

February 23, 2009

Regular Meeting

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

Absent: Jared Heon

Others Present: Kevin Blake, Corporation Counsel  
Steven Blume, President Board of Aldermen  
Peter Crabtree, Zoning Enforcement Officer  
Fred D'Amico, City Engineer  
Oswald Inglese, Planning Consultant  
Marjorie Shansky, Special Counsel

The regular meeting of the Ansonia Planning and Zoning Commission was called to order at 7:30 p.m. by Chairman Flaherty.

All present rose and Pledged of Allegiance to the Flag.

The Secretary called the roll.

There was a quorum present.

Chairman Flaherty said that he will turn the meeting over to Vice-Chairman James Tanner and recused himself from the meeting at this time. He left the room at 7:35 p.m.

**Scott Orenstein/Complete Construction re: Consideration of 2001 Application in light of Judge Levin's Decision**

Present: Mr. Scott Orenstein, Attorney for Complete Construction  
Mr. Guy DeMaio, owner Complete Construction  
Mr. Tony Texeria, owner Complete Construction  
Mr. Thomas Clifford, Resident  
Ms. Marjorie Shansky, Special Counsel  
Mr. Greg Stamos, Attorney

The secretary advised those present that Post Reporting Service will be taping and transcribing this item on the agenda.

Motion:

Mr. Phipps made a motion to deny the modification to site plan application, upon remand from the trial court, for Complete Construction Co. to add storage magazines and bunkers for dynamite storage as a use accessory to its contractor's yard within the premises located on River Street, Lot 3 for the following reasons: The original Site Plan which did not include magazines or bunkers was approved in June, 1998. In 2001, the Commission approved an application to augment the Building contractor's yard to allow dynamite and blasting cap storage, which decision was appealed and has been returned to the Commission for consideration with additional material not made available to the Commission during the 2001 application process, viz., the 1998 Planning and Zoning Commission Resolution with conditions, and the 1998 Inland Wetlands Approval with conditions. According to the 1998 Planning and Zoning Commission Resolution, in reaching its 1998 decision, the Commission considered the findings of the Inland Wetlands Commission Resolution incorporates the conditions of the 1998 Inland Wetlands Permit into its 1998 approval. The Planning and Zoning Commission finds that the introduction of magazines and bunkers onto Lot 3 constitutes further development. The applicant failed to obtain sign off or approval from the Inland Wetlands Commission relating to siting and implementation of the proposed additions as required by the 1998 decisions of both the Inland Wetlands Commission and Planning and Zoning Commission. A scaled site plan is required pursuant to Section 510.4.1 of the Ansonia Zoning Regulations. Location of the proposed magazines is indefinite. Mr. Lawlor seconded. Roll Call vote:

Doug Furtek:           yes  
Jeff Lawlor:           yes  
Ed Phipps:            yes  
Jim Tanner:            yes

Jared Heon:           absent  
Bart Flaherty:         absent (recused)

The Chair declared the motion carried: 4 yes to deny, 2 absent.

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Mr. Phipps made a motion for a ten (10) minute recess to allow the Post Recorder to pack her equipment. Mr. Furtek seconded. All in favor, so carried.

Recess 8:05 p.m. to 8:15 p.m.

Chairman Flaherty reconvened the regular meeting at 8:15 p.m.

### **Approval of Minutes**

Mr. Phipps made a motion to approve as written and place on file the minutes of the January 26, 2009 Regular Meeting, Organizational Meeting and Public Hearing (Amend Z.R.). Mr. Furtek seconded. All in favor, so carried.

### **Approval of Bills**

There were no bills presented.

### **Correspondence**

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

**NCW Dev./W.Griffin/J.Cicerchia request for four (4 )lot subdivision known as Benz Street Estates 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**

Mr. William Griffin was present.

Mr. Griffin said that his application is still pending at Inland Wetlands Commission.

Mr. Phipps made a motion to deny without prejudice the application for a 4 lot subdivision at 54 Benz St. until it is approved at IWC. Mr. Lawlor seconded. All in favor, so carried.

**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**

Mr. William Griffin was present.

Mr. Griffin said that his application is still pending at Inland Wetlands Commission.

Mr. Phipps made a motion to deny without prejudice the application for a 4 lot subdivision at 54 Benz St. until it is approved at IWC. Mr. Lawlor seconded. All in favor, so carried.

Chairman Flaherty said that Mr. Griffin has paid the fees for his applications and they would not have to be paid again when he re-submits his applications.

**David Cassetti/Saljd Riverside Properties request for Storage Building at 10 Riverside Drive (approved with conditions Jan.09 – requested info for P&Z in packets)**

There is no one present.

Chairman Flaherty said that this is a carryover from last month. Mr. Cassetti has supplied the information that was requested by the Commission and he has complied with the conditions of approval.

**Y. M.C.A./Don Smith request for Site Plan Approval for Child Day Care Facility/Pre-School Facility for 50 Children**

Mr. Donald Smith, Engr. and Ms. Suzanne Reilly, YMCA representative were present.

Mr. Smith explained that he was here last month looking for approval for an increase in enrollment for the Day Care Center at Howard Avenue. He has provided the commission with a narrative from Milone and McBroom on the traffic layout and the parking for the drop off and pick up of the students attending the Day Care. There is also a map included with the narrative showing the traffic pattern.

Chairman Flaherty thanked Mr. Smith. He said that the commission now has a detailed plan for a safe pick up and drop off area. He said he was in contact with Mr. Smith and Alderman Sharkey on this question that the Commission had. He said the last thing that was needed was the traffic engineer to give his opinion. On page 2, second paragraph he assures us that this is an acceptable access and egress for the Day Care Center.

Chairman Flaherty said that Commission can approve the application with the condition that they present this revised plan to the Traffic Commission of the Board of Police Commissioners for their approval.

Alderman Sharkey said that Mr. Smith was present at the last meeting and there was discussion on moving the center line in the road, etc. but they came up with a plan for no parking on one side of the street where the drop off will be located. The signage was reviewed and approved last month. The lot across the street has an entrance and exit designated. There are three cross walks included and some of the parking spaces were removed. He said he did have a discussion with Chief Hale. Chief Hale said this is a plan he could forward to the Traffic Commission. The Chief did have input into the plan.

Chairman Flaherty said that this plan cleans up the whole site. It still allows for the church to use the parking spaces on weekends.

Mr. Phipps asked what happens in the event of a funeral at the church and there is 10 minute parking Monday through Friday. What if it is a big funeral – will they be able to park there.

Chairman Flaherty said that the Police will not enforce the 10 minute parking rule if there is a funeral. Usually the Police are present when there is a funeral so they will be aware of that fact. They did this when it was a school.

Mr. Tanner said there is parking for 60 vehicles in the lot.

Mr. Tanner made a motion to approve with conditions the application by the YMCA for a 50 child day care facility at the Boys & Girls Club. The condition is the revised map is approved by the Traffic Commission and five (5) copies of the revised map submitted to the Commission. Mr. Phipps seconded. All in favor, so carried.

Mr. Smith said he will see Mr. Crabtree for the Boys & Girls Club Certificate of Occupancy. This Traffic Commission approval is for the 50 children in the Day Care. Mr. Crabtree cannot sign off for the 50 children Day Care at this time but the 15 children day care is OK for him to sign off on.

Alderman Sharkey said that is correct. He has approval for the 15 children but not the 50 children until the Traffic Commission reviews and approves the 50 children parking and traffic lay out.

**John Sponheimer/Duke Realty of CT request to change the zone for two parcels as follows:**

- 1. 497 East Main St. from Heavy Industrial (HI) to Multi-family Residence (BB)**
- 2. 153 Main Street from Central Commercial District (C) to Multi-family Residence (BB)**

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Mr. John Sponheimer and Mr. Clifford Hoyle, attorneys were present.

Mr. Sponheimer asked if the commission could make a determination that this is a request for one (1) zone change for the two (2) parcels so that he would only have to pay one fee. He was charged for two parcels.

Mr. Sponheimer said that they are in separate different zones.

Mr. Inglese stated that it should be kept separate from each other. They are in different zones and they are two separate parcels.

Mr. Sponheimer asked if the Commission could set up a public hearing at their earliest convenience.

Chairman Flaherty asked if this request is for the ATP Building and the Palmer Building.

Mr. Sponheimer said yes and nothing outside of that.

Chairman Flaherty said it will be referred to staff in light of the Plan of Conservation and Development 2008, the Yale Study and the City Center Plan. It must be referred to VRPA, Derby, Seymour and Woodbridge also. He asked why change the zone.

Mr. Sponheimer said it is the best zone to do residential housing.

Chairman Flaherty said it is in the heart of the Commercial District. The City Center Plan allows housing in that district. He asked if they have maps on what they plan to do.

Mr. Sponheimer said they plan 55 units and they will have a schematic for the next meeting. The maps are not finished yet.

Chairman Flaherty said Mr. Sponheimer should get the information to the commission for the Public Hearing. There is a 10% open space requirement.

Mr. Sponheimer said he will get the maps and plan to the commission for next month.

Mr. Phipps made a motion to hold a public hearing for the two zone change requests as follows:

1. 497 East Main St. from Heavy Industrial (HI) to Multi-family Residence (BB)
2. 153 Main Street from Central Commercial District (C) to Multi-family Residence (BB)

On Monday, April 27, 2009 at 7:00 p.m. Seconded by Mr. Tanner. All in favor, so carried.

**Reports: City Engineer**

Mr. Fred D'Amico was present.

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

Chairman Flaherty asked Mr. D'Amico if he has reviewed the subdivision and if everything was in order so that the bond could be reduced.

Mr. D'Amico said he reviewed the plan with Mr. Hoyle and all of the work was completed. He will get a letter to the Secretary to reduce the bond.

Fountain Lake/Scinto – Bonds

Chairman Flaherty asked if the road is a joint project with the City of Ansonia and if they were splitting the bond.

Corporation Counsel Blake said Mr. Scinto will build the road. The City is not involved with the road any longer.

Alderman Sharkey said that Mr. Scinto will build the road himself in lieu of payment.

Chairman Flaherty said that he received a letter from Mr. D'Amico outlining the bonds that would be required for this project. Mr. Scinto has begun construction of the road and the bonds must be in place. He asked Mr. D'Amico to meet with Corporation Counsel Blake to see what he required for the bonds. He noted that in the bonds must be workable bonds.

Corporation Counsel Blake said that he has spoken with Mr. D'Amico and Mr. D'Amico was to get back to him on the amounts.

Mr. D'Amico said he has an estimate for the work and he has spoken with Peter Burns, DeCarlo & Doll on the work that has to be done on the site. He said he will speak with Mr. Blake and get back with Mr. Burns and then he will advise the Commission as to what will be done with regard to the bonds.

Chairman Flaherty stated that work is being performed and bonds must be in place.

**Reports: Zoning Enforcement Officer**

Mr. Peter Crabtree was present.

**Violations:**

1. Riverside Drive - Opotzner

Corporation Counsel Blake advised the commission that they have gone back to court with Mr. Opotzner because he has not complied and there are more cars back there.

2. Mutual Housing Parking, Pershing Dr

There is no new information on this site.

3. Tice Brothers Property

Mr. Crabtree said that Mr. Tice came in with a plan. He said he looked at the site and there is tractor trailers parked there and there is a change in the grade. He said he told Mr. Tice that he has to show everything on the site. He said Mr. Tice will come with a plan for the commission to look at.

Chairman Flaherty said that Mr. Tice's property is in the City Center Plan and that has to be considered when he is preparing his plan for the Commission.

Mr. Crabtree said that it is heavy industrial. He just looked at it. He has to make a decision as to what he wants to do on the site. There is material stored in the back of the site and what he shows on the map is what he will end up with. He will have to put everything he wants on the site on the map.

Chairman Flaherty said he is selling vehicles on Main Street. This site is next to Target which is an asset to Main Street – their site is really a nice addition to the area.

Mr. Phipps said that the proposed River Walk is going to start in that area also. He said that the City doesn't need an eye sore there – the River Walk is going to be very nice for the people of Ansonia.

4. Renu Auto Body

Chairman Flaherty said he received a communication from Corporation Counsel Blake and he sent him a letter. He will wait for his response.

**Variances**

Mr. Crabtree said there are no new variances.

Mr. Crabtree said that he had to get a search warrant for 213 N. State St. for an inspection of the property. He will report back to the commission after the inspection.

Mr. Tanner said that 256 N. State Street looks like a refuse place. There are barrels and debris - it is a mess.

There was a discussion on the properties that are blighted throughout the City and that the City has a Blight Officer to cite these property owners.

President Blume said that he will contact the Blight Officer on this property.

### **Reports: Planning Consultant**

Mr. Inglese was present.

Set Workshop meeting for Fee Schedule, Sidewalks, Fences, Pods, Hoop Houses, Window Signs, Itinerate Vendors, Clothes Donation Bins

The Commission agreed to keep this item tabled.

### **Any other business to come before the Commission**

David Pantalone addressed the commission.

Mr. Pantalone stated with regard to Mr. Blake and Mr. Crabtree's letters he has removed all of the junk vehicles on his property. The vehicles that are there are registered.

Chairman Flaherty said he was up there a few weeks ago and there were vehicles on the site.

Mr. Pantalone said they are all gone.

Chairman Flaherty asked if there are engines in the registered vehicles left on the property.

Mr. Pantalone said the vehicles have engines and are drivable. The white vehicle behind the building is in the process of being repaired and will be on the road shortly. He said he appreciates everything the Board has done and he is working on cleaning up his property (Castle Beverages).

Chairman Flaherty asked if Mr. Pantalone will be compliant with the regulations by June.

Mr. Pantalone said yes he would be compliant.

President Blume suggested that Mr. Pantalone plant some shrubs on the site and do some landscaping to clean up the area.

Mr. Pantalone asked if the road off Hunter's Lane has been approved as a City street yet.

Mr. D'Amico said no.

Chairman Flaherty said that Mr. Grasso fixed the cul de sac where the water and ice was located.

Mr. D'Amico said that the road needs a second coat of asphalt.

Mr. Pantalone thanked the commission.

**Executive Session (if needed)**

None

**March 2009 Meeting:**

The March meeting will be held on Monday, March 31, 2009 at 7:30 p.m.

**Adjourn**

Mr. Phipps made a motion to adjourn the meeting at 8:55 p.m. Mr. Tanner seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty  
Secretary