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Ansonia Planning and Zoning Commission

Regular Meeting Minutes – February 23, 2015

Joseph Jaumann
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

Call to Order

The Regular Meeting of the Ansonia Planning & Zoning Commission was called to order at 7:30 p.m. by Chairman Joseph Jaumann. All those present rose and pledged allegiance to the Flag of the United States of America.

Members Present:

Michael Bettini
Jared Heon
Joseph Jaumann
Andrew Mark
William Malerba
Maureen McCormack-Conrado
Larry Pellegrino

Members Absent:

Others Present:

Mayor David Cassetti
Corporation Counsel John Marini
Economic Development Director Sheila O'Malley
Public Works Director Doug Novak
David Blackwell, Zoning Enforcement/Blight Officer
Fred D'Amico, City Engineer
Alderman Charles Stowe

Mr. Jaumann declared a quorum present.

Approval of Minutes

Mr. Bettini MOVED to approve the minutes of the Special Meeting of December 15, 2014; **SECONDED** by Mr. Malerba. A voice vote was taken and the **MOTION PASSED** 6 Yes, 0 No, 1 Abstention (Heon).

Approval of Bills

Mr. Heon signed a Purchase Order for Planning Consultant Inglesse for approximately \$130. There were no other bills.

Mr. Bettini MOVED to pay the bill if found to be correct; SECONDED by Mr. Malerba. A voice vote was taken and the MOTION PASSED 6 Yes, 0 No, 1 Abstention (McCormack).

Correspondence

None presented.

Public Session**Millie Rios, 121 Great Hill Road**

Ms. Rios is aware that the City of Ansonia is going to purchase the road leading into the Fountain Lake Development. She asked for an update about the road and wanted to know all of the details including the actual length and width of the road and where it will lead. She is concerned about an additional 1,000 linear feet being added to the road, and would like to know where that section will lead. She hopes that there will be an expansion of the plan so that another road will be built to lead around the project, so that there is not only one road leading in and out of the project.

Ms. Rios also asked if the violations brought forth by the DEP have been resolved. She noted that the developer was cited for 3 or 4 violations in January and they were given 15 days to resolve them.

Ms. Rios expressed her dismay that her comments and those of Mr. John Barrett were not included in the minutes of the past three or four meetings, and specifically the November 24th Planning & Zoning meeting. She requested that all of her comments be included, for the record, in the future. She stated that she spoke at the February 10, 2015 Board of Aldermen meeting and her concern is that there will be very aggressive blasting in this development as they are trying to complete the project by September 1, 2015. There will be excessive blasting and a lot of rock and land removed from there. She is concerned about the noise and dust pollution.

Ms. Rios wants to be sure that somebody is watching this project carefully, as Mr. Flaherty has done in the past. Mr. Flaherty always assured her that he would make sure everything was in compliance. He really took his time to go out there and just park for an hour or two just to observe what was going on. She felt that

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he really wanted to make sure that the Planning & Zoning Commission is vigilant on what is going on with this project. She expressed her hope that this new Board will have the same interest as he has, and realize the predicament she is in, and help to do the right thing.

Ms. Rios noted that she went onto the City website and looked up the value of her property. She stated that in the last 2.5 years her property's assessed value has really dropped. She feels that right now she couldn't give her house away.

Mr. Bettini stated that at the 11/24/2014 meeting the Commission discussed the blasting and Rob Scinto said they would do pre-blast surveys. He asked Ms. Rios if that has been done.

Ms. Rios replied that yes, that although the project and the blasting have been going on since 2007, the pre-blast survey was done in January of 2015 by the same company that has been blasting all these years.

Mr. Bettini encouraged Ms. Rios to get a copy of the pre-blast survey and keep them for her files so that she has a point of comparison for the upcoming sets of blasting. He explained that the Commission tried very hard at the last meeting to ensure that the residents had some protection.

Ms. Rios felt that it should have been a concern in 2007, and it may be too late because damage is already done.

Mr. Heon noted that pre-blast surveys are not required by law, but they did it due to the amount of blasting that they were doing. The Planning & Zoning Commission does not regulate blasting. He also noted that he had no knowledge of any DEP violations by the developer.

Mr. Jaumann explained that the Commission was made aware of the DEP violations, that Mr. D'Amico was looking into them and monitoring whether or not they were up to date.

Mr. Fred D'Amico discussed the DEP, explaining that Mr. Scinto's engineer did address those items. They did write a report to DEP and they resubmitted a completely revamped storm water management plan. They have been in discussion with DEP and Mr. D'Amico was unsure if the plans have been approved as yet.

In regard to Ms. Rios' concern about the road, the proposed plans call for the same road that was going to be – they're not putting another road off to the side. Mr. D'Amico noted that the extra 1,000 linear feet is the road that is being

constructed now, because that is approximately what that road is – a little more than 1,000 feet.

Ms. Rios stated that it was her understanding that it would be an extension of what is there, and that is why there will be so much additional blasting.

Corporation Counsel Marini stated, our Economic Development Director will make a presentation tonight to explain where we are in the process. Before the City can accept property transferred from Fountain Lake, LLC to Ansonia it has to have a referral under Connecticut General Statutes Section 8-24 by this Commission. This will begin the process. Ms. O'Malley will present documentation and you'll be able to see exactly where the access road is, what it constitutes. There will be some side issues because there are neighbors like the Schuster's who have claims against the City and are looking for access to their property but at this point we are just looking at what the City would take ownership of. Tonight should answer a lot of questions for everybody as to what the access road is that we're looking to transfer.

Ms. McCormack asked, regarding Ms. Rios' comments that are missing from minutes, is there a procedure for her to get the record of her comments or listen to the audiotapes?

Corporation Counsel Marini explained the different ways the various City secretaries take minutes, and that perhaps if a tape recording does exist Ms. Rios can request a copy from the Town and City Clerk. This Commission being a land-use board, the tapes should be kept and is most likely available. I think Ms. Rios' concern was the minutes not reflecting what was said at the meeting.

Ms. Rios noted that she and Mr. Barrett had so much to say at that particular meeting because it was a meeting for approvals for the changes to the original site plan. She feels her comments were critical and was very upset that they are not part of the record.

Maryann Swiatek, a beneficiary of 18-acre parcel known as 135 Hill Street

Ms. Swiatek noted that this item was supposed to have been referred for an 8-24 from the February 10, 2015 Board of Aldermen meeting. Chairman Jaumann asked her to have a seat and the Item will be discussed when it comes up on the agenda.

Chairman Jaumann asked three times if any member of the public wished to speak. Being none he declared the public session closed.

Add-On

Mr. Heon MOVED to add "135 Hill Street Property" to the agenda as Item 10-A; Seconded by Mr. Malerba. A voice vote was taken and the MOTION PASSED 7-0.

Consideration of Connecticut General Statutes Section 8-24 Referral re: Transfer of access road owned by Fountain Lake, LLC

Corporation Counsel Marini explained that the Board of Aldermen discussed an overview of taking into the City's possession the access road currently owned by Scinto at Fountain Lake. The Board also resolved to commit to the funding the improvements of that access road.

Sheila O'Malley has been working with the Mayor to obtain funding to make that improvement possible and has identified several substantial funding sources including the federal Office of Economic Development Administration to pay, ideally, for 100 percent of the improvements. She also identified other grant sources as backup. With that in mind, the Aldermen committed to make the improvements on that access road, allowing Scinto to go ahead immediately and begin construction with the idea of this facility being ready by Fall or very early next year. This Commission needs to provide a favorable 8-24 Referral in order before the legislative body can make a final action on it. An 8-24 governs any sort of transfer, purchase, rental of property.

Ms. O'Malley reminded the Commissioners that they already have engineering design plans from DeCarlo and Doll for the access road. She explained that the road is already approved - it is 1,200 linear feet with all of the utilities.

Mr. Jaumann stated, if I recall we approved the road with certain modifications. None of that has changed.

Ms. O'Malley continued, we are here before this Board for the 8-24 Referral and the City has to take title in order to be eligible to receive the grant funds. In addition, the road needs to be named so that Farrel can receive deliveries.

Mr. Bettini asked if they have paid their fees for the building permits and all of the things that were on the table back in November.

Corporation Counsel Marini replied that he did see some information on that; Ms. O'Malley and he were communicating with Scinto to be sure that they are completely up to date on any fees.

Ms. O'Malley noted that there was a misunderstanding about what the fees were – they came in with a set amount and it needed to be a different amount. They have paid a good portion of it.

Mr. Heon stated, there was debate as to whether or not it was going to be considered a new application or a revision of the existing subdivision. That is where the fee difference came in.

Mr. Bettini continued, on the road, we identified a number of improvements we wanted put on the road originally. Are all of those improvements still part of this road?

Ms. O'Malley replied, the engineers have the minutes from the meeting, they were present and they know what this Commission is requiring. They are going to incorporate that into their design. The only issue was the lighting.

Mr. Bettini stated, we are very concerned about the lighting. It is very dark over there. Ms. Rios' house is on the other side of the hill, then there's another side of the hill and a little valley that the roads cut through, and it's going to be dark at night.

Ms. McCormack asked who determines what type of lights go in there? Do they have downward-facing lights so they're not cutting into the night skies?

Mr. Bettini stated, that was actually a topic at the November meeting and we were specific with Mr. Scinto that the lights be pointed away from neighboring properties and down toward the road. We covered that issue.

Ms. O'Malley stated, the engineers agreed with that and that will be included. Your comments will be incorporated into the design, is what I'm being told.

Mr. Heon asked, are we just commenting on the sale of the road? The road has already been approved in a subdivision and those are conditions on it. They have to build that road to that spec. They would have to come back in order to change it. This is just commenting on the sale of the road from Scinto to the City, correct?

Corporation Counsel Marini stated, that is not on the table at all. You have every right to talk about the use of the road and how it's going to impact the town and the development, and the community around it. That is all perfectly legitimate to talk about. But if you agree to accept it tonight, you are just recommending that the Board of Aldermen accept the transfer of an access road to the City's ownership. Everything else is "as is."

Ms. O'Malley continued, we have made an application to the United States Economic Development Administration for \$1 million for the road. They have told me that they see no reason why we shouldn't get the grant. It is the number one project in our Economic Development Region. We are highly ranked and I feel pretty confident about the grant, but nothing is 100 percent.

We have all had conversations with the State of Connecticut Department of Economic and Community Development and they want to partner with us on this road. They've asked us for information; we are getting that to them. Hopefully will be able to secure the entire amount.

Corporation Counsel Marini stated, I explained to the Board of Aldermen that there is a risk with any important decision. If the EDA fell through, there are additional pockets of revenue that Sheila has identified, one that we essentially already have – the \$500,000 from the State. However, if everything were to fall through, which is very unlikely, the City would be on the hook but the taxpayer would also be on the hook if we lost Farrel to another City or another State. The loss of revenue and loss of funds we could stand to gain because of a consolidation of the Farrel company that would make more jobs available here and more tax revenue... in the end it seems to be a calculated risk that even if it fell through we would still be ahead of the game in the long run.

Mr. Jaumann asked, when will construction begin if we put this road in?

Ms. O'Malley replied, spring-fall because Farrel intends to be in there by next year, by next winter. We will try to get the road done as quickly as possible. As Attorney Marini pointed out we do already have \$500,000 that can be allocated to this project if necessary. Construction has to go out to bid if it's federal and state grant funds.

Mr. Heon MOVED to provide a favorable recommendation to the Board of Aldermen; SECONDED by Alderman Pellegrino.

Mr. Heon stated that the Board of Aldermen are obviously in favor of this, and it is his hope that it will alleviate some of the issues we've had with the dust up there. It will resolve a lot of issues where there is obviously development going up there.

A voice vote was taken and the MOTION PASSED 7-0.

Constance Kolakowski/Attorney Sheehy Re: Subdivision of 32 Hill Street and 6 Root Avenue

and

Constance Kolakowski/Attorney Sheehy Re: Site Plan approval of 32 Hill Street and 6 Root Avenue

Mr. Jaumann explained that these went to the ZBA and were denied. They sought a re-hearing with the ZBA and that was denied, and this is in litigation at this point in time.

Mr. Heon stated, I believe we have to deny them to get them off of our agenda and maintain our timeline.

Corporation Counsel Marini stated, they are clear on what had happened. In anticipation of the timeline they filed the appeal and they were sitting on the appeal. Just so we don't get into a procedural snafu you may as well have on the record that they are still denied. You could always repair the issue later - if it comes back, it comes back. We can move to deny and no penalty to reapply or no fees.

Mr. Bettini MOVED to deny both of the applications because they don't comply with current regulations; SECONDED by Mr. Mark. A voice vote was taken and the MOTION PASSED 7-0.

Ansonia Housing Authority/Olson Drive

Corporation Counsel Marini stated, I'm not sure what the Commission was addressing with this issue previously; I think it's a carryover from the previous month. We voted to approve it and I don't think we had a report back on anything.

Mr. Bettini stated, my recollection is that we satisfied all the requirements and approved the zone. We had the public hearing and we approved the change.

Mr. Heon stated, the next thing would be a plan submittal now that they've got their new zone. I would think we will wait to hear from them.

135 Hill Street Property

Mr. O'Malley explained, this was a request for an 8-24 referral on 135 Hill Street. It's a property that's about 18 acres. The Estate has asked if the City is interested

in purchasing the property. We talked to the owners about an open space grant if the City so desires to keep this as open space in perpetuity. There is an opportunity through the State of Connecticut for an 80-20 cost-sharing grant to purchase open space and keep it open space. I think that the Board of Aldermen thought this Commission could talk about what you envision. They were going to develop it for housing early on, and so we're asking this Commission to consider the request and make recommendations or comments on the request. If there is a consensus to move forward then it is a grant issue.

Maryann Swiatek, Beneficiary

Ms. Swiatek explained that she is one of the beneficiaries. She stated, we were made beneficiaries 10 years ago after the death of my uncle. All of the beneficiaries are Ansonia natives that don't currently live here but care very much about the town. About 10 years ago we were interested in putting a small, 55+ complex there. We had a very interested developer but prior administration here did not encourage it at all. We went through every committee, every hoop, we did whatever they wanted, satisfied everything. We paid our taxes, did costly engineering, legal costs, everything. 10 years later the economy is different. The developer retired waiting. We are very frustrated. We want to now move on. It's been 10 years. I will say that when I spoke with Mayor Cassetti and Sheila, we all care about Ansonia – we're across the country – I am just watching. What you folks have done with this town and are doing – I am so proud. I read the newspaper and what you have undertaken is huge. I commend you for it. We want to do what is good for the City at this point in time. There seemed to be no push for a 55+ and individual homes. There is still a lot for sale in that area. It's a beautiful area. My uncle loved nature – just to keep it the way it was. He was offered a huge amount of money years ago and refused it because he wanted to keep it in its natural state. Maybe the time has come to respect the wishes of the deceased and maybe keep it as open space, unless someone has some creative, wonderful idea for it. I'm asking this Commission to vote on it tonight; it's almost 10 years. The block grant is March 1st. We would need authorization for an appraisal and then there's the matching 20 percent. Depending on your decision I'll have to go back to my cousins.

Ms. O'Malley stated, the block grant is an open space and land acquisition grant from DEEP. They usually have one or two rounds every year. If you are a distressed municipality, the percentage is 80 percent State funds, 20 percent local funds. The timing is a little off right now because we brought it to the Board of Aldermen and we're bringing it here. If the City is inclined to purchase it as open space, you still have to have the 20% set in place if we were to be successful in the grant, and we have to do two yellow book appraisals on the property for the grant application. It would probably qualify, I think we would be likely to get the grant, but I think the timing is a little off and there possibly will

be another round, I just don't know when. I don't know what the timing is for the owners.

To get it done by March 1st, we would need funding in place on the City side, and you'd have to make a commitment to the State that the funding was in place. That is the tax board and the Board of Aldermen. The bigger question is what is the City inclined to do with this property. I want to at least have that discussion in fairness to Mary Ann and her family. They've made a legitimate request. If the City is inclined to purchase I'll have to resolve those issues with respect to the grant. I don't know that we would make the March 1st deadline.

Mr. Bettini stated, I've been on that property and to my recollection it doesn't conform to our zoning regulations for building. It's the mirror image of Castle Lane, so it's problematic from that perspective. If the property were to change hands we'd be going through a development process again where it would undoubtedly be denied because it doesn't comply with our zoning regulations. It might be a smart move for the City to purchase the property because otherwise it could end up being an endless cycle of attempts to build on it. It could end up in the courts over and over again. It is not buildable. Maybe it's smart to take it off the market and leave it as open space.

Mr. Heon stated, we have to talk to our Planner on this. I'm not familiar with the zone or what could or couldn't be put there. I can't judge something without seeing it.

Mr. Jaumann agreed stating, we should walk it or at least get a report from the lot itself, something from the City Engineer reporting back. It is apparent that we are not going to make the March 1st deadline, so we have time to discuss it.

In reply to a question about the price, Ms. O'Malley explained, the City can only pay fair market value for the property; we don't have a current appraisal.

Ms. Swiatek stated, I'm not sure exactly when the banker did it, but the price was recently proposed to be lowered to \$375,000.

Mr. Heon stated, we don't have enough information. We don't usually bring things up at a meeting and vote; we refer it to our professional staff, have them come back with a recommendation. Everybody takes a little bit of time to think about it and comment on it. We have such a responsibility. I've been through the woods back there; I'm familiar with the general area. I don't want to make any comment at all about it until I get to review it a little bit more. It's 18 acres; a big piece of property.

Mr. Jaumann explained to Ms. Swiatek that we are putting forth a motion to refer this to our professional staff for review, which will allow us to receive feedback from the professionals on the board and we can take this up at the next meeting.

Mr. Heon MOVED to refer the purchase of 135 Hill Street Property to professional staff; and further,

MOVED to obtain maps of the property and provide same to the Commission members; and further,

MOVED add this item to the agenda of the March 30, 2015 Planning & Zoning Commission meeting and invite the members of the Aldermanic Land Use Committee to attend and provide their feedback as well.

SECONDED by Mr. Bettini. A voice vote was taken and the MOTION PASSED 7-0.

Reports

City Engineer

1. Set the bonds for Lot 6, Lot 6-1 FLCP
 - a. Road Bond
 - b. Site Improvement Bond

Mr. D'Amico stated, I never got a copy of all the other bonds that were left; we will have to over them because there are three or four outstanding bonds that have been sitting there for a while. There are one or two that the people went bankrupt and changed ownership – one is the nursing home up on the hilltop. We actually have a large cash bond sitting in our account. It changed hands, went bankrupt and changed hands again, and now it's closed again. It's removed from the party that posted the bond – that party is long gone, not even in existence any more. There are two or three bonds like that.

Corporation Counsel Marini stated, we need to figure out how to wind that down properly. Do a very brief memo on what is there, how much in each, who is holding them. If you can give me a synopsis on the status we will meet and figure out how to wind them down.

2. Jewett Street Sidewalk - resolution with property owner

No discussion/action.

3. Fountain Lake – DEEP Permit

No discussion/action.

4. Update for Zoning Map

On the Zoning map there is one small change – in the area of City Center District. Otherwise it has been updated.

Zoning Enforcement Officer

1. Violations
2. Variances

None presented.

Planning Consultant

No report.

Committee Report

No report.

Any other business to come before the Commission

As a reminder the Land Use training will be held at 7 p.m. Monday, March 16th and another seminar is being offered at 8:30 a.m. to 4:30 p.m. Saturday, March 21 at Wesleyan University. For that one, the City will pay for the tickets if any Commission members wish to attend. We need a headcount.

CCM is holding a seminar "The Returns on Investment in Planning" this Thursday from 9 a.m. to noon. It's free to CCM member municipalities. Ms. McCormack will e-mail the information to anyone interested in attending.

The Regional Planning Commission needs a member and an alternate from this Commission. Mr. Jaumann attended the first meeting as an honorary member and he would be happy to continue to attend. There are six meetings per year, and customarily in the past the Chairman always attended those meetings and reported back on any items.

Mr. Pellegrino NOMINATED Mr. Jaumann to the Regional Planning Commission; SECONDED by Mr. Heon. A voice vote was taken and the NOMINATION PASSED 7-0.

Mr. Jauman NOMINATED Mr. Heon as an Alternate; SECONDED by Mr. Bettini. A voice vote was taken and the NOMINATION PASSED 7-0.

Meeting Schedule for the Remainder of 2015

The meeting schedule for the remainder of 2015 is as follows:

MEETING DATE	SUBMISSION DATE FOR AGENDA
March 30	March 16
April 27	April 13
May 25	May 11
June 29	June 15
July 27	July 13
August 31	August 17
September 28	September 14
October 26	October 12
November 30	November 16
December 28	December 14

Adjournment

Mr. Heon MOVED to adjourn; SECONDED by Mr. Mark. A voice vote was taken and the MOTION PASSED 7-0.

The meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

Patricia M. Bruder, Secretary