



City of Ansonia
PLANNING AND ZONING COMMISSION

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Madeline A. Bottone

TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

December 17, 2012

Regular Meeting

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

Absent: Doug Furtek
James Martin

Others Present: Oswald Inglese, Planning Consultant
James Tanner, Zoning Enforcement Officer
Joan Radin, 5th Ward Alderwoman

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

All Present rose and pledged Allegiance to the Flag.

Chairman Flaherty called for a moment of silence in remembrance of the victims of the Sandy Hook Tragedy December 14th.

The secretary called the roll.

There was a quorum present.

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Approval of Minutes

Mr. Bettini made a motion to accept as written and place on file the minutes of the November 26, 2012 Regular Meeting and the December 2, 2012 Special Meeting. Mr. Lawlor seconded. All in favor, so carried.

Approval of Bills

Mr. Heon made a motion to pay the following bills. Mr. Lawlor seconded. All in favor, so carried.

1. Oswald Inglese: \$1,237.50
2. Attorney Welch: \$287.50

Correspondence

Mr. Lawlor 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.

Proposed Amendments to Subdivision & Zoning Regulations regarding Sidewalks and Walkways (set public hearing date)

Mr. Inglese said that he has provided a copy of the revised proposed regulations with the updates discussed at the last meeting. He said he addressed section 3.6.1 with regard to easements. He asked if there were any questions.

Chairman Flaherty said there has been a problem with re-installing a sidewalk. For example on Grove St. a house was built on lot that did not have a sidewalk. There was an existing sidewalk on each side of the undeveloped property. Once the home was built the developer did not put in a sidewalk between the two existing sidewalks but left the area with stone and unpaved. This also happened on May St. The person who built the home should have been made to put in a sidewalk in front of the new home matching up to the existing sidewalk. He asked Mr. Inglese if this new regulation addresses something like this – there is a sidewalk up to the lot then why not put a sidewalk past the lot frontage to meet the other existing sidewalk.

Mr. Heon said he agrees this should be put in the zoning regulations.

Mr. Inglese said he did not know if it could be done. It may require an Ordinance by the Board of Aldermen.

Mr. Heon said before they are given a permit for zoning or building they have to install the sidewalk.

Mr. Bettini said that maybe this should be an Ordinance through the Board of Aldermen.

Mr. Inglese said the ZEO and Building Official cannot issue a C.O. or a building permit until the sidewalk is in compliance.

There was discussion in that this is an existing sidewalk that is there and why should the public have to walk along on the existing sidewalk and then it turns to gravel and then back to pavement.

Mr. Heon said in the winter months the unpaved area is a mess. Also the gravel is all over the existing sidewalk.

The Commission discussed the single lots that have sidewalks adjoining the properties next to the lot. These single lots should have to put in sidewalks where there are none past the frontage in front of their lot to match with the existing sidewalks adjoining. They are not saying that developers will have to put sidewalks where there are none existing.

Mr. Inglese said he will work on the language and send it to the members.

The width of the sidewalk was discussed. The members felt that if the existing sidewalk is five feet the new sidewalk should be five feet. The new sidewalk should be a minimum of four feet or wider if the existing sidewalk is such. A three foot sidewalk should blend into a four foot (new) sidewalk.

Proposed Amendments to Zoning Regulations regarding Temporary Storage Structures and Dumpster (discussion)

Mr. Inglese explained that the bold print is the new language in this regulation. The regulation stress registration for temporary storage.

Chairman Flaherty said Alderwoman Radin discussed a trailer for storage of records. How is this addressed?

Mr. Inglese read the section on page 2 - Notes 1 and 2 that covers this.

Reports: City Engineer

Mr. Fred D'Amico was not present this evening.

Chairman Flaherty said he spoke with Mr. D'Amico today and he has the flu.

a. Valentine Drive – Wall

Chairman Flaherty said the commission held a special meeting and site inspection on Valentine Drive. Mr. D'Amico, Mr. Tanner, Mr. Bettini and he were present. He said that Mr. D'Amico was to address the issues raised on the site with the Developer and report back to the Commission.

b. Coastal Carriers – Curb Cut – Fill measurement (Special Exception)

Chairman Flaherty said that Coastal Carriers still have to go to Inland Wetlands Commission. No new information has been received from Coastal.

c. Shell Station – Paint Curb

Mr. Tanner said that he was contacted by the State of Connecticut DOT regarding the curb cut at the Shell Station. He said that Mr. Baker is still pushing to get the curb cut open. The State of Connecticut required that this curb cut be closed onto Main Street. He said they never replaced the curbing appropriately. Mr. D'Amico has spoken with them regarding the curb cut, the repair of the curb cut and painting of the curb many times. The landscaping has not been completed and they have not complied with the conditions of approval. He said he will send them another letter advising them of this and giving them a time frame to complete the work and after that he will issue a cease and desist order to the Shell Station.

Chairman Flaherty said he spoke with Sen. Crisco regarding this request and advised him that the closing of the curb was required by the State of Connecticut DOT and the Planning & Zoning Commission as a public health and safety issue. He said he would rather have Mr. Tanner speak with the owner and advise him again of his violations before the cease and desist order is issued.

Mr. Tanner said that he and Mr. D'Amico have spoken with him and he still does not comply.

There was discussion on closing the Shell Station down with the Cease and Desist order. It was agreed that Mr. Tanner and Mr. D'Amico would speak with the owner one more time before anything is done.

Mr. Heon said that they have not complied with the requests of the commission and it has been over a year. This was discussed last year and they missed the curbing because the asphalt plants closed. The asphalt plants have closed this year so the curbing will have to wait until the Spring again.

Chairman Flaherty said as long as the curb cut is blocked off and the cars cannot use it.

Mr. Bettini said that it is a bituminous curb and the cars are constantly running over it.

Chairman Flaherty asked that Mr. Tanner remind the owner to clear the sidewalk of product so that the customers can walk on it.

Mr. Bettini said he would agree with one more letter being sent and after that a cease and desist order.

d. 40 Hotchkiss Terrace

Chairman Flaherty said that he has not heard from Mr. D'Amico as to whether Seymour IWC got back to him.

e. Jewett Street – Sidewalk

Mr. Tanner said that Mr. D'Amico and Supt. of PWD Mike Schryver have gone to the site and they are putting together a plan to repair the sidewalk area.

Chairman Flaherty said they should notify the homeowner of this because they are responsible for two-thirds the cost of the sidewalk.

Reports: Zoning Enforcement Officer

Mr. James Tanner was present.

a. Violations:

Mr. Tanner said there is one violation at 51 Franklin St. for an expansion of a non-conforming use. The building was built with no permits from the Zoning Dept. or the Building Dept. The owner is appealing the decision of the Zoning Enforcement Officer's Cease and Desist order through ZBA.

b. Variances

Mr. Tanner said there are no variances.

Reports: Planning Consultant

Mr. Oswald Inglese was present.

Mr. Inglese said he is working on something for vending machines on sidewalks. He said they are located at CVS, Cumberland Farms and Big Y.

Mr. Inglese discussed window signs and the limit on how much of the window can be covered by signs. He said 25% is a good number.

Mr. Tanner said that 15% is the regulation for wall signs.

The members discussed signs on windows indoors and lighted signs and lights that hang in windows.

Mr. Inglese asked if there is a regulation on lighted window signs.

Mr. Tanner said no, they are not allowed in zoning.

There was discussion as to what is allowed and not allowed with regard to window signage.

Mr. Inglese explained lighted signs and displays to the members.

Mr. Tanner said an "open" sign and display of merchandise is OK. Strobe lights are not allowed.

Mr. Heon said he doesn't like the bodega look.

The members agreed that windows that are completely covered with paper signs are also not appealing. Mr. Inglese discussed glow signs and paper signs with the members.

Chairman Flaherty said there were a lot of comments at the Economic Development Commission meeting regarding signs. They said that Ansonia is a mismatch of signs with no continuity. We should have an eye towards consistency and standardization with signs in the Main Street – downtown area.

Mr. Tanner said that every store owner was sent a letter on signs. The letter included what is allowed and what is not allowed and a copy of the regulation was also sent. This information was sent to the property owner and the business owner. These are the people who complain stating the City of Ansonia will not work with them.

Mr. Heon said P&Z's job is to have regulations and still have cooperation. You have to have pride in what you are creating.

Chairman Flaherty said it will all work out. Mr. Inglese will work on the language.

Mr. Inglese said Itinerate Vendors are required to have a license from the Board of Aldermen or the Police Dept. to open shop. They may want to sell fresh fish from Maine along the side of the road. This type of thing is usually handled by Ordinance through the Board of Aldermen. They have control and it has to be in the right zone, a fixed location and have a license. The local store owners who pay rent and taxes for their stores are not usually in favor of this type of vendor.

Mr. Bettini said it is like the Farmer's Market.

Mr. Inglese said that it embraces some kind of approval for the Farmer's Market where we approve the area for the use and a license is issued by the Board of Aldermen. He said that the Commission has to develop a regulation for Farmer's Markets.

Mr. Heon said what about the pop up Halloween Store where people pitch a tent and start selling their product.

Chairman Flaherty said the Shell Station at Great Hill Road pitched a tent and sold fireworks and plants.

Mr. Tanner discussed "clothes bins" throughout Ansonia. He said there are 13 of them located in town.

Mr. Bettini said he just started noticing them since the last meeting when there was a discussion on them in town. He asked if there was any way to stop them. They are all over the city.

Mr. Tanner said not unless they are located on City property. They state they are non-profit and are on private property.

Mr. Bettini asked if the City can remove them.

Mr. Tanner said the City can't remove them. The property owner can have them removed.

Chairman Flaherty said the commission can make a recommendation to the Board of Aldermen regarding an Ordinance for the "clothes bins". He asked Mr. Inglese to look into that and prepare something for the Board of Aldermen.

Mr. Heon said in Shelton the Shelton Traffic Police put a sign on the dumpster with a date and when it expires the dumpster is removed. He said there are two full dumpsters left on Kiely's Lane. They have been there for months.

Mr. Inglese asked who removes them.

Mr. Heon said in Shelton the Police Department takes the dumpsters and removes them after the expiration date if the vendor doesn't come to get them.

Mr. Tanner said these dumpsters are in the public right of way. The Chief said the companies want you to hook them and haul them away and store them. That makes them happy if you do that, they don't have to do it.

Mr. Heon said there are pickers taking scrap metal out of there. Cats, etc. are in and out of them. If there is a snow storm they are one foot on private property and one foot on public. There is illegal dumping. He said he will get a copy of the Shelton Ordinance.

Mr. Tanner said if it is private property it is a zoning matter, if it is public right of way it is the Ansonia Police Dept.

Any other business to come before the Commission

None

Executive Session

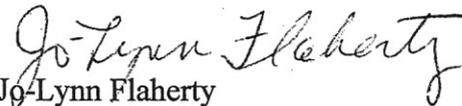
None

Chairman Flaherty wished those present a Merry Christmas and a Happy New Year.

Adjourn

Mr. Bettini made a motion to adjourn the meeting at 8:30 p.m. Mr. Lawlor seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary