

July 29, 2013

Regular Meeting

Present: Bart Flaherty, Chairman
Michael Bettini
Jeff Lawlor
Andrew Mark
Kenneth Moffat

Absent: Jared Heon
James Martin

Others Present: Oswald Inglese, Planning Consultant
James Tanner, Zoning Enforcement Officer
Thomas Welch, P&Z Attorney
Joan Radin, Alderwoman 5th Ward

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

Mr. Bettini made a motion to accept as written and place on file the minutes of the June 24, 2013 Regular Meeting and Public Hearings. Mr. Lawlor seconded. All in favor, the motion carried.

PZ072913

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.

1. Thomas Welch, Attorney: Bill for professional service: \$1337.50
2. Oswald Inglese, Planner: Bill for professional Service: \$881.25
3. Marjorie Shansky, Attorney: Bill for professional Service: \$2668.75

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. Lawlor seconded. All in favor, so carried.

1. Fred D'Amico re: Valentine Court recommending release of the bonds for the wall (\$7500) and the Performance Bond (\$90,000)

Chairman Flaherty said that the Drainage and Maintenance Agreement for the Homeowners Association has been filed on the land records.

Mr. Bettini made a motion to release the bonds for Valentine Court for the road and the wall. Mr. Moffat seconded. All in favor, so carried.

2. Fred D'Amico re: Coastal Carriers, Riverside Drive.

Chairman Flaherty said that Coastal Carriers must come before the Commission for the grading and fill in the driveway and parking lot.

3. P&Z to DEEP re: 40 Hotchkiss Terrace. A letter was sent to DEEP advising them that there is E&S flowing into Coe Pond.

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.

Chairman Flaherty said the Commission heard and saw the Site Plan for Cumberland Farms during the public hearing for the Special Exception. In response to that presentation and discussion with the applicant, our Planning Consultant drafted a resolution per our request.

PZ072913

Chairman Flaherty recognized Attorney Thomas.

Attorney Thomas said the site plan was not part of the public hearing. There was an issue raised by Mr. Inglese regarding the size of the sign. Cumberland Farms sent a new map regarding the sign yesterday. He said the architectural for Cumberland Farms has a slight redesign of the building. They increased the height two (2) feet. There is a four (4) page set of drawings showing the revised roof line. They went from 30 feet 10 inches to 32 feet 10 inches.

Attorney Thomas gave everyone a copy of the new architectural drawings and the sign drawings.

Mr. Inglese asked if it affected the entire site or just the building.

Attorney Thomas said just the building.

Mr. Inglese said the grade is not changing just the height of the building?

Attorney Thomas said the grade remains the same. The building height will be two (2) feet higher. The canopy will stay the same.

Chairman Flaherty said the Resolution must be updated to show the revised drawings. Mr. Inglese will have to reference them as submitted; Rev. #1: Height A3.1 Rev. 7/24/13 and Rev. #2: A3.2 Rev. 7/24/13.

Chairman Flaherty said he has been down to the site and sidewalks should be put in now along Pershing Drive. It is a matter of public health and safety. In the short time that he was there, five (5) people walked down Division street and up Pershing Drive past the Beep & Bell store. There is a path worn in the grass area attesting to the amount of foot traffic in that area.

Mr. Mark said he was down there this morning and there was a family of five people with a baby carriage walking. He said this was at 8:00 a.m. today.

Mr. Moffat said there are a lot of walkers and there is no sidewalk or cross walk.

Chairman Flaherty said he thinks there should be a sidewalk.

Attorney Thomas said our engineer said you will have a sidewalk going to no where.

Chairman Flaherty said I understand, you were willing to put the money for a sidewalk in a fund or put in a sidewalk whenever the Planning & Zoning Commission requested it. It will be more disruptive to install a sidewalk once the building is built and all of the driveways are put in now is the time to install the sidewalk. It will be least disruptive.

Mr. Inglese agreed stating that he has driven past the area.

Chairman Flaherty said the project is very good. I want to see it go forward.

There was discussion on a sidewalk along Pershing Drive.

Mr. Moffat made a motion to incorporate into the Resolution the following:

Item #5:

“The sidewalk along Pershing Drive shall be constructed as part of the initial project phase;”

And

Item #11:

“The sidewalks along Division Street and Pershing Drive shall be built of concrete and shall be continued in concrete across the proposed driveway(s) (Sec.440.7)”

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

Mr. Moffat made a motion that the sidewalk will continue to the end of the property line.
Mr. Mark seconded. All in favor, so carried.

Chairman Flaherty said Item #15, the bond. He said he spoke with City Engineer Fred D’Amico this evening and he said the bond should be \$150,000 to \$200,000 to dig out the forty (40) foot wall in the back of the property. He said the rationale is that should there be a torrential downpour rain and there is erosion and sediment created by this, the bond would be sufficient.

Attorney Thomas said State Statutes says you can only bond for erosion and sediment.

Chairman Flaherty said the tanks are the Fire Marshall to inspect.

Mr. Inglese said he would like to see a landscaping bond.

Attorney Thomas said the Commission has no authority.

Chairman Flaherty said there is a thirty (30) foot wall planned for the rear of the site. They will be digging out the bank and there is a house on that property. The City Engineer said \$150,000 to \$200,000 for the bond.

Attorney Thomas said normal procedure is our Engineer would set the bond after speaking with your Engineer. This is usually not done at this time – usually it is approved and the bond is set later.

PZ072913

4

Chairman Flaherty said this is how our Commission has always set the bond. These are the City Engineer's figures \$150,000 to \$200,000. I am not an engineer and I have to go by what he recommends.

Attorney Thomas said normal procedure is to approve setting our bond. You approve with the condition that both Engineers agreed to this amount.

Chairman Flaherty said our Engineer gave us a figure \$150,000 to \$200,000.

A discussion followed on the setting of the bond and the amount that Mr. D'Amico arrived at. It is noted that there is 9,000 cubic yards of material being removed from the site and there is a 30 foot high wall being constructed. The City Engineer's responsibility is to make sure there is adequate protection for the project and the City.

Mr. Lawlor said the applicant should agree to put \$150,000 in place for the bond and have his engineer speak with Mr. D'Amico.

Attorney Thomas said they have not seen the conditions. He said he has no problem with giving the commission a 35 day extension so he can resolve the issues. He said if the engineer gave you this figure to reconstruct the wall, if there is a problem with the wall there is insurance to cover it.

Chairman Flaherty said the Resolution reflects everything that was discussed between the applicant, Attorney Thomas, the P&Z Commission and Staff. The Commission is out of time and they can deny it and Attorney Thomas can come back next month with a new application or we can approve the Resolution with the revisions. He said that the Commission has been very courteous to the applicant and would like to see Cumberland Farms new building on the site.

Mr. Moffat made a motion to approve the Resolution as amended with the changes to Item #5 and item #11 and to set the bond not to exceed \$150,000 to be agreed upon by the applicant's engineer and our engineer. Mr. Lawlor seconded. All in favor, so carried.

The secretary gave Attorney Thomas a copy of the Resolution.

Chairman Flaherty thanked Attorney Thomas and Cumberland Farms for their great presentation of the plans. He said Attorney Thomas will receive a copy of the Revised Resolution.

Victor & Dawn Belenchia, 122 N.Prospect St. Ext request site plan approval for In-Law Apt.

Mr. Victor Belenchia, Mr. Henry Rack and Eric Francis were present.

Mr. Rack said Mr. Belenchia's house is a raised ranch style home. They are proposing an in-law addition to the left side of the house. The addition will be 24'x24'. There will be a bedroom, bathroom and kitchenette. Mr. Belenchia's mother will be moving in.

Mr. Rack showed the members the map and explained the addition is 576 square feet.

Chairman Flaherty said in-law apartments are allowed in the A zone and this application meets the regulations. He asked Mr. Tanner if everything was in order.

Mr. Tanner said the application meets the regulations and it is OK.

Mr. Bettini made a motion to approve with conditions the application of Victor and Dawn Belenchia for an in-law apartment at 122 N. Prospect St. Ext., Ansonia. Mr. Lawlor seconded. All in favor, so carried.

Chairman Flaherty explained that they would receive a record of action and that the in-law status must be filed on the land records.

Board of Aldermen 8-24 Referral – Temporary Construction Easement and a Drainage and Maintenance Easement Agreement for 46 and 50 Park Place

Chairman Flaherty said the Board of Aldermen sent this referral to the commission to see if there are any issues.

Mr. Moffat asked if the City will be doing the work.

Mr. Tanner said that there are three catch basins located there of small diameter. The right of way goes out to Elm Street and Gracie Lane. The catch basins are tiny and they can't handle the water. The last storm they were full to capacity and overflowing. It is the right thing to do. Mr. Macero offered to do it when he built Gracie Lane but it wasn't done. Now it needs to be done.

Mr. Inglese asked why it is a temporary easement.

Mr. Tanner said it is a construction easement. He said there is a problem in that area. The drainage flows down the street to Elm Street and there are problems in the winter.

Mr. Bettini made a motion to recommend a favorable referral for the temporary easement for 46 and 50 Park Place. Mr. Lawlor seconded. All in favor, so carried.

Reports: City Engineer

Mr. Fred D'Amico is not present this evening due to illness.

Valentine Court – Wall

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

The Commission voted to release the bonds as stated in the letter received from City Engineer Fred D’Amico.

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

A letter was received from City Engineer Fred D’Amico that was sent to Coastal Carriers advising them they had to make application for Special Permit for the grading and fill on their property.

Jewett Street Sidewalk - Resolution with property owner

Still pending. The City Engineer is still work to resolve the issue with the property owner.

40 Hotchkiss Terrace

Mr. Robert Turschmann was present.

Chairman Flaherty said that the letter was sent to DEEP on 7/9/13 and the Commission is waiting for a reply.

Mr. Turschmann asked if anything came out of the meeting with Seymour. He said he read in the minutes there was a meeting with Seymour.

Chairman Flaherty said he did not attend any meetings in Seymour. Mr. D’Amico called Mr. Looker, Seymour’s Planning Consultant and he was going to get back to Fred.

Mr. Turschmann asked if he should go to the Board of Aldermen.

Chairman Flaherty said he can’t counsel Mr. Turschmann on that but the Commission has gone as far as they can go.

Mr. Turschmann said he will go to the Board of Aldermen on this issue. He said he appreciates all the Commission has done to help him.

Mr. Moffat said he walked the area this weekend and there is a lot of sediment in the road.

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.

Chairman Flaherty thanked Mr. Inglese for doing a good job on the Resolution for Cumberland Farms.

There was discussion on sites with large walls that have failed.

Any other business to come before the Commission

Aldерwoman Joan Radin asked to address the commission. She said she is concerned with Marijuana businesses for medical purposes. She said she has spoken with Chairman Flaherty on this and she is concerned that the State of CT hasn't finalized their regulations on growing and dispensing medical marijuana yet. She said as a health care professional and an Alderwoman she thinks there should be a moratorium on it.

Chairman Flaherty said some background on this subject. The State of Conn. has passed it but there are no criteria from the State of CT on their regulations or guidelines. The City of Shelton has put a moratorium on it. If we put a moratorium on this it would give us time to formulate a regulation. He suggested the Commission hold a public hearing prior to the next month's meeting on a moratorium for the growing and dispensing of medical marijuana.

There was discussion on the time limit for moratoriums.

Mr. Bettini made a motion to request Mr. Inglese to draft an amendment for a moratorium for the growing and dispensing of medical marijuana and to set the public

hearing date as Monday, August 26, 2013 at 7:15 p.m. prior to the regular meeting. Mr. Moffat seconded. All in favor, so carried.

Executive Session

None

August Meeting

Public Hearing: Monday, August 26, 2013 at 7:15 p.m. (Moratorium)

Regular Meeting: Monday, August 26, 2013 at 7:30 p.m.

Adjourn

Mr. Bettini made a motion to adjourn the meeting at 8:45 p.m. Mr. Lawlor seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary