



City of Ansonia
PLANNING AND ZONING COMMISSION

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ANSONIA, CONNECTICUT

January 30, 2012

Regular Meeting

Present: Bart Flaherty, Chairman
Michael Bettini
Doug Furtek – left the meeting at 8:35 p.m.
Jeff Lawlor
Jared Heon

Absent: James Martin
Ed Phipps

Others Present: Fred D'Amico, City Engineer
James Tanner, ZEO
Tom Welch, P&Z Attorney

The Regular Meeting of the Ansonia Planning & Zoning Commission was called to order at 7:40 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 December 19, 2011 Regular Meeting. Mr. Lawlor seconded. All in favor, so carried.

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Approval of Bills

Mr. Heon made a motion to pay Oswald Inglese's Invoice in the amount of \$825 if found to be correct. Mr. Bettini seconded. All in favor, so carried.

Mr. Heon made a motion to pay Attorney Tom Welch's Invoice in the amount of \$397 if found to be correct. Mr. Lawlor seconded. All in favor, so carried.

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

Correspondence

Mr. 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.

1. Metro PCS and Caron & Associates Design Photos of 501 E. Main St. Photographic Renderings & Actual visibility photos dated 1/19/12
2. Administrative Appeal for Castle Lane Developers dated 12/20/11
3. Oswald Inglese to Derby P&Z re: Special Exception for Walgreens on Pershing Drive, Derby dated. 1/4/12
4. Oswald Inglese to Chief Kevin Hale, APD re: intersection W. Main St. and Bridge St. dated. 1/11/12
5. Derby P&Z referral Temp Rock Crushing Operation between Main St. and Division St. Notice of Public Hearing on 1/17/12 at 7:00 p.m. dated 12/1/11 received on 1/3/12
6. Ct. Federation of P&Z Agencies Quarterly newsletter Winter 2012
7. T. Welch re: Jeanne Shuster vs. Fountain Lake LLC/City of Ansonia/P&Z Request to Revise dated. 1/23/12
8. T. Welch re: Jeanne Shuster vs. Fountain Lake LLC/City of Ansonia/P&Z Answer & Special Defenses dated. 1/16/12
9. T. Welch re: Public Act 11-70 Act Concerning Bond & Surety for Approved Site Plans & Subdivisions dated. 7/11/11
10. ZBA January 9, 2012 minutes
11. K. Blake re: Gracie Lane
12. R. Tingley, Fire Marshall re: Tank Installation Coastal Carriers dated. 1/19/12
13. Fred D'Amico re: Proposed Subway, 350 W. Main St.
14. Fred D'Amico re: Coastal Carriers, 14 Riverside Drive.
15. Photo of proposed sign for Subway

Chairman Flaherty said a letter was sent to Chief Hale regarding Bridge Street and W. Main Street intersection. He the Commission should refer the letter received from Attorney Welch PZ013012

regarding the change in State Laws and bonds to Mr. Inglese and Mr. D'Amico. He said that the Commission has to incorporate these changes in our Regulations.

Mr. Heon made a motion to refer the changes to Staff (Mr. Inglese, Mr. Tanner) Mr. Bettini seconded. All in favor, so carried.

Chairman Flaherty said that he wanted to mention how long it takes the Applicants to comply with conditions of approval. P&Z approved with conditions the site plan for Coastal Carriers in 2009. One of the conditions was an approval for the 12,000 gallon tank by the Fire Marshall. P&Z received the letter from the Fire Marshall on 1/19/2012. He said it took Coastal Carriers that long to contact and get the Fire Marshall there to approve it.

Metro PCS request for Site Plan Approval for the Installation of Wireless Telecommunications Antennas and Equipment at 501 E. Main St.

Christopher Fisher, Attorney, John Nester, Metro PCS Repr. And Franze Pierre, Metro PCS Radio Engineer was present.

Mr. Nester said that Metro PCS conducted the balloon test that the Commission requested. He said they put the balloon up on the building on Sunday, January 15, 2012. It was there from 9:00 a.m. to 1:00 p.m. They also did photo simulations and had a consultant do photos for the impact on the surrounding area. There will be a fence as requested around the tower.

Chairman Flaherty thanked Mr. Nester for all of his efforts with regard to the balloon test. He asked if the tower would be 30 feet in height in that location.

Mr. Nester said it would be 30 feet high and right where the balloon was located. There will be a 12x16 pad for the mechanicals extended off the roof about one foot. There will be four telecom cabinets and around the cabinets there will be fencing.

Chairman Flaherty thanked Mr. Nester for his effort where he super imposed the tower on the pictures so everyone could see the visual impact.

Mr. Nester said they want to be good neighbors. The tower will provide video and internet and phone for about \$40 per month.

Chairman Flaherty asked if there were any questions from the Commission members.

Mr. Bettini said he wanted to commend Mr. Nester and his crew on the quality of the balloon test.

Mr. Heon said we don't want to see the equipment off the sides.

Chairman Flaherty said the approval would be for this antenna tower only. Should the building be torn down you would have to come back and get the approvals again. Anything else you do to the tower would have to come back to the Commission.

Commission discussion was had regarding the color of the tower and what color would best blend the tower into the environment.

Mr. Heon said brown would be neutral.

Mr. Nester said white doesn't have an impact.

Chairman Flaherty said a two tone such as blue/white or blue/grey to blend with the sky.

Chairman Flaherty asked the commission for their thoughts on the antenna.

Mr. Bettini, Mr. Lawlor and Mr. Furtek stated they had no problems with it.

Chairman Flaherty said if there is a motion to approve the conditions would be as follows:

1. The tower would be painted a color to blend with the sky.
2. A fence would be installed per Mr. Inglese's recommendations.
3. This application is for this antenna on this building this time only. If the building is torn down it does not automatically give the applicant the rights to replace it.
4. Any changes or replacement would have to come back before the P&Z Commission for approval.
5. There must be a letter received from the property owner granting permission to Metro PC allowing them to install this tower and antenna. This letter must be given to the P&Z.
6. The tower must not be higher than 30 feet and not enlarged.

Mr. Bettini made a motion to approve with the above conditions the request for a telecommunications tower to be located at 501 E. Main Street. Mr. Furtek seconded. There was a voice vote and all were in favor. The motion carried.

Referral: City of Derby re: Special Exception for Temporary Rock Crushing Operation on property between Main St. and Division St. Derby

Chairman Flaherty said the public hearing was held on January 17, 2012 and the Special Exception was approved. Division Street is a very busy street and this activity is not only for the property on Division Street where the proposed building will be located the Developer plans to bring in material from off site for crushing. He said he did not attend the public hearing because he didn't have permission from the Commission to go there and speak. He said he would have gone and voiced his concern over the amount of truck traffic that would be generated and added to an already busy street.

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Mr. Bettini made a motion to authorize the Chairman to attend any meeting or send letters to other towns where there are projects or proposals that will affect Ansonia. Mr. Lawlor seconded. All in favor, so carried.

Mr. Bettini asked if we know the traffic flow through Ansonia or Rt. 8 or past Griffin Hospital to this site.

Chairman Flaherty said no, we don't have that information.

Mr. D'Amico said Earthworks will build the road through the Pershing Drive area. They have construction site in Oxford and it is faster coming through Ansonia to the site.

Chairman Flaherty said the approval was for two (2) years for a Temporary Special Exception and they are bringing material from an offsite location to Derby.

Mr. Bettini asked the hours of operation.

Mr. D'Amico said the hours will be 8:00 a.m. to 5:00 p.m. The noise will bother the Derby Riverwalk the most. The road construction will be along the Riverwalk. This activity will clean up the site that was left that way by Korolysin. Earthworks works pretty quick and they do nice work.

Chairman Flaherty said traffic on Division Street is a mess and this will make it worse.

Mr. Bettini asked if the plan was for more stores and shopping back there.

Mr. D'Amico said the plan is for 5000 s.f. to 20,000/40,000 s.f. box stores on the site.

Chairman Flaherty said that will increase the traffic on an already overburdened Division Street.

Mr. Bettini said are we going to say anything about this.

Chairman Flaherty said we can write a letter to the State Traffic Commission on the heavy burden for the road.

Mr. Bettini said the burden is not only the special exception to crush the rock but the construction of five big box stores on the site.

Mr. D'Amico said the permanent stores will impact the traffic more. He said when Derby proposes to build the five stores is when the State Traffic Commission will get involved with the traffic and so forth.

Mr. Bettini said how can they say there is no traffic in that area.

Commission discussion was had regarding the Shell Station at the corner of Main St. and Division St. intersection and the plans to improve this area.

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Mr. Bettini made a motion to send a letter to the State Traffic Commission and the State Representatives and State Senator voicing our concern on the increase in traffic on Division Street, a State Highway in that area. Mr. Furtek seconded. All in favor, so carried.

Ann & Barbara Property LLC/Anil C. Patel request for site plan approval for a Subway Sandwich Shop to be located at 350 West Main St.

Carmen DiCenso, property owner, Anil Patel, applicant, Lou Vitale, associate in Subway office and Bill Taylor, Subway representative were present.

Bill Taylor, Subway Representative
75 Washington Ave.
N. Haven, CT

Mr. Taylor said the Subway is taking the end cap of the building. The customer area is about 300 feet. They will be open from 7:00 a.m. to 10:00 p.m. There will be no cooking on the premises. They provide a takeout menu and there is a walk up business. The building is located on the cusp of the downtown area. Most of the customers will be walk up customers. At the Pershing Drive store the customers stay and eat their food. There is a shed on the property that will be eliminated.

Chairman Flaherty asked the number of walk in customers they anticipate and the number of sitting customers.

Mr. Taylor said 10% will be sitting and eating. He said that this is a good location, they have run traffic studies and it is a great place. Mr. Patel is eager to come over to this side of town to operate another Subway.

Chairman Flaherty asked how the product was delivered to the store.

Mr. Taylor said it is delivered whenever we like it to be delivered. It comes from Rocky Hill and could be delivered anytime between 6:00 a.m. and 10:00 p.m. Usually the first two deliveries we have to show the drivers what we want and when we want them to deliver the product. We tell them that 11:00 a.m. to 1:00 p.m. is not a good time for deliveries. We can work it so they come at the off peak time either very early in the morning or late in the evening. They use tractor trailers to deliver the product. He said that they can use smaller trucks or vans to deliver the product. They can request box trucks for deliveries.

Chairman Flaherty said West Main Street would be difficult for tractor trailers to deliver during the day.

Mr. Taylor said that Target parking lot is behind and at the other place they may use the Target lot where they can cozy up to the back of the store for deliveries.

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Chairman Flaherty said that Planning & Zoning can't depend on that. Target is not your property. The Commission cannot consider that. He said you are familiar with the location and asked if they can have deliveries in a van.

Mr. Taylor said they would prefer the standard type of delivery. He could ask them to come early in the morning or late in the evening to deliver and they will abide by that.

Mr. Taylor gave everyone a copy of the proposed signage for the building. He said he will send in the proper plans with the sign company when they come in for the permit.

Chairman Flaherty said to see the Zoning Enforcement Officer regarding Ansonia Sign Regulations. He asked if they planned any signs in the front yard.

Mr. Taylor said if a pylon is allowed they would like to use that for a sign.

Chairman Flaherty said there is a bad sight line there already and offices were proposed for this location. He said you stated you need three (3) parking spaces.

Chairman Flaherty said he would really like to see a Subway in Ansonia but he is very concerned with the parking.

Mr. Bettini said at the last meeting there was discussion on the number of parking spaces required. They are 870 feet away from the Municipal parking lot. He asked the number of parking spaces needed.

Chairman Flaherty said the applicant states this is a restaurant and not a drive in. That would be one space for every 75 s.f. of patron floor area including outdoor area. He read section 410.4.9 to those present. That section states requirement of one space for every 20 s.f. He asked if there was a takeout window.

Mr. Taylor said no.

Chairman Flaherty said the proposal will be referred to staff. He said 300 s.f. times 20 s.f. equals 15 parking spaces.

Mr. Taylor said 300 s.f. is patron area where people will sit and eat not including behind the counter.

Mr. Bettini said the map shows 14 seats.

Mr. Taylor said this is a restaurant.

Chairman Flaherty read the definition of a restaurant from the regulations.

Mr. Taylor said there are other definitions and I believe it's a restaurant that is one (1) for 75 s.f. We modeled our plan for the best of both worlds – 14 seats and 75 feet means we have four (4) parking spaces with a couple left over.

Mr. Bettini said parking for the other two stores in the building must be considered.

Mr. Taylor said there is.

Commission discussion was had regarding the location of the driveway where one would back out into the highway where there are two lanes turning onto Main Street.

Mr. Furtek made a motion to accept the application and refer to staff and request Attorney Welch to determine whether Subway is a restaurant or drive in restaurant with special attention to parking. Mr. Bettini seconded.

There was discussion on the above motion.

Mr. Furtek made a motion to amend his motion and add "our attorney and planner will make the caveat as to restaurant or drive-in". Mr. Bettini seconded.

Chairman Flaherty called for a voice vote. All in favor, the motion carried.

Chairman Flaherty said a Subway is welcome in Ansonia however it is a very tight property with difficult access and parking.

Mr. Heon said there are other spaces in the building that must be considered also with regard to the parking.

Chairman Flaherty said yes, there is 800 s.f. office and 1480 s.f. vacant space with a requirement for six (6) parking spaces depending on the use. We don't know if they plan to rent out that space. He said the commission will try to move it along however it took 2 ½ months to get an application to the commission.

Chairman Flaherty said with regard to the signage you must see the Zoning Enforcement Officer to see what is allowed in zoning. It has to work for the Town. He said he drove over there last week a few times and parked there and this past Sunday and he was there today.

There was discussion on the use of the Municipal Parking lot and the regulation allowing this use. If a building is within 300 feet of the Municipal Lot they can count that parking by right. If they are within 600 feet of the Municipal Lot it is by approval of the P&Z Commission.

Mr. D'Amico said the regulation states the required distance. He said he did go out there and measure the distance from the lot to the site.

Mr. Taylor said they are at 870 feet. He asked if they could go to ZBA to get approval.

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Chairman Flaherty said to wait to see the determination.

Mr. Taylor asked what is the determination. Will he find out during the month and then come back next month.

Chairman Flaherty said you are stating it is a restaurant and we asked for a determination from staff per our regulations as to whether it is a drive-in restaurant or a regular restaurant without a dance floor.

Mr. Furtek left the meeting at this time – 8:35 p.m.

Ed Musante
138 Old Ansonia Road
Regarding Castle Lane

Mr. Musante said there were two petitions and he is asking if both petitions were put on file.

Chairman Flaherty said Castle Lane Subdivision was denied. He said everything that was presented at the meetings was placed on file. The court will make a determination if the petition is a legal petition.

Attorney Welch said that Castle Lane is not in court yet. There will be a briefing schedule the end of February and that may push it up to May or June and it may be heard in September.

Reports: City Engineer

Mr. Fred D'Amico, City Engineer is present this evening.

1. Kiely's Lane: He will be in with a design for a pipe and drainage which will redirect some of the water to the catch basin.
2. Valentine Drive Wall: He said the Developer will design the wall because those are just rocks placed there. He will come up with a final design for the wall which will be adequate to hold the bank.
3. Subway: He said he measured the length and it is 870 feet. There is a letter and sketch.
4. Coastal Carriers: He said the applicant has agreed to submit a new regrading plan. They have submitted a plan to Inland Wetlands commission. The total number of material is missing. He said he will address the actual amount of material that is in there at the IWC meeting on Thursday night.

Chairman Flaherty said the Shell Station has to address the landscaping which should be done this Spring.

Mr. Bettini asked if the Shell Station planned to paint the curb.

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Mr. D'Amico said he will check on the curb and the landscaping.

Chairman Flaherty asked Mr. D'Amico if he contacted the State Traffic Commission to advise them that the curb cut is closed so they can move the stop bar up.

City Engineer D'Amico said he will contact the State Traffic Commission.

Mr. Bettini said this all ties in with the B.J.'s work and the traffic flow.

Chairman Flaherty said that the light stays green longer and it gives the vehicles more time to empty out the line of cars on Main Street.

Reports: Zoning Enforcement Officer

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

Violations

Mr. Tanner said there are no new violations.

Variances

Mr. Tanner said there are no new variiances. The M&L Property variance request is still before the ZBA.

Reports: Planning Consultant

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

Mr. Oswald Inglese was not present.

Any other business to come before the Commission

Chris Setaro
Antonio's Restaurant

Mr. Setaro said he was here this evening regarding his approval for the additional seating.

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Chairman Flaherty said that the Commission approved that last month.

The Secretary advised Mr. Setaro that she sent the Record of Action to Mr. Nocerino, the property owner, however she will give him a copy this evening after the meeting.

Executive Session

None

February Meeting

The February Meeting will be held on Monday, February 27, 2012 at 7:30 p.m.

Adjourn

Mr. Heon made a motion to adjourn the meeting at 8:55 p.m. Mr. Lawlor seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary