

Regular Meeting

January 26, 2009

Present: Bart Flaherty, Chairman
Jeff Lawlor
Ed Phipps
Jim Tanner

Absent: Doug Furtek
Jared Heon

Others Present: Kevin Blake, Corporation Counsel
Oswald Inglese, Planning Consultant
Steve Blume, Pres. Board of Aldermen
Gene Sharkey, Alderman

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

All present rose and Pledged Allegiance to the Flag

The secretary called the roll.

There was a quorum present.

Approval of Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the Regular Meeting and Public Hearing held on December 29, 2008. Mr. Tanner seconded. All in favor, so carried.

Approval of Bills

Mr. Tanner made a motion to pay all bills if found to be correct. Mr. Phipps seconded. All in favor, so carried.

1. Oswald Inglese: Bill for professional services from December 16, 2008 to January 15, 2009: \$1012.50

Correspondence

Mr. Phipps 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. Tanner seconded. All in favor, so carried.

Amendment to the Ansonia Zoning Regulations & Official Map to establish an overlay zone known as the City Center Zone (Section 222)

Mr. Phipps made a motion to adopt the amendment to the Ansonia Zoning Regulations & Official Map to establish an overlay zone known as the City Center Zone – Section 222 and bring it into the Zoning Regulations. Mr. Inglese will write a Resolution to the affirmative. Mr. Lawlor seconded. All in favor, so carried.

Mr. Phipps made a motion to request Mr. Inglese review the City Center Plan for the updates, not changing it but to add a page to update the items in the public hearing. Mr. Lawlor seconded. All in favor, so carried.

The amendment is adopted January 26, 2009. Effective date is February 4, 2009.

NCW Dev./W.Griffin/J.Cicerchia request for four (4)lot subdivision known as Benz Street Estates located (Pending at IWC) This is a re-submission original application was withdrawn on 11/24/08

and

NCW Dev./W.Griffin/J.Cicerchia request for site plan approval for four (4) single family dwellings in Benz Street Estates Sub. located at 54 Benz St (12/29/08 – 2/23/09). (Pending at IWC) This is a re-submission original application was withdrawn on 11/24/08

There is no one present.

Chairman Flaherty noted for the record that these are new applications submitted to the Commission on December 29, 2008. The clock started 12/29/08. A decision has to be made by 2/23/09.

The secretary stated that Mr. Griffin called and asked that his applications be tabled this month because he is still pending at Inland Wetlands.

Mr. Phipps made a motion to table both of these applications at the verbal request of Mr. Griffin. Mr. Lawlor seconded. All in favor, so carried.

Frances Pepe request for Site Plan approval for a Unisex Hair Salon to be located at 165 O'Neil's Ct (12/29/08 – 2/23/09)

Frances Pepe was present.

Chairman Flaherty said that Mr. Keith Maynard had a concern regarding the parking spaces on the site. He asked Mr. Inglese and Mr. Crabtree if the parking is adequate.

Mr. Inglese said that he did not provide a written report on this site however the parking is more than adequate for the site.

Mr. Crabtree said the commission should go out to the site because the way it is the driveway appears to be a semi-private road. It blends into the road and looks like a private drive. The parking area needs something to define the road and the driveway and define the grade. It could be a curb – not a fortress but it has to be defined – the driveway to the other properties – this needs to be defined somehow. This is a consideration.

Chairman Flaherty asked Mr. Inglese if his recommendation was for approval.

Mr. Inglese said yes, he does recommend approval subject to Mr. Crabtree's recommendation for a barrier to define the parking area and driveway from the city street.

Chairman Flaherty asked the commission members if they had any other concerns or comments or recommendations.

Chairman Flaherty discussed the following conditions:

1. Fence around the boundary line of the property on O'Neil's Court.
2. The applicant's parking lot is higher than the adjoining property – a curb must be installed around the parking lot to preclude a vehicle from going over the embankment. It could be a curb stop and must be approved by the City Engineer.

Mrs. Pepe said there is a sidewalk in front of 163 O'Neil's Court and down around the back of the building. She said she will have to ask Frank Pepe about it. She asked where the commission would want this curb.

Chairman Flaherty explained where the commission would want the curb however he said that Mr. Pepe can meet with Mr. D'Amico, City Engineer and Mr. Crabtree to get the exact location as to where it should be installed.

Mr. Maynard asked about a fence above the curb.

3. Any lighting or lights will have to be down lights and the light will NOT spill off the property to adjoining properties
4. Headlights from the vehicles must be shielded so that they do not shine onto the adjoining neighbor's property.
5. Hours of operation per Frances Pepe are:
Monday – Closed
Tuesday – 9:00 a.m. to 5:00 p.m.
Wednesday – Closed
Thursday – 2:00 p.m. to 8:00 p.m.
Friday – 9:00 a.m. to 5:00 p.m.
Saturday – 8:00 a.m. to 3:00 p.m.
6. There will be **NO OTHER ACTIVITY** in the building except storage unless the owner comes back to the Planning & Zoning Commission.
7. There will be **NO FURTHER ACTIVITY** on the site.
8. Sign will be in the window – the current sign is lighted.
9. Curb – The blocks must be staked in place on the boundary. The applicant can meet with Mr. Crabtree on the lot boundary and designation as to where the delineation of parking lot and city street is so that the blocks can be placed correctly. Mr. Crabtree will approved the location of the curb blocks.

Chairman Flaherty asked the commission members if there was any other concerns or conditions or additions regarding this application.

Mr. Phipps made a motion to approve with conditions (listed above) the application for a Unisex Hair Salon at 165 O'Neil's Court. Mr. Lawlor seconded. All in favor, so carried.

David Cassetti/Saljd Riverside Properties request for Storage Building at 10 Riverside Drive

Mr. David Cassetti was present.

Mr. Cassetti said that his last application was denied because of the asphalt processor. He said he has sold the asphalt processor and he is asking for a permit to build his building.

Chairman Flaherty said on Mr. Cassetti's statement of use, item #3 is asking for asphalt processing. He asked Mr. Cassetti if he removed the Bagela.

Mr. Cassetti said he did, he sold it.

Chairman Flaherty said that he doesn't see anything in the statement of use about the bunkers in the back of the property.

Mr. Cassetti asked if he could come back for the bunkers and have this application be in two parts.

Chairman Flaherty said it is your application you can do whatever you want.

Mr. Cassetti said he is removing material storage from the application at this time and he is removing item #3. He will send a letter to the commission stating this.

Chairman Flaherty went over the statement of use with the commission.

Mr. Inglese said the commission can accept this as a new application and approval of the site plan once item 3 is removed from the application.

Mr. Crabtree said have Mr. Cassetti do what he says he is going to do with the building. We can wait until Spring for the site problems. Let him get the building up.

There was discussion on the site problems that are existing.

Mr. Phipps made a motion to approve with conditions the application for the BUILDING ONLY at 10 Riverside Drive. Mr. Lawlor seconded.

Conditions:

1. Revised Statement of Use is received removing #3.
2. Letter stating the removal of "material storage"
3. New Map showing the removal of the storage bunkers
4. Document for the footings
5. No further material will be brought on the site

Mr. Tanner said that Mr. Cassetti must submit a revised drawing on this new site plan stating it is a revised plan showing all of the things discussed this evening. He said there are piles of material on the property. He is looking for approval of the building only – no storage.

Mr. Cassetti said there is 40 cubic yards of process aggregate left on the site and most of this material will be gone. It is existing. He said he agrees not to bring any more material onto the

site. He will use what is there. He said he will discuss the material when he comes back for part 2 of the application.

Chairman Flaherty asked Mr. Cassetti to grant the Commission permission to conduct a site inspection of the property in the Spring.

Mr. Cassetti said yes, there would be no problem with a site inspection.

Chairman Flaherty called for a voice vote on the motion to approve the BUILDING ONLY. All members were in favor, the motion carried.

Y.M.C.A./Don Smith request for site Plan Approval for Child Day Care Facility/Pre-School facility for 35 Children

Mr. Don Smith, Engineer, Ms. Suzanne Reilly and Ms. Margaret Norris were present.

Mr. Smith said there is a YMCA's statement of use for an additional 35 children. He said he reviewed the application with Mr. Crabtree and when the YMCA was originally approved the enrollment was a maximum of 15 children. They plan to move the day care facility from the YMCA to the Howard Ave. facility.

Mr. Smith said that the YMCA is asking for a total of 50 children which is an increase of 35 children. They have secured additional parking for Staff. There are 43 parking spaces from the former Basketball Court across the street and there is an agreement with the Ansonia Board of Education. There is a parking lot on Howard Avenue.

Mr. Smith said there is signage for the building also. He showed the members the map with the signage. He said on Clifton Avenue the sign above the door: "Charles H. Pine Training School" will remain. There will be a sign: "Joe E. Smiles Club House" and on the chimney there will be an internal illuminated 4x4 blue light sign coming through – there will be splash of light from this sign.

Chairman Flaherty asked if the light would be contained and not splashing out. He asked Mr. Smith to explain the lighting.

Mr. Smith said on the Clifton Avenue side there is the YMCA Playground for the children. They would like to put up a Yellow Banner sign on the fence in front of the fence where the playground is located.

Chairman Flaherty asked if they could plant shrubs in front of the fence instead of a plastic yellow banner to shield the playground.

Mr. Crabtree said to make the sign integral with the site plan.

There was discussion on the proposed yellow vinyl banner sign that the YMCA is requesting.

Ms. Norris said it could be another type of sign for the playground. The sign would read something about the YMCA.

The commission members agreed that shrubs would be a better fit for the site and the neighborhood. The shrubs would also protect the children from the public view.

Mr. Smith explained the building signs to the commission. There will be a light above the sign but it will not illuminate down. There will be a sign on the entrance door to the YMCA to the Child Day Care. It will be 16x16.

Chairman Flaherty asked if this map was an updated map because it shows the front driveway.

Mr. Smith said this map is as built current to date.

Ms. Reilly said the day care is 4200 square feet.

Chairman Flaherty asked if there was office space.

Ms. Reilly said there will be one office for the teachers to hold conference and the children's files.

Chairman Flaherty asked if there was a place for lunch and for the 12 to 14 employees to sit and have a lunch break.

Ms. Reilly said there was a room for the employees.

Chairman Flaherty said the YMCA is going from 15 children to 50 children and that would cause an increase in the traffic.

Suzanne Reilly
15 Setula Drive
Seymour, CT

Ms. Reilly said that she has 28 years as an employee of the YMCA. She said that the YMCA's current school has 19 children who will be relocated to the new location.

Mr. Phipps asked if the YMCA was planning to put anything into the vacated space left by the day care facility.

Ms. Reilly said it will be the Youth Teen Center.

Chairman Flaherty asked how this will affect the economics of the YMCA if the day care is moved.

Ms. Reilly said with the move they will be able to expand. They have a license for 19 children and they have applied for 50 children. 6 infants, 8 toddlers and the pre-schoolers. She said they can serve more individuals at the older age. At 12 State St. they have 19 kids.

Mr. Phipps asked if the YMCA planned to put housing in there when the day care is moved to Howard Ave.

Ms. Reilly said no, that space will be used for YMCA programs for the youth such as a teen center and other activities for the children.

Ms. Norris said it is not conducive for housing in that area. They will have YMCA programs in that area.

Chairman Flaherty said show the commission how this will work – how you plan to get 50 cars in and out of there. There will be cars on Howard Avenue and there is a great mix of kids using that building.

Mr. Smith said they came back to the commission in 2007 and modified the center court area. There are three handicap spaces, a loading and unloading zone for the children, one way circulation and the parents can drop off at the curb. He showed the members on the map.

Mr. Phipps asked where the 43 people will park.

Mr. Smith said across the street from the parking lot. There are 43 spaces in one parking lot and 50 spaces in one parking lot.

Ms. Reilly said they stagger the times the children arrive at the Day Care Facility. They start at 6:00 a.m. and the parents will not come at one time to drop off or pick up at one time.

There was a discussion on the drop off and pick up times for the children. Also discussed was the installation of speed bumps in the area.

Alderman Sharkey suggested that request go to the Traffic Authority of the Police Dept. He said on the east side of Howard Avenue you can have NO PARKING signs. From the end of Howard Avenue to past the Fire Museum NO PARKING signs. The church does use this area however there is parking in the lots for the Church also.

There was discussion on parents parking their cars in the parking lot across the street and crossing the street with the children to bring them to the Day Care. A parent with more than one child who is bringing that child to the Day Care must bring the other children with her because you cannot leave a child/children in a vehicle unattended. There would be parents and children crossing the street in the morning and evening to their car in the parking lot across the street.

Chairman Flaherty said he is not against the increase in children however he would like to see with great specificity how the YMCA will be handling the increase in traffic and the drop off and

pick up areas for the children. The Commission wants to see a plan on how the YMCA plans to take care of these 50 children using the Day Care.

Ms. Norris said at 6:00 a.m. the facility opens and there are only 8 spots for small children. The other children will use the circular drop off area.

Chairman Flaherty said that the Planning and Zoning Commission needs to see how the YMCA is going to accommodate these 50 people. They will be pulling in and backing out of spaces, they will be backing in and out of the parking lot and driveway. There is a lot of children and cars involved. He asked how they are going to handle this in a safe manner.

Mr. Sharkey said that Mr. Tanner suggested to him that No Parking on either side of the street and shift the center line in the road and have a cross hatch on the east side of the street for drop off and pick up.

There was discussion on the above suggestion and on the parking and drive through loop on Howard Ave. The commission suggested that the YMCA take a good look at moving the center line and coming up with a viable traffic plan.

Mr. Tanner said they can queue on the east side of Howard Avenue there is parking there now. They need to supply parking for the Church on the weekends and in the drop off area (cross hatch). He said there could be no parking Monday through Friday in that area and on the weekend when the Church needs the parking they could be allowed to park there.

Ms. Norris said the YMCA's intent was the original plan – she said she doesn't know where the 15 children came from.

Mr. Phipps read the minutes of the approval where it stated as a condition 15 children.

Chairman Flaherty said that a lot of things were discussed that evening. The Commission has to see how you are going to do this and keep the children safe. The commission needs to see it in writing and on a plan.

Mr. Sharkey asked if they could go ahead with the signs.

Chairman Flaherty suggested a sign for the Day Care as follows: Charles H. Pine Day Care Center of the YMCA or something in that manner. He said that Charles Pine originally donated the land and trust fund for the school and it would be nice to name the Day Care after him. The sign could be over the day care door on Howard Ave. if it doesn't conflict with the agreements for the building and funds. If it could be done it would be a nice gesture.

Ms. Reilly said she would look into it.

Mr. Phipps made a motion to approve the signage for the Building as presented by Don Smith, Engineer and if possible to recognize "Charles H. Pine" in the name for the Day Care sign. If there is no conflict. Mr. Lawlor seconded. All in favor, so carried.

Chairman Flaherty polled the members regarding the increase in children to 50 children. The members did not have a problem with 50 children.

Chairman Flaherty said he would hold a special meeting for the YMCA when they are ready to come back with the traffic plan for the day care. He told Mr. Smith to let him know when he was ready for the meeting and he would call a Special Meeting. He asked the commission members if they would agree to a Special Meeting. The members said they would be in agreement and would attend the Special Meeting.

Mr. Smith said they have made a significant investment in this and he asked if there was a way for a conditional approval so that they could get their permits for the Day Care. They would like to have an opening in March. He said he will look at the suggestion for the loading zone and the other suggestions and he will work with the Traffic Authority and will be back to fulfill the requirements.

Mr. Crabtree said he could do a temporary C.O. to work out the queue with the Day Care. He said no parking with the building and the asbuilts are OK.

Chairman Flaherty said the Commission approved the signs. This is the heart of public health and safety. The commission needs a plan for the traffic to service the 50 children. He asked Ms. Reilly what she needs for the State permit.

Ms. Reilly said that she needs all of the permits and a C.O. in order to get her State License. The local health department has to issue a permit also.

Chairman Flaherty said the Commission would like to see a plan. He said he will hold a Special Meeting in a week if Ms. Reilly needs it.

Mr. Sharkey said there is a meeting of the Building Committee and Ms. Reilly can tell them of the Commission's concerns. They may have other suggestions also.

Ms. Reilly said she can contact other Child Day Care Centers and see how they handle their traffic and drop off and pick up.

There was discussion on redesigning the plan and on the traffic patterns on the site. Mr. Smith said that the Traffic Authority meets next week. He will go to that meeting to discuss this also.

Mr. Phipps said that the Commission did a thorough review of the Day Care that was just approved on Beaver Street.

Chairman Flaherty said that Mr. D'Amico just did a review of the traffic and traffic flow for the Day Care on Beaver St. He said Mr. D'Amico could meet with Mr. Smith and review the plans for safety and on site flow.

Mr. D'Amico said they do have to go before the Police Dept. if they want to change the road pattern. He said he could work something out with Mr. Smith so they have a drop off area.

Mr. D'Amico showed the members on the map where the road area could be widened and where the proposed drop off and pick up area could be. He said they could stack up more cars by doing it differently. After the plan is done the Commission could hold the special meeting.

Mr. Sharkey said Mr. D'Amico and Mr. Smith can get together and work out a plan.

Mr. Tanner said the State of CT shifted the center line for the Elm Street Day Care.

Mr. Smith said he will work on the plan and advise the Chairman when they are ready for a meeting.

Reports: City Engineer

Mr. D'Amico is present.

- a. Clifford Hoyle/Prospect View Sub. Request to reduce the bond

Mr. D'Amico said he met with Mr. Hoyle and he will review the Site Development Plan to be sure there is no driveway down to the detention pond. He asked that this be tabled.

Reports: Zoning Enforcement Officer

Mr. Crabtree is present.

Violations:

1. Riverside Drive:

Mr. Crabtree said that they haven't moved anything yet. He will send it to Corporation Counsel for action.

2. Mutual Housing Parking, Pershing Drive

Mr. Crabtree said this has not been resolved yet.

3. Asphalt Plant/Building

This was resolved this evening.

4. New Violations

Mr. Crabtree said there are no new violations.

Variances:

Mr. Crabtree said there are no variances this month.

Renu Auto Body

Chairman Flaherty said he received letters today regarding Renu. These letters are way off base. He said Mr. Blake and Mr. Crabtree didn't listen to what the Chair asked at the last meeting.

Chairman Flaherty read part of the letter stating he questioned why Renu was put on the tow list. He said he wasn't questioning who was on the tow list, he was not questioning the rotation, he doesn't care who is on the tow list or who fixes Mr. Blake's car. He was questioning why the zoning regulation wasn't upheld.

Mr. Blake said there was a request from Mr. Heusser on why they were on the tow list. Mr. Heusser has a lot of law suits going on.

Chairman Flaherty said you put Planning and Zoning at odds with the Police Commission. Why did you copy the Police Commission. I don't care who is on the tow list. I asked how we were expanding a non-conforming use in a residential zone. They have a use existing and they were only to operate to 9:00 p.m. It had nothing to do with the tow list.

Mr. Blake said I don't think they are expanding the use. You are changing it, the only thing is that document and stipulation.

Chairman Flaherty said the secretary will spend hours to find it. You are loose and fast with the Zoning Regulations. I don't like you saying I said who is on the towing list – I don't care who is towing. I am requesting a letter from you on how you can ignore the court stipulation. I am also requesting you send a letter to the Police Commission explaining your mistake – take P&Z out of this towing fiasco.

Adjourn

Mr. Phipps made a motion to adjourn the meeting at 9:10 p.m. Mr. Lawlor seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary