

June 24, 2013

Regular Meeting

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

Absent: Andrew Mark
 James Martin
 Kenneth Moffat

Others Present: Oswald Inglese, Planning Consultant
 James Tanner, Zoning Enforcement Officer
 Thomas Welch, P&Z Attorney

The Regular Meeting of the Ansonia Planning and Zoning Commission was called to order at 9:55 p.m. by Chairman Flaherty.

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 May 20, 2013 Special Meeting. Mr. Lawlor 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. Lawlor seconded. All in favor, so carried.

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1. Thomas Welch, Attorney: Bill for professional service: \$437.50
2. Oswald Inglese, Planner: Bill for professional Service: \$993.75
3. George Boath, Attorney: Bill for professional Service: \$887.50

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. Heon seconded. All in favor, so carried.

Chairman Flaherty advised the members that they received the new pages for their Zoning Book.

Chairman Flaherty stated that due to the late hour this evening he would like to advise Mr. Grasso and Mr. Schmidt that he has received no correspondence from Fred D'Amico, City Engineer regarding their communications from last month. He said he will contact Mr. D'Amico tomorrow regarding this.

Mr. Heon made a motion to postpone Prestige Builders and Coastal Carriers pending a letter from Mr. D'Amico. Mr. Bettini seconded. All in favor, so carried.

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

Dominic Thomas, Attorney was present.

Chairman Flaherty noted that the application stated 3000 cubic yards of material and it is 5000 cubic yards of material for removal from the site. The fee will have to be recalculated.

Mr. Inglese asked if they will survey any surrounding property if there is blasting on the site.

Chairman Flaherty said the applicant stated they will do an equivalent of a pre-blasting survey on the adjoining property belonging to Mr. Fink as he voiced concern for his field stone foundation due to the construction activity.

Mr. Bettini agreed with Chairman Flaherty.

Mr. Heon said they stated no blasting.

Chairman Flaherty said they will do the same blasting pre-survey under the direction of the Fire Marshall if they do blast on the site.

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Mr. Bettini asked if the Commission is in the process of discussing conditions for the Special Exception.

Chairman Flaherty said yes. The Commission will discuss the conditions for the Special Exception as follows:

1. They will do the equivalent of a Blasting Survey for 81 Division Street.
2. They will pay the difference in cubic yards of material for the Special Exception.
3. There will be no weekend work unless there is an issue of public safety.
4. The hours of operation for the excavation and construction will be 7:00 a.m. to 4:00 p.m. Monday through Friday.
5. All erosion and sediment control measures pertaining to the excavation will be installed prior to any construction.
6. City Engineer and the Zoning Enforcement Officer retain the right to make any adjustments to any unanticipated situations.
7. All State of Connecticut required permits shall be in place before any City permits are issued.
8. All contaminated soils are to be disposed of per State Regulations.

Mr. Heon made a motion to approve with conditions listed above the request for special exception for the removal of material from the Cumberland Farms site. Mr. Lawlor 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. Bettini made a motion to have staff review the Site Plan and incorporate the points (listed below) discussed this evening and draft a Resolution for the next meeting. Mr. Lawlor seconded.

Conditions for Resolution:

1. Put wheel stops in the parking spaces.
2. Trees to be planted in the open space
3. Sidewalk Agreement
4. Encroachment review
5. 81 Division Street – Pre-Blast Survey
6. Fence on top of wall with slats vinyl architectural and arborvitae plantings
7. All lights are down lights
8. All State of Connecticut permits shall be in place
9. Pre-standing sign to conform

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10. Vending machine recessed into wall
11. NO fuel delivery during the following hours: 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. Monday through Saturday.
12. No other commercial or retail activity on the site
13. The Inland Wetlands Permit shall be part of these conditions.

There was discussion on the hours for delivering fuel to the gas station tanks. Michael Lukaszewski, Cumberland Farms said he can't deal with hours for delivery for the fuel.

Mr. Heon asked when they deliver now – is there a schedule for delivery.

Mr. Lukaszewski said they deliver when the allocation is running out. He said they have to deliver larger amounts of fuel into the tanks to control allocations. They are 15 natural gas vehicles that make the run to deliver the fuel. They have to refuel and incorporate that with the shut down periods. He said he would like to deliver during off peak hours.

Mr. Inglese asked the normal time of delivery.

Mr. Lukaszewski said between 3:00 p.m. to 5:00 p.m.

Mr. Heon said there should be NO fuel delivery during the hours 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. unless there is an emergency, Monday through Saturday.

Chairman Flaherty called for a vote: All in favor, so carried.

Mr. Heon discussed the Red Box located on the sidewalk. He said it is not the width of the sidewalk; it's the aesthesis of it sitting there. The all around look is not appealing.

Attorney Thomas said the engineers would like to discuss the cement curb stops with Mr. Inglese.

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. Pantalone apologized to the Commission for causing a problem. He said it was not of his knowledge and he went there to find Mr. DiGiovanni there. He asked him to remove the truck. The truck was moved at 7:05 p.m. It is now gone. He said he has instructed Attorney Bennett to issue a letter that they are not to have anything there on his property.

Chairman Flaherty said that the Commission tried to cooperate with Mr. Pantalone every inch of the way. If Mr. Pantalone can't control the situation now how can he control it later? We cannot have construction equipment and trucks going up and down the street.

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He said he doesn't think anyone has a problem with the office – it is an AA Zone. Construction equipment is not allowed to be there. He asked Mr. Pantalone why Mr. DiGiovanni went there to the site this evening.

Mr. Pantalone said because vandals broke the fence he put up and Mr. DiGiovanni put the truck there to stop people from coming in and out during the night stealing stuff. He said he stayed this evening to tell the commission what happened.

Mr. Bettini said the use is an improvement over the existing use. The new use we can enforce the truck rule and do something to enforce it as soon as it happened. There shall be no trucks and no construction equipment located there.

Mr. Pantalone said he has a four (4) year lease with EMMS.

Mr. Bettini said Mr. Pantalone is foregoing the Day Care use and reshaping it back to a less non-conforming use.

Chairman Flaherty said he is asking for an office with seven (7) employees.

Mr. Heon said he doesn't like to see vacant buildings. The tenant will keep it an office.

Chairman Flaherty said will we be dealing with the trucks?

Mr. Heon asked if it was approved under the Day Care Center.

Chairman Flaherty said no. There were no trucks or construction equipment approved with the Day Care Center.

There was discussion placing Jersey Barriers across the bridge to stop the truck traffic and storage of construction equipment and trucks.

Mr. Pantalone said that the Fire Department uses the area to train. This is a low pressure area and a good place for them to train in low pressure. He said he was called and asked if they could use it.

Mr. Heon said they use it Tuesday nights from 6:00 p.m. to 7:00 p.m. and they leave. The neighbors have no problem with the Firemen.

Mr. Pantalone said they use it one (1) time a month in the summer.

Chairman Flaherty said the Commission is in agreement that the proposed use (office) is a less non-conforming use than the current approved use.

Mr. Inglese discussed his conditions as stated in his Memo (copy attached).

Mr. Lawlor made a motion to approve with conditions the request for special exception for 230 Beaver Street for an office because the Commission finds it a less non-conforming activity. Any construction equipment on the site will cause a cease and desist order immediately. Conditions listed in Oswald Inglese's memo and the following conditions are part of this approval. Mr. Bettini seconded. All in favor, so carried.

Conditions:

1. O. Inglese Memo conditions
2. A double folding gate installed to be located at the base of the bridge.
3. Only persons with keys will be David Pantalone and the Fire Dept.
4. There will be no construction equipment or material on the site.
5. No additional activity on the site without prior Planning & Zoning approval.

Reports: City Engineer

Mr. Fred D'Amico is not present this evening.

Valentine Court – Wall

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

Letters received from Prestige Builders last month:

- 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)

This was tabled earlier in the meeting because there was no correspondence received from Mr. D'Amico.

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

Mr. Don Schmidt was present this evening.

A letter was received from Mr. Don Schmidt, from the DEEP for the IWC regarding the fill on the site.

This was tabled earlier in the evening because there was no correspondence received from Mr. D'Amico.

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

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Blocked Sidewalk

Mr. Tanner said that this can be removed from the agenda.

Jewett Street Sidewalk - Resolution with property owner

Still pending.

40 Hotchkiss Terrace

Mr. Robert Turschmann was present.

Mr. Turschmann presented pictures to the Commission from the last storm. He asked Chairman Flaherty if he attended any meetings with Mr. D'Amico.

Chairman Flaherty said he was never involved in any meetings with Mr. D'Amico.

Mr. Turschmann said he has done some research and he gave everyone a copy of the City Charter and City Code that pertains to his problem. He also gave pictures taken during the recent storms.

The Commission members reviewed the pictures.

Mr. Turschmann said Mr. D'Amico was supposed to meet with Seymour the last three months. He said he doesn't know where to go from here. IWC passed it to P&Z and he is still no better off.

Chairman Flaherty said the houses are in Seymour.

There was discussion on the pictures that were taken.

Chairman Flaherty said the Charter and Code are under the Board of Aldermen. Planning and Zoning has regulations and we went through them and the only thing we have is the erosion and sedimentation regulation.

Chairman Flaherty asked Mr. Inglese to draft a letter to DEEP regarding Hotchkiss Terrace and the sedimentation that is flowing down the road and into the storm sewers and to Coe Pond.

Mr. Turschmann asked if he should attend the Board of Aldermen's meeting. Chairman Flaherty said yes and Mr. Inglese will write a letter to DEEP on the situation. The people living in the houses are living in Seymour. It is tough to deal with another town.

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Mr. Heon made a motion to send a letter to DEEP voicing our concern that Coe Pond is being degraded with sediment and the problem needs to be addressed by DEEP. Mr. Bettini seconded. All in favor, so carried.

There was discussion that Mr. Turschmann should follow through with the Board of Aldermen. A copy of the letter to DEEP should be sent to the Board of Aldermen. Mr. Heon said this should still be followed up by the City Engineer.

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

None

Executive Session

None

July Meeting

Regular Meeting: Monday, July 29, 2013 at 7:30 p.m.

Adjourn

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Mr. Bettini made a motion to adjourn the meeting at 11.25 p.m. Mr. Lawlor seconded.
All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary