

VERBATIM PROCEEDINGS

ANSONIA PLANNING & ZONING COMMISSION

RE: RE-SUBDIVISION OF LOT 6, FLCP

NOVEMBER 24, 2014

ANSONIA TOWN HALL
253 MAIN STREET
ANSONIA, CONNECTICUT

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HEARING RE: ANSONIA PLANNING & ZONING COMMISSION
NOVEMBER 24, 2014

1 . . .Verbatim proceedings of a hearing re:
2 Re-subdivision of Lot 6, FLCP, was held before the
3 Ansonia Planning & Zoning Commission, held at the Ansonia
4 Town Hall, 253 Main Street, Ansonia, Connecticut on
5 November 24, 2014 at 6:30 p.m. . . .

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10 CHAIRMAN BART FLAHERTY: I'd like to call
11 the public hearing to order. If everyone would please
12 rise and pledge the flag?

13 (Whereupon, the Pledge of Allegiance was
14 recited.)

15 Ms. Secretary, please call the roll.

16 (Whereupon, the roll call was taken.)

17 MS. JO-LYNN FLAHERTY: Okay, you have a
18 quorum.

19 CHAIRMAN FLAHERTY: Okay, thank you.

20 MS. FLAHERTY: Ozzy is here. David is
21 here. Sheila is here.

22 CHAIRMAN FLAHERTY: Okay. City of
23 Ansonia, Planning and Zoning Commission, Notice of Public
24 Hearing, November 24, 2014.

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1 The Planning and Zoning Commission, City
2 of Ansonia, Connecticut, will hold a public hearing on
3 Monday, November 24, 2014, in the Ansonia City Hall at
4 6:30 p.m. to hear the petition for Re-subdivision of Lot
5 6, Fountain Lake Commerce Park.

6 A copy of the file for the re-subdivision
7 with proposed map is on file at the Office of the Town
8 City Clerk, 253 Main Street in Ansonia.

9 At said hearing, interested persons may
10 appear and be heard, and written communications will be
11 received. Dated at Ansonia, Connecticut this 13th day of
12 November 2014, Ansonia Planning and Zoning Commission,
13 Bartholomew Flaherty, Chairman, published two times,
14 Thursday, 11/13, and Thursday, 11/20.

15 Entertain a motion to accept the call.

16 MR. MICHAEL BETTINI: I move we accept the
17 call.

18 MR. JOSEPH JAUMANN: Second.

19 CHAIRMAN FLAHERTY: All in favor?

20 VOICES: Aye.

21 CHAIRMAN FLAHERTY: Any one opposed?
22 Abstain? The Chair declares the motion passed.

23 Good evening, everyone. I'd like to
24 welcome you to the Ansonia Planning and Zoning

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1 Commission. We have two public hearings. One on a re-
2 subdivision at Fountain Lake Commerce Park and the other
3 for a special exception for removal of material. One
4 will follow the other.

5 The way this hearing will be conducted is
6 that the Applicant will make a brief presentation, and
7 then Commissioners will be asked if they have any
8 questions, and then members of the public come up and
9 just state your name and address, and, if you have any
10 questions, or any concerns, or any observations, you're
11 certainly welcome to come forward, and we'll do the best
12 to get answers to your questions.

13 So state your name and address and
14 affiliation for the record.

15 MR. TERENCE GALLAGHER: I apologize.

16 CHAIRMAN FLAHERTY: That's okay.

17 MR. GALLAGHER: -- setting up this easel.

18 CHAIRMAN FLAHERTY: Take your time.

19 MR. GALLAGHER: I got the last one in the
20 closet, apparently, at work.

21 CHAIRMAN FLAHERTY: And that's why it was
22 the last one in the closet.

23 MR. GALLAGHER: Yeah. I would not go with
24 the bungee cord model if you're going out buying an easel

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1 for anything.

2 CHAIRMAN FLAHERTY: It's the old last one
3 in the closet trick.

4 MR. GALLAGHER: Good evening. My name is
5 Terence Gallagher. I'm a professional engineer with the
6 firm of DeCarlo & Doll, 89 Colony Street, Meriden,
7 Connecticut.

8 We've been working for the City of Ansonia
9 for a number of years on Fountain Lake Commerce Park, and
10 here to present tonight with me I have Rob and Mark from
11 R.D. Scinto, Fountain Lake, LLC, so the whole team here
12 tonight.

13 As a matter of housekeeping, I just wanted
14 to -- I believe they were part of the application, but I
15 have the --

16 COURT REPORTER: I'm sorry. You have to
17 be near a microphone.

18 MR. GALLAGHER: I'm sorry. I just want to
19 submit I have the tax release form from the Assessor that
20 all the taxes are paid and the form from the Water
21 Pollution Control Authority that there are no outstanding
22 fees.

23 I think I included copies, but these are
24 the originals. You should probably have the originals.

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1 The Fountain Lake Commerce Park is a
2 44.78-acre development. Lot 6 is 44.78. The City's
3 intent had been to develop an industrial park for
4 development of mixed use of industrial and commercial
5 property here in Ansonia.

6 In 2007, this Commission approved a series
7 of site plan approvals for Lot 6 that included
8 construction of a 30,000-square-foot building and a lot
9 of mass excavation on the site, due to topography,
10 approximately 360,000 cubic yards of rock that come off
11 the project.

