



City of Ansonia
PLANNING AND ZONING COMMISSION

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TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

February 25, 2013

Regular Meeting

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

Absent: Doug Furtek
James Martin

Others Present: Fred D'Amico, City Engineer
Oswald Inglese, Planning Consultant
James Tanner, Zoning Enforcement Officer – arrived 7:35 p.m.
Joan Radin, 5th Ward Alderwoman
Thomas Welch, P&Z Attorney

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

The secretary called the roll.

There was a quorum present.

Chairman Flaherty welcomed new member Andrew Mark to the Commission.

Approval of Minutes

Mr. Bettini made a motion to accept as written and place on file the minutes of the December 17, 2012 Regular Meeting. Mr. Lawlor seconded. All in favor, so carried.

Approval of Bills

Mr. Lawlor made a motion to pay the following bills if found to be correct. Mr. Bettini seconded. All in favor, so carried.

1. Oswald Inglese: \$918.75 for Inv. 136
2. Oswald Inglese: \$150.00 for Inv. 137

Mr. Bettini made a motion to pay the following bills if found to be correct. Mr. Lawlor seconded. All in favor, so carried.

1. Attorney Welch: \$837.50
2. Attorney Welch: \$275.00

Correspondence

Mr. Bettini 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. Lawlor seconded. All in favor, so carried.

1. Board of Aldermen re: Appointment of Andrew Mark to the Commission

Metro PCS/Nanepashemet Project Mgt Inc./John Nester request for site plan approval for an Antenna Mast located on roof of 497 East Main St. (1/28/12)

There is no one present.

The secretary advised the Commission that she called John Nester regarding the application fee and he told her that they were withdrawing this application because they would be using the first site that was approved by the commission. He said he would send a letter to the Commission withdrawing the application.

There was discussion on the above.

Mr. Bettini made a motion to Deny without prejudice for lack of information the application by Metro PCS/Nanepashemet Project Mgt Inc. for an Antenna Mast to be located on the roof of 497 East Main St. Mr. Lawlor seconded. All in favor, so carried.

PZ022513

Adam Bonoff re: 26 Jewett St. Change of use (J.Tanner)

Mr. Adam Bonoff was present.

Mr. Tanner explained that Mr. Bonoff owns the property at 26 Jewett Street which is a three (3) family structure. He discussed Zoning Regulations Section 245.3.3 Non-conforming use. He asked if the Commission would require Mr. Bonoff to seek a Special Permit under Section 630 or handle it under Section 630.1.1 administratively.

Chairman Flaherty said Mr. Bonoff is converting the office space into a Studio Apartment, it is lacking some parking spaces. This would make the use less non-conforming even though he is short on parking spaces – he said he has some parking in the rear of the building. He asked Mr. Inglese if there should be a full application process.

Mr. Inglese said no, he doesn't think so. It is making the property less non-conforming. Now the unit will be residential as will the entire building.

Chairman Flaherty said if we approve this change then the commercial use on the first floor is gone. The use cannot go back. The building will be residential. He said he wants to make sure that Mr. Bonoff understands this. There will not be a commercial use on the first floor ever again. The building will be residential.

Mr. Bonoff said he understands this.

Mr. Bettini made a motion that the Planning & Zoning Commission approves the Zoning Enforcement Officer to handle this use change administratively to allow housing on the first floor (former office space) and that it can never go back to any other use. Mr. Lawlor seconded. All in favor, so carried.

Chairman Flaherty said that ZEO James Tanner will handle this administratively.

Mr. Bonoff said that he had a woman who wants to rent the office for an E-bay business. He said so he will convert it after the woman vacates the office.

Chairman Flaherty said that Mr. Bonoff cannot rent this space as an office now. It has been changed to residential and it cannot be commercial or office space. He said he spoke to this and Mr. Bonoff said he understood. Chairman Flaherty said Mr. Bonoff cannot have it both ways. Mr. Bonoff requested a change to residential.

Deviate from the Agenda – Stop & Shop Landscaping

Mr. Bettini made a motion to deviate from the agenda to address the landscaping at the Stop & Shop Shopping Center on Division St. Mr. Lawlor seconded. All in favor, so carried.

Chairman Flaherty asked three (3) times if there was anyone from the public who wished to speak to this because it was added to the agenda.

There was no one.

Mr. Bettini made a motion to allow Edens & Avant representatives to address the Commission. Mr. Lawlor seconded. All in favor, so carried.

Stop & Shop Landscaping

Mr. Jonathan Dayton and Ms. Joanne Church were present.

Mr. Dayton said he represents Edens & Avant who are the owners of the Stop & Shop Shopping Center.

Mr. Dayton said that they plan to re-pave the parking lot, replace the islands, and replant the trees. They plan to plan perennials and dwarf grasses in the islands. He said that they are here to request that Planning & Zoning approve the changes that they propose. He submitted a map showing the landscaping.

Mr. Inglese asked what caused them to change their original plans.

Mr. Dayton said the paving and curbing is depreciated and needs to be replaced. When you replace curbing it destroys the root structure of the trees. The new landscaping plan could make the center more attractive.

Chairman Flaherty asked if they were eliminating any parking spaces and if they changed the traffic flow.

Mr. Dayton said no, they have not changed anything.

Mr. Inglese asked the type of curbing.

Mr. Dayton said it will be granite.

Chairman Flaherty said along the entrance driveway and bank – that area was a “mess”. What do you plan to replace those shrubs with.

Mr. Dayton said it was a mess. He said they removed the overgrown plants and found trash buried under them. He said they did this prior to their understanding that they had to come to P&Z for approval because it was an approved site plan.

Chairman Flaherty said he would like to see deciduous trees. You can plant one every 10 feet and grass the area. That way there will be some shade in the parking lot and on both sides of the driveway.

Mr. Dayton said we can add some Flowering Pear trees. He said he is concerned about the visibility for the strip stores.

Chairman Flaherty said these trees will not obscure their visibility.

Mr. D'Amico said he could plant something like they have on the other side.

Mr. Inglese said they should stagger the trees.

Mr. Tanner said at the Ansonia Commons the trees are too close and they are every 10 feet.

Chairman Flaherty said they could plant them as their Landscaper advises.

Mr. Dayton said that would be fine.

Mr. Tanner said they would be on the westerly side and the southerly.

Chairman Flaherty said they could plant as close as practical. The Commission would like to see trees planted there.

Mr. Inglese said there should be more delineation where the people walk. He asked if they planned to stripe it to show a walkway.

There was discussion on the existing stripped walkways in front of Stop & Shop. Mr. Dayton said they will put it back the same way.

Attorney Welch said that they are not changing the site plan therefore they do not need a site plan application.

Mr. Bettini asked if they would come back with the final plan for the commission to see.

Chairman Flaherty said that P&Z and the Zoning Enforcement Officer need updated Asbuilts for the record. He said that a lot of activity has taken place on the site and it all should be shown on one map i.e. PeaPod, the Gas Station and the change in landscaping islands, etc.

Mr. Tanner said he requires a revision to the planting schedule with the revised asbuilts. He said this is a revision to the original site plan approval.

Mr. Inglese asked about the lighting.

Mr. Dayton said there is no change.

Mr. Bettini made a motion to approve the planting revision to the Landscaping plan and to incorporate the revision to the Original Landscaping Plan with the condition the P&Z Commission received three (3) sets of new asbuilts as discussed. Mr. Lawlor seconded. All in favor, so carried.

Chairman Flaherty said the revised asbuilts should reflect changes up to and including this change on February 25, 2013.

Mr. Tanner said that Mr. Dayton has been working on the rail corridor with Metro-North to clean up this area.

Chairman Flaherty praised them for improving the site.

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

There was discussion on some language that refers to the Board of Aldermen Ordinance regarding sidewalks. The concern is that reference is made to the Board of Aldermen Ordinance and they have not passed this "ordinance". The Planning & Zoning Commission cannot refer in their regulations to an Ordinance not yet passed by the Board of Aldermen.

Mr. Inglese said that is something else and not the Board of Aldermen's Ordinance. He said that P&Z would have to adopt that section of the regulation after the Board of Aldermen adopts their revised Ordinance regarding sidewalks.

Mr. Inglese said that these amendments must be sent to Regional Planning Commission for referral and the Commission has to set a public hearing date.

Mr. Bettini asked why it has to be sent to Regional Planning Agency.

Mr. Inglese explained that it is State Statute requiring referral to the governing planning agency and if it affects other municipalities.

A discussion followed on why zone map changes and zone amendments are referred to the Regional Planning Agency.

Mr. Bettini made a motion to hold a public hearing on March 25, 2013 at 7:15 p.m. for the proposed amendments to the Subdivision and Zoning Regulations regarding Sidewalks and walkways and to send it to the Regional Planning Agency. Mr. Lawlor seconded. All in favor, so carried.

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

Mr. Tanner asked how big 100 gallons would be in size.

Mr. D'Amico said it would equal two (2) fifty (50) gallon drums – about 1/3 of a yard.

