



City of Ansonia  
**PLANNING AND ZONING COMMISSION**

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*Madeline H. Bottone*  
TOWN AND CITY CLERK  
ANSONIA, CONNECTICUT

May 20, 2013

Special Meeting

Present: Bart Flaherty, Chairman  
Andrew Mark  
James Martin  
Kenneth Moffatt

Absent: Michael Bettini  
Jeff Lawlor  
Jared Heon

Others Present: Fred D'Amico, City Engineer  
Oswald Inglese, Planning Consultant  
James Tanner, Zoning Enforcement Officer  
Thomas Welch, P&Z Attorney

The Special 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.

Chairman Flaherty read the call of the meeting:

May 7, 2013

Meeting Change

Ms. Madeline Bottone  
Town & City Clerk  
City of Ansonia  
Ansonia, CT 06401

Dear Ms. Bottone:

Due to the Memorial Day Holiday, the Ansonia Planning and Zoning Commission has voted to change their regular scheduled May 27, 2013 meeting to the following:

Date: Monday, May 20, 2013  
Time: 7:30 p.m.  
Place: Ansonia City Hall  
Purpose: Regular scheduled monthly meeting

Respectfully submitted,  
Jo-Lynn Flaherty  
Secretary

Mr. Moffat made a motion to accept the call of the meeting as read. Mr. Martin seconded. All in favor, so carried.

**Approval of Minutes**

Mr. Martin made a motion to accept as written and place on file the minutes of the April 29, 2013 Regular Meeting. Mr. Mark seconded. All in favor, the motion carried.

**Approval of Bills**

Mr. Moffat made a motion to place the two bills received on the agenda. Mr. Martin seconded. All in favor, so carried.

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Chairman Flaherty asked three (3) times if there was anyone who wished to address the Commission regarding the addition of the two bills.

There was no one.

1. Thomas Welch, Attorney: Bill for professional service: \$312.50

Mr. Moffat made a motion to pay Mr. Welch's bill for \$312.50 if found to be correct. Mr. Martin seconded. All in favor, so carried.

2. Oswald Inglese, Planner: Bill for professional Service: \$431.25

Mr. Moffat made a motion to pay Mr. Inglese's bill for \$431.25 if found to be correct. Mr. Martin seconded. All in favor, so carried.

### **Correspondence**

Mr. Martin 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. Mark seconded. All in favor, so carried.

1. Prestige Builders:
  - a. Letter requesting the release of the Road Bond (\$90,000) for Valentine Court
  - b. Letter re: Slope Treatment Lot 5, 3 Valentine Court release of bond (\$7500)
  - c. Letter re: Driveway Lot 1 9 Sharyl Drive completed release of bond (\$1000)
2. T. Welch re: 79-81 Hodge Ave. dtd. 5/16/13
3. Al Shepard, NOK re: lot 5 Hunters Landing, Valentine Ct
4. T. Welch re: Castle Lane Memorandum of Decision dtd. 5/16/13
5. T. Welch re: J. Shuster v Fountain Lake LLC, City of Ansonia & P&Z Court Date. dtd. 5/2/13
6. T. Welch re: J. Shuster v Fountain Lake LLC, City of Ansonia & P&Z Request for leave to amend complaint dtd. 5/2/13
7. P&Z to K. Blake re: Cease & Desist Order 281 Wakelee Ave.
8. Attorney Thomas Welch re: Court Decision regarding Castle Lane. P&Z prevailed on all three counts and the Court upheld P&Z decision.

Chairman Flaherty said that there are a few letters from Prestige Builders and they are on the agenda this evening. The Commission will take up the letters at that time.

### **Dominic Thomas, Attorney representing First Hartford Realty Corp/Cumberland Farms Inc. re: Request for Special Exception, 5 Pershing Drive**

Dominic Thomas, Attorney was present.

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He said he is here this evening representing Cumberland Farms. They are expanding their business and his desire is to hold the public hearing for the Special Exception at the next meeting of the Commission.

Chairman Flaherty said they are requesting approval of Special Exception for 3,000 yards of material. Our regulations require a public hearing for 400 yards. He asked the commissioners if they wanted to schedule the public hearing before the next regular meeting on June 24, 2013 at 7:00 p.m.

Mr. Moffat made a motion to hold a public hearing for the Special Exception for Cumberland Farms on Monday, June 24, 2013 at 7:00 p.m. Mr. Mark seconded. All in favor, so carried.

Mr. Martin made a motion to refer the application for Special Exception for Cumberland Farms to VRPA and the City of Derby. Mr. Mark seconded. All in favor, so carried.

Mr. Thomas said once they receive the reports from P&Z Engineer and Planner can his staff talk to them.

Chairman Flaherty said that there is no problem.

Mr. Inglese said he has been in contact with them.

Mr. Thomas thanked the commission and said that they will be at the next Inland Wetlands Commission meeting.

Mr. Moffat asked if P&Z has the letters from the Water Company stating they can tie into the line.

Mr. Thomas said that they are already tied in.

Chairman Flaherty said the curb cuts have to be addressed with the State of Connecticut. He asked Mr. Thomas to address them.

Mr. Thomas said they have been in contact with the State DOT. He said the Derby Police Commission has no interest because it is controlled by Ansonia.

Chairman Flaherty said the Special Exception and Site Plan will be referred to staff this evening.

Mr. Moffat made a motion to refer the Special Exception for Cumberland Farms to Staff, VRPA and the City of Derby. Mr. Mark seconded. All in favor, so carried.

**Dominic Thomas, Attorney representing First Hartford Realty Corp/Cumberland Farms Inc. re: Request for Site Plan Approval, 5 Pershing Drive**

Dominic Thomas, Attorney was present.

Mr. Moffat made a motion to refer the Site Plan for Cumberland Farms to Staff, VRPA and the City of Derby. Mr. Mark seconded. All in favor, so carried.

**David Pantalone/Quillinan Views LLC re: Request for Special exception permit/Site Plan Approval for Office Billing Center at 230 Beaver Street**

John Bennett, Attorney and David Pantalone were present.

Mr. Bennett explained in 2008 the building was the home of Birmingham Utilities Company and they received a special permit for a Day Care facility for 228 Beaver Street and 230 Beaver Street. The Day Care/home is located at 228 Beaver Street. He said they had site plan approval for 230 Beaver Street to expand the Day Care up to 45 children however that has not happened.

Mr. Bennett said Mr. Pantalone is seeking to rent 230 Beaver Street to an office that does billing for clients. The establishment will have seven workers and will be less non-conforming with seven adults going to work in the morning and leaving in the afternoon. There will be less activity on the site than with 45 children for a day care. This application is for 230 Beaver Street.

Mr. Moffat said the original site plan that was approved is for a day care – are they amending the site plan.

Chairman Flaherty said the building was Birmingham Utilities and they operated their office from there. Mr. Pantalone came and requested a day care for the two buildings. There was to be infants in the house location (228 Beaver) and 45 children in the office building (230 Beaver). The Commission did a great deal of reviewing of the site for the day care facilities i.e. fence, jersey barriers for traffic and pick up and drop off, etc. This was approved in 2008.

The Day Care in the house never expanded to the Brick building. There are no plans to expand to the Brick building. Mr. Pantalone is requesting that the Brick building, 230 Beaver Street be allowed to have a billing company occupy that space. This would be an office type building use with seven employees.

Mr. Mark said there will be no construction equipment or trucks on this property; it will be used just for an office building.

Chairman Flaherty said there are two issues – the contractor’s yard with equipment in the yard has to cease. Mr. Inglese called today, he said he doesn’t think the office is a bad use but he feels it needs a public hearing.

Mr. Inglese cited section 620 of the regulations.

Chairman Flaherty said it was an office building and approved for Day Care but was never used for Day Care. He said it stopped as an office and never used as a day care and now it wants to be an office. He asked do we have to hold a public hearing it never was a day care. He asked Attorney Welch for an opinion.

Attorney Welch said he would get back to the Commission on this within 48 hours. (Attorney Welch determined a public hearing is necessary per the Planning & Zoning Regulations.)

Chairman Flaherty asked if there was any equipment on the site.

Mr. Tanner said they are in the process of moving a trailer. They can’t move it because the truck is broken that has to move it.

Mr. Martin said this office is going to be one business and it is not going to be subdivided. Only one company in the building – they are not bringing in another company.

Chairman Flaherty said any change to the use will have to come back before the Planning & Zoning Commission.

Mr. Inglese said there is a Statement of Use for the record. He asked that Mr. Pantalone provide a stronger Statement of Use for the Commission.

Chairman Flaherty asked Mr. Pantalone to provide a stronger Statement of Use for this application. He said that Mr. Pantalone complied with all that was asked on the Record of Action for the previous approval.

Mr. Moffat asked if they have met all of the Fire Codes.

Chairman Flaherty asked if there were any questions from the Commissioners. There were none. He said that Mr. Pantalone has to provide an expanded Statement of Use to the Commission. If a public hearing is required – he has to notify residents within 500 feet.

Mr. Mark made a motion to hold a public hearing on Monday, June 24, 2013 at 6:30 p.m. if the ruling from Counsel states a public hearing must be held and to refer it to staff. Mr. Martin seconded. All in favor, so carried.

Mr. Moffat asked for a copy of the original site plan.

Chairman Flaherty said that the maps submitted are the original site plan for the other use.

Mr. Inglese asked if they were going to change anything on the site plan.

Mr. Bennett said no, there are no changes to the site plan. Everything is the same and will stay as is. There is no construction equipment on the site and there will be no construction equipment on the site.

Chairman Flaherty said the Commission can't act until the site is clear. It will not be approved if there is construction equipment there, they have to move it. He said the Commission members have no problem with the use – 7 employees vs. 45 children. The construction use is not allowed. He asked if there were any questions.

Chairman Flaherty told Mr. Pantalone that he shall provide to the Commission an expanded Statement of Use. The Commission will notify him as soon as Attorney Welch advises them whether a public hearing must be held and they can probably act on this at the next meeting.

Mr. Inglese said one of the purposes of the public hearing is to demonstrate that this use is a lesser use than what is going on now.

Chairman Flaherty asked if there were any questions. There were none.

### **Reports: City Engineer**

Mr. Fred D'Amico is present this evening.

#### Valentine Court – Wall

Mr. A. J. Grasso is present this evening.

Letters received from Prestige Builders:

- 1 Letter requesting the release of the Road Bond (\$90,000) for Valentine Court
- 2 Letter re: Slope Treatment Lot 5, 3 Valentine Court release of bond (\$7500)
- 3 Letter re: Driveway Lot 1 9 Sharyl Drive completed release of bond (\$1000)

Mr. D'Amico said the above letters refer to the issues in the Hunter's Landing Subdivision that Mr. Grasso is in the process of the fixing. He said he has not made a final inspection on the wall. He will do that.

Mr. Grasso said he dropped off a letter and 5 maps today in regard to the wall on Lot 5.

Mr. D'Amico said he will review the map as he just received it. He said a quick look at it and the drawing needs a detail on it.

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Chairman Flaherty said that Mr. D'Amico will check the three bonds and send a letter to the Planning & Zoning Commission with his recommendations and findings. He said that the Commission will need a copy of the drawing detail for the file for the record. The Commission will also need a letter from Mr. D'Amico that the three bonds could be released. He said Mr. D'Amico will check on this and advise the Commission in writing of his findings and recommendations.

Coastal Carriers - Curb Cut – Fill measurement (Special Exception)

A letter was received from Mr. Don Schmidt, from the DEEP for the IWC regarding the fill on the site. A copy was given to all Commissioners.

Chairman Flaherty explained the DEEP letter for the new members. He said the issue was the number of yards of material Coastal Carriers put in the driveway as fill. Alderman Charles Stowe brought to the attention of the Commission that DEEP had regulations on the use of millings and that it could not be used for fill.

Chairman Flaherty said if over 400 yards, he needs a Special Exception and he has to have a public hearing. He asked Mr. D'Amico for the number of yards of fill put in the driveway area. He also asked him if he received the map showing the grades before the fill and the grades after the fill.

Mr. D'Amico said he will review the maps and information and advise the commission.

Shell Station – Repair broken curb to Main St.  
Repair curbs on the site, paint the curbs,  
Blocked Sidewalk

Mr. D'Amico said there was a meeting at the Shell Station to resolve the issues. Mr. Tom Murphy from the State of CT said the closing of the curb cut is OK.

Mr. Tanner said that there are still a few issues to resolve but most of them are OK.

Jewett Street Sidewalk - Resolution with property owner

Mr. D'Amico said he is still waiting to hear from the property owner. He said if he doesn't hear this week he will send the notice certified.

Chairman Flaherty advised him to send the certified notice this week as Mr. D'Amico has already sent numerous letters and notices to the property owners without success.

Mr. D'Amico said he will send it this week.

40 Hotchkiss Terrace

Mr. D'Amico said he had a meeting with Seymour Public Works Dept. and he will contact Mr. Looker, Seymour's Town Planner to review the subdivision. He said the Seymour Town Clerk's maps show a three lot subdivision. One re-subdivision into three lots. It is on the town line of Ansonia and Seymour. The first 60 feet is in Ansonia and the remainder in Seymour.

Mr. D'Amico said it would be great if we could get a letter from Seymour and one from Ansonia stating the first 60 feet is unstable and is polluting Coe Pond.

Mr. Inglese asked what the conditions of approval were on that subdivision.

Mr. D'Amico said that the subdivision was done back in 1962. Public Works in Seymour do not plow or maintain the road. Seymour collects the trash and they are getting mail at their homes.

Mr. Inglese asked if they are violating anything.

Chairman Flaherty said yes, it was paved and they are now putting in fill every year which is eroding away. Neighbors say it is polluting Coe Pond and the river.

Mr. D'Amico will follow up with Mr. Looker and the Seymour Public Works Dept.

Chairman Flaherty asked Mr. D'Amico to notify him of the date and time of the meeting with Mr. Looker and the Seymour PWD as he would like to attend.

**Reports: Zoning Enforcement Officer**

Mr. James Tanner was present.

a. Violations:

Mr. Tanner said there are two appeals of the ZEO's decision pending before the Zoning Board of Appeals. He said they have not had a quorum.

1. 51 Franklin St. for an expansion of a non-conforming use.
2. 281 Wakelee Avenue for fence.

b. Variances

Mr. Tanner said there are no variances.

## **Reports: Planning Consultant**

Mr. Oswald Inglese was present.

Mr. Inglese said he has nothing to report this month.

## **Any other business to come before the Commission**

Mr. Martin made a motion to deviate from the agenda and place Iglesia Pentecostal Eben-ezer Church on the agenda. Mr. Mark seconded. All in favor, so carried.

## **Iglesia Pentecostal Eben-ezer Church**

Rev. Cal Carlos Delvale, 2177 Silvan Ave., Bridgeport, CT 06606 and Jorge L. Casillas, 138 N. State St., Ansonia, CT 06401 were present.

Mr. Casillas said that due to the increase in the cost of gas the families that live in this area are not going to Bridgeport to Church. They are asking when a church could open in Ansonia. He said he is asking for approval to open his church. They are holding Bible Studies in houses and it is crowded. They need a Church for the community. He said a local church will help to build up the membership in the church.

Chairman Flaherty asked the number of people at this location.

Mr. Casillas said 68 people. They have signed a two year contract. They want to have a church building in the future but they will begin small. The parking lot is painted and they will provide the lights. He said they were approved by the Fire Marshall for 68 people however there will be more like 20 people attending the services and bible study classes.

Chairman Flaherty asked the time of the services.

Mr. Casillas said Monday and Wednesday from 7:00 p.m. to 10:00 p.m. and Sunday from 11:00 a.m. to 4:00 p.m.

Rev. Delvale said during the week they will hold bible study classes. There is no kitchen activity.

Chairman Flaherty said the Fire Marshall approved this.

Rev. Delvale said yes, he approved it.

Mr. Tanner said there are 74 parking spaces available.

Mr. Inglese asked if the number includes individual people or families.

Rev. Delvare said it is people who live in this area. Some will come by car and some will walk.

Mr. Tanner said it meets the requirements for parking and there are sidewalks which are safe and kept clear.

Mr. Inglese asked if they will provide handicap parking spaces because they may lose one or two spaces to make handicap parking. He also asked them if they planned to do any landscaping to the area.

Both Rev. Delvare and Mr. Casillas said no.

Mr. Moffat said do we have a letter from the property owner stating he approves this.

Chairman Flaherty said they have a two year lease with the owner.

Mr. Inglese asked if they will sponsor any special events.

Rev. Delvare said no it will be strictly church services.

Chairman Flaherty said that many times churches want to hold a picnic and this parking lot is not a good place for a picnic. The concern is for the children in the parking lot. He suggested they contact the Ansonia Nature Center should they want to hold a picnic for their parishioners.

Mr. Moffat questioned whether they would have enough parking for everyone using the complex.

There was a discussion on the number of parking spaces and if there would be enough spaces for the complex. The commissioners also discussed the number of parishioners that would be attending this church. Mr. Martin pointed out they put 100 people on their application.

Mr. Tanner said that occupancy for the building is 100 and seating for their building is 64. He said seating is as defined by the Fire Marshall.

Mr. Moffat asked about music in the building. He asked that they keep their door closed so that the music will not be coming out into the neighborhood.

Mr. Casillas said they only have a guitar and a drum.

Chairman Flaherty reminded them that there is a lot of residential housing in the area and they would have to use their discretion as to the noise.

Mr. Martin made a motion to approve with conditions the request by the Iglesia Pentecostal Eben-ezer Church within the limit of the Building Department, Fire Marshall and Planning & Zoning Regulations with a copy of their lease for the record and a copy of the Fire Marshall's letter for the record. Mr. Mark seconded. All in favor, so carried.

### **Cumberland Farms**

Mr. Moffat questioned the Zoning Regulations for signs in the commercial zone with regard to Cumberland Farms. He would like to look at that. He is also concerned with the traffic flow on the map.

There was discussion on the traffic flow on the lot and there not being enough room for the vehicles to turn around and get in and out.

Chairman Flaherty said this is their proposal and we have to review it and discuss it. He said it is an important gateway to the City of Ansonia.

### **Executive Session**

None

### **June Meetings**

Public Hearing: Monday, June 24, 2013 at 6:30 p.m. Special Exception Permit – David  
Pantalone

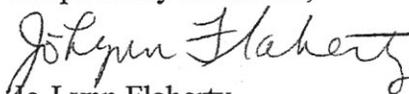
Public Hearing: Monday, June 24, 2013 at 7:00 p.m. Special Exception Cumberland  
Farms.

Regular Meeting: Monday, June 24, 2013 at 7:30 p.m. or immediately following the  
public hearing.

### **Adjourn**

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

Respectfully submitted,



Jo-Lynn Flaherty  
Secretary