12 This Commission issued a site plan
13 approval for the 30,000-square-foot building and an
14 access road into the property. Amongst the conditions of
15 approval were the fact that the access road of about
16 1,100 linear feet would be turned over to the City at the
17 end of construction as a city street, and that there be a
18 5.8 plus or minus acre open space along Birmingham
19 Boulevard that would be deeded to the City as open space
20 for the protection of the Fountain Lake open space on the
21 other side of the road, across the street on Birmingham
22 Boulevard.

23 What was not done in 2007 was there was no
24 subdivision as part of that approval. It was all just a

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1 site plan approval, so there was no subdivision that took
2 place to create a separate road right of way that could
3 be turned over to the City or that could be an open space
4 parcel that could be turned over to the City.

5 As part of our current applications, we
6 have tried to include that subdivision as part of this
7 current site plan application that you'll hear later
8 tonight.

9 This drawing, Drawing L-1, is from 2007.
10 I'm not sure everybody can see it. Let me just turn the
11 easel out a little bit more, just so you get a chance to
12 see it. Is that okay? Can you folks over there see?
13 Are you okay with seeing it? Okay.

14 What we have here is Birmingham Boulevard
15 running down this side of the street. To the north, we
16 have Great Hill Road. This is the access drive that was
17 to be created into the site.

18 This was the 30,000-square-foot building
19 and associated parking lot. There was associated going-
20 green utilities with that building. There was a small
21 wetlands impact. There's a small inland wetland down
22 here that runs toward Route 8, and these cross-hatched
23 areas were areas of mass excavation was to take place to
24 level the top of the hill by some 50 feet or so, so that

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1 was what was supposed to be implemented in 2007.

2 Construction did start on that. The road
3 is essentially graded, and excavation at the top of the
4 hill has taken place, and they've lowered the top of the
5 hill approximately 50 feet to date.

6 It's not to the entire extent that was
7 shown here on the 2007 maps, but a lot of that work has
8 been done.

9 This map is the proposed re-subdivision
10 map, RSM-1, that was part of your application for this
11 hearing tonight, and what this shows is the entire 44-
12 acre parcel.

13 This open space is actually coming out to
14 be 5.6 acres and change along Birmingham Boulevard. The
15 access way is exactly where it was previously. There's
16 been no changes to that, although the Town Engineer and I
17 have talked a little bit about the need to have some
18 roadway monuments along the right of way at some point in
19 the future. We haven't shown that in this application,
20 but we have no problems doing that.

21 A parcel, Lot L 6-1 of 11 acres, is shown
22 in yellow. A remainder parcel, 6-2 of 26 acres, shows
23 the rest of the property. The only change between this
24 proposed subdivision map and the one that you earlier,

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1 the earlier site plan that you approved, is the inclusion
2 of an access easement here on the east side of the access
3 road, about 100 feet wide, to go in the adjoining
4 Shuster(phonetic) property. That was something that was
5 discussed a lot during the public hearing for the site
6 plans back in 2007.

7 It was never enacted at the time, but our
8 client, in talking with the adjoining neighbors, have
9 worked out an agreement, where they can have access to
10 the road legally, by creating an access easement.

11 The adjoining property owner will be
12 responsible for actually doing their own permitting and
13 construction when and if they ever want to use the access
14 easement.

15 It replaces a narrow road that comes up
16 from the back of Great Hill Road that goes into their
17 property, so it would help them in the future, so we're
18 actually making all these legal lot lines current with
19 the current site plans, things that were envisioned in
20 2007 approvals, but have not yet been enacted.

21 So that, in short, is the re-subdivision
22 application, to re-subdivide Lot 6 into these separate
23 parcels, which then can either be conveyed to the Town or
24 used for building lots.

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1 CHAIRMAN FLAHERTY: Thank you.

2 Commissioners, does anyone have any questions of Mr.
3 Gallagher? Ozzy?

4 MR. OSWALD INGLESE: I yield to the
5 Commission, but I have a few.

6 CHAIRMAN FLAHERTY: Okay. Any
7 Commissioners have any questions? Ozzy?

8 MR. INGLESE: All right. I see that you
9 have a good roadway from the station, I think from
10 station 1275 just before it hits the main road.

11 MR. GALLAGHER: Um-hum.

12 MR. INGLESE: To station 1850. That's
13 some distance. You are at 10 percent grade, or you're
14 proposing a 10 percent finished grade?

15 MR. GALLAGHER: That is correct.

16 MR. INGLESE: Is there any way you can
17 shave that a little lower? The reason that I'm saying
18 that is I have a little bit of a problem with a 10
19 percent grade, especially when you're going to be having
20 trucks picking up or delivering either material or
21 finished products from that side, and the major concern
22 that I have is the steepness of the grades when you're
23 dealing with a firefighting apparatus.

24 Is there any way it can be shaved down to

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1 something less than that? Because that is at the
2 tertiary or the secondary road grade. I think this
3 functions traffic-wise and probably volume closer to a
4 major roadway, and, as a result, I'm suggesting to lower
5 that grade for the reasons that I outlined. Is there a
6 possibility?