There was discussion on the size of the dumpsters.

Mr. Bettini made a motion to add this to the public hearing scheduled for March 25, 2013 at 7:00 p.m. and to refer it to Regional Planning Agency. Mr. Lawlor seconded. All in favor, so carried.

Section 720.19 - Special Events

Chairman Flaherty said Mr. Inglese sent the Commissioners a draft for Section 720.19 regarding Special Events which covers activities such as the Farmer's Market on Municipal Property. This is not for anything that is not approved by the Board of Aldermen.

Chairman Flaherty read the proposed regulation:

Purpose: The purpose of this amendment is to allow the Commission to grant temporary permits for and to regulate special events when so authorized by the Ansonia Board of Aldermen to be conducted on publicly-owned properties.

Ad new subsection to read as follows:

“SECTION 720.19 – SPECIAL EVENTS
Nothing in these Regulations shall prevent a municipal agency, fire department, civic association or other recognized non-profit organization from holding a fair, a carnival or a flea market for a period not exceeding seven (7) days once within any calendar year. Seasonal operations such as a farmer's market shall not be limited to seven days. The Planning and Zoning Commission may grant “temporary site plan approval” for all the above described and limited events to any member of the above groups and/or entities registered in the City of Ansonia providing, however, that the Ansonia Board of Aldermen has formally authorized the use of municipally-owned premises for such purposes.”

Mr. Bettini made a motion to add proposed Section 720.19 Special Events to the Public Hearing on March 3/25/2013 and to refer it to the Regional Planning Agency. Mr. Lawlor seconded. All in favor, so carried.

Reports: City Engineer

Mr. Fred D'Amico is present this evening.

a. 79-81 Hodge Avenue – Bond

Mr. D'Amico said there is a letter requesting to pull the bond and to use the money to repair the sidewalks at 79-81 Hodge Avenue. He said that the work is complete and the Commission can pull the bond. He said he is not sure if we need a letter from P&Z or could we just take the bond.

Mr. Bettini made a motion that the 79-81 Hodge Avenue bond be pulled to pay for the work done per order of the City Engineer. Mr. Lawlor seconded. All in favor, so carried.

b. White Hills Homes – Bond

Mr. D'Amico said the work at White Hills Homes, Hoinski Way is complete and the commission can vote to release the bond.

Mr. Bettini made a motion to release the bond for White Hills Homes per the recommendation of the City Engineer that all of the work is done and complete based on a report from the City Engineer. Mr. Lawlor seconded. All in favor, so carried.

c. Valentine Drive – Road Bond

Mr. D'Amico said there has to be a final inspection of the road to release the bond money for the road. He has to wait until the snow is melted so he can see what is left. He said he will send a letter to the Commission on his findings.

d. Valentine Drive – Wall

Mr. D'Amico said Mr. Grasso posted a \$7,500 cash bond for the wall so that he could receive a temporary zoning compliance for the house.

Mr. Bettini made a motion to approve the bond of \$7500 for 3 Valentine Drive and the issuance of a temporary Certificate of Zoning Compliance per the recommendation of the City Engineer. Mr. Lawlor seconded. All in favor, so carried.

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

Mr. D'Amico said he still hasn't heard from Coastal Carriers. They still have not gone to Inland Wetlands. He said he will contact them this week.

Chairman Flaherty asked that Mr. D'Amico write a letter to Coastal Carriers and send a copy to the Commission.

f. Shell Station – Paint Curb

Mr. D'Amico said that Mr. Baker still has to complete more work on the site. There was damage from the winter storm plowing to the curbs. One curb is completely gone. Mr. D'Amico said he will meet with him this Wednesday on these issues.

Mr. Tanner said they plowed up and pushed up and plowed open the entrance. He said he still has a request for compliance and he has until March 31, 2013 to complete the work. This has been going on for over a year.

Mr. Bettini asked if it was their plow that pushed the curb in.

Mr. Tanner said yes.

g. 40 Hotchkiss Terrace

There is still nothing on Hotchkiss Terrace.

h. Jewett Street – Sidewalk

Mr. D'Amico said he is in the process of getting the sidewalk repaired. There will be either stairs or a ramp.

Chairman Flaherty asked if he sent a letter to the property owner regarding the repair of the sidewalk. He said that it is the responsibility of the homeowner to fix their sidewalks.

Mr. D'Amico said he did not notify the homeowner. He said he will contact him and advise him of the repair to the sidewalk.

