



City of Ansonia
PLANNING AND ZONING COMMISSION

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TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

February 24, 2014

Regular Meeting

Present: Bart Flaherty, Chairman
Michael Bettini
Jeffrey Lawlor
William Malerba

Absent: Jared Heon
Maureen McCormack-Conrado
Andrew Mark

Others Present: Oswald Inglese, Planning Consultant
Fred D'Amico, City Engineer
David Blackwell, Zoning Enforcement/Blight Officer
Peter Kelly, Economic Dev. Director
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 7:45 p.m. by Chairman Flaherty.

All present stood and pledged allegiance to the Flag.

The secretary called the roll.

There was a quorum present.

PZ022414

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Approval of Minutes

Mr. Bettini made a motion to accept as written and place on file the minutes of the January 27, 2014 Regular Meeting, Organizational Meeting, Zoning Regulation Public Hearing, Special Exception Coastal Carriers Public Hearing and Special Meeting February 6, 2014. Mr. Lawlor seconded. All in favor, the motion carried.

Approval of Bills

Chairman Flaherty said that he received a note from Ms. McCormack-Conrado regarding Mr. Inglese's invoice and that he worked on the marijuana legislature and that the Commission had formed a committee to work on this and Mr. Inglese was not supposed to work on it. He said going forward if the commission wants Mr. Inglese to work on something for them they will make a motion approving it.

Mr. Bettini made a motion to restrict the items Mr. Inglese works on to those approved by the Planning & Zoning Commission. Mr. Lawlor seconded. All in favor, so carried.

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

1. Oswald Inglese, Planner: Bill for professional Service: \$581.25

Chairman Flaherty said this is the first time that this has happened and it will not happen again. He said that Mr. Inglese helps Mr. Blackwell, Zoning Enforcement Officer if he calls and has a question. He said Mr. Blackwell calls him for guidance or Mr. Inglese.

Mr. Bettini made a motion to allow the Zoning Enforcement Officer to contact the City Planner to get clarification and the City Planner will bill for this. Mr. Lawlor seconded. All in favor, so carried.

Correspondence

Mr. Lawlor 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. Malerba seconded. All in favor, so carried.

1. Ct. Federation of Planning & Zoning Agencies re: Annual Conference to be held on March 13, 2014 Topic Medical Marijuana Law

Chairman Flaherty asked if anyone wanted to attend. There is a dinner and social hour. The cost is \$43 per person. The topic of discussion is medical marijuana and it might be interesting.

2. Correspondence from Maureen McCormack-Conrado.

Chairman Flaherty said the commission responded to this.

Reports: City Engineer

Mr. Fred D'Amico was present.

a. Jewett St. Sidewalk – resolution with property owner

Mr. D'Amico said that the sidewalk on Jewett Street is on hold because of the winter weather. He will revisit it in the Spring.

b. 40 Hotchkiss Terrace - Meeting with Seymour – DEEP letter

Mr. D'Amico said a letter was sent to COG and he is waiting to hear from them to see what action they plan to take.

Chairman Flaherty said that hopefully the two Mayor's will get together and solve this problem on Hotchkiss Terrace.

c. Shell Station – Main St.

Mr. D'Amico asked why the Shell Station was still on the agenda.

Chairman Flaherty said that Mr. Bettini brought it up at the last meeting as there was still a lot of product and supplies stacked up on the sidewalk and pedestrians could not use the sidewalk. There was a concern that the entire sidewalk was full. He said he has been past the Shell Station and the sidewalk is cleared off. He asked Mr. Blackwell if he has been there.

Mr. Blackwell said he has been to the Shell Station and he spoke with them.

Reports: Zoning Enforcement Officer

Mr. David Blackwell was present.

PZ022414

a. Violations:

Mr. Blackwell said there are no new violations. The only violation that is still pending is the “garage” located at 66 Benz Street.

b. Variances

Mr. Blackwell said the only thing before the ZBA is the Repair/Used Car lot that the commission approved last month. He said Mr. Branigan Jr. has to receive ZBA approval for his license for an Auto Repair/Used Car lot at 242 Pershing Dr.

Mr. Blackwell discussed the sign request he received from Mustang Sally Restaurant. He said they plan to open a restaurant in the former Lanza space on East Main St.

Mr. Blackwell said that P&Z approved the drawing for the Lanza sign however Mustang Sally wants to change the entire signage. He said they haven’t been back but what they are proposing is extremely different and way out of compliance with the regulations.

Mr. Inglese stated that if the sign is not in conformance with the regulations it would have to go to the Zoning Board of Appeals.

Mr. Blackwell went to his office to get the sign drawings.

Mr. Blackwell returned and showed the commission members the pictures of the proposed signage for Mustang Sally. He said the approved sign is 85” and the proposed sign is 156” and the lettering on the sign is increased from 6” to 8”.

The commissioners agreed that P&Z cannot vary their own regulations and that they would have to petition ZBA.

Alderman Stowe said that the owner went to the Economic Development Commission because he was upset with the sign issue.

Reports: Planning Consultant

Mr. Oswald Inglese was present.

Mr. Inglese gave everyone a copy of the material he has been researching regarding medical marijuana. He said it would help the commissioners to become familiar with what is going on with it. This is just a part of the work he has been doing with regard to this new legislation.

Reports: Committee Reports

They are not in attendance this evening.

Any other business to come before the Commission

Beaver Street

Mr. Dave Pantalone is present this evening.

Chairman Flaherty said Mr. Pantalone is here this evening to ask about the garage on his property located on Beaver Street.

The commission allowed Mr. Pantalone to have a Day Care Facility on this property on Beaver Street. He did extensive work for the Day Care Facility i.e. jersey barriers, parking, etc. He also has a brick building on the same property. There is an EMMS Billing Office in this building. The property is an existing non-conforming use in an AAA Residential Zone. The concern is that allowing the use of an Exercise Gym in the garage would be an expansion of an existing non-conforming use which is not allowed.

There was discussion on what the garage was used for previously i.e. storage of equipment, working shop, working yard, etc.

Mr. Malerba asked the zone before it was changed.

Chairman Flaherty said the zone was never changed it has always been an AAA residential zone with this use existing there.

Mr. Bettini said it was a non-conforming use and it ceased when they left. The use was gone and they came back. Once the non-conforming use was abandoned it reverted back to a residential use.

Mr. Pantalone said the building (garage) was used by the Water Company as storage to store the pipes and machines. We understand that the equipment had to be removed from there. He said he had to remove the construction equipment from the yard because it was not allowed.

Chairman Flaherty said that Mr. Pantalone did not have the construction yard, it was another contractor that was in there.

Mr. Malerba said he was not looking to come in there with contractor equipment.

There was discussion on expanding a non-conforming use in a residential zone.

Mr. Pantalone said that the commission should talk to the gentleman who would like to run the exercise gym. He is a personal trainer and the parents would be dropping off their child and picking them up after their session. He said it is a fitness gym.

Mr. Inglese said he believes what the commission has done is substitute by a lesser non-conforming use on the site by allowing the billing company to use the brick building. This is a very low key use for that site. You can substitute for a lesser non-conforming use. He said he doesn't know the status of the garage – didn't establish it as a use and expanding it may not be in conformance with the regulations.

Chairman Flaherty said Mr. Pantalone mentioned storage of antique cars, he asked about parking antique cars in the garage.

Mr. Pantalone said the garage was used as a construction garage for seven years.

Mr. Malerba said it bothers him that the building is sitting there and not used. There are a lot of them all around town that could be used for something like a little business.

Mr. Inglese cited section 245.3 of the regulations that addresses non-conforming use. (he read the section).

Discussion followed on Section 245.3 of the regulations on non-conforming use. The commissioners also discussed home business and passive use of the property. There was discussion on what could be done with the garage on this property.

Mr. Pantalone said the garage is 4000 s.f. and is heated. He said it could be used for antique cars.

There was discussion among the commission members and staff relating to the regulations on home occupations, professional offices and non-conforming uses as they relate to Mr. Pantalone's property.

Mr. Bettini made a motion to have Mr. Inglese go to the site on Beaver Street and evaluate it and see what it would take to make it usable with an eye towards what he can do and can't do as a residence and a fitness gym as an accessory use within the regulations. Mr. Lawlor seconded. All in favor, so carried.

P&Z Representative to IWC

Chairman Flaherty said the Inland Wetlands Commission is down one member from Planning & Zoning. He suggested Bill Malerba as the P&Z Repr. to IWC because he has served in that capacity previously.

Mr. Bettini made a motion to send a letter to Mayor Cassetti recommending Bill Malerba as the P&Z representative on the IWC. He has served in the past and is knowledgeable of their regulations. Mr. Lawlor seconded. All in favor, so carried.

Platt Street Grocers

Mr. Blackwell said that the canopy fell off the building at Platt Street Grocers during the recent snow storm. He said that the owner wants to replace the canopy. He said he advised him that he would have to come into the Zoning Dept. for a permit.

236 Prindle Avenue

Mr. Blackwell said that he has issued a Cease & Desist order for 236 Prindle Avenue because they are stacking cars on the property.

Executive Session

None

March 2014 Meeting

Regular Meeting: Monday, March 31, 2014 at 7:30 p.m.

Adjourn

Mr. Bettini made a motion to adjourn the meeting at 9:35 p.m. Mr. Malerba seconded. All in favor, so carried.

Respectfully submitted,


J6-Lynn Flaherty
Secretary