



City of Ansonia
PLANNING AND ZONING COMMISSION

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Elizabeth Lynne
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

July 28, 2014

Regular Meeting

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

Absent: Jared Heon
Andrew Mark

Others Present: David Blackwell, Zoning Enforcement/Blight Officer
Fred D'Amico, City Engineer
Oswald Inglese, Planning Consultant
Joan Radin, Alderwoman 5th 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.

PZ072814

1

Approval of Minutes

Mr. Jaumann made a motion to approve the minutes of the June 30, 2014 regular meeting as written and place them on file. Mr. Malerba seconded. All in favor. The motion carried.

Approval of Bills

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

1. Oswald Inglese: Bill for professional Services: 6/16/14 to 7/15/14
Invoice 154 - \$937.50

<u>DETAIL</u>		
<u>Date</u>	<u>Item</u>	<u>Time</u>
06/27/2014	Review Olsen Drive Project Plans	2.50hrs.
06/29/2014	Reviewed for Commission Meeting	2.50hrs.
06/30/2014	Attended Commission Meeting	2.75hrs.
07/01/2014	Attended Housing Auth. Meeting w/PZC Chair	3.00hrs.
07/07/2014	Review Zoning Regs Re Propane Tanks & Other Issues	0.75hrs.
07/09/2014	Reviewed Correspondence Olsen Dr. Project	<u>1.00hrs.</u>
TOTAL		12.50hrs..

Hourly Rate: \$ 75

TOTAL = \$ 937.50

Correspondence

Mr. Jaumann 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.

1. CTRC Environmental Corp. re: Seccombes's Cleaners, Inc. 1 Holbrook Street, Ansonia, CT. dated 7/9/14

Chairman Flaherty asked Mr. Inglese if the Commission has to take any action regarding this communication.

Mr. Inglese said the Commission has to acknowledge receipt of the letter. They have already filed notice on the Land Records. Anyone searching the property will see it on the land records.

Mr. Bettini said it would be on the warranty deed for the property.

Mr. Inglese said this could be a potential for cleanup but it doesn't look like it.

Chairman Flaherty said they had a sophisticated recovery system in that building.

Mr. Inglese said the upper layer in the surface which is not very deep has to be protected until it is cleaned up.

Chairman Flaherty asked if there is any action required by Planning & Zoning.

Mr. Inglese said no.

City Center Plan Map Amendment - Decision

Chairman Flaherty said the Commission held a public hearing on the amendment to the City Center Plan. There was no one here from the public. He asked the pleasure of the commission.

Mr. Jaumann made a motion to adopt the amendment to the City Center Plan to incorporate these two tracts (60+ and 11+ acres) of land into the City Center Plan area. Mr. Bettini seconded. All in favor, so carried.

Mr. Jaumann made a motion to adopt the re-zoning of the two tracts for the City Center Overlay zone. Mr. Malerba seconded. All in favor, so carried.

Mr. Malerba made a motion that the effective date will be one day after publication in the newspaper. Mr. Jaumann seconded. All in favor, so carried.

Peter Georgette/Prime UIC re: amended Site Plan for PWD Transfer Station

Mr. Peter Georgette, Mr. Joseph Maffeo and Mr. Doug Novak were present.

Mr. Georgette presented the changes to the plan to the Commission. He said the plan reflects the reconfigured bins, they moved the brush and leaves disposal to down below where they will dump on the ground, the parking will be changed to backing in, there is more room on the top of the ramp – a flat area before you get to where the cars are parking.

Chairman Flaherty asked if you are coming up the ramp can you see a child.

Mr. Georgette said yes, much better visibility and they made a larger backup area to the bin.

Mr. Bettini asked if the area will accommodate a dump truck.

PZ072814

Mr. Georgette said there is more room for trailers and dump trucks to back up. There will be a fence there. He said there will be a vehicle wash bay in the building shown on the map.

Chairman Flaherty asked why.

Mr. Georgette said Public Works wants a place to wash their vehicles.

Chairman Flaherty said it would be helpful if you widen the area.

Mr. Georgette said larger trailers and truck trailers will fit. The containers are easier to load and unload. The plan will be updated but these are the primary changes.

Mr. Bettini asked about the brush area and the traffic flow around it in both directions. He said it is not possible to go around it and make sure of a clear line of sight. He asked how high are the barriers.

Mr. Georgette said it doesn't specify how high they are -- it is up to PWD.

Chairman Flaherty said right now they are two blocks high.

Mr. Bettini speaking and showing Mr. Georgette on the map the traffic pattern to drop the brush

Mr. Georgette said only people who come in here go through there. The big stuff (appliances, etc.) go through this area (showed him on the map).

Mr. D'Amico said it is an exit only.

Mr. Blackwell asked about the traffic pattern.

Mr. Bettini asked if the area is paved for two cars or one car (on the map).

Mr. Georgette said the entire area is paved.

Mr. Bettini said there is 37.8' from the concrete pad to the leaves.

Discussion on the above.

Chairman Flaherty asked how many feet is it from the dotted line brush leave to the pad that is 37.8' to the outside line. He asked what is the feet from the dotted line.

Mr. Georgette discussed the concrete pad and the dotted line with the commissioners showing them on the map.

Chairman Flaherty asked if there is enough room if a pick up truck is 20 feet.

Mr. Georgette said you need 24 feet and we have 38 feet. That is the limit of the new pavement.

Chairman Flaherty said 24 feet from the dotted line to the concrete block area, you still have room to pass by with a vehicle. The bays are 2/3 full and you can't back to the 37' line can they pass?

Mr. Georgette said the lane is 11 to 12 feet this will give you 26 feet.

Mr. Bettini said maybe on the traffic flow you can allow the brush guy to go this way (show on the map).

Discussion followed on the traffic flow where the brush will be dumped and the appliances, etc. will be dumped.

Chairman Flaherty said through usage they will develop the traffic flow.

Mr. Bettini said there are two paths that meet at the same place – this is not OK.

Mr. Jaumann suggested they turn the blocks around.

Chairman Flaherty said through usage the person in the scale house will see the pattern and they will develop a plan.

Mr. Bettini said move the blocks, this will give more visibility to the scale house.

Mr. Novak, Supt of PWD said the Scale Operators job is not to observe the site. He is watching the vehicles weight in and he has to make it work for us. The Payloader Operator has to be comfortable with his line of sight. That is more critical. To keep the internal flow I don't want through traffic. The appliance are in that area. We don't need individuals driving around in there. We want to avoid any tragedies with people flying around in there. We felt all traffic flowed around and away from the operators. We are going to have to have some traffic but we don't want a lot of traffic in that area.

Mr. Novak said the push walls is outside internal flow and if you turn them around they are in the flow of traffic. We are trying to make it easy for us.

Mr. Bettini showed Mr. Novak on the map what his concerns are.

Mr. Novak said he will put up signs that say "No Children allowed".

Chairman Flaherty said this is for the public. My experience is there will be children in the car. This isn't for commercial it is for us and I want it to be safe. It has to be user friendly. It is a public place.

Mr. Novak said I will put up signs that say "No Children".

Mr. Jaumann said No Children - you will have a father and his son going to the dump.

Ms. McCormack-Conrado said is he saying no kids at all.

Mr. Novak said he is saying no children out of the car.

Chairman Flaherty said he misunderstood Mr. Novak's statement – Mr. Novak said no children. He said he is OK with "No Children out of the car". He said he has no problem with that.

There was discussion on where a three yard dump truck with shingles, etc. would go to dump their load. Mr. Georgette said to "Construction and Demolition Debris" area but they can't dump it. There will be a railing there, they have to unload by hand.

Mr. Malerba asked if the railing is a building code issue.

Mr. Blackwell said there are other towns that allow you to dump without a railing or fence.

Mr. Malerba said he goes to a lot of towns to dump debris and there is no railing;

Mr. Blackwell said what is the sense of having a dump truck if you can't dump.

Mr. Malerba agreed.

Mr. Georgette said to dump garbage or construction debris it has to be in an enclosed building. That is the permit that the City of Ansonia has. It is a safety issue should someone fall in or a small child fall in. There was a site in Groton that was set up that has an 8 foot wall and no railing. After it was built the State came in and they had to install the railing.

Discussion on having the attendants open the gates so the people can backup and dump their debris. Mr. Novak said they did discuss this.

Chairman Flaherty said for the record it seems as though there was more consideration given to the Public Works Dept. than to the taxpayers of Ansonia, the Moms and Dads, who have to use this facility.

Mr. Blackwell said in Bridgeport they don't have railings.

PZ072814

Mr. Malerba said parking with cars and trucks, you pull back six feet from the back from the car to the concrete wall and when you unload you have to unload and carry it to the bins.

Mr. Blackwell said the sidewalk is going to be a mess.

Mr. Malerba said the square off has steps.

Mr. Georgette said the steps are ADA accessible, you need 5.5 feet.

Mr. D'Amico suggested they make the concrete floor flush and you can back right onto it.

Mr. Malerba said that would be more work.

Mr. D'Amico said the first two steps where the sidewalk is isn't in the way.

Mr. Georgette said his engineer could not be here this evening but they can give it some thought.

Mr. Malerba said you have to take the stuff out of the car or truck and walk it over to dump it.

Mr. D'Amico said it is 10 feet away from the bins.

Mr. Malerba said can we make the concrete pad the same height and grade.

There was discussion on the above and making the concrete pad the same height and grade as the road. Mr. Georgette explained the function of the upper pad. Mr. Malerba asked if the last car will be at the same height and can they walk to the recycle bin.

Mr. Malerba asked what happens to the brush – will it be shredded.

Mr. Georgette said they will crush the brush.

Mr. Malerba said the bin gets filled up, where do you store the full containers.

Mr. Georgette showed him on the map where the containers are stored.

Mr. Bettini asked about the plantings that were on the previous plan near the River Walk.

Mr. Georgette said they didn't update the entire plan. They are shown on the last set of plans submitted to the Commission.

Mr. Bettini said when they use the garage to wash the trucks, did you put the appropriate traps in there for the water to use it for both functions. That may be a viable solution to the dump truck problem.

Mr. D'Amico said do you have a separate drawing for the drainage.

Mr. George said no, they haven't designed it yet.

Mr. Bettini said there is a separator for that. The drainage we approved two years ago there was a hydro separator that will collect grit and sand. He said the containers need special drainage.

Mr. Georgette said no there is double containment for the oil.

Mr. Bettini said the 24x46 building is big enough to do the tipping also.

Mr. Georgette said the design is big enough for the biggest truck – 24 feet high.

Mr. Bettini said a 20 yard dump truck, how high does it go.

Mr. Malerba said there is plenty of height.

Mr. Blackwell said you will use the area where the washing is being done, what type of building will it be.

Mr. Novak said the Wash Building is mandated by DEEP. They will fine us for washing the vehicles without it.

Mr. Jaumann said you have extra parking there is there space available.

Mr. Georgette said he hears the commissioners but it is not for him to say. It was not part of the design.

Mr. Novak said the Mayor wanted it on the Plan.

Chairman Flaherty asked if there were any further questions, if not he will entertain a motion to approve.

Mr. Bettini said they added the alternate wash building, will they come back before us if they choose to build it.

Chairman Flaherty said no, the Commission approved it on the plan. You can make it a condition of approval.

Chairman Flaherty said Mr. Novak and Mr. Georgette worked very hard to try to comply with our requests. They tried to put ten pounds of feathers in a five pound bag. The

functionality is workable. There are limitations i.e. financial, geographic but it is an improvement over what was there before. We can approve with conditions if that is what the commission wants to do.

There was discussion on the Board of Public Works review and approval of the modified plan. Mr. Georgette said he will bring it before the next Board of Public Works meeting.

There was discussion on the ADA requirements for the sidewalk and railing.

Mr. Bettini made a motion to Approve with Conditions the request for the modified site plan for the Transfer Station at the Public Works Complex.

Conditions:

1. Any future changes or construction of the truck wash building will be brought back to the P&Z Commission for review.
2. Copy of the Inland Wetlands Commission letter to Prime/UIC stating they did not have to go back before IWC with the amendment.
3. Signage posted warning that Child/Children must remain in the vehicle.
4. The traffic flow will be an on-going study for change if necessary as the facility is used.
5. Original landscaping plan presented will be incorporated into this plan.
6. Sidewalk slab on grade (42") along with the saw tooth foundation for the dumpsters will be at grade or whatever the building code calls for and in compliance with the ADA code. This to be worked out with the City Engineer and Prime Engineer.
7. The Board of Public Works must review and approve this plan with the changes that were discussed this evening.
8. Inland Wetlands Permit and conditions are part of these conditions and approval.
9. All of the previous conditions from the 2/28/11 Record of Action for site plan approval are still in effect i.e. asbuilt drawings, digital copy of maps, etc.

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

Jerry Nocerino/Ansonia on Main LLC request to convert ten(10) single office rooms into five(5) one(1) bedroom apartments and one(1) two(2) bedroom apartment to be located at 36-88 Main Street

There is no one present this evening to represent the applicant.

Mr. Malerba said they came to the meeting once and they never came back with the information we requested.

Mr. D'Amico said we need a letter from the Fire Marshall.

PZ072814

Mr. Inglese asked when the application was received.

Chairman Flaherty said we moved our May meeting to May 19th so 65 days but the application is incomplete. There are questions from the Fire Marshall, questions on the building code and the parking.

Mr. Inglese said we asked for revised drawings and we did not receive them.

Mr. D'Amico said the Fire Marshall is concerned with the sprinklers.

There was discussion on the incomplete application before the Commission.

Mr. Inglese recommended the Commission deny without prejudice for an incomplete application and waive the application fee.

Mr. Jaumann made a motion to deny without prejudice as an incomplete application as the information requested of the applicant was not received. The secretary to advise them that there will be no new filing fee with the resubmitted application and information. Mr. Malerba seconded. All in favor, so carried.

Millie Rios, 121 Great Hill Rd. re: Erosion of her property & DEEP letter dtd 6/19/14

Millie Rios was present.

Chairman Flaherty read the letters the Commission received from Millie Rios regarding her property at 121 Great Hill Road, Ansonia.

Ms. Rios presented a copies of the letter dated 6/19/14 she received from DEEP regarding her property. She read the letter to the Commissioner's.

A copy is on file in the Town Clerk's office.

Ms. Rios said she remembers that she knows someone who said they should have a mining permit for this work because it has been going on for years. She said she feels strongly that this work is affecting her property. She said she has been to the Commission in 2013 and a few times in 2014 and she heard that it wasn't a P&Z problem but P&Z approved it. She asked what is happening with the erosion on her property. She cited Section 83-388 PA passed in 1985 and updated in 1997 regarding erosion. She said specific certification is needed and a signed written approval for soil erosion applies with these regulations. She asked if there was a Certification approved and where is it.

Chairman Flaherty said all of the Erosion specifications were on the plans, it wasn't a separate paper. The City Engineer follows that plan. He said he was up there with Mr. D'Amico, City Engineer on the erosion and sedimentation and they stabilized the area. He said P&Z sent Mr. D'Amico up there every time Ms. Rios came to P&Z. Mr. Malerba was up there on Friday (7/25/14).

Ms. Rios said the walls, stairs everything was done in 1948 and they were fine until they began construction. She said they cleared out the woods and they did massive excavation. They are blasting for six (6) years. She said give me concrete evidence that the damage to my property is not a direct result of this work.

Mr. Malerba said on the Rio's property there are walls that are stocked up one foot wide and they hold four feet of dirt and through the years they fell. The sidewalk is 1 to 1.5 inches thick. There is a lot of construction over there and a lot of dirt is coming out of there – where is it going? Ms. Rios said there are 88 trucks taking dirt out of there.

Chairman Flaherty said the permit they received is overseen by the City Engineer. We didn't restrict it because of the Pads for the proposed buildings they showed the Commission. We didn't limit the amount of dirt.

Chairman Flaherty said Ms. Rios concern is:

1. Blasting that caused cracks in the wall and sidewalk.
2. Land is eroding. This is under P&Z and we can do a site walk on the property as a Commission to see Ms. Rio's property. He asked her to put up markers on the property to give the Commission an idea of where her property line is located.

Ms. Rios said the Commission can come onto her property at any time. She asked if she needed to get an A-2 survey because she did not have the funds for one.

Chairman Flaherty said that Ms. Rios has to tell the Commission where her property line is located so they can see the erosion. They will need a line and a couple of stakes (she can paint them orange) so the Commission has an idea of where the property line is located. She doesn't need to get an A-2 survey – just put in a few markers. He said they can contact Mr. Scinto also.

Chairman Flaherty said with regard to the blasting and the cracks in the walls and sidewalks, Ms. Rios will have to contact the Fire Marshall as he is in charge of blasting.

Ms. Rios said she did not take pictures in the beginning before the blasting. She said she spoke to Don Fink who is the owner of the house next to Cumberland Farms. She said Mr Fink had damage and he went to the City of Ansonia and they fixed it for him. They took Cumberland Farms bond money and repaired his property.

Mr. D'Amico said the City did not take the bond money. Cumberland Farms did the work and repaired the damage.

PZ072814

Mr. Blackwell said he received a complaint and he and Fred went over to inspect the property.

Mr. D'Amico said there is insurance money that companies have to cover this type of damage. There is also blasting records that show the blasting on the Scinto site is under the amount to cause damage.

Ms. Rios said no one is taking responsibility. She said her property is a mess and someone has to take responsibility for the damage.

Chairman Flaherty said the commission will be glad to do a site walk of her property. He asked her to mark off the property line/boundary so the Commission can see what is happening.

Ms. Rios said from 7:00 a.m. to 3:00 p.m. there are trucks up there. She said DEEP put a stop work order on them from June 2014 to July 14, 2014 and it was quite. She said the noise is unbearable and in the turn road where there are rocks and pebbles and dirt is a mess. She said someone cleaned the sewer located there. She said that one other thing is she noticed trucks (white truck) going in and out without a tarp.

Chairman Flaherty said when Ms. Rios sees a truck without a tarp she should call the Police because they should not be on the City roads without a tarp. He asked the Commissioners if they would be willing to go up to Ms. Rios property for a site inspection.

Mr. Jaumann made a motion to hold a Special Meeting/Site Inspection on Saturday, August 16, 2014 at 10:00 a.m. at 121 Great Hill Road and the Scinto property to look at the erosion. Mr. Bettini seconded. All in favor, so carried.

Ms. McCormack-Conrado asked Ms. Rios what happened with the fence she requested.

Ms. Rios said they installed a black chain link fence on the property. She said it doesn't look like the white privacy fence that was installed at Cumberland Farms.

Ms. Rios said there are rocks, pebbles and dirt falling off the trucks to the road and her driveway.

Mr. Novak said that Ms. Rios requested a meeting with Mayor Cassetti, Mr. Tymniak and himself on this problem. He said the Mayor requested that he go there and inspect the area. The tracking pad is not properly installed and is in poor condition. He said he spoke to Mr. Scinto and Mr. D'Amico asked Mr. Scinto to establish a tracking pad and clean out the catch basin. He said when he called him he responded within 24 hours.

Ms. Rios said it should be ongoing, Mr. Novak should not have to call them.

Mr. Novak said he made a suggestion to Mr. Scinto that he should sweep the street.

Chairman Flaherty thanked Mr. Novak for interceding in this matter. He asked Mr. D'Amico if he can look at the site once (1) a week.

Chairman Flaherty also asked Mr. D'Amico if he can "shoot" a couple of elevations on the site according to the plan.

Mr. D'Amico said most of the material they are taking off the site is not needed. There is a lot of material to remove.

Chairman Flaherty said the P&Z Commission will do the following:

1. Site Inspection on August 16th.
2. Ms. Rios will put in pins or stakes on the property line.
3. City Engineer Fred D'Amico will check the elevations.
4. The Commission asked the City Engineer to inspect the street to see if it is cleaned.
5. Mr. D'Amico will see if Mr. Scinto complied with the letter he received from DEEP.

Ms. Rios asked where is Mr. Scinto with regard to the development of the site. She said they have taken out 500,000 tons of dirt.

There was discussion on the amount of dirt removed.

Mr. Malerba said they are crushing material up there.

Ms. Rios asked where is the material going once they crush it. She said that the Mayor advised her not to have the area cleared out because it provides a buffer for the road for her property.

Mr. Blackwell said he asked Mr. D'Amico to check on what was going on because he had complaints that there was material from Derby going up there and being crushed.

Chairman Flaherty asked Ms. Rios if there were full trucks going into the property.

Ms. Rios said she didn't know.

Chairman Flaherty advised Ms. Rios if she sees trucks coming in to let the ZEO know.

Mr. Blackwell said if they are six wheels on the ground vs. four wheels on the ground it is a heavy load.

Ms. Radin said she noticed a tremendous number of big trucks going by her store on Wakelee Avenue. She asked if the Commission can find out where they are going and where they are coming from.

Mr. D'Amico said they are getting close to finishing. They had one of the sites for a potential client and the road is in. He said at 2000 yards a day it would take 5 years to move 500,000 tons. He said they are well past the half point for the time they are up there.

Ms. McCormack-Conrado asked if they are processing material that is already there or are they bringing in material to process.

Mr. D'Amico said they have a lot of material up there to crush.

Chairman Flaherty said they were allowed to process their own material.

Reports: City Engineer

Mr. Fred D'Amico was present.

1. Hotchkiss Terrace

Mr. D'Amico said that he and Mr. Blackwell went up to the area and Mayor Cassetti was going to pave the first fifteen (15) feet. The only way to stop the erosion is to pave the first 60 feet. The owner said he was going to keep the driveway up. It is not in good shape and is starting to go down into the street. He said it can be put on the Blight list.

Mr. Blackwell said as of August 15th the owner can remediate the property or the City has the right to remediate it and put a lien on the property.

Mr. D'Amico said the first 15 feet is the only part of the driveway that is good. He said hopefully the owner will go out there and fix it.

2. Jewett Street

Mr. D'Amico said he is enlisting the help of Mr. Blackwell to work with him on this and he will send a certified letter to the homeowner to repair the sidewalk.

Reports: Zoning Enforcement Officer

Mr. David Blackwell was present.

a. Violations:

PZ072814

Mr. Blackwell said he had to shut down a barber shop on Pershing Drive because they owned back taxes and he could not get a permit from the City.

Mr. Blackwell said that The Pantry may be shut down because his check was returned. He said he sent him a letter and Corporation Counsel visited them. They have no permit.

b. Variances

Mr. Blackwell said there are no variances.

Reports: Planning Consultant

Mr. Oswald Inglese was present.

Marijuana Regulation

Chairman Flaherty said the letters went out a few months ago and the only response we received was from the Police Dept. He suggested the Commission wait one more month for responses.

Reports: Committee Reports

None

Any other business to come before the Commission

Hotchkiss Terrace

Mr. Novak said he has been instructed by the Mayor to pave the first 15 feet of the driveway on Hotchkiss Terrace. He said the City will put a lien on the property for the cost.

Executive Session

None

August 2014 Meeting

Regular Meeting: Monday, August 25, 2014 at 7:30 p.m.

Adjourn

Mr. Bettini made a motion to adjourn the meeting at 9:45 p.m. Mr. Malerba Seconded. All in favor, so carried.

Chairman Flaherty thanked everyone for attending the meeting this evening.

Respectfully submitted,


J6-Lynn Flaherty
Secretary