

March 30, 2009

Regular Meeting

Present: Bart Flaherty, Chairman
James Tanner, Vice-Chairman
Douglas Furtek
Jeffrey Lawlor
Edward Phipps

Absent: Todd Givens
Jared Heon

Others Present: Peter Crabtree, ZEO – arrived 8:00 p.m.
Fred D'Amico, C.E. – arrived 7:45 p.m.
Oswald Inglese, Planning Consultant
Marjorie Shansky, Attorney

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

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll. There was a quorum present.

Executive Session

Pending Litigation: Complete Construction Appeal

Mr. Furtek made a motion to go into Executive Session at 7:32 p.m. Mr. Lawlor seconded. All in favor, so carried.

Mr. Furtek made a motion to reconvene the regular meeting at 7:45 p.m. There was no action taken during Executive Session. Mr. Lawlor seconded. All in favor, so carried.

PZ 033009

Approval of Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the February 23, 2009 Regular Meeting & Verbatim Minutes. Mr. Tanner seconded. All in favor, so carried.

Approval of Bills

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

1. Post Reporting \$446.75
2. Oswald Inglese \$1275.00
3. Ct.Fed of P&Z \$90.00
4. Marjorie Shansky \$1757.57

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. Furtek seconded. All in favor, so carried.

1. Fred D'Amico re: Release of Road Bond and E&S Bond for LaRovera Terrace, Prospect View Subdivision. Dtd. 3/16/09
2. VCoG, Regional Planning Commission re: Proposed Amendment to the Ansonia Zoning Map & Request to change zone for two parcels. Dtd. 3/24/09

Chairman Flaherty asked Mr. D'Amico about the release of bond for Sheasby Road. He said that this has been before the Commission and the bond has not been release as yet.

Mr. D'Amico said that everything is OK for the release of the LaRovera Terrace bond however he is still waiting for information from Corporation Counsel Blake. There is a question on the road easements, etc. and it is still not clear.

Chairman Flaherty said that he does not want to release a bond if it is not OK with Corporation Counsel Blake. He asked Mr. D'Amico to meet with him and see if he can help him with the easements, etc.

Mr. Tanner made a motion to approve the release of the bond for Sheasby Road pending approval from Corporation Counsel Blake. The approval must be received by the

Commission in writing that all legal requirements as well as engineering requirements have been satisfied. Mr. Phipps seconded. All in favor, so carried.

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)**

Public Hearing scheduled for Monday, April 27, 2009 at 7:00 p.m.

Mr. John Sponheimer was present.

Mr. Sponheimer said that after conferring with Mr. Inglese on the map, they agree both parcels are in the HI zone. He said he is not going to seek the BB zone change. He said he will seek to change the request to amend the zone map to a Commercial "C" district. He said he may need to apply for density variance.

Mr. Sponheimer said he is requesting to amend the petition to seek a zone change from the "BB" Multi-family residence district to the "C" Commercial District.

Chairman Flaherty said that Mr. Inglese has developed an amendment to the Zoning Regulations that will allow greater density in the City Center area.

The secretary gave Mr. Sponheimer a copy of Mr. Inglese's memos:

1. Rezone Petition – Main St. & E. Main St. Duke Realty of Ansonia – John Sponheimer dated 3/19/09
2. Rezone Petition – Main St. & E. Main St. Duke Realty of Ansonia – John Sponheimer dated 3/25/09

Mr. Inglese explained the memos and the proposed amendment to the regulations and City Center Plan. He said his concern is that things are happening in the area and he is recommending that they are made eligible in the City Center Zone. He suggests the commission adopt a new section – Section 222.06 Permissible Uses. He explained the new section:

- a. Any other use permissible in the underlining zone:
- b. Mixed residential and retail uses providing that:
 1. the premises is on a site of no less than one half (1/2) acre in size and is located entirely within the City Center Zone;

2. the residential uses will be confined to the upper floors and that the first street level floor will be used only for commercial retail uses and/or for restaurant purposes;
3. the total number of dwelling units shall not exceed a density greater than _____ units per acre and that the dwelling units shall not contain more than _____ bedrooms;
4. that parking can be provided and/or will be available as required by the Zoning Regulations; and that
5. following special permit application, the Commission designates the site and approves the special permit application including the accompanying site plan.”

Mr. Inglese explained the top overlay zone will have a floating district that can be dropped any place that it meets the criteria. The three plans want the ground floor to be retail and restaurant use not residential. He said by adopting the proposed amendment it would accommodate the use and eliminate the need for zone change that Mr. Sponheimer is proposing.

There was discussion on the proposed Section 222.06 amendment to the regulations. The members discussed the number of bedrooms that should be allowed and they agreed to two (2) bedrooms per unit and 1200 square feet per unit.

Chairman Flaherty noted that #2 should have “residential/commercial/office” allowed on the upper floors because there may be lawyers or doctors who may wish to use the second floor for office space.

Mr. Sponheimer said there is a time frame and he has to be ready before September 2009. He said he still thinks based on the proposal by the City that he would still need some variances.

Mr. Inglese said he is trying to give more latitude to the Commission to do this.

Mr. Sponheimer said he wanted to go forward with the zone change to Commercial “C”.

Mr. Inglese said there are other locations in the City eligible for this.

Mr. Sponheimer said there is a definite density on this regulation.

Mr. Inglese said it varies with the size of the unit.

There was a discussion on the number of units per acre with regard to density.

Chairman Flaherty said existing is one for every 4000 s.f.

Mr. Sponheimer said 10 units an acre.

Mr. Inglese said 1500 s.f. land unit acre plus. He said that Mr. Sponheimer has to provide acreage for both parcels. This information must be received before the Public Hearing.

There was a discussion on meetings and public hearing time frames.

Chairman Flaherty explained that Mr. Sponheimer asked for a zone change to BB and there are problems with that zone because the City Center Plan reserves the first floor for retail. If the area is changed to Commercial housing is allowed as a right and the density is 4000 square feet.

Mr. Inglese said he is proposing a new zone in the Commercial zone or a floating zone in the City Center Plan. This would allow for floor level retail/commercial and upper level residential and the density could be 1200 square feet and would allow 40 units.

Mr. Sponheimer said he is requesting a public hearing to change the zone on these two parcels from HI Heavy Industrial to C Commercial for the April meeting.

Chairman Flaherty asked Mr. Sponheimer to provide a written statement withdrawing his request for the BB amendment and to provide in writing his request for the zone amendment to a C. Revised Maps must also be submitted with the new zone designation.

Mr. Inglese said Mr. Sponheimer is modifying the request stating he is proposing the change from HI Heavy Industrial to C Commercial as opposed to BB Multi-family residence.

Mr. Phipps made a motion to hold a public hearing on Monday, April 27, 2009 at 7:00 p.m. to consider the Floating Zone addition to the City Center Plan and the proposed Zoning Amendment to Section 222.06 Permissible Uses. Mr. Furtek seconded. All in favor, so carried.

Mr. Furtek made a motion to hold a public hearing on Monday, April 27, 2009 at 7:15 p.m. to consider the proposed zone change from HI Heavy Industrial to C Commercial for the following two parcels: 497 East Main Street and 153 Main Street. Mr. Phipps seconded. All in favor, so carried.

Mr. Sponheimer said he will provide a revised map, legal description of the properties and a letter stating the withdrawal and requested change in designated zone i.e. HI Heavy Industrial to C Commercial for both properties. The map will have the acreage.

Melissa Goduti/TNT request for sell TNT Fireworks on property located at 404 Main St. Rite Aid Building

There was no one present.

Mr. Phipps said that the Commission voted not to allow any selling at the Rite Aid Store last year when they received this request.

There was discussion on this request and what is allowed in the City Center Plan.

Mr. Phipps made a motion to deny the request to allow the selling of fireworks by TNT Fireworks in the City Center Plan area or at Rite Aid Store. Mr. Furtek seconded. All in favor, so carried.

Chairman Flaherty said that he received a call from Bill Schuchmann to sell flowers at the Shell Station on the corner of Main Street and Division Street. A condition of approval for the Convenience Store was not to allow any sales on the corner. He said last year he gave Mr. Schuchmann permission to sell his flowers there because the Commission's approval of the convenience store was a week before Easter and he did not have time to find another area to sell the flowers. This would give him a year to find another location. He asked the Commission members what their thoughts were on allowing him to sell his flowers there this year.

The commission members discussed the situation and agreed that there was no problem selling the flowers on the corner last year. Mr. Crabtree said TNT Fireworks asked to go there last year and they were denied because of the condition of approval.

Mr. Phipps said that once the Commission allows the flowers the fireworks will want to go there and the Tee shirts and paintings, etc. it will be opening a Pandora's Box if we do it for one we can't be selective we have to allow everyone. He said if anyone is selling anything there they must be shut down immediately.

The commission members agreed that they can't be selective and there has to be consistency if they are allowing someone to sell on the corner in violation of the conditions of approval. The members agreed that there are public health and safety issues involved with that corner.

Mr. Phipps said the commission should take "no action" on this request.

The Commission members agreed.

Ansonia M&L Properties/Mark Tice request for Special Exception to store fill for surplus jobs and sale on property located at 420 Main Street, Ansonia

There is no one present.

Mr. Phipps made a motion to refer the application to staff – Mr. Ingles, Mr. D’Amico and Mr. Crabtree to review and comment in writing for the next meeting. Mr. Tanner seconded. All in favor, so carried.

Reports: City Engineer

Mr. Fred D’Amico was present.

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

Mr. D’Amico said that this was discussed earlier in the meeting and that he has provided a letter stating it is OK to release this bond.

2. Frank Frumento/Release of Bond for Sheasby Road

Mr. D’Amico said that this was addressed earlier in the meeting and that he will provide a letter to the Secretary after he receives an OK from Mr. Blake with regard to the easements, etc. that are required for the road.

3. Fountain Lake/Scinto – Bonds

Mr. D’Amico said the bonds are pending with Corporation Counsel Blake. He said that he has a meeting with him to discuss the bonds. He will advise the commission.

Reports: Zoning Enforcement Officer

Mr. Peter Crabtree is present.

- a. Violations:

1. Riverside Drive

Mr. Crabtree said that this is in Court and that the property owner has not complied with the Judge’s order.

2. Mutual Housing Parking, Pershing Dr

Mr. Crabtree said that this issue of the parking lot is still pending. He sent them a letter regarding the junk yard in the parking lot and they have 30 days to clean up the area. The

30 days is up on April 5, 2009. He said he received a call from Mike Lonardo stating that he will remove the junks from the parking lot. Mr. Crabtree said that Mr. Lonardo knows the date is April 5th.

3. Renu Auto Body

Mr. Crabtree has nothing on this. Chairman Flaherty said he sent a letter to Corporation Counsel stating that the towing list is not the issue. The Police Department has nothing to do with this – it is a Zoning issue and why the regulations are not being upheld when there was a court order. He has not received an answer from Corporation Counsel.

4. New Violations

161 Hodge Ave.

Mr. Crabtree said there was a drug overdose at 161 Hodge Ave. where there was a death involved. The Police Department notified him that there was a rooming house at that location and requested an investigation. He was able to inspect the premises and it looked like individual rooms with locks on them. He said he told the owner that he doesn't want to see key locks on individual rooms. He sent him a letter addressing the issues he found.

70 Platt Street

Mr. Crabtree said that someone complained to Mayor Della Volpe regarding 70 Platt St. and they have removed the kitchen from the third floor. There are four units there and he has to inspect the house. He has an appointment on April 9th.

Riverside Drive

Mr. Crabtree said that he has seen some completed maps but the owner hasn't applied to the Commission. The owner has agreed to take the stuff out of there. They are in court.

There was discussion as to what is allowed on this site. Mr. Crabtree said that he is reviewing what is allowed and what he can do. He said repair of vehicles is not allowed. He put that in writing to him. There are vehicles that are operational but not registered stored on the site. He said he will tell him what to do in Court. The owner had the map revised. There is an injunction.

3 George Street

Mr. Crabtree said that he received a complaint regarding a shed on the property. He will go out and take a look.

3/5 Jewett Street

Mr. Crabtree said there is parking in the front yard which is not allowed. This house was re-built after a fire. He has been out there and advised them they can't park in the front yard.

219 North Main Street

Mr. Crabtree said there was a complaint that this is an illegal three (3) family house. On the left side is a tenant and on the right side is the owner. There is parking in the rear and a car parking in the driveway. He will inspect the house when he gains access.

Klanko's, Wakelee Ave.

Mr. Phipps said that Joan Radin stopped him and said there are apartments upstairs and they need a Certificate of Occupancy before anyone moves in. She asked if there are C.O.'s for this property. Mr. Phipps said he would ask Mr. Crabtree.

Mr. Crabtree said there were problems there – the store was destroyed by a fire and they remodeled the store and the apartment. He said he will go there and take a look.

Mr. Phipps said that the people have moved in.

23 Granite Terrace

Mr. Tanner asked the progress of Granite Terrace.

Mr. Crabtree said that they started work up there.

Chairman Flaherty asked Mr. D'Amico to inspect the site and see what is happening with the restoration work.

Mr. D'Amico said that there is a temporary access way to get the trucks in and out.

Chairman Flaherty said the house is for sale and the bank should be stabilized for that house.

Mr. D'Amico said that he did stabilize the bank. He will go up there and check it.

Riverside Drive

Chairman Flaherty said that this property on Riverside Drive is located in the City Center Plan and there are prohibitions for the City Center Zone.

Mr. Crabtree said that he is aware of that and is working with the owner on the uses. He said that Kevin Blake has done the paperwork on the violation order.

b. Variances

Mr. Crabtree said there are no variances this month.

Reports: Planning Consultant

Mr. Oswald Inglese is present.

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

Mr. Inglese said that he doesn't have much to report.

Chairman Flaherty said that the Commission should schedule a workshop on the fees. He said he would like to get a fee schedule comparison for Shelton, Derby, Seymour and Oxford in a matrix. He asked Mr. Inglese if he could do this comparison in a matrix and if not he has someone who could do it.

Mr. Inglese said that this is very complex to do. There are different variables for each fee and according to what they want to do. It is very difficult to do this type of matrix.

Chairman Flaherty said in zoning you do certain things. Each community does the same things – Ansonia, Derby, Seymour, Shelton, etc. if one town does it add it – if they don't leave the space blank. Add as an action item and list all of the things and compare the items. If they all don't fit it is OK.

A discussion followed on the fees and fee schedules for other communities.

Chairman Flaherty said he would like to move on the fee schedule and get Ansonia up to par with the other towns. Our fees are too low.

Mr. Inglese agreed and said Ansonia is way behind the other towns. He said he will address the fee schedule.

Any other business to come before the Commission

Salvation Army, Lester Street - Soup Kitchen

Mr. Crabtree said that he has a letter on his desk from the Salvation Army. There is a problem on Lester Street and they have a custodian living there. The Salvation Army came in and got a permit from the Building Inspector for a kitchen in the building.

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Mr. Crabtree said the Major for the Salvation Army came in and they want to use the kitchen on a Commercial basis. He said he would like to give the letter to the Secretary for the Commission to take a look at. The letter is not signed and there is no statement of use.

Mr. Crabtree read the letter to the commission members citing the fact that they are a service area of the Valley, encompassing the Valley. He said he is not looking for anything tonight except to have the commission take a look at it. He said they will be serving 25 to 30 individuals weekly. He will get the information and the letter to the Secretary.

There was a discussion on Soup Kitchens and the number of people who use them especially in this economy. The commission members agreed that a site plan approval would be necessary for a Soup Kitchen on Lester Street.

April 2009 Meeting

The April meeting will be held on Monday, April 27, 2009 at 7:30 p.m.

The meeting schedule is as follows:

Monday, April 27, 2009:

- 7:00 p.m.: Public Hearing – Section 222.06 Amendment Regulation/City Center Zone
- 7:15 p.m.: Public Hearing – Zone Change two parcels from HI Heavy Industrial to C Commercial - 479 East Main Street (ATP Building) and 153 Main Street (Palmer Building)
- 7:30 p.m.: Regular Meeting

Adjourn

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

Respectfully submitted,

Jo-Lynn Flaherty
Secretary

