



City of Ansonia
PLANNING AND ZONING COMMISSION

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Elizabeth S. Lynch

TO BE FILED CLEAR
10:00 AM

December 30, 2013

Regular Meeting

Present: Bart Flaherty, Chairman
Michael Bettini
Jared Heon
Kenneth Moffat

Absent: Jeff Lawlor
Andrew Mark
James Martin

Others Present: Oswald Inglese, Planning Consultant
Fred D'Amico, City Engineer
David Blackwell, Zoning Enforcement/Blight Officer
Peter Kelly, Economic Dev. Director
Joan Radin, Alderwoman 5th Ward
Thomas Welch, Attorney - absent

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.

Approval of Minutes

PZ123013

Mr. Bettini made a motion to accept as written and place on file the minutes of the October 28, 2013 Regular Meeting. Mr. Heon seconded. All in favor, the motion carried.

Approval of Bills

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

- | | |
|--|---------------------------|
| 1. Thomas Welch, Attorney: Bill for professional service: | \$250.00 |
| 2. Oswald Inglese, Planner: Bill for professional Service: | \$1012.50 and
\$131.25 |
| 3. Marjorie Shansky: Bill for professional service: | \$2314.50 |

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.

Agnoli Signs re; Request for Amendment to Zoning Regulation , Section 420.7. (set P.H. date)

There is no one present.

Chairman Flaherty said our current regulations only allow one sign per road frontage. Stop & Shop is seeking to allow an additional sign on their property which is about 400' to 500' frontage. They want to put the price of the gasoline for the Gas Station that is located on the site. The Planning & Zoning commissioners saw merit in this request and Mr. Inglese came up with an amendment to the sign regulation.

There was discussion on the proposed amendment to the sign regulation.

Mr. Heon made a motion to change the proposed language regarding sign size from "twenty-four (24) square feet" to "thirty-two (32) square feet". Seconded by Mr. Bettini. All in favor, so carried.

Mr. Heon made a motion to change the proposed language in section (d) from "one hundred fifty (150) feet to "seventy-five (75) feet. Mr. Bettini seconded. All in favor, so carried.

PZ123013

The proposed language with revisions will read as follows:

“420.7.3.3 Exception. A “Complementary Free-Standing Sign”, with changeable copy, not exceeding **thirty-two (32) square feet in total area and designed to call the attention to a use complementary to an existing major land use on the same premises, may be permitted providing that (a) that the premises is seven (7) acres or larger and has three-hundred (300) feet or more of frontage on a public highway; (b) that said sign shall not exceed the height limitations of subsection 420.7.3; (c) that the use to which the sign relates is at a distance of two-hundred (200) feet or more from the front property line of the public highway; and (d) that there shall not be closer than **seventy-five (75) feet** from another freestanding sign on the same premises; and (e) providing that an application has been approved by the Commission;**

Chairman Flaherty asked the commissioners if there were any questions or comments.

There were none.

Chairman Flaherty asked if the public had any questions or comments.

There were none.

Mr. Heon made a motion to hold a public hearing on the proposed sign amendment, section 420.7.3.3 on Monday, January 27, 2014 at 7:15 p.m. Mr. Moffat seconded. All in favor, so carried.

The proposed amendment will be referred to Regional Planning Agency.

Milone & MacBroom re: Informal Discussion Castle Lane Estates, 26 Gardners Ln

There was no one present representing Castle Lane Estates.

Chairman Flaherty said that the commission received a letter from Mr. John Milone, President concerning the Castle Lane parcel requesting an informal discussion. Mr. Milone talked about three (3) site plans in his letter however he only sent two (2) site plans. The secretary contacted him advising him that only two site plans were sent to the commission. There were two plans with 10 lots. There was no copy of the 15 lot with a thru roadway included in the package. The Commission never received the 15 lot site plan map from Mr. Milone.

Mr. Bettini said there were a host of ways to do this. He said he would like to ask if they addressed all of P&Z's concerns.

PZ123013

There was discussion on the letter and drawings received and that there is on one present to explain the plans.

Chairman Flaherty said it is noted that this is not an application.

There were members from the public who wished to address the commission.

Ed Musante
21 Castle Lane
Ansonia, CT 06401

Mr. Musante said that Seymour was against this subdivision and a through road. He said the first lot is all ledge.

Chairman Flaherty said when there is an application there will be a public hearing. There is no one here to answer any questions.

Charles Stowe
23 Granite Terrace
Ansonia, CT 06401

Mr. Stowe said that his land abuts this property. He asked who the current owner of the property is.

Chairman Flaherty said it is referred to as Castle Lane parcel. Mr. Romano submitted the last application that was denied. We do not have a formal application from them. There will be a need for a formal application and there will be a public hearing just like the last time. He said he had hoped they would be here this evening.

Mr. Stowe said he would like to know who is the land owner. He said someone puts in an application and it is denied there is a certain length of time before they can come back to the Commission.

Chairman Flaherty said they can come back with different plans.

Mr. Stowe said they put in an application, can they apply after they fail in Court. The City of Ansonia prevailed.

Mr. Inglese said they can apply at any time as this is not a zone change.

Mr. Stowe said there was mention of a 10 lot or a 15 lot.

Chairman Flaherty said there were two different 10 lot scenarios and talk of 15 lot in the letter but we never received the plan for the 15 lot.

PZ123013

Mr. Stowe said he owns the land there where they will connect with the through road. He said he appreciates the Commissions time and any information that pertains to this he would like to be made aware of it.

Mr. Stowe said he understands it is their land and they can utilize it as long as it fulfils the Zoning Regulations. He said he knows what Mr. Musante said and Seymour had issues.

Chairman Flaherty said that they are proposing a standard width road and they own 13 acres and something will happen on the site. He said you have to recognize they are proposing to go from 24 lots to 10 lots but we don't know because there is no application.

Chairman Flaherty asked for a motion to table to the January meeting because there is no representation.

Mr. Heon made a motion to accept the letter and drawings as correspondence and place them on file and remove the item from the agenda. A letter to be sent to Mr. Milone advising him. Mr. Bettini seconded. All in favor, so carried.

Tax Incentive Program Review Committee

Chairman Flaherty said that the Board of Aldermen passed a Tax Abatement for business activity in town. There is a Tax Incentive Committee consisting of five people:

1. Mayor Cassetti
2. Board of Aldermen – Alderman Stowe
3. Economic Development Director – Peter Kelly
4. P&Z Representative
5. Economic Dev. Representative

Chairman Flaherty said the Commission elected him Chairman they granted him permission in an emergency to take appropriate action as necessary. The Tax Incentive Board needed a member to have a quorum so he appointed himself as the P&Z Representative so they would have a quorum. He asked the commissioners if there is anyone who would like to serve as the P&Z representative on this Tax Incentive Board.

Mr. Bettini said he would be interested in serving as the P&Z representative.

Mr. Heon made a motion to appoint Michael Bettini as the P&Z representative to the Tax Incentive Review Board. Mr. Moffat seconded. All in favor, so carried.

Reports: City Engineer

Mr. Fred D'Amico is present.

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

Mr. John Pruchnicki was present.

Mr. Pruchnicki said they filled 850 yards of fill on their site on Riverside Drive.

Mr. Bettini asked if there is a limit on the amount of fill.

Chairman Flaherty said 400 yards. He said the Commission has to set a public hearing date for this Special Exception. This was started with a complaint that there was water flooding Birm I. They installed curbing to stop the flooding. IWC has approved the project. We allowed Coastal Carriers to do the work and put in the curbing and driveway because of the erosion and flooding with the condition they go to IWC first and get approval and then come to P&Z for the special exception.

Mr. Heon made a motion to hold the public hearing on Monday, January 27, 2014 at 7:00 p.m. Mr. Moffat seconded. All in favor, so carried.

Mr. Pruchnicki asked if he had to attend the public hearing.

Mr. Inglese said that he should come and make a presentation.

Coastal Carriers must pay the fee for the Special Exception and Public Hearing.

Mr. Pruchnicki said he will bring a check to the secretary.

Chairman Flaherty said he should come to the public hearing. It should not be an issue, we are chasing the paperwork.

Jewett Street Sidewalk - Resolution with property owner

Mr. D'Amico said that the property owner did not contact him. He said that they repaired the steps and removed the sidewalk and did not replace it. He said that they installed a sidewalk along the front of the house however they have to replace the sidewalk along the street. He said he will contact the homeowner again.

40 Hotchkiss Terrace

Mr. D'Amico said they have not been able to meet with Seymour's Public Works Director. He said there will be a new Supt. of Public Works soon and he will try to get a meeting together. He said the last Corp. Counsel said if it is a nuisance, the City can pursue it in court.

Chairman Flaherty said Attorney Tom Welch sent a letter to Rick Dunne, Council of Governments with the hope that the COG could resolve this issue for Mr. Turschmann.

Mr. D'Amico said he will speak with Mayor Cassetti.

Sidewalks

Mr. Heon said there is a sidewalk on Water Street across from the Chase Lounge that is unsafe. It is between the fence and alleyway and it appears it will fall through. When a delivery truck makes deliveries and stops there it is a huge hazard. He said that this sidewalk area is over an old underground vault.

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

Mr. Heon said it is at 290 Main Street and 15 West Main Street. He said is located where there was an underwater canal from West Main St.

Reports: Zoning Enforcement Officer

Mr. David Blackwell was present.

Chairman Flaherty introduced David Blackwell as the new Zoning Enforcement/Blight Officer for the City of Ansonia.

Chairman Flaherty explained that the Zoning Enforcement Officer brings any new violations during the month to the commission. He also keeps the Commission apprised of the activities in the City. He said that the ZEO also brings the variances to the Commission and the P&Z commission makes comments back to the ZBA.

a. Violations:

Mr. Blackwell said there are no new violations.

b. Variances

Mr. Blackwell said there are no variances.

Mr. Blackwell said he is currently working with the repair business located on the corner of Bridge St. and Pershing Dr. He said the owner is currently working on getting a survey of the property. The owner wants to have a car repair shop and a used car dealership at that location.

Chairman Flaherty explained that the car dealership approval has to go to Zoning Board of Appeals for the license. In towns under 20,000 people the licensing permit goes to ZBA but it has to come before the Planning & Zoning Commission for site plan approval and it has to meet the Zoning Regulations and the parking requirement.

Mr. Blackwell said he is working on that. The State of CT will not allow less than eleven (11) vehicles.

Mr. Blackwell said he spoke with Mr. Inglese on the sign question he had.

Chairman Flaherty asked if there were any questions for Mr. Blackwell.

There were none.

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

Dave Connolly
53 N. Prospect St. Ext.
Ansonia, CT 06401

Mr. Connolly said he asked Castle Lane if they were planning to blast when they proposed the subdivision. This area is granite. He said the applicant said no. If the applicant goes in there and decides to blast who does he go to. He doesn't go to P&Z because they already approved no blasting.

Chairman Flaherty said he would go to the Fire Marshall.

Mr. Connolly said it would be a matter of public safety.

Chairman Flaherty said it would be the Fire Marshall.

Mr. Connolly said all blasting goes to the Fire Marshall. We have no recourse if he approves it.

Mr. Bettini said it would be the same as the Cumberland Farms application. At the public hearing blasting was a concern and we asked them to do the pre-blast surveys.

Chairman Flaherty said they could do pre-blast surveys prior to blasting and if there are any issues with foundations there would be a record of it.

Mr. Connolly said he lost a 764 foot well because of blasting.

Chairman Flaherty said that blasting is an issue in State government. Pre-blast survey is voluntary in the State Regs. They don't mandate it. They (the applicant) has to do it voluntary. There is nothing we are going to do to satisfy your concerns on blasting.

Mr. Connolly said if they say no in site plan approval process and then they decide to blast do they have to come back to Planning & Zoning.

Chairman Flaherty said he will have the Fire Marshall here if we have a public hearing on this. Planning & Zoning has no authority on blasting. He promises that the commission will not forget it at the Public Hearing.

Maureen McCormick
86 Hill Street
Ansonia, CT 06401

Ms. McCormick said is there anything he can do or the City of Ansonia can do to prevent them from blasting.

Chairman Flaherty said that no one except the Fire Marshall can do that. He will not have to issue a blasting permit if there is something wrong. He can require a seismograph be placed in certain areas. This is usually required by the insurance company when a company is blasting. If they are approved at P&Z with no blasting and then there is rock that has to be blasted this will not affect their P&Z approvals. The blasting will be up to the Fire Marshall.

Mr. Heon said the Fire Marshall has strict guidelines and regulations to follow. Our Fire Marshall is up to date on these and we cannot prevent blasting.

Mr. Inglese said the Chair mentioned several times we do not have an application. They will have to submit plans and profiles of the roadway where the blasting will take place and what will happen in building the road. Testing will have to be done. The plan will show the regarding to the road construction at that time you will know if there is blasting. He said as the Chair said there is very little we can do.

Mr. Connolly said he will do a survey of his house.

Mr. Inglese said just the roadway. P&Z will query the applicant as to what degree of land will be altered that has to take place to make the subdivision. You will have an opportunity to ask.

There was discussion on blasting and seismograph machines.

Chairman Flaherty said P&Z doesn't have an application before them and there will be a public hearing if there is an application.

Mr. Stowe said Mr. Connolly can have a study of his well done.

Mr. Blackwell said there are alternatives to blasting with other equipment.

Executive Session

None

January 2014 Meeting

Public Hearing: Monday, January 27, 2014 at 7:00 p.m. Coastal Carriers- Riverside Dr.
Special Exception/fill R

Public Hearing: Monday, January 27, 2014 at 7:15 p.m. Amendment to Zoning
Regulations – Signs

Regular Meeting: Monday, January 27, 2014 at 7:30 p.m.

Adjourn

Mr. Moffat made a motion to adjourn the meeting at 8:35 p.m. Mr. Heon seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary