

**PLANNING COMMISSION
PUBLIC HEARING APRIL 7, 2008
WESTVIEW ESTATES, 8 LOT SUBDIVISION, LOCATED AT
869 ANDREW MOUNTAIN RD. APPLICANT: ALBERT, SUSAN
& KENNETH YURAVICH.**

James Jordan opened the Public Hearing at 7:19 P.M. with the following in attendance:

MEMBERS:

James Jordan, Chair
Patricia Marino
E. Harry Jancis, absent
Anthony Whelan
Robert Pease
Katherine Gabrielson, Alternate
Robert Urbano, Alternate

OTHERS:

Public: 5
Keith Rosenfeld, Town Planner
Jim Stewart, Boro PE
Allison Hurley, Asst. ZEO
Pat Scully, Burgess Liaison

Keith Rosenfeld and James Jordan reviewed the application and stated this is the same application that was in front of the Commission in January 2007. Attorney Kevin McSherry stated that this application was approved in May 2007 but the applicant could not get the financing from the bank for the bond before the filing of the Mylar time had expired. Attorney McSherry briefly reviewed the proposed Subdivision and stated that the Applicant was not requesting any waivers. The Borough Engineer said he had reviewed the plans and asked for 2 modifications to the submitted plans, concerning drainage. No Public Comment.

RESPECTFULLY SUBMITTED:

Anthony Whelan, Secretary, ah

**PLANNING COMMISSION
REGULAR MEETING APRIL 7, 2008**

James Jordan opened the Regular Meeting at 6:00 P.M. with the following in attendance:

MEMBERS:

James Jordan, Chair
Patricia Marino
E. Harry Jancis, absent
Anthony Whelan
Robert Pease
Katherine Gabrielson, Alternate
Robert Urbano, Alternate

OTHERS:

Public: 22
Jim Stewart, Boro PE
Keith Rosenfeld, Town Planner
Allison Hurley, Asst. ZEO
Pat Scully, Burgess Liaison

1. James Jordan took attendance, it was determined a quorum was present. James Jordan appointed Katherine Gabrielson a regular voting member in place of Harry Jancis.
2. No Executive Session
3. Approval of Minutes:
VOTED: 5-0-1 on a motion by Anthony Whelan and seconded by Robert Pease to **APPROVE** the March Regular and Public Hearing Meeting Minutes. Katherine Gabrielson abstained from the vote.

4. **OLD BUSINESS:**

- A. Commission discussion/decision regarding Chemtura Corporation Subdivision, located on Spencer St. & Elm St. Applicant: Alan Fletcher.
The Commission agreed to table this item until next month's meeting.
- B. Commission discussion/decision regarding Westview Estates, 8 lot subdivision located at 869 Andrew Mountain Rd. Applicant: Albert, Susan & Kenneth Yuravich.
VOTED: Unanimously on a motion by Katherine Gabrielson and seconded by Robert Pease to **APPROVE** Westview Estates, 8 lot subdivision located at 869 Andrew Mountain Rd. Applicant: Albert, Susan & Kenneth Yuravich with the following conditions:
 1. Prior to the commencement of any site clearing and pre-construction phase, applicant shall install orange construction fence to demarcate the edge of disturbance limits.
 2. Soil types and infiltration capacities at each infiltration gallery location shall be determined and provided for town staff review prior to issuance of building permits.
 3. Prior to the creation of any driveway or other impervious surface area created within the entire subdivision property, the applicant shall construct and make functional all storm water drainage improvements.
 4. Prior to the commencement of any site work on the entire subdivision property, the applicant shall notify the Wetlands Enforcement Officer and ZEO, to ensure the installation of the required erosion and sedimentation controls.

5. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored (temporarily) within fifty feet of an inland wetland or watercourse.
6. All regulated areas are to be documented as conservation easements and recorded in the Naugatuck Land Records, coinciding with the recording of the Record Subdivision Plan.
7. Final design of any detention pond is subject to the review of the Borough Engineer and may be subject to additional wetland permitting, as recommended by the Borough Engineer and Wetland Enforcement Officer.
8. Soil types and infiltration capacities at each infiltration gallery location shall be determined and provided to the Borough Engineer prior to the issuance of all Certificate of Occupancies.
9. Prior to the recording of the Record Subdivision plan, all Development Fees and Regulated Area Fees will be paid to the Borough of Naugatuck.
10. Prior to the issuance of each Certificate of Occupancy for each individual lot, all work within regulated areas shall be permanently stabilized with a variety of wetland plantings approved by the Wetland Enforcement Officer.
11. Lots 1, 5 and 6 will require detailed professional engineered plans for NVHD review and approval.
12. Lots 2, 3, 7 and 8 will require high ground water monitoring in the wet season per NVHD review and approval.
13. All lots are required to install ground water interceptor drains per NVHD review and approval.
14. The required tank protection, as shown on its plans shall require approval prior to installation from the Fire Chief, per approval (1/8/07) of the Naugatuck Fire Commission.
15. Prior the recording of the Record Subdivision Plan, a Letter of Credit and a Performance Bond will be placed with the Borough of Naugatuck, with the approval of both the Borough Engineer and the Naugatuck Planning Commission, approval of Town Attorney.
16. All drainage systems shall be installed and made fully functional prior to the paving of the driveways.
17. Prior to the recording of the Final Subdivision Plan, a Sediment and Erosion Control Bond shall be submitted to Borough of Naugatuck Planning Commission, as recommended by the Borough Engineer and Wetland Enforcement Officer.
18. No machinery will be used to fill in the abandonment of well Lot #8.
19. A fee in Lieu for Open Space will be provided prior to the recording of the Record Subdivision Plan.
20. CB#1 shall be located easterly on Andrew Mountain Road and the discharge directed down Yorktown Road to the nearest CB. All work shall be completed in a manner approved by the Borough Engineer.
21. The standard E & S Certification Signature Block shall be place on the Erosion and Sediment Control Plan sheet.

C. Commission discussion/decision regarding the stipulated agreement for Country Farms Estates Subdivision, located on Rubber Ave. Extension. Applicant: Cerignola LLC.

VOTED: Unanimously on a motion by Katherine Gabrielson and seconded by Robert Pease to **GRANT** permission for Chairman James Jordan to sign the

stipulated agreement document regarding Country Farms Estates Subdivision, located on Rubber Ave. Extension. Applicant: Cerignola LLC.

5. NEW BUSINESS:

- A. Commission discussion/decision to call Performance Bond regarding D’Arcangelo Estates Subdivision, Osborn Rd. Applicant: Benchmark Trading of Naugatuck, LTD.

VOTED: Unanimously on a motion by Robert Pease and seconded by Anthony Whelan to **CALL** the Performance Bond for D’Arcangelo Estates Subdivision, unless the applicant provides the Borough Attorney a replacement Letter of Credit and a new Performance Bond, in the Sum of \$400,000.00 on or before 4:00 P.M., Friday, April 18, 2008, in a form approved by the Borough Attorney.

- B. Commission discussion/decision regarding completion of Subdivision improvements and Release of Bond for Westover Hills Subdivision. Applicant: Realrock Associates, LLC.

James Jordan asked the Borough Engineer his input regarding the request to release the Bond. Jim Stewart said that he had given a draft report to the Commission of numerous issues that are being taken care of. Mr. Stewart recommends that the Commission does not reduce or release the Bond at this time. Attorney Barry Knott representing the Realrock Associates asked if he could have a copy of Jim Stewart’s report. James Jordan stated that the Commission has just received a copy of this draft report and would like to review any items on it before releasing it. James Jordan said that at this time he would open a discussion for municipal improvements only with the public and limit it to people who live up there and have a financial interest. Attorney Knott stated that Jim Stewart has done a tremendous amount of research in preparing this draft report base on complaints he received and some of the complaints may relate to prior subdivision sections, which were subject of another subdivision application in 1991. The Bond for the 1991 Subdivision was released by this Commission and the improvements were complete. So to the extent that the issues Jim Stewart researched deal with the first subdivision they would be irrelevant to the release of this Bond because this Bond relates to the second subdivision section 6,7,& 8. James Jordan stated that this was a legitimate point. James Jordan said that the Commission had received letters regarding issues since they visited the property. He stated this was a public meeting and not a public hearing. He would like the comments limited to municipal improvements only.

Chester Cornacchia of 53 Graham Ridge Rd. a resident and a representative for the Westover Hills Homeowners Association has concerns regarding public safety issues. He read a petition signed individually and collectively by the residents. Steve Cote of 195 Graham Ridge Rd. had the following issues: ledge across the street from his house, detention pond, open space, walking path made of woodchips, guard rail installed is rusty, street lights 8 were proposed and only have 3 that do not work, on Dec.7 a house burned down inadequate water supply for the subdivision, and lots 15, 16 and 17 electrical culverts never installed. The following residents had concerns regarding the safety

of their children due to the ledge and rock falling Rob Spino of 123 Graham Ridge Rd., Frank Ruela 29 Graham Ridge Rd. and Sylvester Jando of 171 Graham Ridge Rd., Louis Bressan of 40 Farmstead Lane. Mario Verone 177 Graham Ridge Rd. stated that he had issues with the detention pond and the rock across from Mr. Cote's house should be brought down to a reasonable height and some planting installed to make the area look more desirable and that the Bond be held until all issues are addressed. Craig Jenson of 24 Farmstead Lane had concerns with the safety of the detention pond and would like what was in the approved plans completed. Ian Umland of 144 Graham Ridge Rd. stated that the lighting is inadequate and not what was on the approved plans. Loren Godejohn of 64 Westover Dr. stated that he concurs with everything being said tonight. He also said that the silt fence is installed wrong. Mindy Fargoso, Burgess requested to speak on the issues but was denied by James Jordan. Chairman Jordan had stated at the beginning of the discussion that comments would be limited to people who live up there and have a financial interest.

Attorney Knott stated that with respect to the slope of the rock area and the 2 to1 slope subsequent to that a decision in the field was made by the contractor and the Borough Engineer and the slope was modified from 2 to 1 to the existing rock outcropping. He read section 5.10.3 of the subdivision regulations and noted that rock is the best form of erosion control. The decision was made at the time that the detention pond was constructed that the rock slope was satisfactory in lieu of the 2 to1 slope originally shown on the plans. Attorney Knott said that this has been dealt with three times now, once with the Borough Engineer when the modification was made in the field, second when the drainage plan was submitted to you in 2003 and third when the Bond was reduced to \$200,00.00 in January 2007. Katherine Gabrielson asked if he had written verification of the modification done in the field. Attorney Knott said not with him but Mr. Stewart should have it. James Jordan said for the applicant to submit any engineering documents they might have, so the Commission could review them to determine what issues need to be corrected or not, based on the approvals given and meeting minutes. James Jordan said that when they are done reviewing everything they will get a list out to Attorney Knott.

VOTED: Unanimously on a motion by Katherine Gabrielson and seconded by Robert Pease to **DENY** request to Release the Bond for Westover Hills Subd. Applicant: Realrock Associates, LLC.

- D. Commission discussion/decision regarding Agreement for Municipal Regulation Review from Milone and MacBroom.

VOTED: Unanimously on a motion by Robert Pease and seconded by Robert Urbano to authorize Jim Stewart to take the Agreement for Municipal Regulation Review from Milone and MacBroom forward for approval.

- E. Zoning Commission referral regarding a Special Permit for a Masonary Supply Store located on 1483 New Haven Rd. Applicant: Mirjand and Genti Mulla Keith Rosenfeld handed out the plans to the commission. James Jordan stated that they would table this until next months meeting.

- F. No Additional items to be added to the agenda.
- 6. No Correspondences.
- 7. No Report of Burgess Liaison.
- 8. Unanimously on a motion by Katherine Gabrielson and seconded by Anthony Whelan to adjourn the meeting at 8:05 P.M.

RESPECTFULLY SUBMITTED:

Anthony Whelan, Secretary, ah