

**PLANNING COMMISSION
CONTINUED PUBLIC HEARING JULY 7, 2008
AMENDMENT to the NAUGATUCK SUBDIVISION REGULATION
Pertaining to the creation of (NEW) SECTION 3.5.2.C, CONDITIONAL
APPROVAL. APPLICANT: ATTORNEY FRANKLIN G. PILICY.**

James Jordan reconvened the Public Hearing at 7:08 P.M. with the following in attendance:

MEMBERS:

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

OTHERS:

Public: 6
Keith Rosenfeld, Town Planner
Jim Stewart, Boro PE
Allison Hurley, Asst. ZEO
N.Warren Hess, Boro Attorney

Attorney Franklin Pilicy stated that he received a memo prepared by the Town Planner and substantially was fine with it. Attorney Pilicy had the following comments: In Paragraph 2 re-statement of what the Borough Engineer is going to be doing in calculating the bonds to begin with. Attorney Pilicy has no objection to the minimum # of lots restated at 20. Paragraph 3 has some capability of misunderstanding at a later date; he said he not sure if it is really needed and Paragarph 8 is a needless issue regarding conditional approval, by statute and by the Town Subdivision Regulations is a 5 year approval. There is no need to shorten the time period. Robert Pease still has his continuing lack of satisfaction with the level of detail with the original proposal and even taking the Town Planner's comments into account the two of them together are not complete. They are all necessary but not sufficient to make a working amendment to the regulation. No Public comment. The Commission agreed to close the Public Hearing.

RESPECTFULLY SUBMITTED:

Anthony Whelan, Secretary, ah

**PLANNING COMMISSION
PUBLIC HEARING JULY 7, 2008
TO CALL PERFORMANCE BOND AND LETTER OF CREDIT FOR
BENCHMARK TRADING OF NAUGATUCK LTD, D'ARCHANGELO
ESTATES SUBDIVISION, OSBORN AND VILLAGE RDS, NAUGATUCK, CT.**

James Jordan opened the Public Hearing at 6:35 P.M. with the following in attendance:

MEMBERS:

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

OTHERS:

Public: 6
Keith Rosenfeld, Town Planner
Jim Stewart, Boro PE
Allison Hurley, Asst. ZEO
N.Warren Hess, Boro Attorney

James Jordan asked Attorney Juda Epstein, representative for Benchmark LTD what the status of the bond was. Attorney Epstein stated that the bond is in place and will expire on August 3, 2008. This bond has been in place for a very long time and had just received another punch list from the Borough Engineer dated 6/30/08. Attorney Epstein said this is the 3rd or 4th punch list over a 2 or 3 year period. He said the scope of work is a few thousand dollars. Attorney Epstien said his client would like the Commission to reduce the bond to 100,000.00 and he would provide them with a certificate of deposit for that amount. Jim Stewart said the punch list is the same as it was 6 months ago. He said the they are working at the site but still have a substantial amount of work and feels it can be done in a few weeks, but because the bond is up in a few weeks they would need a bond extension. James Jordan said that the bond will expire prior to the next meeting. The Commission agreed to close the Public Hearing.

RESPECTFULLY SUBMITTED:

Anthony Whelan, Secretary, ah

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

James Jordan opened the Regular Meeting at 6:05 P.M. with the following in attendance:

MEMBERS:

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

OTHERS:

Public: 6
Jim Stewart, Boro PE
Keith Rosenfeld, Town Planner
N.Warren Hess, Boro Attorney
Allison Hurley, Asst. ZEO

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. At 6:07 P.M. the Commission went into Executive Session:
VOTED: Unanimously on a motion by Katherine Gabrielson and seconded by Robert Pease to go into Executive Session with the Borough Attorney inviting in Jim Stewart, Keith Rosenfeld and Allison Hurley to discuss matters involving litigation for Country Hollow Estates, Section Five located on Country Hollow Rd. and Donovan Ct. Applicant: City Hill Associates, Inc.
At 6:47 P.M. the Commission resumed the regular meeting.
3. Review /Approval of Minutes.
VOTED: **3-0-1** on a motion by Robert Pease and seconded by Anthony Whelan to **APPROVE** the June Regular and Public Hearing Meeting Minutes.
4. **OLD BUSINESS:**
 - A. Commission discussion/decision regarding Amendment to the Naugatuck Subdivision Regulation pertaining to the creation of (New) Section 3.5.2.c, Conditional Approval. Applicant: Attorney Franklin G. Pilicy.
VOTED: Unanimously on a motion by Robert Pease and seconded by Anthony Whelan to **DENY** an Amendment to the Naugatuck Subdivision Regulation pertaining to the creation of (New) Section 3.5.2.c, Conditional Approval. Applicant: Attorney Franklin G. Pilicy.
James Jordan stated for the record that he is not convinced that this amendment would enhance the commissions' ability to manage the bonds and or be a benefit to the town. He thinks it is an issue with administration and does not think this amendment will do anything to enhance the ability to handle this business. From a detailed stand point there are other items that need to be taken into consideration and he is not confident that the staffing is apt to continuously go through these