Reports: Zoning Enforcement Officer

Mr. James Tanner was present.

a. Violations:

Mr. Tanner said there is the one violation at 51 Franklin St. for an expansion of a non-conforming use that is still pending. He said the ZBA has not had a quorum.

b. Variances

Mr. Tanner said there are no variances.

Reports: Planning Consultant

Mr. Oswald Inglese was present.

Mr. Inglese said that the window signs are still on the agenda. He asked Mr. Tanner if he wanted to go forward with any revisions to the regulation.

Mr. Tanner said that Planning & Zoning has regulations in place already. He asked how far do we want to pursue the window signs.

Chairman Flaherty said that at his request, Mr. Tanner sent out the window sign regulation to all property owners in the Downtown area.

Mr. Inglese said to eliminate that from the agenda.

Any other business to come before the Commission

Chairman Flaherty said there are a lot of things happening in Ansonia. Farrel's complex was sold, Housing Authority is working on housing, Anaerobic Digestive Facility that has to come before the Commission. Things are happening for Ansonia.

Mr. Inglese said that Cumberland Farms will be coming before the Commission soon.

Mr. Tanner said that out of seventeen (17) clothing donation bins that were in Ansonia only two (2) are left. They are not permitted in Zoning.

Chairman Flaherty recognized former member Ken Moffat.

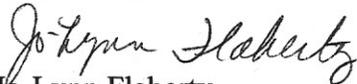
Executive Session

None

Adjourn

Mr. Bettini 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

**PROPOSED AMENDMENT TO THE
ANSONIA ZONING REGULATIONS**

Re: SIDEWALKS AND WALKPATHS

Purpose: To insert new subsection regarding the installation of sidewalks and walkpaths.

Ad new subsection to read as follows:

“330.18 - Sidewalks and Walkpaths

To promote pedestrian safety and circulation, the Commission may require that any proposed non-residential or residential development be provided with sidewalks and/or walkpaths. When required, sidewalks and/or walkpaths shall be designed and built in accordance with the design standards under Section 3.7 and Schedule C of the Ansonia Subdivision Regulations.”

**PROPOSED AMENDMENTS TO THE
ANSONIA
ZONING REGULATIONS**

Re: TEMPORARY STORAGE STRUCTURES AND DUMPSTERS

Purpose: To regulate the placement of temporary storage structures
- including PODS- and dumpsters

Ad new subsection to read as follows:

“Section 330.19 - Temporary Storage Structures (PODs) and Dumpsters

For the purpose of these regulations the following definitions shall apply:

Temporary Storage Units. Also referred to as “PODS”, are hereby defined as any storage device, trailer, vehicle, or other container or receptacle (with or without wheels) designed and used primarily for the temporary storage of building material, household goods, personal items and other material on the limited basis. The term shall not include dumpsters, which are described separately herein.

Dumpsters. Storage container units designed for waste materials of a size greater than 100 gallons, not including any of the containers provided by or approved for use by any waste disposal company hired by the City for garbage, yard waste or recycling.

Option: These definitions may instead be incorporated in the definitions section of the regulations.

330.19.01 Temporary Storage Structures or PODs¹ are allowed in all residential zoning districts and may remain on site providing that (a) the proposal has been registered with the Zoning Enforcement Officer and the registration is displayed on a location visible from the street; (b) that the POD remains on site for a period not to exceed thirty (30) calendar days and for not more than two (2) times within a calendar year; and (c) the unit is placed so as not to interfere vehicular and/or pedestrian traffic, displace required parking spaces or obstruct sight lines. The registration is not transferable and only valid for the property owner registered.

¹ PODs – Portable on Demand containers are also known as “portable storage units”.

**PROPOSED AMENDMENT TO THE
ANSONIA ZONING REGULATIONS**

Purpose: The purpose of this amendment is to allow the Commission to grant temporary permits for and to regulate special events when so authorized by the Ansonia Board of Aldermen to be conducted on publicly-owned properties.

Ad new subsection to read as follows:

“SECTION 720.19 – SPECIAL EVENTS

Nothing in these Regulations shall prevent a municipal agency, fire department, civic association or other recognized non-profit organization from holding a fair, a carnival or a flea market for a period not exceeding seven (7) days once within any calendar year. Seasonal operations such as a farmer’s market shall not be limited to seven days. The Planning and Zoning Commission may grant “temporary site plan approval” for all the above described and limited events to any member of the above groups and/or entities registered in the City of Ansonia providing, however, that the Ansonia Board of Aldermen has formally authorized the use of municipally-owned premises for such purposes.”

