



**Ansonia Planning & Zoning Commission
Regular Meeting Minutes - April 27, 2015**

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Call to Order

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

Members Present:

Michael Bettini
Jared Heon, Vice Chairman
William Malerba
Maureen McCormack-Conrado
Larry Pellegrino

Members Absent:

Joseph Jaumann, Chairman
Andrew Mark

Others Present:

Corporation Counsel John Marini
Economic Development Director Sheila O'Malley
Alderman Joan Radin
Alderman Charles Stowe

Approval of Minutes

Mr. Bettini MOVED to approve the minutes of the Regular Meeting of March 30, 2015; SECONDED by Ms. McCormack. A voice vote was taken and the MOTION PASSED 5-0.

Approval of Bills

None presented.

Correspondence

Mr. Bettini MOVED to accept the late correspondence from Oswald Inglese and place it on file; SECONDED by Ms. McCormack. A voice vote was taken and the MOTION PASSED 5-0.

[letter follows]

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April 22, 2015

Mayor City of Ansonia
Honorable David S. Casseti
Ansonia City Hall
253 Main Street
Ansonia, Connecticut 06401

Dear Mayor Casseti.

Time has come for me to dedicate more of myself to my Family and to my personal endeavors and, consequently, I shall limit my attendance to meetings of the Planning and Zoning Commission except when requested by you or by the Chairman of the Commission. Also upon request I would be available to provide assistance on issues related to community planning, zoning regulations and on the review of land and building use applications.

I have been providing professional assistance to the City of Ansonia since engaged by Mayor Valentine in 1998. During these years I have actively participated in the update of the City's Plan of Conservation and Development; authored the update of the Subdivision and of the Zoning Regulations, and in the preparation and adoption of the "*City Center Plan-2005*", as well of several land use amendments. It has been both a challenging as well as a rewarding experience to provide my services to the City of Ansonia.

Respectfully yours,

Oswald Inglese

cc Atty. Joseph Jaumann, Chairman
Planning & Zoning Commission

Public Session

Lisa Hemingway, 30 Wesley Street

Ms. Hemingway inquired about the lot at 32 Wesley Street that is for sale. She noted that she has first right of refusal if someone makes an offer on it, and she bid on it two other times and her offers were refused. She was told that an offer was taken contingent upon approval by the City of Ansonia and she would like to know what they are seeking approval to do. She asked if anything has been presented to the Planning & Zoning Commission on it.

She continued, Inland Wetlands may have something before them on it. She was told you couldn't build directly on the property because of the wetlands; it has a very deep gulley. The Estate of William Nimons owns it; it was sold to Brennan. He owns the two acres adjacent to it. If someone else bought this lot he would be landlocked.

Mr. Heon stated that there is a Commission member that sits on both the Planning & Zoning and Inland-Wetlands boards, and he has not seen anything on it at this time. Mr. Heon will check with the Zoning Enforcement Officer on it. It depends on if the lot is conforming or what they're doing there. He took Ms. Hemingway's contact information and said he would ask Mr. Blackwell if there are any applications, and ask him to get back to her on it. Additionally he explained that if there were any deed restrictions or requirements on the land, it would be on record in the Town and City Clerk's Office.

Joan Radin, 198 Wakelee Avenue

Mrs. Radin informed the Commission that there is now a pawn shop located at 350 West Main Street. She reference the minutes from 3/26/2012 that addressed the fact that it didn't have enough parking spaces at that time. Carmen said he would give up his storage room to Subway to use for dry goods so that they could have the two parking spaces. The vacant space needed parking spaces, and the office needed parking spaces. They were still two parking spaces short, so he went to Target and to Big Y and both said no because they were afraid of liability. Chairman Flaherty asked him if he could take out an insurance policy on this, and he said no, that they will not let him. They made an agreement that the letter from the owner, Mr. DiCenzo, had to resubmit and do all these things again. He had to have a letter to include 'will only rent out the office space already occupied and the area for Subway.' There was no talk about renting the other part because he gave that up to give Subway the parking spaces, and it will only be used by Subway. Mr. Heon at the time said that the 1,450 square feet in the middle of the building would be considered part of Subway as storage space.

Mrs. Radin continued, I have a couple letters from April of 2012, the same thing where he said this property would not be used for anything else. I have a statement of use dated 4/11/2012 from [inaudible] Properties concerning this property. It says in here that the 350 West Main Street would be dedicated solely to Subway for use as its retail establishment and storage. No further space will be created for rental as long as Subway remains in possession of the property. That was witnessed to by Attorney Boath and signed by Barbara DiCenzo. There is another letter here that says they will not lease any portion of this space to any other tenant for so long as Subway remains in possession of the area.

Mrs. Radin noted that there is now a pawn shop there, she does not know how it got there, and she does not recall anything coming before the board asking to use it for anything else since it was already designated not to be used except for Subway. She stated that the business belongs to Subway and it's not to be used for anything else. Mrs. Radin has a list of e-mails from the Grant Writer stating that Target is going to let them use the property.

Mrs. Radin stated, I can't believe that two or three years ago Target would not allow anybody to use that spot. I went there the other day, I saw the pawn shop sign and the big wooden thing outside and big flags waving all over the place and I was a little upset about it. I rode around to the back - there is no back entrance. Nothing on the back - it's solid brick or cement. I checked around when I found out they were supposedly given these six spaces. I don't understand it because before they were not interested because they didn't want the liability. I don't understand. I think it's an illegal place. I spoke to the Fire Marshal because there isn't an exit, the place is so small I wouldn't want to be caught in there in a fire. There is no back entrance; there is only one entrance, and that's in the front. I personally think with all the stores we have vacant all over the place that this was a poor decision on somebody's part allowing them to move in there. I do not believe they should be able to stay there. I believe it should be moved. You gentlemen sat on the board. I was here. You were on the board. The man gave up the property to use so he could get Subway in. He got Subway in and then he went ahead and put the lease on it and did that. I don't know what you're going to do but I personally believe that we don't need another pawn shop in Ansonia and that pawn shop if they're going to stay in Ansonia should be someplace else. There is no place to park in front of the store because it's a state highway.

Mr. Heon stated, I'm just going to ask that the Commissioners just recognize the complaint at this time. We have referred it to our Zoning Enforcement Officer to investigate a possible violation. I don't really want to put any comments on the record prior to his investigation. He has all of the documentation and it's currently being reviewed. I appreciate you getting that on the record here for all the members. And as part of a separate thing, the signs are also being reviewed by Mr. Blackwell as part of his violation procedure. Whether it is deemed a violation or not will come out of his investigation and he will report back to us on that. The Chairman, Zoning Enforcement Officer, and Corporation Counsel have all been in communication on that as recently as this afternoon. It is following Mr. Blackwell's normal procedure. It may not have to come back in here if it fulfills some of the requirements and meets codes but we can definitely report back to you and let you know the findings on that.

Attorney James Sheehy

I notice on the agenda that you have an Executive Session - I have written two letters to the Board requesting approval of a subdivision - existing properties at 6 Hill Street and 32 Root Avenue be approved pursuant to Statute which I've referred to in my letters. I represent Constance Kolakowski who is the majority property owner, and Robert Kolakowski. Constance is 81 years old. Over the past nine months it has been very trying for Mrs. Kolakowski, she has been in and out of the hospital and the stress of this has been telling on her.

We had applied to the Zoning Board of Appeals. Our first application the notice was not put in the newspaper and had to be put on a special meeting, then was continued again because there wasn't a quorum. On several occasions there were not a quorum at that meeting.

We had filed a simultaneous application with your commission for the subdivision and site plan. Again it was not for a new property to take property that someone purchased, try to split in half, make money on it and go their own way; we're talking about a 100-year old property that two buildings were put on one piece and years ago nobody cared about that but today under our zoning regulations it's a pre-existing non-conforming use. We had applied to your board and in good faith tried to get our variances approved. Subsequently, because of quorum problems we are not approved, and our simultaneous application, according to the Statute, for 65 days including a 65-day extension, which was granted by my clients, was not acted upon within that period. Pursuant to Statute we request that it be approved pursuant to Statute, which says that it is mandatory within the 65-day period plus the 65-day extension.

Again, we are not asking to increase any use but we are trying to resolve a problem that's been there for 100 year. It is what it is. We are not trying to build; we are not trying to expand. We are not trying to do anything else than what is there currently on the property and exists within the City of Ansonia.

I think everybody on the board knows is that if you travel around the City of Ansonia, a good portion of our properties are totally non-conforming uses. It's an old mill town which we all grew up in, and that's the way it is. I would hope the board would see to it, as I am here advocating on behalf of my clients, it is unfortunate that it wasn't acted upon in the time frame that it is – it is my responsibility as the attorney for my clients to advocate for them is that this should be granted. I thank you for your time.

Mr. Pellegrino MOVED to close the Public Session; SECONDED by Mr. Bettini. A voice vote was taken and the MOTION PASSED 5-0.

Items for Discussion and Possible Action

Referrals to Counsel from PZC Meeting of 03-30-2015:

- ***EXECUTIVE SESSION** - Letter from Attorney James Sheehy
Re: Demand for issuance of certificate in the matter of the
Application of Constance C. and Robert J. Kolakowski
6 Hill Street & 32 Root Avenue

At approximately 7:50 p.m., Mr. Bettini MOVED to enter Executive Session to discuss the matter of the Application of Constance C. and Robert J. Kolakowski – 6 Hill Street and 32 Root Avenue, and invited Corporation Counsel Marini to remain in the room; SECONDED by Mr. Pellegrino. A voice vote was taken and the MOTION PASSED 5-0.

At approximately 8:16 p.m. Mr. Pellegrino MOVED to return to regular session; SECONDED by Mr. Bettini. It was noted that no votes were taken in Executive Session.

A voice vote was taken and the MOTION PASSED 5-0.

- Drafting of an RFP for the hiring of a City Planner to undertake the Restructuring and Reorganization of the City of Ansonia Zoning Regulations

Mr. Heon noted that this is still a work in progress. The Commission will have more to discuss next month.

Reports

City Engineer – No report

Zoning Enforcement Officer

- Referral to ZEO from 03-30-2015 Meeting: Fence at 94 Restaurant - Main Street

Mr. Heon stated, I am told that there is a significant amount of research going into this item. Older records are being reviewed. If this is deemed a violation it will fall into the violation procedure and take its course that way.

Randolph Carroll, former Chair of the Historic District Commission noted that because the building is part of the Historic District, no outside modifications can be made, including fencing, without going before the Historic District Commission for approval. He also noted that all of the buildings in that area are listed on the National Register, so it's more than just a Historic District.

Mr. Heon asked that Mr. Blackwell be informed about this requirement.

- Violations

Investigation into 350 W Main as previously discussed.

- Variances

On Monday, May 4th, the ZBA will meet. We are able to comment on anything they will be hearing. I believe they have an option to revisit the matter of 6 Hill Street and 32 Root Avenue. In the past this Board has recommended to the ZBA on matters. Now would be the appropriate time that if anyone wanted to comment on this, a motion that this Commission could send something to ZBA pertaining to that.

Ms. McCormack MOVED to send a recommendation to the Zoning Board of Appeals that they reconsider their previous ruling on the application for a variance for the property located at 6 Hill Street and 32 Root Avenue, (application of Constance and Robert Kolakowski) and further,

MOVED to notify the Zoning Board of Appeals that it is the opinion of the Planning & Zoning Commission that that the properties are currently non-conforming with multiple frontages, and contingent upon approval by the Zoning Board of Appeals, the current non-conforming use of the property as it was pre-existing will not increase any non-conformity.

SECONDED by Mr. Malerba. A voice vote was taken and the MOTION PASSED 5-0.

Planning Consultant – no report.

Any Other Business to Come Before the Commission

Requirement of businesses to present to the PZC

Mr. Malerba stated, Mrs. Radin was just talking about the pawn shop. I own a piece of property in Derby, and it's two units. Before anybody can move in in the business area, they have to go before the Zoning Board in Derby and explain what they're doing and what they want to do with the property. You just can't move in as a business. I think we should do the same thing here in Ansonia. That pawn shop couldn't have opened up unless they came before us and said, 'we want to open a pawn shop and this is what we're going to do'... I think it's a good idea because now you'll know which businesses are going in.

Mr. Heon explained, there are regulations in place that in certain zones allow certain businesses to go into those. If you are to change the use of a certain building they would have to come here to submit. To regulate every tenant in and out, if it's going to be the same type of use in that zone and it's allowed, I think would be a monumental task. If you're looking to hone in on pawn shops specifically...

Corporation Counsel Marini stated, it's hard to imagine that they require approval for everything.

Ms. O'Malley stated, it's different from the way we do things here, but I don't believe every business comes before Planning & Zoning for approval. They're a little bit more strict in Derby compared to what we do here. We can look at that as part of the review.

Mr. Heon stated, once we issue the RFP and get somebody on staff, when we are going over this, it's something we can talk about at that time.

Variance Fee Schedules

Ms. McCormack reviewed the information she obtained from the Connecticut Conference of Municipalities about the variance fees, comparison of fee schedules in municipalities with similar population ranges to Ansonia, and pricing on legal ads.

It was noted that the average is \$266 for an application for residential, and \$290 for commercial. Ansonia is charging \$1,060. Norwich was at the high end with \$560 – half of what Ansonia is charging.

Mr. Heon stated, we have to make sure we're comparing apples to apples. Mr. Bettini agreed, stating that he thinks Ansonia's application fee includes the filing, the newspaper filing. Mr. McCormack explained that she did ask that question, and these amounts do include the filing.

Mr. Heon stated that to his knowledge, the fee schedules have always been set by the Board of Aldermen. The fee for Special Exception is high because Special Exceptions require a public hearing, and we included the majority of the costs of the public hearing right in the fee structure. Ms. McCormack noted that it's the same price - \$1,060.

Mr. Bettini suggested looking at just the Naugatuck Valley cities and towns and doing a comparison of those. Ms. McCormack is going to look them up because she feels they're too high for people to be able to interact with their government – the thought of spending over \$1,000 to apply for something bothers her.

Mr. Heon suggested that this become another bullet point for whomever we retain to do the RFP. – it will be easier to do it all at one time and send it over as a package for approval. That is definitely an important part of the restructuring process and is something that should be spelled out in the RFP.

Ms. McCormack continued, noting that it's about \$250 for each legal notice, but they don't really have to be that expensive. She compared the rates we are paying now to other municipalities' legal notices. There is a range, but they don't go up to \$250. The number of times, and what is required, there is a lot of room there and it's much lower than \$250.

Mr. Heon explained, we follow whatever the State requires us to publish.

Ms. McCormack stated, in the regulations there should be something very clear listing how much things cost, and there should be something that clearly says that application fees can be waived. That is not clear to anyone. It should be out there for people to know, and there should be some criteria listed, such as, how does the Board of Aldermen come to that determination – there should be some guidelines.

Mr. Heon stated, it would be easier if we do this all at one time and send it over as one package for complete approval. There will be a large public hearing on the restructuring of the regulations as it is.

Commissioners' e-mail accounts

Mr. Heon explained that the IT Department has asked the Commissioners to submit an alternate e-mail account for the City e-mail addresses. The new ansoniaact.org e-mail addresses can start being used, and the personal e-mail addresses will be used as alternates. The secretary will send a letter to the IT manager with all of the addresses. Mr. Connolly will send instructions to the Commissioners on how to log into the City e-mail accounts.

Adjournment

At approximately 8:40 p.m., Mr. Pellegrino MOVED to adjourn; SECONDED by Mr. Malerba. A voice vote was taken and the MOTION PASSED 5-0.

Respectfully submitted,

Patricia M. Bruder, Secretary