

September 30, 2013

Regular Meeting

Present: Bart Flaherty, Chairman
Michael Bettini
Jeff Lawlor
Jared Heon
Kenneth Moffat – arrived 7:40 p.m.

Absent: Andrew Mark
James Martin

Others Present: Oswald Inglese, Planning Consultant
Fred D'Amico, City Engineer
James Tanner, Zoning Enforcement Officer
Joan Radin, Alderwoman 5th Ward

The Regular Meeting of the Ansonia Planning and Zoning Commission was called to order at 7:35 p.m. by Chairman Flaherty.

The secretary called the roll.

There was a quorum present.

Approval of Minutes

Mr. Heon made a motion to accept as written and place on file the minutes of the August 26, 2013 Regular Meeting and Public Hearing. Mr. Lawlor seconded. All in favor, the motion carried.

Approval of Bills

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

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| 1. Thomas Welch, Attorney: Bill for professional service: | \$362.50 |
| 2. Oswald Inglese, Planner: Bill for professional Service: | \$712.50 |

Correspondence

None

Decision: FEMA Flood Plain District

Chairman Flaherty said the commission held a public hearing on the amendment regarding the adoption of Section 220.2 with the changes.

He read Section 220.2:

Reasons: To add updated Flood Insurance Rate Maps descriptions.

Remove existing subsection 220.2 in its entirety and incorporate new updated subsection 220.2 as detailed below in its entirety.

220.2 Identification of District: The Flood Plain District is that portion of area hereby designated as "special flood hazard area" (SFHA), namely Zones A and AE, as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut dated October 16, 2013, and accompanying Flood Insurance Rate Maps (FIRM) dated December 17, 2010, (Panels 09009C0401H, 09009C0403H, 09009C0406H, 09009C0408H) and October 16, 2013 (Panel 09009C0402J, 09009C0404J), and other supporting data applicable to the City of Ansonia, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this ordinance it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

Mr. Heon made a motion to adopt Section 220.2 as read. Mr. Bettini seconded. All in favor with one abstention (K. Moffat). The motion carried.

Millie Rios, 121 Great Hill Road re: Fountain Lake Development Project

Millie Rios was present.

Ms. Rios stated that she has four areas of concern with the Scinto project. She said she has been to P&Z in the past with her concerns. She said behind her property is the Fountain Lake Commerce Park. Mr. Scinto built a road there behind her back yard. She brought her concerns to the Board because the road goes right up against her property. She requested some fencing be installed there because of the slope and hill that is now there. The slope and hill slopes toward the road. She said family members with smaller children come to visit her and there is a safety issue. She said she spoke to Rob Scinto, Mr. Scinto's son regarding this situation. She said that P&Z assured her that she would get a fence installed there.

Chairman Flaherty said P&Z did have a fence put up. He said they installed an orange fence there. He asked if the fence was still in place.

Ms. Rios said yes they did put up a fence but it was a flimsy fence and she doesn't know what happened to it. She said Mr. Scinto has the funds and he could put up a good fence.

Chairman Flaherty said that there was an orange fence there because he and Mr. D'Amico went up there and observed it in place.

Ms. Rios said there is a berm there did they put that berm in? They excavated the area and put that slope and berm in there.

Ms. Rios said the next issue is that a retaining wall needs to be built against that area where the road is. She said little by little it is just falling apart and her yard is washing away.

Chairman Flaherty said your property is eroding away or his property is eroding. He said that this is a temporary cut and it has to be finished to a 2 to 1 slope. It should not erode your property.

Ms. Rios said she doesn't understand the technology of it.

Chairman Flaherty said it is not technology, he asked Ms. Rios if it is her property eroding.

Ms. Rios said they need a retaining wall there.

Chairman Flaherty said there will be something there and there will be a road. He said that they stabilized this area with grass which is established but if it is your property that is being affected it has to stop.

Ms. Rios said the last blasting was strong. M.D. Drilling blasted in 2011 however on 8/21/13 there was blasting. She received 24 hour notice that there would be blasting. They called half hour before. On 8/21/13 the blasting was at 11:26 a.m. and it was huge. She said the blasting was far from her property but the wall is cracked. She will take that up with the blasting company. Normally it affects her house only but it affected her neighbors also. They came out of their homes and came over to her house to see what was happening.

Ms. Rios said the blasting was so much worse than before and her concern was where was the Fire Marshall. He indicated he would be here to see the blasting when it was done. The Fire Marshall was on vacation but shouldn't they have someone from his office present. The Mayor said he received phone calls from the neighbors on this. She asked whether there were assistants in the Fire Marshalls office and why they were not at this blasting. He said that there are two assistants from the Fire Marshall's office.

Chairman Flaherty said State Statute puts blasting totally under the Fire Marshall. We cannot do anything but convey your concerns to the Fire Marshall. We have no control but when they blast there should be a machine that measures that blast and the force of the blast. They do it as a safe measure for their insurance. He asked Ms. Rios if she asked the Fire Marshall about this.

Ms. Rios said she spoke to the Mayor and he said he will follow up and get back to her but she hasn't heard.

Chairman Flaherty said you have to go to the Fire Marshall. They have meters to measure the amount of shake on a blast. We can mention it to the Fire Marshall but we have no control.

Ms. Rios said another concern is her property is the corner house on Great Hill Road and Birmingham and the corner is hilly. When the City of Ansonia owned the corner Public Works Dept. cut the grass and maintained it. Since Mr. Scinto purchased the area it has not been maintained and it is terrible. She said she spoke to PWD Supt. Schryver and he gave her a copy of the map. Ansonia doesn't own the property. He advised her to contact Mr. Scinto as he owns this property. She said she has called and e-mailed Mr. Scinto and he said he would send someone to look at it. They did nothing about it. It is blatant disregard to the Rios and their concerns. She said this affects her property values and she can't sell her home if she wanted to. She said this project was supposed to be a Phase III development. Nothing has happened since 2006.

Chairman Flaherty said Mr. Scinto is continuing to work on it. The economy happened and put the brakes on everything, hopefully the economy gets better. He said he will see

if the City Engineer can go up there and see the progress on the site. He said with regard to the fence – the orange fence may not be the final fence when the project is finished but should be in place.

Mr. D’Amico said he will look at it and the blasting but they are still going forward on the site.

Chairman Flaherty asked Mr. D’Amico to see where Mr. Scinto stands with regard to the project and if there is no fence, have them put a fence up. He asked Mr. D’Amico to look at the erosion on Ms. Rios property.

Ms. Rios said she gives Mr. D’Amico permission to go on her property to look at the erosion.

Chairman Flaherty said with regard to the blasting, P&Z will mention it to the Fire Marshall. He asked Ms. Rios if she has spoken with the Fire Marshall.

Ms. Rios said no, not this time but in the past.

Chairman Flaherty said when they blast they record the numbers. He asked Mr. D’Amico to contact the Fire Marshall.

Mr. D’Amico said he will call the Fire Marshall on the 8/21/13 blast.

Chairman Flaherty asked Ms. Rios to be specific with regard to the property along the road.

Ms. Rios said it is the corner near the driveway to her house. It is a sloppy area and it was maintained by Public Works Dept. and going forward it is not maintained.

Mr. D’Amico said he will check the grass overgrowth and the City right of way.

Chairman Flaherty asked Ms. Rios if she had anything else.

Ms. Rios said no, thank you for your help.

Mr. D’Amico said he will go up there Tuesday or Wednesday.

Nunziata Micciche request for In-law Apartment, 24 Mountain View Rd.

Nunziata Micciche and Maria Micciche were present.

PZ093013

Maria Micciche
37 LaRovera Terrace
Ansonia, CT

Maria Micciche said that this house was always an in-law apartment. She sold it to her brother and the paperwork is for a two family house.

Chairman Flaherty said it is located in an A zone and two family homes are not allowed in an A Zone. An in-law apartment is allowed and you will need to meet those regulations. There are two parking spaces required for each unit. You need four parking spaces and the in-law status of the house will have to be put on the land records. This is renewed every three years. It has to be an in-law apartment and can't be rented to strangers. If the in-laws move, the property reverts back to a single family home.

Mr. Inglese asked if they have off street parking.

Nunziata Micciche said there is parking for three cars. Two on one side and one in the front.

Mr. Heon made a motion to approve because it is existing. Mr. Bettini seconded.

Chairman Flaherty said you have to have four off street parking spaces.

Mr. Tanner said there is no Site Plan of record at all. This is not a site plan. In 1984 the building plan shows an addition to a single family home. This doesn't meet the regulations for in-law apartments. The regulation references showing of a site plan and parking spaces and a floor plan. The building permit in 1984 stated it is not to be used as an in-law apartment. It didn't meet the regulations at that time. In 1984 it showed as one dwelling unit.

Mr. Bettini asked what happened.

Mr. Tanner said this is the same type of request that we just approved for 122 N. Prospect St. Ext. That application showed all of the plans, application, statement of use, maps. This is not a complete application.

Mr. Moffat said the last page shows a rental zone.

Chairman Flaherty said they are asking to make it an in-law apartment.

Mr. Tanner said at present it is not occupied by family.

Mr. Heon asked if there are different sections of the house.

Mr. Tanner said in January 2013 we requested access to the property and have not been granted access. In 1985 they said it was a family room with a bathroom.

Maria Micciche said she purchased it as a two family home.

Mr. Heon asked who is living in the house.

Nunziato Micciche said her son is in the in-law apartment.

There was discussion on the in-law apartment and on the regulations. Mr. Inglese stated this is not a complete application.

Mr. Heon rescinded his motion to approve until the Micciche's provide the proper documents and drawings.

Mr. Heon asked if they could approve with conditions that all of the documents, drawings and maps are provided to Mr. Tanner.

Mr. Tanner said no, because when there are conditions that the applicant has to provide an application, drawings, and maps, etc. we have to chase them to get this information.

Mr. Heon asked if the applicant would come back to the commission with the information required by the regulations.

There was discussion on the above and the applicant says she needs time to get the information required.

Mr. Heon rescinded his motion to approve.

Mr. Bettini rescinded his second.

Mr. Bettini asked what items the applicant needs to approve this.

Mr. Inglese said the commission needs a site plan for this request. They have to identify the parking. This is stated in the regulation.

The Chairman requested the secretary to give Maria Micciche a copy of the regulation.

The secretary gave Maria Micciche a copy of the regulation.

Mr. Inglese said the following is required and it is stated in the regulation:

1. Site Plan
2. Complete Application
3. 4 parking spaces
4. Pending Site Inspection as requested by the ZEO
5. Letter of Application – State the names in which the applicant meets the requirement by regulation – family member
6. Site Plan showing everything in the regulation. He read that section of the regulation to those present.
7. Class A-2 survey
8. Floor Plan – size and location of accessory apartment.

Mr. Bettini said he would like the applicant to leave totally understanding what needs to be done. She needs to provide a drawing, identify four parking spots, allow the site inspection before we can approve it, complete application, and what was stated by Mr. Inglese.

Mr. Inglese said the commission has two choices with regard to the application. The clock is running and we can deny and she can resubmit the application or she can withdraw the applicant and do it properly and come back to the Commission.

Chairman Flaherty explained to Maria Micciche that if she withdraws the application it will stop the clock or if the Commission denies the application it will stop the clock.

Maria Micciche stated that she will **WITHDRAW** the application for an in-law apartment to be located at 24 Mountain View Road, Ansonia.

Chairman Flaherty said that in-law apartments are allowed within the A Zone but we have to protect the A Zone. In-Law apartments are recognized in the regulations.

Maria Micciche said she understands but she purchased the home in 1990 through a foreclosure.

Mr. Heon said that the Commission needs to have a complete application.

Nunziata Micciche said that they purchased the home as a two family.

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 that they had to make application and there is still no application. He will follow up.

Jewett Street Sidewalk - Resolution with property owner

Mr. D'Amico said that property owner installed the steps on Jewett St. but the sidewalk is still not done. He will contact the property owner. He said that there was probably a misunderstanding with the contractor and that he was supposed to put in a new sidewalk also.

40 Hotchkiss Terrace

Mr. D'Amico said he will set up a meeting with himself, Mr. Schryver, PWD Supt., Seymour's PWD Supt. and the Seymour IWC to see what can be done about this issue.

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.

PZ093013

Any other business to come before the Commission

Chairman Flaherty explained that the Planning & Zoning Commission prevailed in the Complete Construction appeal. Marjorie Shansky, our attorney notified him that they filed a motion for re-argument.

Mr. Bettini made a motion to authorize Marjorie Shansky, attorney to file an objection to their motion. Mr. Lawlor seconded. All in favor, so carried.

Chairman Flaherty stated that the Commission members should have received an invitation to the Boys & Girls Club Open House to be held on October 9, 2013. He gave the members a brief summary of the many activities and events that the Boys & Girls Club have for the youth of Ansonia. He encouraged everyone to attend if they could.

Joan Radin
Wakelee Ave.
Ansonia, CT 06401

Alderwoman Radin said there were propane tanks next to her business. She asked if there are regulations as to where these tanks can be located in a parking lot.

Mr. Tanner said NFPA classifies this as Liquefied Natural Gas and it is regulated through the Fire Marshall. He has to approve the location of the tanks for commercial property only.

Executive Session

None

October Meeting

Regular Meeting: Monday, October 28, 2013 at 7:30 p.m.

Adjourn

Mr. Bettini made a motion to adjourn the meeting at 8:50 p.m. Mr. Lawlor seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary