



City of Ansonia
PLANNING AND ZONING COMMISSION

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TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

April 28, 2014

Regular Meeting

Present: Bart Flaherty, Chairman
Michael Bettini
Jared Heon
Andrew Mark
Maureen McCormack-Conrado- arrived 8:50 p.m.

Absent: William Malerba

Others Present: Fred D'Amico, City Engineer
David Blackwell, Zoning Enforcement/Blight Officer
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 7:30 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

The secretary distributed an e-mail she received from Commissioner McCormack-Conrado with suggested changes to the minutes.

Mr. Bettini made a motion to adopt the minutes of the March 31, 2014 meeting as written with no corrections or changes and place them on file. Mr. Mark seconded. All in favor, the motion carried.

Approval of Bills

There were no bills.

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. Bettini seconded. All in favor, so carried.

Andrew Migani request for lot line revision Howard Ave./May St.

Mr. Michael Horbal, Engineer was present.

Chairman Flaherty explained the application is for a lot line revision for 83 Howard Ave., 85 Howard Ave. and 13 May St. These three (3) lots are "grandfathered" non-conforming lots. They are requesting to revise the lot lines and decrease the non-conforming three (3) lots down to two (2) conforming lots. They will be creating two (2) conforming lots.

Mr. Bettini asked if there were any sealed maps for the file.

Mr. Horbal said he provided sealed maps to the applicant. He said he is certifying the map that the commission has as his map and he will provide copies of this map with his seal.

Mr. Horbal explained the map and the lot revision creating two (2) conforming lots from the three (3) non-conforming lots.

Mr. Heon made a motion to approve the request for a lot line revision for property known as 83 Howard Avenue, 85 Howard Avenue and 13 May Street creating two conforming lots. Mr. Bettini seconded. All in favor, so carried.

Mr. D'Amico stated Mr. Horbal would have to file a Mylar map with the Town Clerk with the new two (2) lots that were created. He said the Mylar will have to be signed by himself, the chairman and secretary.

Mr. Horbal said he will prepare and file the Mylar map with the Town Clerk.

David Wantroba/Khanh Tran & Luis Hernadez re: request for Site Plan approval for Auto Repair at 68 Pershing Dr., Ansonia

Khanh Tran & Luis Hernadez were present.

Chairman Flaherty asked Mr. D'Amico about the highway setback shown on the map.

Mr. D'Amico said you can't count that area for Zoning or parking.

There was discussion on lot #8 and the parking spaces for this area. Mr. D'Amico stated the customers will pull in and out for parking space 1 through 5. The remainder would be OK for storage because you cannot get in and out of them for parking. He said he looked at the parking and you can't count parking spaces 8 through 12. The cars would be parked behind each other. The only feasible parking is in the rear.

Chairman Flaherty asked Mr. D'Amico about the building line on the lot line as shown.

Mr. D'Amico said the actual building is on the property line. He explained how the property line goes on the map. The property line goes along the building line to the railroad tracks and turns north and then to 68 to Pershing Drive as shown on the map. It would be better to identify these locations on the map if the building was hatched or shaded.

Chairman Flaherty asked if there was a waste oil tank and if it is shown on the map.

Mr. Tran said there is no waste oil tank but he will get one and find a spot to put it on the property.

Mr. D'Amico asked if there was a floor drain in the building.

Mr. Hernadez said no. He said there was one in the building but it was closed.

Mr. Blackwell said for the existing business they are showing no parking. Where is that parking going to be on the property?

Mr. Tran said that the Wantroba side of the property has plenty of room for parking.

Mr. Blackwell asked where the access would be.

Mr. Tran said on the side of the building where there is a gate, there is a way to enter the area through the gate.

Chairman Flaherty asked who owns the car wash.

Mr. Hernandez said Mr. Wantroba owns the property but he leases it to someone for the car wash.

Mr. Bettini made a motion to refer the application to staff, Mr. Inglese, Mr. D'Amico, Mr. Blackwell and Mr. Tingley, Fire Marshall for review and evaluation of the parking, oil waste, property lines, building location, proposed use, etc. Mr. Mark seconded.

Chairman Flaherty asked if there was any questions or discussion on the motion.

Mr. Hernandez said the repair shop will be used for tires. He said they will probably only use one bay for now and then expand the shop.

Chairman Flaherty asked if there were any other questions or comments. There being none, he called for a voice vote: All were in favor, the motion carried.

Mr. Tran asked what will happen next on the application.

Chairman Flaherty explained the Commission has referred his application to our staff and they will report their findings back to the commission next month. He said the Commission has 65 days to act on the application. He said if the application is approved they will have to get permits from the Building Dept. also.

Mr. Tran said that will be later, right now they will use one bay for their repair and they plan to break through the walls of the building.

Chairman Flaherty stated they must see Mr. Blackwell before doing anything at the site.

Reports: City Engineer

Mr. Fred D'Amico was present.

- a. Jewett St. Sidewalk – resolution with property owner

Mr. D'Amico said the weather is warmer and he will contact the property owner next week and send him another letter requesting that he install the sidewalk that he removed. He said if there is no response, he will contact Corporation Counsel.

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

Mr. D'Amico said he is working with the Grant Writer on obtaining a portion of a grant (LoCip) that Ansonia currently has which is funding for improvement with a low interest rate so the property owner can repave the driveway area. In the meantime the property owner is maintaining the area and keeping the erosion and sedimentation off the street and adjacent properties.

c. 54 Benz Street – 2 lot subdivision

Mr. D'Amico said that the Supt. of PWD was concerned with the tie in for the sewer, gas and water in the road where this subdivision is being built. He said the Supt. would like to see the whole road paved once the utilities are installed. Mr. D'Amico said he doesn't know if the City can require the developer to repave the entire road. The Supt. is concerned there will be six different patches in that area of roadway. He said he is monitoring the situation and will try to keep the road openings close together and have a small patch in the road.

There was discussion on the lack of erosion and sediment control for 54 Benz Street Subdivision.

Mr. D'Amico said he will contract the developer and contractor regarding the E&S on this site for this subdivision.

The commissioners discussed the different road openings throughout the City and the condition of the road once they are patched by the utility companies.

Mr. D'Amico said he will contact the State of Connecticut with regard to the temporary patch on Pulaski Highway.

Reports: Zoning Enforcement Officer

Mr. David Blackwell was present.

a. Violations:

Beaver Street – Riccuti Funeral Home

Mr. Blackwell said he has sent written notification to the owners of Riccuti Funeral Home regarding the situation in the garage.

Mr. Blackwell said there is a violation on Buswell Street where there are people living in a shed and in the attic and basement.

PZ042814

Mr. Bettini asked Mr. Blackwell how he knew this was happening at this location.

Mr. Blackwell said there was a complaint from the tenant who was living in the illegal apartment.

There was discussion on the violation that is present at this location. Mr. Blackwell advised the commissioners of the actions that he has taken with regard to this situation.

Variances

Mr. Blackwell said there are no new variances.

Reports: Planning Consultant

Mr. Oswald Inglese was not present.

Chairman Flaherty said that Mr. Inglese was in the hospital with a virus but should be present next month.

Reports: Committee Reports

Chairman Flaherty asked if the Marijuana Committee has anything to report.

Mr. Heon said that he did not have anything at this time. He said he wants to send it to our Planner and he feels that the commissioners together with our Planner would develop a Regulation. He said he has the medical knowledge for marijuana but not the expertise to write a regulation. He said he feels this is to the point where we should decide if we will refer this task to Staff. He said his intent was to work with Mr. Inglese and the commission.

Mr. Bettini made a motion to refer the development of the Marijuana Regulation to Mr. Inglese. Mr. Mark seconded. All in favor, so carried.

Any other business to come before the Commission

66 Benz Street

Mr. Blackwell discussed the violation at 66 Benz Street and the lean-to built next to the road. He said a misdemeanor summons was issued to the property owner.

152 Pulaski Highway

Mr. Blackwell received a complaint from a neighbor regarding a shed located on the corner of Arbor Terrace and Pulaski Highway. He requested an A-2 survey of this site from the property owner.

There was discussion on the location of the shed and that a wall was removed on the neighbor's property. Mr. Blackwell requested the A-2 survey to determine the property lines. The owner of 152 Pulaski Highway does want to provide an A-2 survey. He does not feel it is necessary and it is costly.

Chairman Flaherty advised Mr. Blackwell to seek assistance from Corporation Counsel on this matter because there are legal questions involved. Mr. Blackwell has the right to request an A-2 survey if there is a dispute.

Chairman Flaherty suggested that the property owner have the one side surveyed where there is a question as to property line. This may reduce the cost of a survey.

Proposed Amendment to Zoning Regulations – Section 330.5

Mr. Bettini said that the proposed amendment to Section 330.5 of the Zoning Regulations in his opinion is taking exceptions and writing them into the Zoning Regulations. We advised the homeowner to petition the Zoning Board of Appeals for this exception and if the fees were excessive to ask for a waiver from the Board of Aldermen. He said the Commission should not ask for this amendment.

Mr. Heon said he agrees. The regulations are there for a reason and ZBA is there to review the request and grant a variance if it so warrants. There are rules to follow.

Mr. Bettini said they can go to the Board of Aldermen and request a waiver of the fee.

A discussion on the above followed.

Mr. Bettini made a motion to eliminate the proposed Amendment to the Zoning Regulations – Section 330.5. Mr. Heon seconded. All in favor, so carried.

Joan Radin, 5th Ward Alderwoman

Alderwoman Radin said there is a home on Westfield Avenue that has a lot of blight.

Mr. Blackwell said there is a new Blight Ordinance Policy that is more aggressive.

Alderwoman Radin said that people are dumping debris and trash on this property. It is horrible and it is a mess over there.

PZ042814

A discussion followed on the location of the property in question and what can and cannot be done according to the new Blight Ordinance.

Alderwoman Radin said there is a business being operated from that home also.

Mr. Bettini said there are regulations on businesses in residential areas and commercial vehicles in residential areas.

Mr. Blackwell said there were two commercial vehicles towed from this area however he can't go on someone's property to clean it up. There is a \$99 fine for the first ten days and then it is \$250 a day fine for blight.

Subway

Alderwoman Radin said that there is a sign for rent next to the Subway and Insurance Agency on Main Street. She said that the owner of the building said he would give up renting this space because there was not enough parking for the Subway.

Mr. Bettini said that is correct. He said he remembers that the owner will give up his two parking spaces for the Subway Restaurant by not renting that store front.

Mr. Heon said the Subway Restaurant was going to use that space for cold storage.

Alderwoman Radin said there is a leasing sign in the window and she is questioning how this space can be rented without parking.

Chairman Flaherty stated the owner may be approaching target for parking.

Hull Street – 55+ condo

Alderwoman Radin said she doesn't remember the 55+ Condo subdivision being approved. She said there is legislation at the State level concerning 55+ occupants and younger people with children allowed to live in these type units. She will send the commission a copy.

There was discussion on the 55+ Zoning Regulation that P&Z adopted to regulate this activity.

Mr. Heon said the commission did a lot of work on this proposal and there is a recreational area, a Club House, parking for Recreational Vehicles, etc. He said they looked at everything when they reviewed this project.

Alderwoman Radin asked that the commission look into the 55+ regulation.

PZ042814

Chairman Flaherty said he will get a copy of the 55+ regulation to Ms. Radin so that she can review it and she can have Corporation Counsel review it.

Mr. Heon made a motion to send a letter to Corporation Counsel and Mr. Inglese asking them to look into upholding the age requirement in the 55+ Regulation. Mr. Bettini seconded. All in favor, so carried.

Fountain Lake Commerce Park – Millie Rios

Chairman Flaherty asked Mr. D’Amico if he met with Ms. Rios and the representatives for Mr. Scinto regarding the Rios’ property.

Mr. D’Amico said he and the Fire Marshall did meet with them and all of the blasts were within the allowable limits.

There was discussion on the blasting and that Ms. Rios said she had a gas leak and called the APD but there was no record of a call to the Fire Dept. or Yankee Gas on the leak.

Mr. Heon said the Fire Marshall said there were two sizemographs set up in two places and everything else was within the allowable limit.

Mr. Blackwell said maybe her damage is poor construction.

Chairman Flaherty said Ms. Rios said her damage was from an August date and she was very specific on the date that it happened. He asked if they have those sizemograph records.

Mr. D’Amico said they have them from every blast done. The records are all down under the limit. Shoreline has records and Mr. Scinto will try to get a copy of the other firms records.

Alderwoman Radin said Molto Bene’s felt the blast.

Mr. Heon said to ask them to provide a response for the next meeting.

Alderman Charles Stowe said he would like to request they write up a report on the Scinto property and Ms. Rios property. She was complaining about a fence at the Board of Aldermen’s meeting. He said the firemen stated they repaired the gas leak she reported. He said the Zoning Enforcement Officer, City Engineer and Fire Marshall should provide a written report.

Mr. D’Amico said he will write up a report.

Castle Lane Development

Alderman Stowe said that Castle Lane Developers attorney contacted the Mayor's office for a public meeting on their proposed subdivision. He said they asked that Alderman Adamowski and he host the public hearing. He said that they agreed any kind of Public Hearing should be held at a P & Z meeting. He said the attorney did not want the meeting at P&Z and that everybody should be in attendance. He asked if the Commission was aware of this.

Chairman Flaherty said the Developer would have to make an application to the P&Z Commission and the Developer would have to notify everyone within 500 feet of the project that there would be a public hearing on the project. We notice the Public Hearing in the newspaper. The Commission should not hold a public hearing without an application. The P&Z Commission already met with the Developer at a regular P&Z Meeting for an informal discussion on the project. They never made application to the Commission.

Mr. Bettini said there is a process to do this and it would be inappropriate for the Commission members to attend a public hearing not called by them and without the proper process and application.

Chairman Flaherty agreed and stated P&Z should have an application before them. They have to have something to look at, a map, a statement of use, an application. Something to discuss that is part of the project should there be questions. They have 13 acres of land and they can develop their property as long as they comply with the Zoning Regulations. The Mayor's office can hold a meeting if they choose to do so. He said he doesn't want to come across that the Mayor cannot hold a meeting if he wants to.

Alderman Stowe said he is going to recommend they have a preliminary meeting and ask a representative from P&Z to attend.

Chairman Flaherty said that there is no application before the Commission. If one of the members goes to the meeting and there is a lot of questions he cannot be put in the position to answer them. The developer has a right to develop his property and submit an application for consideration.

Mr. Heon said the developer should make a conforming application and submit it to the Commission. If he wants to bring the neighbors together it is up to him – he can do that on his own without the City.

Chairman Flaherty said if the Mayor wants to pursue this he can but P&Z should not unless there is an application before them.

Alderman Stowe thanked the commission.

28 Hoinsky Way Rear

Mr. Heon said there is a rear lot on Hoinsky Way that has goats. On this lot we put in special point of where the land could be developed because of the contamination. The Commission was very specific as to where they could put the house and where they could plant a garden. If the homeowner wanted to plant a garden they would have to contact DEP for their approval. There were certain areas on the site where they could have certain activities because of the rubber that is buried there.

Mr. Blackwell said the homeowner wants to connect the house to the garage that was built. There is an in-law apartment above the garage. There were no permits for these activities.

Mr. Bettini said the restrictions have to be on the deed. We stated that when this was approved so that anyone purchasing the home would know this.

Mr. Heon said the area is not habitable for goats. The corner of the house touched the contaminated land. The approval was very specific on this.

Mr. D'Amico asked if a C.O. was issued.

Mr. Blackwell said on the In-law apartment they have to come before P&Z but the apartment has to be attached to the main dwelling unit. They are trying to build a hallway to connect the two structures. He said he had no idea of these stipulations.

There was discussion on the court case and the settlement agreement for this site. It was suggested that Mr. Blackwell get the maps from Mr. D'Amico to review.

Mr. Heon said with the huge garage it looks like there are three (3) houses on the property. The site was approved for two (2) house only. The garage is huge.

There was discussion on the sensitive area that this property is and that DEP was involved in the review and decision. The maps had to show the contaminated area on the property.

Mr. Blackwell will review with Mr. D'Amico the original subdivision map (Woodbridge Approach Subdivision) along with the resubdivision map with these two lots.

Executive Session

None

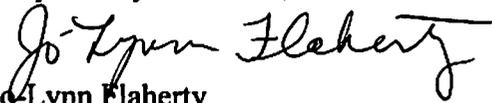
May 2014 Meeting

Regular Meeting: Monday, May 26, 2014 at 7:30 p.m.

Adjourn

Mr. Heon made a motion to adjourn the meeting at 9:00 p.m. Ms. McCormack-Conrado Seconded. All in favor, so carried.

Respectfully submitted,



Jo-Lynn Flaherty
Secretary