bonds and pick up every nook and cranny, Mr. Jordon said basically the commission would be taking on a lot of liability for not a lot of benefits. Robert Pease said absent on complete revision on the way drawings and prepared and submitted. Katherine Gabrielson stated that she agrees with both James Jordan and Robert Pease. Anthony Whelan stated that he also agrees with what both James Jordan and Robert Pease have stated and feels there are no advantages for the town with this change.

- B. Commission discussion/decision regarding Country Hollow Estates, Section Five located on Country Hollow Rd. and Donovan Ct. Applicant: City Hill Associates, Inc.

The Commission tabled this item until next month.

- C. Zoning Commission referral regarding the Best Wash Laundromat located on 411 North Main St. Applicant: Nelson DaGraca.

VOTED: Unanimously on a motion by Katherine Gabrielson and seconded by Anthony Whelan to send a **POSITIVE** referral to the Naugatuck Zoning Commission regarding a Special Permit Application for the Best Wash Laundromat located on 411 North Main St. Applicant: Nelson DaGraca.

5. **NEW BUSINESS:**

- A. Commission discussion/decision to Call Performance Bond and Letter of Credit Benchmark Trading of Naugatuck LTD, D'Archangelo Estates Subdivision, Osborn and Village Rd., Naugatuck, CT.

VOTED: Unanimously on a motion by Robert Pease and seconded by Katherine Gabrielson to **CALL** the Performance Bond for D'Arcangelo Estates Subdivision, unless the applicant provides the Borough Attorney a replacement Letter of Credit and Performance Bond, in the Sum of \$400,000.00 on Friday, July 18, 2008, in a form approved by the Borough Attorney.

- B. Request for a 90 day extension to file the Mylar for Westview Estates 8 lot Subdivision located at 869 Andrew Mountain Rd. Applicant: Albert, Susan & Kenneth Yuravich.

VOTED: Unanimously on a motion by Anthony Whelan and seconded by Katherine Gabrielson to **GRANT** a 90 day extension to file the Mylar for Westview Estates 8 lot Subdivision located at 869 Andrew Mountain Rd. Applicant: Albert, Susan & Kenneth Yuravich.

- C. Commission discussion/decision regarding the completion of Fairfield Estates Subdivision. Applicant: Ned Fitzpatrick.

VOTED: Unanimously on a motion by Anthony Whelan and seconded by Katherine Gabrielson to **AUTHORIZE** the Chairman to sign agreement with B & F Realty regarding the completion of Fairfield Estates Subdivision. Applicant: Ned Fitzpatrick.

- D. Request for Release of Performance Bond regarding Horton Hill Estates, located on Horton Hill Rd. Applicant: Michael Mitchell.
Jim Stewart stated that this item should be removed from the agenda because the applicant has some outstanding items to complete. The Commission agreed.
 - E. Commission discussion/decision/set Public Hearing to Call the Bond for Melbourne Estates, located on Melbourne Court. Applicant: JPW Management.
After a brief discussion the Commission agreed to set a Public Hearing for August 4, 2008 at 6:30 P.M to Call the Bond for Melbourne Estates, located on Melbourne Court. Applicant: JPW Management.
 - F. There were no additional items to be discussed or added to the agenda.
- 6. Correspondences
 - 7. No Report of Burgess Liaison
 - 8. **VOTED:** Unanimously on a motion by Anthony Whelan and seconded by Katherine Gabrielson to adjourn the meeting at 7:30 P.M.

RESPECTFULLY SUBMITTED:

Anthony Whelan, Secretary, ah