

**PLANNING COMMISSION
REGULAR MEETING March 3, 2014**

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
Ray Krzykowski
Robert Urbano, Alternate

OTHERS:

Public: 1
Keith Rosenfeld, Town Planner
Wayne Zirolli, Borough Engineer
Sue Goggin, Secretary
Edward Fitzpatrick, Borough Attorney

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 for the vacant seat.
2. Executive session with Borough Attorney regarding Planning Commission of the Borough of Naugatuck v. Primrose Companies, LLC.

VOTED: Unanimously on a motion by Bob Pease and seconded by Harry Jancis to recess to executive session with the Borough Attorney at 6:30 P.M., inviting in Keith Rosenfeld, Wayne Zirolli and Sue Goggin into the meeting.

The commission reconvened from Executive Session at 6:34 P.M.

3. Review /Approval of the October 15, 2013 Public Hearing Minutes and the January 6, 2014 Public Hearing and Regular Meeting Minutes.

VOTED: 4-0-1 on a motion by Harry Jancis and seconded by Robert Pease to **APPROVE** the October 15, 2013 Public Hearing Meeting Minutes as written.

FOR

Robert Urbano
Anthony Whelan
Robert Pease
Harry Jancis

AGAINST

ABSTAIN

Ray Krzykowski

VOTED: 4-0-1 on a motion by Ray Krzykowski and seconded by Robert Urbano to **APPROVE** the January 6, 2014 Public Hearing and Regular Meeting Minutes as written.

FOR

Robert Urbano
Ray Krzykowski
Anthony Whelan
Robert Pease

AGAINST

ABSTAIN

Harry Jancis

4. OLD BUSINESS:

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

There was no discussion.

- 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.

Keith said the majority of the work has been done. There are some items that they have gone back to the developer with and they are going to work with him. The work that had to do with public safety and drainage has been done.

- 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

Attorney Michael McVerry, offices at 35 Porter Avenue, said they were before the board in January looking for a bond reduction. He said this matter was approved in June 2013 with a bond set at \$35,000. He said his client had submitted a proposal to reduce the bond to \$22,500. He said after review, staff has no problem with this recommendation. He said they are redoing part of the retaining wall on Arch Street and the large retaining wall they have a letter from an engineer stating that it's in good condition. Wayne said he sees no problem with driveway site line issues. He said the retaining wall that's along the front of the property will be taken down and the structural engineer designed a support at the corner of the wall. This will allow them to grade off the front of the lots further enhancing the site lines along Arch Street. There was a discussion and it was clarified that this is the setting of the bond because it was never approved. Harry asked if this amount was enough. It was recalled that there was a discussion at the last meeting about moving the curb back and moving the telephone poles. Wayne said didn't see the need for pushing the curb back or moving the sidewalk. It was determined that neither the bond nor the mylar have been filed. There was a discussion over the amount of the bond. The commission decided that they would like an accurate set of plans showing the driveway site lines and existing poles. At the site walk the commission agreed that the poles needed to be pulled back 4 or 5 feet at the Scott Street turn. Keith said the time frame expires on March 25th. Attorney Fitzpatrick suggested that they set a bond number, which can be reduced at a later date, so that the applicant can record the mylar.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Bob Pease to **SET** the bond for \$35,000 and if it needs to be changed next month the commission will do that.

Tony asked Wayne if that amount is high enough. Wayne said yes.

5. NEW BUSINESS

- A.** Commission discussion/decision regarding Borough of Naugatuck Unaccepted Streets and Referrals to the Mayor and Board of Burgesses.

Keith went through each of the twelve streets that he and Wayne had chosen to recommend positive referrals for acceptance to the Board of Mayor and Burgesses.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Bob Pease to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding street acceptance for Andrew Avenue Extension.

VOTED: Unanimously on a motion by Bob Urbano and seconded by Ray Krzykowski to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding street acceptance for Canterbury Road.

VOTED: Unanimously on a motion by Bob Pease and seconded by Bob Urbano to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding street acceptance for Culver Court.

VOTED: Unanimously on a motion by Bob Urbano and seconded by Ray Krzykowski to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding street acceptance for Donovan Court.

VOTED: Unanimously on a motion by Ray Krzykowski and seconded by Harry Jancis to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding street acceptance for Golden Hill Street Extension.

VOTED: Unanimously on a motion by Bob Urbano and seconded by Ray Krzkowski to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding street acceptance for Parkman Place.

VOTED: Unanimously on a motion by Ray Krzykowski and seconded by Bob Urbano to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding street acceptance for School Street Extension.

VOTED: 4-0-1 on a motion by Bob Pease and seconded by Bob Urbano to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding street acceptance for Spruce Drive.

FOR
Tony Whelan
Bob Pease

AGAINST

ABSTAIN
Harry Jancis

Bob Urbano
Ray Krzykowski

VOTED: Unanimously on a motion by Ray Krzykowski and seconded by Bob Pease to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding street acceptance for Stonefence Road.

VOTED: 4-0-1 on a motion by Bob Urbano and seconded by Harry Jancis to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding street acceptance for Stoneybrook Road.

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Tony Whelan		Bob Pease
Harry Jancis		
Bob Urbano		
Ray Krzykowski		

VOTED: Unanimously on a motion by Bob Urbano and seconded by Ray Krzykowski to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding street acceptance for Town Line Lane.

- B.** Commission discussion/decision to Call Performance Bond for Benchmark Trading of Naugatuck LTD regarding D' Archangelo Estates Subdivision, Osborn Road and Village Road with the intention of setting a Public Hearing on this matter.

Attorney Jay Epstein, representing Benchmark Trading, said all the improvements are in. He said they sold 4 of 35 lots. He said they are paying mortgages and taxes on the empty lots. He said they are now contemplating a different use for the property. Harry asked how much of a performance bond there is. Attorney Epstein replied \$50,000. Tony clarified that they are not there tonight to reduce the bond but to set the public hearing. Tony asked why they need a public hearing. Keith said they would need a public hearing if the commission were to seize the \$50,000 to do the remaining work. He said Mr. Epstein has described all the work as being done, but they do not know that. He said Jim Stewart has raised the point that they need to go back and inspect the retaining wall. Wayne said there are a few items still on the punch list. He said they never got final as-builts, there were a few street trees that needed to be replaced, and the guard rail needs to be replaced. Bob Pease asked where they are in the life cycle of this situation. Keith said it is his understanding that it is expired. Attorney Epstein asked if they could have a June public hearing so his client could have time to make the necessary improvements. Emma Newsome, D' Archangelo Drive, said they would love to see their street belong to the town. She said it is very poorly maintained and explained the issues they have. She said they pay full city taxes and would like full use of their street. Tony asked if they could add D' Archangelo Drive to their list of streets to accept tonight. Keith said they do not want to accept that street as it is right now. Keith said he spoke with the owner of the subdivision and he said he would be willing to work with the

Borough to establish a permanent or temporary turnaround in order for it to be a safe street. Tony asked if there was anything that can be done in the meantime. They will try to work with the street department to see if anything can be done to help these people with sanding and plowing until the improvements have been done. Keith suggested that they set the public hearing for May. Attorney Fitzpatrick said he has been through the process of accepting unaccepted streets. He said they are not ready to recommend that to the planning commission yet for D'Archangelo Drive because it is deemed still active. He said if they start sanding and plowing these kinds of streets, as a matter of law, we may have accepted them, which would then relieve the developer of performing those duties. He said they are limited by the law in helping these properties.

VOTED: Unanimously on a motion by Bob Pease and seconded by Harry Jancis to **SET** the Public Hearing for May 5, 2014 at 6:15 P.M.

Attorney Epstein said he does not have a punch list of improvements that need to be done. Wayne will have a list this week. Keith and Wayne will report back to the Planning Commission. Tony asked Keith if there is a way to work with the developer on the issues of the four homeowners. He said they will discuss this item at the next meeting and invited the homeowner to come to the next meeting.

- C. Commission discussion/decision regarding a referral from the Zoning Commission for a Special Permit application for a dog grooming facility, 947 New Haven Road. Applicant: Attorney Kevin McSherry

Attorney Kevin McSherry said he was there for Where the Fur Flies, 947 New Haven Road. He said they applied for a special permit with the zoning commission and as part of that process requires a referral from the planning commission. He explained that it is an existing structure located in the New Haven Road Design District on about .18 acres. The house is set back from the road on the corner of Hazel Avenue and New Haven Road. It will be used for a dog grooming salon. Keith said his recommendation would be to send a positive referral. Harry asked if the owner would be living there. Attorney McSherry said she would not be living there.

VOTED: Unanimously on a motion by Bob Urbano and seconded by Harry Jancis to send a **POSITIVE REFERRAL** to the Zoning Commission for a special permit for a dog grooming facility at 947 New Haven Road.

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

Wayne said this is in regard to functional classification of roads in Naugatuck. Wayne explained the roads that the town would like to upgrade to urban collector. If they upgrade them to urban collector they are eligible for state funds. They are requesting that the commission endorse upgrading the roads. Harry asked if they could add Great Hill

Road because it is one big road through the industrial park. Wayne agreed with him.

VOTED: Unanimously on a motion by Bob Urbano and seconded by Ray Krzykowski to **ENDORSE** an upgrade to the roads recommended by Wayne to urban collector.

6. ADJOURNMENT

VOTED: Unanimously on a motion by Robert Pease and seconded by Harry Jancis to adjourn the meeting at 7:44 P.M.

RESPECTFULLY SUBMITTED:

Ray Krzykowski, Secretary/sg