

August 26, 2013

Regular Meeting

Present: Bart Flaherty, Chairman  
Jeff Lawlor  
Andrew Mark  
James Martin  
Kenneth Moffat

Absent: Michael Bettini  
Jared Heon

Others Present: Oswald Inglese, Planning Consultant  
Fred D'Amico, City Engineer  
James Tanner, Zoning Enforcement Officer  
Thomas Welch, P&Z Attorney  
Joan Radin, Alderwoman 5<sup>th</sup> Ward

The Regular Meeting of the Ansonia Planning and Zoning Commission was called to order at 7:40 p.m. by Chairman Flaherty.

The secretary called the roll.

There was a quorum present.

### **Approval of Minutes**

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

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## **Approval of Bills**

Mr. Martin made a motion to pay the following invoices if found to be correct. Mr. Mark seconded. All in favor, so carried.

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|--|-----------|
| 1. Thomas Welch, Attorney: Bill for professional service:  | \$312.50  |
| 2. Oswald Inglese, Planner: Bill for professional Service: | \$1026.00 |

## **Correspondence**

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

1. Cheryl Chase, IWRD, DEEP, Hartford, CT re: 40 Hotchkiss Terrace, dated August 13, 2013
2. Attorney Tom Welch, re: City of Ansonia v. Michael Lonardo
3. Fred D'Amico to Coastal Carriers re: Application to P&Z for permit

## **Cumberland Farms wheel stops, etc.**

Chairman Flaherty said he met with the Engineer from Cumberland Farms regarding the approval and conditions that was passed at last month's meeting. He said they discussed Item #9 Wheel stops. They are concerned that these could be a falling hazard for pedestrians and they would like the Resolution amended to remove wheel stops and put in bollards instead.

Mr. Inglese said there is a bollard in front of each parking space. There is no issues with that.

Mr. Martin made a motion to remove "wheel stops" from Item #9 in the Resolution. Mr. Moffat seconded.

Mr. Moffat asked if the distance between was such that a car cannot go through the space.

Mr. Inglese said that a car cannot go through those spaces.

Chairman Flaherty said the sidewalk is raised.

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

Attorney Welch will provide the language for the revision.

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## **Decision: Moratorium re: Medical Marijuana**

Chairman Flaherty read Section 720.20 to the commission before the vote. He said that this has been referred to Regional Planning Agency.

Mr. Moffat made a motion to accept and adopt Section 720.20 as an addition to the Zoning Regulations. Mr. Martin seconded.

Chairman Flaherty asked if there was any discussion, questions or comments. There was none.

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

## **Reports: City Engineer**

Mr. Fred D'Amico is present.

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

Mr. D'Amico said he sent a letter to Coastal Carriers advising them they had to make application for Special Permit for the grading and fill on their property.

He said he called them and spoke with Mr. Schmidt and Mr. Schmidt said that he would get an application to the Commission for special exception for the work done on the property.

### Jewett Street Sidewalk - Resolution with property owner

Chairman Flaherty said the property owner is working on the sidewalk and stairs to repair them. He thanked Mr. D'Amico for getting this fixed because it is a public safety issue.

### 40 Hotchkiss Terrace

Chairman Flaherty said that the letter was sent to DEEP on 7/9/13 and the Commission received a reply. He read the letter that the commission received.

Mr. D'Amico said he will contact Seymour again. He called them and their Superintendent was not available. He said that he did meet with Ansonia Public Works on the site.

Mr. Inglese said that Inland Wetlands should also receive this letter.

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Mr. Martin made a motion to send a letter to IWC with the DEEP letter attached. Mr. Moffat seconded. All in favor, so carried.

Chairman Flaherty asked Alderwoman Radin what happened at the Board of Aldermen's meeting regarding this. He said Mr. Turschmann said he planned on attending their meeting.

Alderwoman Radin said they had a discussion on the issue and they were going to send a letter.

Mr. Martin made a motion to have the City Engineer contact the Town of Seymour to see if this can be resolved. Mr. Mark seconded. All in favor, so carried.

Mr. D'Amico said he had Seymour at the site and he spoke to the employee that is second in command.

Mr. Moffat said that Council of Governments is not into this type of thing but he said that the Mayor's all attend these meetings – could a letter be sent through COG to the Mayors of the respective towns.

Mr. Martin made a motion to send a letter to Council of Government outlining the problem on Hotchkiss Terrace. Mr. Mark seconded. All in favor, so carried.

Chairman Flaherty asked Attorney Welch if he could send this letter to COG.

Attorney Welch said he will send the letter to COG.

### **Reports: Zoning Enforcement Officer**

Mr. James Tanner was present.

a. Violations:

Mr. Tanner said there are no new violations.

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**

### a. West Main St.

Chairman Flaherty said he met with Mr. Nocerino and his partner concerning their property located at 15 West Main Street. This building has 72 apartments and is within the City Center Plan. Mr. Nocerino states he is having trouble finding a tenant for the first floor. Our Regulations call out no housing on the first floor and Mr. Nocerino wants to put eight (8) more apartments there. He said he advised him that this is against our Regulations. He said that he told Mr. Nocerino he would bring it to the Board.

Chairman Flaherty said a number of businesses throughout the years wanted to put housing on the first floor. Ansonia recently hired an Economic Development Director and we just received a grant to re-do West Main St. There is a lot of activity happening downtown which could increase interest in their commercial space.

Mr. Inglese said our Plan of Development for downtown doesn't allow that. Business is allowed on the first floor to inject vitality into the Downtown. Housing on the first floor makes for a depressed area and is not safe for people who live there. It violates the Plan of Development and the City Center Plan.

### b. Proposed Amendment to Woodbridge Zoning Regulations Addition of Section 3.19 Use of land for Access

Chairman Flaherty said this is from the Town of Woodbridge and we share a boundary with them. He reviewed the proposed amendment. They are saying you can't cross property in Woodbridge to develop the property in another town. It is before RPC tomorrow evening. The Town of Woodbridge's public hearing is in September. He said he would like to have Counsel send a letter to Woodbridge for their public hearing on behalf of Ansonia voicing our concern.

Mr. Tanner asked if this is the property on Baldwin Road.

Mr. Moffat said that is a large farm there. He asked if Ansonia has any land that would be affected by this.

Mr. Tanner said there is commercial/industrial property in New Haven that borders Woodbridge.

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Chairman Flaherty said the regulation is of concern on a number of levels. He asked the Commission what their thoughts were.

Mr. Mark said Ansonia has no property that this regulation will affect.

Mr. Tanner said we prohibit crossing of Residential property to access commercial property.

There was discussion on the proposed regulation.

Mr. Moffat asked if Counsel has argued this in Court from any other town.

Mr. Martin made a motion to have Attorney Welch send a letter to the Woodbridge Public Hearing regarding the Section 3.19 Woodbridge Amendment to their Regulations.

### **Executive Session**

None

### **September Meeting**

Regular Meeting: Monday, September 30, 2013 at 7:30 p.m.

### **Adjourn**

Mr. Martin made a motion to adjourn the meeting at 8:15 p.m. Mr. Lawlor seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty  
Secretary