxpayers of the community, listen to the people and then the businesses. We also have businesses that are not located Downtown that could use some of this help.

Mr. Scarlota asked if there is a Zone map with the districts and a description for each code because the Shriners wanted to come to Main Street and the code doesn't allow it.

Chairman Flaherty said they are a social club. How many social clubs do you want downtown taking up store front space where retail could occupy the area?

Mr. Scarlota said that they are only using the space once or twice a week. He said he would like to keep them in Ansonia and he needs to know where he can drop them in – what zone - Beaver Street maybe????

Mr. Heon said the Regulations are in the Town Clerk's office and they outline what is allowed. If it is not listed it is not allowed.

Chairman Flaherty said the Commission will generate some regulations for the Farmer's Market.

Fence Regulation – Set Public Hearing Date

There was discussion on the Fence Regulation Draft forwarded by Mr. Inglese dated 7/15/12.

Mr. Bettini discussed fences directly in front of the home.

Chairman Flaherty said that Mr. Inglese recommends a section from the New London regs.

Mr. Heon asked who will enforce this. Chairman Flaherty said the Zoning Enforcement Officer.

Mr. Bettini said is there a violation if the fence is post adoption of the new regulation.

Chairman Flaherty said that existing fences are grandfathered however it will apply to any future development or application for fence permits.

There was discussion on noise from traffic on busy streets and intersections and that a fence will block the noise. The fence is used as a noise barrier.

Mr. Bettini discussed a six foot wire fence that may be used around a garden to prevent animals from damaging and eating the garden.

Chairman Flaherty said that people only complain when there is a nuisance.

Mr. Bettini said that he sees a lot of fences around the town and in neighborhoods.

Chairman Flaherty said he recently was in a back yard and there were two 6 foot fences on each side of the yard and there was no air circulation.

Commissioners discussed how to measure for the fence with regard to the grade and height.

Mr. Bettini said limit the size to 3 feet or 4 feet for the fence and not the height of the fence. The fence should be functional and do what it was intended to do when installed.

Alderwoman Radin discussed the two fences on Wakelee Avenue. She asked about fences around swimming pools and how this new regulation would affect that.

Chairman Flaherty said the Pool Regulations would prevail for public safety.

Chairman Flaherty said that the Commission has to start somewhere and get something in writing for Fences. If things come up the Commission can change the regulation. He read the following from the draft copy regarding Intersections:

New London:

"Section 606 – Visibility at Street Intersections.

No structure, wall, fence, shrubbery, or trees shall be erected, maintained, or planted on any lot which unreasonably or dangerously obstructs or interferes with the visibility of drivers of vehicles on a curve or at any street intersection. The minimum vision clearance shall require a clear space between the elevations of two and one half feet (2.5') and seven feet (7') above the street grade (top of curb) within 25 feet of the intersecting street lines bordering corner lots."

Mr. Bettini said that this regulation states 25 feet of the intersecting street lines bordering corner lots.. The State owns another 15 to 20 feet and they never take care of the right of way. He said they never took care of the area (Pulaski/Arcade) so he cleared the property.

Mr. Heon said to include signs – large signs.

Mr. Tanner said that they are a structure.

Alderwoman Radin said you have a regulation on signs.

Mr. Bettini said is part of that obligating the State on the State Road to maintain the 25 foot clearance on the State Road.

Mr. Tanner said that 25 feet back from the edge of the road is the measurement.

Mr. Bettini said the State doesn't maintain it. How do you handle it.

Chairman Flaherty said the resident should call the Police Department and they will contact the State of CT DOT.

The Commissioners continued their discussion on the proposed amendment regarding Fences.

Mr. Heon said the word sign should be put in the proposed regulation.

Mr. Heon made a motion to accept the revised Fence regulation Section 330.4 in entirety and add revised Section 330.5 as follows:

PZ 073012

Chairman Flaherty asked if there was any further discussion or questions regarding the proposed amendment.

Mr. Bettini asked for clarification of the “within 25 feet of intersections”.

Mr. Tanner explained it may be only 25 feet of paved surface.

Mr. Bettini asked if it is 25 feet from the center line.

Mr. Tanner said yes, it requires an A-2 survey – the property line is the same as the street line.

A discussion followed on the 25 feet at an intersecting line and on the third point of the triangle – the property line where it meets the right of way.

Mr. Tanner explained the center line to the commissioners.

Mr. Heon made a motion to set the public hearing date for Monday, August 27, 2012 at 7:15 p.m. Mr. Lawlor seconded. All in favor, so carried.

Mr. Heon asked if the commission can have Mr. Inglese begin work on the next item that needs to be addressed.

Mr. Tanner requested “Clothing and Collection Bins”.

Chairman Flaherty said those are not allowed in Zoning.

Mr. Heon said there are DVD Bins all over and one next to the ice machine at CVS. You can't walk on the sidewalks because these bins are there.

Chairman Flaherty said they are not allowed.

Mr. Tanner said section 310 does not specifically prohibit them. There are problems with collection bins in every section of Town. There are some people petitioning for them stating they are not hurting anyone. They state these bins give people an opportunity to get rid of their clothing.

Mr. Heon said he would like to have Mr. Inglese address Dumpsters where you can cite a section of the Zoning Regulations.

A discussion followed on dumpsters and Collection bins and that they are not allowed in the Regulations. Mr. Tanner said that the vendor just drops them in the public parking lot, on sidewalks, anywhere they can. There are property owners who want these bins because they get a fee to have them on their property.