Draft: January 9, 2013

Revisions: _____

**PROPOSED AMENDMENTS
TO THE
ANSONIA SUBDIVISION REGULATIONS**

Purpose: To incorporate design standards for sidewalks and walkpaths and to clarify drainage and related maintenance easements.

The proposed amendments affect Schedule C, and subsections 3.7 and 3.8.2 of the Subdivision Regulations.

Note: To facilitate reading all new language is shown in bold lettering and has been highlighted and underlined.

SCHEDULE C - DESIGN STANDARDS

C-1. Summary: The following is a summary of selected planning and design standards for streets, drainage and other features.

C-2. Streets:

a. Right-of-Way:	Major Street	80'
	Secondary Street	60'
	Minor Street	50'
b. Pavement Width:	Major Street	30' min.
	Secondary Street	30' min.
	Minor Street	30' min.
c. Minimum Grade:		1%
d. Maximum Grade:	Major Street	8%
	Secondary Street	10%
	Minor Street	10%
e. Minimum Radius of Curvature (centerline):	Major Street	250'
	Secondary Street	200'
	Minor Street	150'
f. Right-of-Way Radius at Corner:		30'
g. Turnaround Right-of-Way Radius:		50'
h. Curbs		Required
<u>i. Sidewalks</u>		5' wide
<u>j. Walkpaths</u>		4' wide

C-3. Drainage:

- a. Design Formula: Rational Formula or U.S.D.A. Soil Conservation Service formula
- b. Design Storm: on-site drainage - 50 year
all culverts - 50 year

Note: All drainage shall be designed so that there will be no run-off increase up to and including during a 100-year storm event.

- c. Pipe:
 - i) reinforced concrete, running from catch basin to catch basin or to manholes
 - ii) minimum diameter - 15"
- d. Catch Basin Spacing: 300' maximum

3.6.16 Monuments: Monuments conforming to City specifications shall be set as directed by the City Engineer after all other street development work is completed.

3.7 Pedestrian Circulation: Sidewalks or walkpaths shall be build as follows:

3.7.1 Sidewalks shall be provided along both sides of any new street where deemed necessary by the Commission for pedestrian safety and convenience and in front of proposed lots along existing streets where provision of sidewalks is typical. In areas where the proposed street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, schools, playgrounds or other public or semi-public places, the Commission may require the establishment of 20-foot easements for pedestrian ways and construction of sidewalks therein.

When required, new sidewalks or walkpaths shall conform to the design standards in Schedule C and, if classified as sidewalks, they shall be made of Portland cement concrete or, if classified as walkpaths, they may be made of bituminous concrete. They shall be built over a crushed stone base of thickness as may be directed by the City Engineer. In no event, however, shall walkpaths be installed within development in non-residential districts. Sidewalks and walkpaths shall be provided with handicapped features.

3.7.2 When replacing existing sidewalks/walkpaths the City Engineer shall retain the right to determine the appropriate width.

3.8 Drainage: Storm drainage shall be planned and designed as specified on Schedule C - Design Standards and in accordance with the following:

3.8.1 Pipe and Drainage Channels: Sufficient pipe, drainage channels and ditches shall be installed within the subdivision to carry existing drainage discharging onto the tract to be subdivided and to drain proposed streets and lots and streets that may reasonably be expected to be constructed at some future date on adjoining property that drains across the area of the subdivision. The Commission and the applicant shall coordinate the drainage plan with requirements of the Inland-Wetlands Commission when the subdivision includes wetlands and existing water courses.

3.8.2 Runoff: Drainage systems shall be designed with runoff factors approved by the City Engineer and in accordance with good engineering practice, taking into account the entire watershed that drains through the subdivision.

3.8.3 Discharge: The discharge of all storm water from the subdivision shall be into suitable streams or rivers or into City or State drains, ditches or other drainage facilities with adequate capacity to carry the additional water. Where the discharge shall be into private property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the applicant for the City. No storm water shall be diverted from one watershed to another.

3.8.4 Drainage Easements: Easements, at least 20 feet in width, shall be provided for all storm water pipes that are not to be installed in a street. In addition, easements shall also be provided for the full width of the channel of any stream or drainage

ditch in the subdivision which will carry drainage runoff from any proposed street existing street or streets which may be constructed in the future on the undeveloped land within the watershed. Easements shall also be provided for storm water pipes that may need to be installed in the future to serve undeveloped land within the watershed that normally drains across the area of the proposed subdivision. **Easements improved to allow vehicular access shall be provided for the maintenance of culverts, bridges, detention and/or retention facilities or structures.**