



City of Ansonia
PLANNING AND ZONING COMMISSION

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TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

September 29, 2014

Regular Meeting

Present: Bart Flaherty, Chairman
Michael Bettini
Joseph Jaumann
Jared Heon
William Malerba
Andrew Mark
Maureen McCormack-Conrado

Others Present: David Blackwell, Zoning Enforcement/Blight Officer
Fred D'Amico, City Engineer
Oswald Inglese, Planning Consultant
Joan Radin, Alderwoman 5th Ward
Charles Stowe, Alderman 1st Ward

The Regular Meeting of the Ansonia Planning and Zoning Commission was called to order at 7:37 p.m. by Chairman Flaherty.

All present stood and pledged allegiance to the Flag.

The secretary called the roll.

There was a quorum present.

Approval of Minutes

Mr. Bettini made a motion to approve the minutes of the August 25, 2014 regular meeting as written and place them on file. Mr. Heon seconded. All in favor. The motion carried.

PZ092914

Approval of Bills

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

1. Oswald Inglese: Bill for professional Services: 7/16/14 to 8/15/14
Invoice 156 - \$450.00

| <u>DETAIL</u> | | |
|---------------|---|-----------------|
| <u>Date</u> | <u>Item</u> | <u>Time</u> |
| 08/24/2014 | Reviewed for Meeting of 8/25/14 | 1.75hrs. |
| 08/25/2014 | Attended Commission Meeting | 3.00hrs. |
| 09/11/2014 | Reviewed Appint & Variances Petition Housing Authority | <u>1.25hrs.</u> |
| TOTAL | | 6.00hrs.. |
| Hourly Rate: | \$ 75 | |
| TOTAL = | \$ 450.00 | |

Ms. McCormack-Conrado asked if Mr. Inglese could put down what meetings he attended and also what variances he reviewed.

Mr. Inglese said he attended the P&Z meeting and he reviewed the variances for the application that will be before P&Z on 32 Hill St./6 Root Ave.

Correspondence

Mr. Heon 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. Jaumann seconded. All in favor, so carried.

Chairman Flaherty asked if the Commissioners read the information received from Fire Marshall Tingley regarding dumpsters.

Mr. Bettini asked what the impact is on all of the dumpsters all around the City.

Mr. Blackwell said that is what this was designed for. The Fire Marshall will enforce it.

Ms. McCormack-Conrado asked if the Zoning Regulations are on line.

Mr. Jaumann said yes, they are on line.

Ms. McCormack-Conrado asked where she would find them.

Mr. Jaumann explained where to locate the Regulations online.

PZ092914

There was discussion on keeping the Zoning Regulations updated on line. The revision has been submitted to the web.

Ansonia Housing Authority (Troy White)/James Sheehy: request to amend the Zoning Map from Zone GA to Zone BB for Riverside Redevelopment, 31 to 165 Olson Dr.

Attorney James Sheehy, Troy White, AHA Director and Robert Lisi, Chairman AHA were present.

Chairman Flaherty said the commission has to act within 65 days after the close of the public hearing. He asked if the commission was prepared to act this evening.

Mr. Bettini made a motion to adopt the Zone Change from GA to BB as outlined on the map. Mr. Heon seconded.

Chairman Flaherty asked if there was any discussion.

Mr. Bettini said that the zone change is good for Ansonia. It is a good change and will enable the neighborhood to fit in with the surrounding area. It is very positive.

Chairman Flaherty said the zone change conforms to the Plan of Conservation and Development and reduces density. It enhances Olson Drive area with new townhouse housing, it is closer and more conforming to the neighborhoods, and the area is mostly B Residential and Commercial. The zone change is good for the neighborhood and Ansonia.

Mr. Inglese said the zone change reduces density and it opens up more open space. The previous development on the site was not in character with the surrounding neighborhood.

Mr. Heon said he agrees with the professional staff and the commissioners here this evening, he is in favor.

Chairman Flaherty said this public hearing was for the zone change. The Housing Authority will come back for the site plan approval.

Mr. Jaumann said it is courageous of the Ansonia Housing Authority for putting this plan forward.

Chairman Flaherty called for a vote. All in favor, the motion carried.

Constance Kolakowski/James Sheehy request for Re-subdivision of property located at 32 Hill St. and 6 Root Ave.

Attorney James Sheehy was present.

Attorney Sheehy said that this application was not heard at ZBA last month because there were four members present and you have to have four votes for approval. His clients decided to wait until the next regular meeting. The application will be heard this month.

Chairman Flaherty said that the clock is running and the time will be tight – it will be 63 days to the next meeting. He suggested they grant an extension of time to the commission.

Mr. Sheehy said he will contact his clients on granting an extension on the application. He will submit the extension letter to the Secretary by the end of this week.

Ms. McCormack-Conrado said that there were people present at the end of the last meeting and she wants to be sure they know they can speak.

Mr. Bettini suggested a “public session” at the beginning of the meeting.

Chairman Flaherty said at a public session people speak before they know what is going on that is why he allows them to speak during the presentation of an agenda item.

Mr. Malerba said there has to be a time limit for the public session.

Chairman Flaherty said the secretary will put a public session on the agenda at the beginning of the meeting.

Mr. Inglese said if the item will be the subject of a public hearing there should not be any discussion on that item. The time for public comment is at the public hearing and not before the public hearing.

Reports: City Engineer

Mr. Fred D’Amico was present.

1. Jewett Street

Mr. D’Amico said he has not been able to get in touch with the owner of this property.

Chairman Flaherty asked Mr. D’Amico to send a letter to the owner and cite the problem.

Mr. D'Amico said he will send a letter to the property owner and copy the commission.

2. Hotchkiss Terrace

Mr. D'Amico said they (owners) have until October 1, 2014 to fix the driveway according to the Blight hearing. He said after that the City of Ansonia will do the repairs and place a lien on the property.

Mr. Blackwell said the property owner was given to October 1st to fix the problem.

3. Fountain Lake

Mr. D'Amico said he spoke to Rob Scinto and he said he was going to update the permits regarding the Storm Water Permit. He said that Rob Scinto hasn't gotten back to him on the Storm Water Permit. Mr. D'Amico said he doesn't know whether Mr. Scinto's staff has been working on this permit issue.

Chairman Flaherty asked Mr. D'Amico to send a letter to DEEP and find out what is going on.

Mr. Jaumann said to ask DEEP the current status of the DEEP permit also.

Mrs. Rios came into the meeting at this time.

Chairman Flaherty recognized her.

Mrs. Rios said since the last time she was at the P&Z meeting nothing has happened on the site.

Chairman Flaherty said that the commission is concerned also and Mr. D'Amico is sending a letter to DEEP.

Reports: Zoning Enforcement Officer

Mr. David Blackwell was present.

a. Violations:

Riccuiti Funeral Home:

Mr. Blackwell said there is an apartment above the detached garage on this property.

Mr. Heon said he has to go to ZBA.

Mr. Inglese said that you can't vary your own regulations. This is not allowed. ZBA can't vary what is not allowed. You can't vary a use.

Ms. McCormack-Conrado said is there a paperwork trail.

Mr. Blackwell said no, there is two parcels of land and no right of way shown on the map.

Chairman Flaherty said that it has to have frontage on a City street to have a rear lot.

Mr. Heon said is there paperwork on Cook's Pond.

Chairman Flaherty said it was done over time.

Mr. Blackwell said this property falls under the FEMA Guidelines and doesn't conform to the FEMA Guidelines. It is in a flood plain. He said he believes the property was flooded.

There was discussion on flooding on the property. Mr. Malerba said the water came up to the stairway of the house.

Mr. Blackwell said it is in the Flood Plain.

Chairman Flaherty said it doesn't meet our Regulations.

Mr. Blackwell said the property is in a Flood Plain and in the FEMA Guideline district and it doesn't meet those requirements.

Mr. Blackwell said he will get in touch with this person and advise him that it is not allowed.

Chairman Flaherty said it is not allowed in Zoning and he should speak with the Assessor to get it taken off the tax rolls. By State law the Assessor can assess property at a higher use but that doesn't mean it meets Zoning regulations.

Mr. Blackwell said there are four illegal auto repair shops. There was one shop that was a "chop shop" which was closed by the FBI, Homeland Security and Police Dept.

Mr. Blackwell discussed unregistered motor vehicles and that there are six unregistered cars he is checking on.

Mr. Heon said there are unregistered motor vehicles next door to Marcucio on Benz St.

Mr. Blackwell discussed the procedure for investigating complaints such as this. He said that he only acts on a complaint from someone. He said he will look into it.

Mr. Malerba asked how many unregistered cars can you have on your property.

Mr. Blackwell said one unregistered car on property for 30 days.

Mr. Blackwell said there is a building lot on Hillside Ave that is going up for auction and it doesn't meet the Zoning Regulations.

Mr. Bettini said the lots that get sold as building lots are going to be a problem for us. We end up in IWC with issues also.

Chairman Flaherty said people are buying a house and splitting off a piece of land and trying to build a house on it. Some lots are grandfathered in as a building lot prior to zoning.

Mr. Bettini said there is a description that it is not a building lot. They have to stop selling the small parcels as building lots.

Mr. Bettini said the commission should write a letter to Attorney Marini outlining the downstream issues to selling lots and calling them building lots. They don't conform to the Zoning Regulations and the Inland Wetland Regulations. He said P&Z should take a look at the lots before they are sold.

Mr. Jaumann said there should be disclosure on them.

Mr. Heon said they are advertising as a lot. The title of the property is a concern.

There was discussion on selling undersized lots, unapproved parcels, parcels denied as unbuildable and parcels that don't meet the regulations. The members also questioned the notice that is advertising these parcels for auction.

Mr. Bettini made a motion to request Mr. Inglese send a letter to Corporation Counsel Marini, copy to Mayor and Board of Aldermen regarding unapproved parcels for sale. Mr. Malerba seconded. All in favor, so carried.

Variances

Mr. Blackwell said the application from Attorney Sheehy for the variances for 32 Hill St. and 6 Root Ave. is on the ZBA agenda.

Reports: Planning Consultant

Mr. Oswald Inglese was present.

PZ092914

Marijuana Regulation

A letter was send to Corporation Counsel Marini requesting he come to the meeting to discuss this. There has been no response.

The commissioners voted to table to the next meeting.

Reports: Committee Reports

None

Any other business to come before the Commission

Mr. Malerba said there is a generator in front of the Ansonia Police Station. He said that there is a propane tank in the ground. He said that they should have to come before the Planning & Zoning Commission for this.

Mr. Blackwell said that the generator was mandated by the State of Connecticut and it had to be up and running before August 1, 2014. He said he issued them a temporary zoning permit and they were supposed to come to P&Z for approval.

Mr. Malerba said there is no lock on it.

Mr. Blackwell said the propane is back up. It is run by natural gas.

Mr. Inglese asked if the Fire Marshall approved it.

Mr. Blackwell said the Fire Marshall is the only one who can approve it. He said a location for the generator was the Salley Port but it was too expensive to locate it there. For now it is what it is, it's done and it's there now.

Mr. Malerba discussed the location of the generator and propane tank and that the Commission did not have an opportunity to review the location and safety of it. He said there is no screening around it.

Mr. Blackwell said they received notice in February 2014 and they came to him two days before the generator arrived.

Alderman Stowe asked who is "they".

Mr. Blackwell said Supt. of Public Works.

Mr. Heon said that project isn't done yet. There is security work to be done. It is temporary due to the possible relocation of the Police Dept.

Discussion on following procedure, the location of the generator and propane tank.

Mr. Jaumann said we would probably say yes but we should at least have a voice. They skipped procedure.

Ms. McCormack-Conrado made a motion to send a letter to the Police Dept. and ask they come before the P&Z to explain why they by-passed P&Z in the placement of the generator and propane tank. Copy to Supt. PWD, Board of PW, BoA. Mr. Jaumann seconded. All in favor, so carried.

Alderman Stowe said that the generator did not go through the Board of Public Works. He said there were complaints and they went to Board of Aldermen.

Chairman Flaherty asked what is the Safety Commission.

Mr. Heon said the Safety Commission is made up of Department Heads, Emergency Services and Homeland Security.

Chairman Flaherty called for a vote on the motion to send the letter to the Police Dept. All were in favor with one(1) abstention (J. Heon abstained from the vote because he sits on the Safety Commission)

Mr. Malerba asked Mr. Heon if the Fire Dept. checked the generator and the propane tank.

Mr. Heon said yes, it is safer where it is rather than in back of the building.

Alderwoman Radin said about a year or so ago there was something on the Clothes Bins that were being placed all over town. She asked if the commission passed a regulation on them. She said the store next door has one next to his building and she thought they were not allowed.

Chairman Flaherty said the bins are not allowed.

Alderwoman Radin said there is one there and she asked that the commission do something about it.

Mr. Inglese said the bins are not allowed.

Mr. Bettini also said the bins are not allowed.

Chairman Flaherty said there was a show on 60 Minutes Investigations on these bins. The show stated that most people assume these bins are non-profit when in fact they are for profit.

Alderwoman Radin said she would appreciate it if P&Z could do something about them.

Mr. Blackwell said he will look into it.

The Chair asked Mrs. Rios if she wished to speak. She declined.

Executive Session

None

October 2014 Meeting

Regular Meeting: Monday, October 27, 2014 at 7:30 p.m.

Adjourn

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

Respectfully submitted,


Jo-Lynn Flaherty
Secretary