7 MR. GALLAGHER: I would normally say
8 probably not, with the reason that it would have some
9 dramatic increases on the rock excavation on the site.

10 I was kind of saving that for discussion
11 with the special exception public hearing.

12 MR. INGLESE: Oh, you were? Okay. Do you
13 want me to leave it for that?

14 MR. GALLAGHER: No. It actually -- it
15 probably doesn't affect the subdivision as much, but it
16 does affect the road and the special exception.

17 MR. INGLESE: Yeah.

18 MR. GALLAGHER: But just to -- if that's
19 okay? If I can just discuss that really briefly?

20 CHAIRMAN FLAHERTY: Of course.

21 MR. GALLAGHER: The road that's out there
22 right now, we -- a surveyor shot the road as-built grades
23 and compared it to the design grades.

24 MR. INGLESE: Yup.

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1 MR. GALLAGHER: The first couple of
2 hundred feet from the road, in from the road, there's
3 supposed to be a flatter three percent grade coming off
4 Birmingham Boulevard, and then there's a 210-foot
5 vertical curve that gradually gets to that 10 percent
6 grade you mentioned, so the first 250 feet or so are
7 going to be under 10 percent, but it is a steep road.

8 Anyways, that picks up from just beyond.
9 If any of the Commissioners have been out there, there's
10 a cable, there's two yellow pipes across the road and a
11 cable to block access going in, and that first apron is
12 paved.

13 That apron that's there now is about a 20
14 percent grade. It's much steeper than what was
15 originally designed, and it's because they made some
16 temporary sediment traps on either side of the road where
17 there's a swale on either side of the road.

18 Once you get up here and go around the
19 bend, that's the 10 percent portion, and when you get up
20 to where the cul-de-sac is, it basically is going to
21 reach existing grade.

22 This profile that's actually part of your
23 application is the road profile that was approved in
24 2007. The yellow line here is the existing grade that

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1 occurred before the excavation started.

2 The brown line down here is the finished
3 grade that was originally approved, and the red dashed
4 line is the interim grade that's out there today, so you
5 can see this is a hump right here at the front entrance.

6 It's almost 10 more feet of rock has come
7 out of there. There's a big glob of ledge on the right-
8 hand side if you're walking up the driveway, right before
9 you get to the gate, but all the rest of the driveway
10 through here, you're within a foot or so of finished
11 grade with that crushed stone surface that's out there
12 right now, and the more that you flatten the grade as you
13 go to like nine percent or eight percent, this cut gets
14 much deeper, so what you see out there now, in most
15 cases, is stable road slopes that are grassed in.

16 Obviously, the road is not there. There's
17 no curbs. There's no asphalt. You just have the swales
18 that then go up to the slopes, but you would have to
19 reopen that whole hillside again to cut that back down
20 dramatically, and I just question -- I understand the
21 concern. It's a very valid concern, but you would cause
22 a lot of disturbance that you don't necessarily have to
23 do to finish the project out at this point in time, and I
24 don't know if you want to undergo that extra disturbance

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1 just to save one or two percentage points in the road
2 grade.

3 By contrast, going back here to the plan
4 view, this stretch just above where the road entrance is
5 now on Birmingham Boulevard, that's a 10 percent, so it
6 gets up to 10 percent, until you get to the bend, where
7 there's a temporary fire hydrant that I believe goes to
8 the reservoir, and then it flattens out as it goes up
9 toward Homa Pump and Spectrum Plastics, but this next few
10 hundred feet in the road going up the hill is a 10
11 percent, so, if that's an example.

12 The nice thing about this, even though
13 it's steep, the geometry, the horizontal geometry is
14 pretty generous, and the road width is pretty generous,
15 so I think that kind of offsets some of the steepness,
16 but, again, that's something for the Commission to
17 decide.

18 MR. INGLESE: Yeah. I was just thinking
19 that you might consider that. The other question that I
20 have relates to -- actually, I have two more questions.
21 Relates to I see two lines paralleling the finished plan.
22 Is that sidewalk or no?

23 MR. GALLAGHER: On the roadway plan?

24 MR. INGLESE: Yeah. See two lines next to

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1 the paving, next to where the edge of the paving is
2 designed? It's on the upper side in the drawing, on the
3 upper side of that road.

4 MR. GALLAGHER: Well there's a right of
5 way line here.

6 MR. INGLESE: Closer to the roadway.

7 COURT REPORTER: If you could just bring
8 the microphone?

9 MR. GALLAGHER: Oh, I'm sorry. Sorry
10 about that. Yes. That's a right of way line, and
11 there's an electric line and a telephone line, so those
12 are utility lines in the shoulder. It's not a sidewalk.

13 MR. INGLESE: So not in the sidewalk?

14 MR. GALLAGHER: I'm sorry. There's no
15 sidewalk shown on the roadway drawings that were approved
16 in 2007, but they have underground utilities, and those
17 are in the shoulder.

18 MR. INGLESE: The last, but not least,
19 question that I have is the desirability of the open
20 space. If you look at Section 3.10, 11, actually, of the
21 subdivision regulations, there is a criteria for the
22 setting aside of open space, and I reviewed it, and it's
23 hard for me to marry that proposed open space with the
24 criteria that is in 3.11.

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1 And I'm wondering whether that open space,
2 as proposed, could be merged with the proposed
3 subdivision of parcel 6-1, or re-subdivision of parcel 6-
4 1, with the proviso that it will be a conservation or
5 open space easement over the area that is now set aside
6 as open space.

7 That would be contrary in a way to the
8 original proposal, but, on the other hand, I think it
9 might be a long-term savings for the City, and, on the
10 other hand, it will not invite problems, as it's going to
11 be in private hands, therefore, managed in a somewhat
12 different way.

13 MR. GALLAGHER: The open space --

14 MR. INGLESE: -- at all, in terms of it's
15 just, rather than going to the City, that it stay in the
16 hands of the developer, not as a development parcel,
17 don't misunderstand me, but as an open space permanently.

18 MR. GALLAGHER: We just put on there what
19 was ever in the 2007 approval.

20 MR. INGLESE: Right.

21 MR. GALLAGHER: I don't know why that got
22 picked to be transferred to the Town.

23 MR. INGLESE: But you would not have any
24 objection if this Commission were to think in that

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1 direction? I'm not saying they are going to.

2 MR. GALLAGHER: I think we'd like to try
3 and keep the 2007 approval, whatever was the original
4 intent, in there. It's mostly a wooded hillside that's -
5 - it's probably more a visual buffer along the roadside.

6 MR. INGLESE: Right.

7 MR. GALLAGHER: We're not going to make it
8 a baseball field, or something like that.

9 MR. INGLESE: Yeah. It's not going to be
10 used for anything, but as a set aside open space. You
11 don't have to decide that now. Let this Commission think
12 about it when the time comes to deliberate on the re-
13 subdivision.

14 Mr. Chairman, thank you very much, and,
15 incidentally, this is an excuse to say that these people
16 have done an excellent job in the presentation that they
17 have. They're a very complex set of drawings.

18 MR. MICHAEL BETTINI: Mr. Chairman?

19 CHAIRMAN FLAHERTY: Yes.

20 MR. BETTINI: Actually, I have a question.

21 CHAIRMAN FLAHERTY: Okay.

22 MR. BETTINI: I'm curious. I didn't see a
23 lighting plan for the roadway going up to the building.
24 Are you planning on putting street lights in?

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1 MR. GALLAGHER: We had not. It wasn't
2 part of the original approval, so we didn't add it in.
3 We have lighting on the landscape and lighting plan for
4 the site, itself, but not for the road.

5 MR. BETTINI: Would there be a problem
6 putting lighting in along the road and directing the
7 lighting away from your neighbors?

8 MR. INGLESE: It might be mushroom lights,
9 yeah.

10 MR. BETTINI: Yeah. Well, with the grade,
11 it's dark in there, you have people travel in there at
12 night, you know, leaving work or coming in. This time of
13 the year, it's dark in the morning, dark early. I think
14 street lights are appropriate.

15 MR. INGLESE: I agree with you. It's a
16 good idea.

17 CHAIRMAN FLAHERTY: Anyone else? Any of
18 the Commissioners have anything before I open it up to
19 the public? Mr. Gallagher, do you have anything to add?

20 MR. GALLAGHER: No, I think I've covered
21 the major points.

22 CHAIRMAN FLAHERTY: Okay. I'd like to
23 invite anyone from the public, who wishes to address
24 this, to come forward, and if you could please state your

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1 name and address for the record? So is there anyone from
2 the public, who wishes to speak?

3 MS. MILLIE RIOS: Hello. Millie Rios, 121
4 Great Hill Road.

5 Since the last meeting on October 27th,
6 for the last four weeks, I've been reading, researching,
7 documenting, making notes, and had this huge speech, so
8 to speak, to present to the Board tonight, but, when all
9 is said and done, when I went back to reading the minutes
10 of the 27th, it said clearly here that this proposal,
11 this special exception, and everything else is kind of
12 has already been approved, so anything that's said going
13 forward is not going to make a difference.

14 On top of that, in talking to many people,
15 one of the things that interestingly is said to me is,
16 well, it's the Scintos. You can't fight the Scintos.

17 And I think to myself, you know what?
18 I've been in front of this Board complaining. There was
19 a fence issue. Rob, thank you. You did take care of
20 that. It took you awhile, but you took care of it, and I
21 appreciate it.

22 I complain about my retaining walls and my
23 stairs and just the exterior of my house falling apart.
24 As you know, recently, I sided my house and spent several

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1 thousand dollars doing that, and, Mr. Chairman, you just
2 complimented me earlier in saying that the house looks
3 nice.

4 It is my home. It's not small. It's
5 probably not the big mansion that mister young Rob Scinto
6 has here.

7 CHAIRMAN FLAHERTY: Unless you have a
8 specific technical question, please.

9 MS. RIOS: Okay, but I just want to say
10 that it is my home, Mr. Chair, it is my home.

11 CHAIRMAN FLAHERTY: We understand.

12 MS. RIOS: It is my quality of life, and,
13 with that being said, I ask just one thing. I know this
14 project is going to go forward. It has been in the works
15 now for several years, and, at some point, God willing,
16 it will be a completion.

17 That's the one thing I always say. I hope
18 to see light at the end of the tunnel, and, at some
19 point, it looks like it will be done.

20 I was reading the site plan, and it said
21 that it's going to start in January of 2015, with a
22 target day of finishing by fall of next year, so it seems
23 that maybe within a year's time we're going to see
24 something there.

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1 My one concern is that I know that they
2 cannot disclose who this tenant is going to be, but I'm
3 just curious to know if they have at least pinpointed
4 what kind of manufacturing, research lab, or whatever is
5 that they're looking for to put in that site, so I am
6 looking for that.

7 Going forward, there's going to be still a
8 lot of blasting that's going to take place, I'm sure,
9 based on what Mr. Gallagher is saying, so I would like it
10 very much if they can please have the fire marshal
11 present when these blastings take place.

12 They're pretty intense. I was speaking
13 today to Melissa, who is the owner to the Shell station
14 down the street, and she says, yes, they're very intense,
15 and she's way down the street. She said the last time
16 she had to call the cops, because she had no idea what
17 was happening. She thought it was an earthquake or
18 something, only to be told it was a blasting that took
19 place.

20 I know that these blastings are measured
21 and supposed to be. They are within the range that
22 they're supposed to be, but I had an interesting event
23 that happened on September 8th.

24 That particular blasting, when the man was

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1 getting is seismograph, I went out there, and I said can
2 I look at it, the little tickertape, whatever that comes
3 out of it, and he said, well, you know, you need to check
4 with the Fire Marshal, and you can look at it with him,
5 and I thought to myself why can't I look at it here?

6 I had my iPad, and I said, well, can I
7 take a picture of it? And he said no. He says, again,
8 you have to go to the Fire Marshal, and, again, I thought
9 to myself, but if this is within range, why am I not
10 allowed to take a picture, at least look at it, so that I
11 can visually see, okay, it's whatever range?

12 And if I check later on that whatever
13 range I saw is, in fact, the range that it was there
14 after the fact.

15 Those are the things that I'm just
16 interested in in making sure that at least the developer
17 and the Board that, you know, we'll make sure that
18 everything is on the up and up.

19 I do have one last thing, one last thing.
20 I did get a copy of a letter, dated November 18th, from
21 the Department of Environmental Protection.

22 One of the things that I always say is
23 that, you know, when these kind of development happening
24 is that I want to make sure that they're being

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1 supervised, so to speak. It's like who is watching
2 what's going on?

3 I know, Mr. Chair, you've been out there,
4 and you have at times sat there and looked to make sure
5 that everything is on the up and up, and I really, really
6 appreciate that, but, with that being said, there's these
7 violations that still have not been addressed.

8 There was a letter sent back on June 19th
9 to Mr. Scinto, and, November 18th, there is a copy of
10 this letter that these violations still have not been
11 corrected, so that is a big concern.

12 CHAIRMAN FLAHERTY: And that letter is
13 from who?

14 MS. RIOS: That letter is from DEEP,
15 Department of Energy and Environmental Protection.

16 CHAIRMAN FLAHERTY: To? Addressed to who?

17 MS. RIOS: To Mr. Robert Scinto, and it's
18 dated November 18th, and it has to do with Notice of
19 Violation. It says the purpose of this notice is to
20 inform you that personnel at the Department of Energy and
21 Environmental Protection have made observation or
22 otherwise obtained information indicating that a
23 violation of law has occurred at the above-referenced
24 location; Fountain Lake, Birmingham Boulevard, Ansonia,

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1 Connecticut.

2 And it goes on to list the violations, so
3 I don't know if you want me to read them. Let me just
4 say a review of Department records conducted by the
5 Bureau of Materials Management Compliance Assurance
6 reveals that it appears that you have failed to register
7 for the general permit for the discharge of storm water
8 associated with industrial activity, issued October 1,
9 2002, and as subsequently reissued most recently on
10 August 23, 2010, with an effective date of August 1,
11 2011.

12 General permit, pursuant to Section 22a-
13 4430b of the Connecticut General Statute. That's A B.
14 Failure to prepare and keep on site a pollution
15 prevention plan, in accordance with Section 5C of the
16 general permit, C, failure to monitor storm water in
17 connection with Section 5E of the general permit.

18 So, again, it's important that they
19 actively have people on site to monitor these things. As
20 you know, part of the complaint that I've been seeing all
21 along with me personally, again, you know, the air
22 pollution, the dust and all that, so I'm just hoping
23 that, you know, everybody does the right thing and makes
24 sure that everything is done in accordance to law.

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1 I'm not asking for anything more or
2 anything less. I thank you.

3 CHAIRMAN FLAHERTY: Thank you, Ms. Rios,
4 and I can assure you that, you know, our responsibility
5 is our regs. The blasting and everything, as you're
6 aware, are outside of our purview, and I can assure you
7 that we will diligently pursue that our regulations are
8 adhered to.

9 Everything that's been submitted to
10 Planning and Zoning adheres to our regulations. Even
11 that 10 percent grade is allowed in a commercial zone, so
12 everything that I have looked at seems to meet Planning
13 and Zoning's criteria, and I can assure you that we will
14 make sure that everything under our purview will be done
15 correctly and we made every effort to comply with any of
16 your concerns.

