

PLANNING COMMISSION
January 6, 2013
CONTINUED PUBLIC HEARING ON PONDVIEW ESTATES

Anthony Whelan, Chairman, opened the Public Hearing at 6:15 P.M. with the following in attendance:

MEMBERS:

Anthony Whelan, Chair
Robert Pease, Vice-Chair
Harry Jancis, Absent
Ray Krzykowski
Robert Urbano, Alternate

OTHERS:

Public: 0
Keith Rosenfeld, Town Planner
Wayne Zirolli, Borough Engineer
Sue Goggin, Secretary

Keith said that all the road work that was required by the borough engineer, for safety's sake, has been completed. He said all of the sidewalks have been completed but a little backgrading behind the sidewalks is required. Keith said their recommendation is to close the public hearing. Tony closed the public hearing. This item will stay on the agenda for the April meeting.

**PLANNING COMMISSION
REGULAR MEETING January 6, 2013**

Anthony Whelan, Chairman, opened the meeting at 6:00 P.M. with the following in attendance:

MEMBERS:

Anthony Whelan, Chair
Robert Pease, Vice-Chair
Harry Jancis, Absent
Ray Krzykowski
Robert Urbano, Alternate

OTHERS:

Public: 0
Keith Rosenfeld, Town Planner
Wayne Zirolli, Borough Engineer
Sue Goggin, Secretary

1. Anthony Whelan led with the Pledge of Allegiance. He took attendance, and noted there was a quorum. He appointed Robert Urbano a regular voting member in place of Harry Jancis.
2. Executive session with Borough Attorney regarding Planning Commission of the Borough of Naugatuck v. Primrose Companies LLC.

There was no executive session.

3. Review /Approval of the October 7, 2013 Public Hearing Minutes, October 7, 2013 Regular Meeting Minutes, October 15, 2013 Public Hearing Minutes and the December 2, 2013 Public Hearing and Regular Meeting Minutes.

VOTED: Unanimously on a motion by Robert Urbano and seconded by Robert Pease to **APPROVE** the October 7, 2013 Public Hearing and Regular Meeting Minutes as written.

The October 15, 2013 Public Hearing Minutes were not voted on.

VOTED: 3-0-1 on a motion by Robert Urbano and seconded by Ray Krzykowski to **APPROVE** the December 2, 2013 Public Hearing and Regular Meeting Minutes as written.

FOR

Robert Urbano
Ray Krzykowski
Anthony Whelan

AGAINST

ABSTAIN

Robert Pease

4. OLD BUSINESS:

- A. Commission discussion/decision regarding Planning Commission of the Borough of Naugatuck v. Primrose Companies, LLC.

Keith said he has been notified by the Borough Attorney that the case has been dismissed.

- B. Commission discussion/decision to consider the Pondview Estates Subdivision, file on the land records a notice of such expiration and call the surety on said subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots.

There was no further discussion on this item.

5. NEW BUSINESS

- A. Commission discussion/decision regarding a Referral from the Naugatuck Zoning Commission for a Zoning Map District change from RA-1 to B-2 for properties located at 46, 48 Prospect Street & 0 Golden Hill Street. Applicant: Attorney Michael McVerry

Attorney McVerry, 35 Porter Avenue, said he was there on behalf of his clients, Remzi and Vesel Nasufi. They are currently the owners of 46 and 48 Prospect Street. He said 46 is where Vinnie's Pizza is and 48 is the parking lot next door. He said they also own 42 which is on the other side. They also have a contract with St. Hedwig's Polish Roman Catholic Church to purchase .18 acres of land adjacent to his property in the rear. He showed them a map of the property. He said they are looking to re-zone 46 and 48 Prospect Street and 0 Golden Hill Street to B-2 in accordance with the current Plan of Conservation and Development.

VOTED: Unanimously on a motion by Robert Urbano and seconded by Robert Pease to send a **POSITIVE REFERRAL** to the Naugatuck Zoning Commission from the Planning Commission for a Zoning Map District change from RA-1 to B-2 for properties located at 46, 48 Prospect Street & 0 Golden Hill Street.

- B. Commission discussion/decision regarding a Referral from the Naugatuck Zoning Commission for Zoning Regulation text change to Section 23.1 Schedule A to allow by a Special Permit two (2) or more dwelling units in a B-2 zone. Applicant: Attorney Michael McVerry

Attorney McVerry said this second application is for a text change which ties into the above item A. The text change would allow a minimum of two residential uses in a B-2 zone on the second floor.

VOTED: Unanimously on a motion by Robert Urbano and seconded by Ray Krzykowski to send a **POSITIVE REFERRAL** to the Naugatuck Zoning Commission for a Zoning Regulation text change to Section 23.1 Schedule A to allow by a Special Permit two (2) or more dwelling units in a B-2 zone on the second and third floor only.

- C. Commission discussion/decision regarding an approval of the Letter of Credit/Performance Bond for the Arch Way Subdivision located adjacent to the intersection of Arch Street and Scott Street. Naugatuck, CT. Applicant: ALX Ventures, LLC.

Attorney McVerry, 35 Porter Avenue, said he was there on behalf of his client, ALX Ventures, LLC, developer of the Arch Way Subdivision at 68

Arch Street. He said back on August 13th the Planning Commission set a bond of \$35,000. Mr. Quinn, principal of ALX, sent a letter to Keith Rosenfeld, showing he had done approximately \$16,000 worth of work or work that was not necessary. There was a discussion on each line item. Bob Pease was concerned with the structural soundness of the wall and also he was not sure about the poles. He has a problem with the bond being set at \$22,500. The commission would like an engineering report for the wall. Tony asked if the applicant has a problem with holding this over to the next meeting. Attorney McVerry said they are okay as far as time frames. Bob Urbano would like the wording clearer for the wall removal. This item was tabled to the February meeting.

D. All new items will require a 2/3 vote.

The commission agreed to add to the agenda commission discussion/decision regarding the existing sidewalk easement and replacement of sidewalk that was removed at Fawn Meadow Subdivision.

Wayne explained that the sidewalk that was installed for access to the soccer fields was not put in the easement it was supposed to be. The easement was placed on Lot 45 (house number 21) but the sidewalk was built on Lot 46 (house number 19). Wayne said the Ryan's, the homeowners at Lot 45, had discussed with the developer and wanted the sidewalk placed on Lot 46 not on their lot. They had wanted the easement to be changed and they were under the impression that had been done. When Lot 46 was being developed, it was found that there were some discrepancies with the stakeout of the new lot with the new surveyor. Once the pins were correctly in place it was discovered that the sidewalk was actually placed on Lot 46 not on Lot 45. As part of the development of Lot 46 the sidewalk was removed. Wayne said the current status is that there is not a sidewalk from Wild Cherry Drive to the open space. He said the easement exists on the Ryan's lot and they had requested that it be removed from their lot. Tony asked if there was any way they could take the easement out altogether. Wayne said that could be an option. Wayne said there is a gravel path to the open space. Bob Pease asked if there is any contention about the Ryan's claim that this was discussed and that all parties had agreed to remove the easement. Wayne said there is contention. He said the sidewalk was installed on Lot 46, but no deed was ever filed to revise the easement to put it on the lot next door. There was a discussion on why to even have the walkway since there is a parking lot for the neighbors to access the open space. Mr. Ryan, 21 Wild Cherry Drive, said there are 2 other gravel roads and the parking lot into the soccer field. There was a discussion on where the access ways are. It was determined that they exist by easement. Mrs. Ryan also explained that another reason the sidewalk was moved to Lot 46 was because their house had to be shifted from the original plan and there was no room for the sidewalk anymore. Mr. Ryan also cited safety issues with children walking so close to their driveway and their cars. Bob Urbano asked Wayne if the access way is needed. Wayne said it could be done without because there are three access points to it. Bill Bette, Northeastern Development, said he is in agreement. He said he doesn't think that the sidewalk enhances either the development or the soccer field. He said it allows unwanted traffic,

like quads and dirt bikes. He said there are two walking trails that enter onto the property if anybody from Fawn Meadow wants to walk over there. Tony asked Wayne if the Borough Attorney would have to get involved if they chose to go that route. Wayne said if the easement itself were to be removed, it would be necessary to file a deed to remove it. It is a fairly simple matter.

VOTED: Unanimously on a motion by Robert Pease and seconded by Ray Krzykowski to request the Borough Attorney to take the necessary action to remove the sidewalk easement from Lot 45 at the Fawn Meadow Subdivision.

Wayne said the streets that they are looking to accept are the ones that already get street plowing and trash pickup. The commission decided to wait until Harry was there to discuss this. The commission asked Wayne and Keith to choose the best 10 streets (no controversy and in the best shape) to discuss at the next meeting.

6. ADJOURNMENT

VOTED: Unanimously on a motion by Robert Pease and seconded by Ray Krzykowski to adjourn the meeting at 7:10 P.M.

RESPECTFULLY SUBMITTED:

Ray Krzykowski, Secretary/sg