Chairman Flaherty said maybe the Board of Aldemen will have to adopt an Ordinance regulating these type of Collection Bins. P&Z Regulations do not allow them.

Chairman Flaherty requested the Secretary send a memo to Mr. Inglese asking him mto work on the Dumpsters and the Collection bins and Video Vending Machines.

Reports: City Engineer

Chairman Flaherty said he spoke with Mr. D'Amico and told him it was not necessary for him to attend the meeting this evening.

- a. 3 Kiely's Lane/Jewett St.
- b. Valentine Drive – Wall
- c. Coastal Carriers – Curb Cut – Fill measurement (Special Exception)
- d. Shell Station – Paint Curb
- e. 40 Hotchkiss Terrace

Chairman Flaherty said that the Shell Station has not painted the curb yet. There is firewood on the sidewalk so a pedestrian cannot use the sidewalk. There is product stored on the sidewalk leaving no room for an adult or child to walk.

Mr. Bettini said that someone will get clipped if they are not on the sidewalk. The children have nowhere to stand or walk and P&Z specifically addressed that issue at the time of approval.

Reports: Zoning Enforcement Officer

Mr. James Tanner was present.

- a. Violations:

Mr. Tanner said that there is nothing new.

53 Woodbridge Avenue

Mr. Tanner said he went to the Appeal for 53 Woodbridge Ave. The Appeal is stating that the Zoning Regulations doesn't say they can't have chickens.

There was discussion on the previous cases involving chickens in Ansonia that have gone to court. Ansonia prevailed in those cases.

b. Variances

Mr. Heon asked what happened with the variance for Jackson Street.

Mr. Tanner said that ZBA denied it.

Reports: Planning Consultant

Chairman Flaherty said he spoke with Mr. Inglese and told to him it was not necessary for him to attend the meeting this evening.

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

Any other business to come before the Commission

Prestige Builders request for bond release for Valentine Court (Hunter's Landing Subdivision)

Mr. Heon made a motion to table this request for release of bond until the Commission receives Mr. D'Amico's report. Mr. Lawlor seconded. All in favor, so carried.

Referral – 8-24 Board of Aldermen (transfer 114 Main St.)

Mr. Heon made a motion to deviate from the agenda to add Referral 8-24 from the Board of Aldermen on the transfer for 114 Main St.. Mr. Bettini seconded. All in favor, so carried.

Chairman Flaherty asked three (3) times if there was anyone from the public who wished to address this matter. There was no one.

Chairman Flaherty said the Commission received an 8-24 Referral from the Board of Aldermen for the transfer of property (114 Main Street) to Walter Kendzierski.

The Commissioners discussed the referral and the proposed use for the land that will be transferred to Mr. Kendzierski. This property is used by the City as a snow shelf when plowing in the winter. Mr. Kendzierski is requesting this property for a deck for Crave Restaurant which is located in this building. The Board of Aldermen stated they had no problem with transferring the property for this use.

Mr. Heon said the Supt. of Public Works had no problem with transferring the property.

Mr. Heon made a motion to send a favorable response for this referral with the suggestion that the Board of Aldermen may consider transferring air rights for the outdoor deck and retaining the strip of land for snow storage. Mr. Lawlor seconded. All in favor, so carried.

Chairman Flaherty said the commission might want to mention "air rights" giving Crave the right to build a deck seven or eight feet over this land and the City retains the strip of land for snow storage.

Mr. Heon made a motion to include the air rights and retention of the strip of land for snow storage in the favorable motion to the Board of Aldermen for the transfer of 114 Main St. Mr. Lawlor seconded. All in favor, so carried.

Mr. Tanner said last month there was an issue with the bond for Hodge Avenue where the applicant failed to install the sidewalks. It is an unsafe condition and the bond has to be revoked to install the sidewalks.

Mr. Bettini said what if the cost to install the sidewalks is \$6000/\$7000 and the work cost more than the bond.

Mr. Tanner said the City Engineer sets the bond.

Mr. Bettini said what if the bond is set and the applicant says the City can do the work.

There was discussion on the above with regard to the setting of the bond to cover the costs should the applicant fail to finish the subdivision.

Alderwoman Radin said there is someone doing business as a store where the Tailor Shop was located across the street from Zani's Pizza on Wakelee Avenue. She said there is a lot of garbage on the former Fernino property.

Mr. Tanner said that all of the garbage and the area have been cleaned up at the Fernino property.

Alderwoman Radin said that from Jackson Street to Franklin Street there are trees over hanging onto the sidewalk and blocking the sidewalk.

Mr. Heon made a motion to send a letter to Public Works Department to trim the trees along the sidewalk past B&J Electric going toward (north bound) to Nolan Field). Mr. Lawlor seconded. All in favor, so carried.

The CT DOT will be copied on the letter.

Executive Session

None

August 2012 Meeting

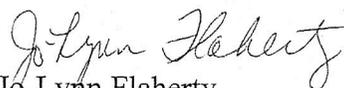
The August 2012 meeting is scheduled for Monday, August 27, 2012 at 7:30 p.m.

The Public Hearing on the Fence Regulation will be held on Monday, August 27, 2012 at 7:15 p.m.

Adjourn

Mr. Heon made a motion to adjourn the meeting at 9:35 p.m. Mr. Lawlor seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary