

May 18, 2009

Regular Meeting

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

Others Present: Peter Crabtree, Zoning Enforcement Officer
 Fred D'Amico, City Engineer
 Oswald Inglese, Planning Consultant

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 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 dated April 27, 2009 and the Public Hearing dated April 27, 2009. Mr. Heon seconded. All in favor, so carried.

Approval of Bills

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

1. Oswald Inglese: Bill for professional services from April 16, 2009 to May 15, 2009: \$1950

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Correspondence

Mr. Phipps made a motion to accept, dispense with the reading, place on file and take up during the course of the meeting any correspondence received. Mr. Heon seconded. All in favor, so carried.

Amendment to the Zoning Regulations and Subdivision Regulations: Section 240.1.2

Chairman Flaherty said that somehow the 500' was changed to 100' and it should be 500' when noticing adjoining property owners. If it is 100' the distance is to the next door neighbor and doesn't give the neighborhood a notice of what is going on in their area.

Mr. Heon made a motion to hold a public hearing on Seciton240.1.2 on Monday, June 29, 2009 at 7:00 p.m. Mr. Phipps seconded. All in favor, so carried.

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 (3/29/09-6/2/09)

Mr. Mark Tice is present.

Chairman Flaherty said the recommendation from the consultant is to deny the storage of fill because it is within the City Center Plan.

Mr. Inglese said that the commission can approve the project providing there is no storage or sale of material on the site and there is no storage of trucks or construction equipment on the site. He said you can authorize him to proceed to change the elevation on the site to two feet above the sidewalk (see attached memo's from O.Inglese). The storage and sale of material is not allowed.

Mr. Phipps made a motion to approve with conditions the change in the elevation of the site two feet above the sidewalk. Storage or sale of material on the site is not allowed. No storage of trucks or construction equipment on the site. Mr. Heon seconded. All in favor – one abstention (D.Furtek – did not attend the site inspection)

Conditions:

1. The landscaping will be accomplished as shown on the plans
2. Storage or sale of material on the site is not allowed.
3. Change in grade up to two feet only.
4. All change in grade must be accomplished within six (6) months: November 18, 2009

Steven Bellis/White Hills Homes request for Re-subdivision for Parcel A & Parcel C, Hoinski Way for a 4 lot subdivision (4/27/09-07/1/09)

Mr. Steven Bellis was present.

The Commission conducted a site inspection of the property on Saturday, May 16, 2009.

Mr. Phipps made a motion to hold a public hearing on Monday, June 29, 2009 at 7:15 p.m. Mr. Heon seconded. All in favor, so carried.

Chairman Flaherty requests the secretary give Mr. Bellis a copy of Mr. Inglese's memo to the Commission.

A copy of the Memo was given to Mr. Bellis.

NCW Development/William Griffin request for 4 lot subdivision known as Benz Street Estates, 54 Benz St., Ansonia (4/27/09-7/1/09)

and

NCW Development/William Griffin request site plan approval for 4 single family dwellings in 4 lot subdivision known as Benz Street Estates, 54 Benz St., Ansonia (4/27/09-7/1/09)

Mr. William Griffin was present.

Chairman Flaherty said the commission conducted a site inspection on Saturday, May 16, 2009.

Mr. Griffin said he changed the sight line to 200 feet. He presented new maps this evening showing the changes he made.

Chairman Flaherty said the commission will discuss the changes to the map however the members just receiving the new maps this evening therefore there will be no action on the application.

Chairman Flaherty read from page 2 – Observations and Recommendations of Mr. Inglese's memo:

1. The area of the proposed road widening should be noted on the subdivision map.
2. This paragraph was not read.
3. While the proposed access way complies with subsection 325.4 of the Zoning Regulations, the concentration of seven road cuts within a distance of 150 feet is, in my opinion, contrary to the intent of said subsection and the policy described under Section 1.3 of the Subdivision Regulations as it would render the adjacency to the subdivision somewhat dangerous. Access way to lot 2 should be considered for relocation between lots 3 and 4 where the existing grade is not significantly greater and where the access way would be more than 200 feet away than where it is currently proposed.
4. This paragraph was not read.

Mr. Inglese said that item 2 of the Observations and Recommendations discusses fees in lieu of open space.

Mr. Inglese also discussed the major concern of the cumulative effect of the driveways combined along the roadway. There are driveways across the street and cars going in that direction also. This may be very dangerous. This is the intent of #3.

Chairman Flaherty said the commission did a site walk on Saturday, May 16, 2009.

There was discussion on Mr. Griffin fixing the road. Mr. Griffin said he did not plan to fix the road just the sight line on his property. In order to achieve the 200 foot sight line all of the trees will have to be removed from the site that are in the curve of the property. There was discussion on the rear lot and the driveway access to this lot and the safety of the driveways all in one location for the proposed lots and the existing houses across the street and up the street.

Mr. D'Amico said the 200 foot sight line has to be shown both ways. You have a new curb to show the transition. Show this on the plan.

Chairman Flaherty asked Mr. Griffin if he would grant the commission a 35 day extension.

Mr. Griffin gave the Commission a 35 day extension.

Mr. Crabtree asked what the dark lines are on the map.

Mr. Inglese said that was part of the problem he had with the legend and the lines.

Mr. Griffin said he had no idea what those lines are. He will get clarification from his engineer.

Reports: City Engineer

a. Frank Frumento/Release of Bond for Sheasby Road

Mr. D'Amico said that Kevin Blake, Corporation Counsel advised him that the Street should be deeded to the City of Ansonia. Mr. Blake will try to get the title search to see if the City owns the property.

b. R. Scinto/Fountain Lake Commerce Park – E&S Bond/Performance Bond

Mr. D'Amico said he spoke with Kevin Blake, Corporation Counsel regarding the bond for this project. Mr. Blake told him he is in the process of getting the bond.

Mr. D'Amico said if he doesn't hear shortly, he will recommend a Cease and Desist order for this project because they are moving material off the site. He gave them to May 31st to post the bond.

Mr. D'Amico said he and Mr. Crabtree will do the Cease and Desist order.

c. 3 Keily's Lane/125 Jewett St. Jerry Nocerino

Mr. D'Amico said he sent a letter and he spoke to Mr. Nocerino today. Mr. Nocerino said he will fix the problem with the sediment pond.

Chairman Flaherty asked Mr. D'Amico to send notice to the Inland Wetlands Commission regarding this violation because he holds an IWC permit and there is damage to the driveway at 125 Jewett Street.

Mr. D'Amico said he told Mr. Nocerino about the driveway. Mr. Nocerino said that the driveway was getting washed out and he claims the property owner put the driveway on his (Nocerino) property.

Chairman Flaherty said that there was no wash out before Nocerino began building up above. He said to tell Mr. Nocerino that it is his responsibility to fix the erosion on Jewett Street that washed out because it is his water flowing down the hill and through this property.

d. Hunters Landing

Mr. Phipps said that 122-124 Myrtle Ave. behind the fence there is crushed stone and a little pond has formed there. The water is coming down off the hill and eroding all the trees on the bank. These trees will soon fall down and take the bank with it. There is no stabilization on the bank.

Mr. D'Amico said he will go up there and take a look.

e. 64 Platt Street Parking Lot

Mr. Heon said nothing has been done to the Platt Street parking lot wall.

Chairman Flaherty asked if the City Engineer went out to look at it and what he recommends to fix the wall.

Mr. D'Amico said that he did go out and look at the wall and it doesn't look like it has moved. He said they will re-grade the area and put a fence up there. Public Works is doing the work.

Chairman Flaherty asked Mr. D'Amico to send a letter to PWD regarding the repair of the wall and parking lot.

Mr. Heon said that they submitted a plan for the parking lot that was to be followed.

Chairman Flaherty suggested that Mr. D'Amico get a copy of the plan.

Reports: Zoning Enforcement Officer

a. Violations:

1. 1 Riverside Drive

Mr. Crabtree said that he went to Court today on 1 Riverside Drive. The Judge ordered a \$35 a day fine for non-compliance with the agreement. The agreement didn't say to apply for a Site Plan approval. Mr. Opotzner is in contempt of court so we didn't lose.

Chairman Flaherty asked if there was a time frame for him to comply.

Mr. Crabtree said he didn't think so but his fine is \$35 a day.

There was discussion on the amount of the fine for this violation.

2. Mutual Housing Parking, Pershing Drive

Mr. Crabtree said he has nothing to report on. There is a forklift that will be removed and one vehicle left.

3. Renu Auto Body

Chairman Flaherty said that Corporation Counsel Blake has not responded to his letter as yet. Keep it on the agenda.

4. New Violations

258 North State Street (junk yard):

Mr. Crabtree said this is being handled by the Blight Officer.

258 North Main Street:

Mr. Crabtree said he has sent a letter to the property owner. He referred both of these to the Corporation Counsel's office.

Mr. Crabtree said he will forward a copy of all letters send from his office on violations for the P&Z members.

17 Park Place:

Chairman Flaherty said he received a complaint that this dwelling was converted to a three family residence.

Mr. Crabtree said he will go out and check it.

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70 Platt Street:

Mr. Crabtree said this has not been resolved as yet. He said he has not been able to get into the other levels.

b. Variances

Mr. Crabtree said there are no variances this month.

Chairman Flaherty said that everyone received a copy of his letter along with the information on the ZBA Special Meeting held April 27, 2009. He said he doesn't know if P&Z wants to do anything with it. He went to the Board of Aldermen and spoke (what he said is attached). He said he went down to the Town Clerk's office and there is still no contract on file.

Mr. Tanner said he thought there was no low income housing there – only 55 and over. We passed that for that project and he said he doesn't remember any low income housing.

Chairman Flaherty said the New Haven Register article reported it. He said the Commission gave him permission to address any issues that comes up before a regular scheduled meeting so he went to the Board of Aldermen because there was no place written on the agenda or in the minutes that states what the meeting was about. We can assume from the New Haven Register what it was about but it is not written anywhere.

Mr. Heon made a motion to send a letter to the Board of Aldermen as a Commission expressing our concern as to what went on at the Zoning Board of Appeals meeting on April 27, 2009. Mr. Tanner seconded. All in favor, so carried.

Mr. Inglese said that the project will be before the Planning and Zoning Commission and then you will have the right to query the action of what happened.

Reports: Planning Consultant

1. Lane Use Fees

Chairman Flaherty complimented Mr. Inglese on his excellent chart.

There was discussion on the fees that Mr. Inglese listed on the chart. The proposed fees were also compared to other municipality fees.

Chairman Flaherty said he would like to send the revised fee schedule to the Board of Aldermen before their July meeting because we are not covering expenses.

Mr. Inglese said that the State Statutes do NOT permit anyone from the outside to amend the Subdivision Regulations. It is not allowed.

There was discussion on the construction cost for roads.

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Mr. D'Amico said that \$50 a linear foot is high. He said a 1000 foot road would cost \$50,000 for a permit. He suggested \$10 or \$20 a foot.

There was discussion on the road fees. Mr. Inglese, Mr. Crabtree, Mr. D'Amico and Mrs. Flaherty will meet to discuss the fees.

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

Tabled

Any other business to come before the Commission

None

Executive Session (if needed)

None

June Meetings:

Monday, June 29, 2009:

7:00 p.m. Public Hearing: Amendment to Section 240.1.2

7:15p.m. Re-subdivision Hoinski Way Parcel A&B for 4 lot subdivision

7:30p.m. Regular Meeting

Adjourn

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

Respectfully submitted,

Jo-Lynn Flaherty
Secretary