17 MS. RIOS: Yeah, and I appreciate it.
18 Thank you.

19 CHAIRMAN FLAHERTY: In fairness to Mr.
20 Scinto, I think he's made an attempt to respond to your
21 concerns, at least when we were there on site walks and
22 so forth, concerning dust and so forth, so I can assure
23 you that we'll continue to be diligent and continue to be
24 responsive to your concerns anytime something arises,

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1 like dust control and so forth.

2 MS. RIOS: Thank you. I appreciate it. I
3 think the only thing is, at the end of the day, I still
4 have falling retaining walls and cracking stairs, and no
5 one seems to take accountability for that, but I'll
6 pursue that some other way.

7 I do have one question. Mr. Gallagher
8 referred to Mr. Shuster, may he rest in peace. I know he
9 passed away in 2008, trying to do whatever with his
10 access road.

11 With this new proposal, is that what is
12 going to happen, where they're going to be able to build?
13 Because I know the access road had the Shusters at a land
14 lock.

15 CHAIRMAN FLAHERTY: I don't know about
16 being able to build. All I know is that he has an access
17 way of about 80 feet wide, .172 acres that adjoin the
18 roadway and the Shuster property, so that they have an
19 easement, they have a proposed access and construction
20 easement to access the road.

21 MS. RIOS: Oh, good.

22 CHAIRMAN FLAHERTY: So, yes. The answer
23 to your question is, yes, there's an easement, but I
24 don't know about developing. I don't know what the

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1 Shuster people have in mind. I have no idea.

2 MS. RIOS: No, I know. I just know that
3 Mrs. Shuster has been in litigation with the City of
4 Ansonia and Fountain Lake to have, somehow have access to
5 be able to have that road open up, because there was a
6 land lock with the access road.

7 CHAIRMAN FLAHERTY: Well this is a
8 subdivision, so they have to. By State statute, they
9 have to.

10 MS. RIOS: Okay.

11 CHAIRMAN FLAHERTY: The site plan, you
12 don't have to, but a subdivision you have to have access
13 to a highway, and this is before it says a subdivision,
14 or re-subdivision, so, yes.

15 MS. RIOS: Oh, good. That's good to hear.

16 CHAIRMAN FLAHERTY: That is not shown on
17 the map.

18 MS. RIOS: Oh, good. Thank you so much,
19 and thank you for your time.

20 CHAIRMAN FLAHERTY: It was nice to see
21 you.

22 MS. RIOS: And have a nice Thanksgiving,
23 even though I'm going to sit here and listen to the rest.

24 CHAIRMAN FLAHERTY: Well participate

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1 whenever you feel.

2 MS. RIOS: I appreciate it.

3 CHAIRMAN FLAHERTY: Don't hesitate.

4 MS. RIOS: Okay.

5 CHAIRMAN FLAHERTY: Sir?

6 MR. JOHN BARRETT: Yes. My name is John
7 Barrett. I live on 67 Great Hill Road.

8 I also have a problem with the blasting,
9 also. I have a child, who has a learning disability. I
10 also spoke to -- Mr. Scinto came down. I never had water
11 come in my backyard until the blasting started, and, so,
12 I had to spend hundreds of dollars to have that fixed.

13 Also, I had a slight crack in my basement
14 wall, and, after the blasting, the crack went all the way
15 down. Another couple of hundred dollars to get that
16 fixed, and, also, the fact that my kid has a learning
17 disability, so I said, well, the next time I'm going to
18 decide to get me an attorney to make sure my kid is not
19 being affected by all this blasting that's going on.

20 And, also, we're having lunch, and, boom,
21 all the glasses shake. Not only myself. My neighbor,
22 Bill. He's retired. Another neighbor up the street, the
23 retired fireman, we all feel it.

24 The other gentleman got over a foot of

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1 water in his basement, which he never had before, so I
2 just want to address this issue. I know they're going to
3 continue to blast, so I have to look out for my family,
4 because I know they're going to do this anyway.

5 My son being affected, based on what
6 they're doing here to create business, maybe lower taxes
7 or whatever, so that's all I have to say.

8 COURT REPORTER: I'm sorry, sir. Your
9 name, please?

10 MR. BARRETT: John Barrett. I don't think
11 I should have to have lunch or dinner and have plates
12 move on the table, which I think is kind of
13 disrespectful.

14 He's a nice gentleman, be respectful, you
15 know, but he don't live on Great Hill Road.

16 CHAIRMAN FLAHERTY: I understand. I'm
17 just trying to ascertain. Which house is yours?

18 MR. BARRETT: 67, right in front of
19 Ansmour, the blue house.

20 CHAIRMAN FLAHERTY: Right? I'm sorry?

21 MR. BARRETT: Yeah, Ansmour Road, right
22 here.

23 CHAIRMAN FLAHERTY: Okay.

24 MR. BARRETT: As soon as you make that

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1 turn on Ansmour, you could see the blue house if you're
2 coming down Ansmour.

3 CHAIRMAN FLAHERTY: Okay.

4 MR. BARRETT: Right there.

5 CHAIRMAN FLAHERTY: You're not adjoining
6 the property. You're across the street from the road?

7 MR. BARRETT: Um-hum.

8 CHAIRMAN FLAHERTY: Have you spoken to the
9 Fire Marshal?

10 MR. BARRETT: Yup. I had the Fire Marshal
11 come down. He looked at it. He said, well, I don't see
12 any problem. He also brought down a guy that come and
13 did the blasting.

14 Like the lady said, they won't let you see
15 what the meter is doing, you know, so I'm like what? If
16 it's actually doing what it's supposed to do, why can't
17 you look at it or maybe take a picture while it's going,
18 while the meter is going?

19 And I'm not saying anything illegal is
20 going on, but, you know, my thing is the safety of my
21 family, plus our homes are falling apart, and nobody is
22 picking up that tab.

23 CHAIRMAN FLAHERTY: Again, the State
24 statute very clearly states that only the Fire Marshal

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1 has control over blasting. The Planning and Zoning
2 Commission we have absolutely no control over blasting.
3 We know nothing about blasting, to be honest with you.

4 My suggestion is to get with the Fire
5 Marshal and discuss it before blasting. There's going to
6 be a lot of blasting in the next eight, nine months. I
7 mean they're going to probably, you know, 1,800 cubic
8 yards are going to come out of there, but I don't know if
9 it's going to leave the site, but it's going to be
10 distributed on the site.

11 I think 182,000 yards, if my memory serves
12 me, so there's going to be a lot of blasting, and I'd
13 really urge you to talk to the Fire Marshal now and talk
14 to him, as to the ways that you could protect yourself,
15 you know, pre-blast previews, photos. I don't even know.
16 I'm not a lawyer.

17 MR. BARRETT: I took photos.

18 CHAIRMAN FLAHERTY: I'm not an attorney,
19 so I can't give you that kind of advice, but I would say
20 talk to the Fire Marshal and explain your concerns to him
21 and ask him how you could mitigate the effects on
22 yourself and your son and so forth.

23 MR. BARRETT: Yeah.

24 CHAIRMAN FLAHERTY: Do they sound a

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1 whistle or anything before a blast comes?

2 MR. BARRETT: It just goes boom.

3 COURT REPORTER: I'm sorry, sir. You're
4 not on the record.

5 CHAIRMAN FLAHERTY: What Mr. Scinto is
6 conveying is that he will put Mr. Barrett on a call list,
7 so before they blast, he would call and tell you that
8 they're going to have a blast, so that you're prepared
9 for it, so your son won't be startled or so forth.

10 MR. BARRETT: Um-hum. So what does that
11 do for --

12 CHAIRMAN FLAHERTY: I'm sorry?

13 MR. BARRETT: What does that do for our
14 property, the people that live on that street?

15 CHAIRMAN FLAHERTY: No, I understand, but,
16 I mean, you say all the sudden there's a boom. This will
17 kind of forewarn you that there's going to be a boom, and
18 that might be helpful or not. I don't know. I don't
19 know your circumstances, but my suggestion is go to the
20 Fire Marshal.

21 MR. BARRETT: So go to the Fire Marshal
22 with my attorney, and that's where we start, then to the
23 Town, then to Mr. Scinto? Is that the progress that
24 we're going to have to take?

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1 CHAIRMAN FLAHERTY: Well you came to
2 Planning and Zoning, and we will handle any Planning and
3 Zoning concerns you have, but blasting concerns we can't,
4 which is, by law, we don't have any control over it.

5 MR. BARRETT: No, I understand that.

6 CHAIRMAN FLAHERTY: So my suggestion is,
7 if you have an attorney, whatever he says, I would follow
8 his instructions.

9 MR. BARRETT: Okay.

10 CHAIRMAN FLAHERTY: And, certainly, go to
11 the Fire Marshal, who has control over blasting.

12 MR. BARRETT: I spoke with him. He was
13 very, very nice, but there's nothing he said he can do,
14 because it's within the parameters of whatever that meter
15 reads. I don't understand.

16 CHAIRMAN FLAHERTY: No, I understand.

17 MR. BARRETT: So everyone is saying that
18 they have no control over it, so I said the only way I
19 can find out is to get an attorney or go public with the
20 news or something, Connecticut Post, what's going on with
21 my son and my home starting to fall apart if they're
22 going to do blasting.

23 CHAIRMAN FLAHERTY: Mr. Barrett, they're
24 going to do a lot of blasting.

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1 MR. BARRETT: Okay. I appreciate it. I
2 just want to make it known.

3 CHAIRMAN FLAHERTY: Okay.

4 MR. BARRETT: Thank you for your time.

5 CHAIRMAN FLAHERTY: And thank you for
6 coming to the public hearing. I hope we've helped you.
7 On the blasting, we can't.

8 MR. BARRETT: Okay.

9 CHAIRMAN FLAHERTY: Is there anyone else
10 from the public, who wishes to speak? Ms. Rios, you wish
11 to?

12 MS. RIOS: No. I just wanted to say that,
13 as far as the blasting, the company, if you are on their
14 list, they are pretty good about calling you and giving
15 you advance warning when it's going to happen, however,
16 they are supposed to sound three times the horn, and,
17 I'll be honest with you, the last time that they did the
18 blasting, I did get a call.

19 I was told that it was going to happen
20 between 12:00 and 12:30, and I was at my computer, and I
21 was waiting for the horn, because I get very nervous,
22 very nervous when the blasting happens, and I used to
23 have a bunny, so used to take my bunny out, and now you
24 suggested running out when the blasting is going to

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1 happen.

2 The horn, I did not hear the horn, and I
3 was sitting at the computer, getting ready to leave, and,
4 all of the sudden, the blasting happened, and I was
5 really upset, because I did not hear the horn.

6 I did call the Fire Marshal to complain,
7 but, subsequently, I did see my neighbor next door, and I
8 said to him, wow, you know, they blasted, and they didn't
9 beep the horn, and he said, oh, yes, they did, but he
10 heard it, because he was in the woods walking his dog,
11 and he said that the horn was put further up the hill, so
12 maybe they need to put the horn, do it, if they're going
13 to do it further up the hill, but do it where the houses
14 are, so we can hear it, so, you know, that's something.

15 But you're right, Mr. Flaherty. That's
16 something that I guess has to be taken up with the Fire
17 Marshal.

18 CHAIRMAN FLAHERTY: The Fire Marshal, yes.

19 MS. RIOS: Okay, yeah. Okay, so, I'll do
20 that. Okay, thank you.

21 CHAIRMAN FLAHERTY: Okay, thank you, Ms.
22 Rios. Is there anyone else from the public, who wishes
23 to speak? Is there anyone else from the public, who
24 wishes to speak? Is there anyone else from the public,

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1 who wishes to speak? And don't hesitate. Sir, would you
2 like to speak? No? Okay, because you're more than
3 welcome to speak, if you wish.

4 CHAIRMAN FLAHERTY: Okay. If no one from
5 the public wishes to speak, I'll entertain a motion to
6 close the public session.

7 MR. BETTINI: Move to close the public
8 session.

9 MR. BILL MALERBA: Second.

10 CHAIRMAN FLAHERTY: All in favor?

11 VOICES: Aye.

12 CHAIRMAN FLAHERTY: Anyone opposed?
13 Abstain? The Chair declares the motion passed. The
14 public session is closed.

15 Commissioners, anyone have any questions
16 of the Applicant concerning this matter? Anything more?
17 Anything further at the public hearing for the record?
18 Fred?

19 MR. FRED D'AMICO: No. I met with Mr.
20 Gallagher two weeks ago, and I mentioned a couple of
21 items, that, for instance, he just has to show monuments
22 on the subdivision drawing, where the monuments are to be
23 installed, and I believe he did assure me the maximum
24 grade was less than 10 percent, and I believe he was

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1 going to address those items prior to approval, if it's
2 approved.

3 The only other thing is I want to mention,
4 on the lighting, the CAN talked to U.I. U.I. has a
5 program, where they supply free lighting, basically like
6 the type we have on Main Street. They just have to
7 install the bases and the underground conduit, and U.I.
8 will supply the lighting for no cost.

9 I believe the program is still on, so that
10 might be, if you do want lighting, it might be a good
11 idea to put lighting, such as that. I think it looks
12 pretty good, too, so I would think that that would be
13 probably appropriate, but that's up to the Commission.

14 Other than that, I have nothing else.

15 CHAIRMAN FLAHERTY: Ozzy, do you have
16 anything further?

17 MR. INGLESE: No.

18 CHAIRMAN FLAHERTY: David, do you have
19 anything?

20 MR. DAVID BLACKWELL: No.

21 CHAIRMAN FLAHERTY: Okay. If there's
22 nothing further for the public hearing, you mentioned
23 lighting --

24 MR. BETTINI: Actually, Mr. Chairman, I'm

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1 thinking in the back of my mind that maybe we also
2 include a pre-blast survey, but I guess we can pick that
3 up when we eventually move on the --

4 CHAIRMAN FLAHERTY: Yeah. I'd like it
5 noted in the public hearing, that you're talking about
6 pre-blasting.

7 MR. BETTINI: I'm talking about a pre-
8 blast survey of the surrounding homes, so give the
9 homeowners some sense of security.

10 CHAIRMAN FLAHERTY: Okay. Also, the
11 inland wetlands permit I'm told is, the 2007, is still
12 operative. You're supposed to get a letter from
13 corporation counsel, stating that, so, as to that, I want
14 on the record of the public hearing, also.

15 Also, for the record, I'd like it known
16 that this was submitted to the City of Derby, the Town of
17 Seymour, and the Regional Planning Agency for their --
18 just to let them know that it was taking place, in case
19 they wanted to make comment.

20 Our P.C. responded that it doesn't have to
21 go to Regional Planning, because it's not a zone change
22 or so forth, but we did send the packages to the
23 surrounding towns, and there's no comment, but I'd like
24 that noted for the record, also.

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1 Okay. I'll entertain a motion to adjourn
2 the public hearing.

3 MR. BETTINI: Move we adjourn the public
4 hearing.

5 CHAIRMAN FLAHERTY: Close the public
6 hearing. Excuse me.

7 MR. JAUMANN: Second.

8 CHAIRMAN FLAHERTY: Okay. We have a
9 second to closing the public hearing. All in favor?

10 VOICES: Aye.

11 CHAIRMAN FLAHERTY: Anyone opposed?
12 Anyone abstain? The Chair declares the motion passed.
13 Thank you very much for the public comment.

14 (Whereupon, the hearing regarding the Re-
15 subdivision of Lot 6, FLCP was adjourned.)

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