

**PLANNING COMMISSION**  
**May 5, 2014**  
**PUBLIC HEARING ON PROPOSAL TO EXPIRE THE BOND ON**  
**D'ARCANGELO ESTATES SUBDIVISION**

Robert Pease, Vice-Chairman, opened the Public Hearing at 6:15 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHERS:**

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

Keith said they had a letter that was received by fax today from Attorney Juda Epstein asking to postpone the opening of the public hearing to June or July. Keith and Wayne will meet with Attorney Epstein next week. Harry asked when his five years are up. Keith said they are up. The commission agreed to open the public hearing in June. There was no further discussion.

**PLANNING COMMISSION  
REGULAR MEETING May 5, 2014**

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

**MEMBERS:**

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

**OTHERS:**

Public: 1  
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.
2. Executive session with Borough Attorney.

There was no executive session.

3. Review /Approval of the April 14, 2014 Regular Meeting Minutes.

The minutes were tabled until the next meeting.

**4. OLD BUSINESS:**

- A. Commission discussion/decision regarding Planning Commission's proposal to expire the D'Archangelo 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.

**5. NEW BUSINESS**

- A. Commission discussion/decision regarding a referral from the Naugatuck Zoning Commission for a proposed Zoning Regulation text amendment for a new Section 32.2.1 (21), involving location of dumpsters, waste systems and trash bins; Applicant: Borough of Naugatuck. **Zoning Commission Public Hearing is set for May 21, 2014 at 6:15 P.M.**

Keith said the Zoning Commission is adding this to their list of site plan requirements. Harry asked if they want any specifications as to where the dumpsters would be. Keith said no they will be taking that on a site plan by site plan basis. He said different locations will work for different properties. There was no further discussion.

**VOTED:** Unanimously on a motion by Harry Jancis and seconded by Ray Krzykowski to send a **POSITIVE REFERRAL** to the Zoning Commission regarding a regulation change pertaining to dumpsters.

The meeting recessed at 6:10 P.M.

The meeting reconvened at 6:15 P.M.

- A. Commission discussion/decision regarding a referral from the Naugatuck Zoning Commission for proposed Zoning Regulation text amendments to Sections 24, 24.1, Schedule B, line 5.4, Section 24.4.10 and Section 26.5.8, additional language added to Section 24.4.3; Applicant: Attorney Dominick Thomas, Jr. **Zoning Commission Public Hearing is set for May 21, 2014 at 6:00 P.M.**

Attorney Dominick Thomas, 315 Main Street, Derby, Connecticut, said he was there representing the applicants, First Hartford Realty and Cumberland Farms. He said the changes were motivated by a proposal that Cumberland Farms is making to change the North Main Street store to their prototype store. In order to do it they are purchasing a lot. He said the B-2 zone line cuts through the lot and borders an RA-1 zone. He said according to Schedule B, Line 5.4 in the Zoning Regulations, it requires an additional setback of anywhere from 25'-75' when a B-2 zone abuts a residential zone. Since a text change does not apply to a single piece of property, he drafted the text change with the intent of providing flexibility to the Zoning Commission in looking at setback issues. He passed out the proposal package which included photos of the prototype and the existing. He said the property behind it slopes rapidly up. In his proposal, he gave the Zoning Commission the ability to take into account factors like topography as was proposed in the addition of Section 24.4.3a. He gave an example of the steep hill behind Al's Hotdogs. In amendments to Section 24.4.10, it would allow the commission the authority to require fencing or walls greater than 6 feet in height to create an additional buffer. He said in regard to 26.5.8, he proposed that parking should be in relation to the square footage of the patron area of the building and not overall square footage. He said there are too many projects that have too much parking that doesn't get used. There was a clarification over the wording of each of the four proposed changes. Bob suggested changing the wording of Section 24.4.3a to remove the last part where it says "propose plantings and/or fencing" and replace it with "and justify an alternative means of compliance to the commission". Keith said they could make it part of their referral. Attorney Thomas said that would be fine. Harry clarified that Section 24.4.3a includes side property lines as well as rear. There was a discussion over whether or not it included front setback lines. It was determined that front yard setback lines could be included. Harry wondered how this would affect other businesses abutting residential zone. He wondered why they had the extra setbacks to begin with. Attorney Thomas said when the regulations were drafted in the past they were with the mentality that one size fits all. Harry said that there is not uniformity when it comes to the different commission's decision-making regarding waiving setback requirements. Attorney Thomas said the applicant would

have to meet certain standards. Harry said in the old days where there were mixed uses, people didn't really create much of a disturbance, but nowadays, when you have a business in a residential zone and the business is open until midnight, you have cars coming in and out disturbing people. He said he would like to have that extra setback if that were his neighborhood. Harry said there is no point approving 245.4.10 unless they approve adding 24.4.3a. Regarding changes to Section 26.5.8, Bob Pease said the current Cumberland Farms does not have enough parking for its customers for a 1900 sq. ft. building. He said a larger store that has a larger patron area with two less parking spaces on the site right now does not work. Attorney Thomas said there will be 2200 sq. ft. of patron area. They are asking to increase the square feet of patron area (not including common hallways, elevators, bathrooms, storage and other service areas not for service to the public) per parking space. Harry said he thinks reducing the number of parking spaces is going in the wrong direction. Ray asked how many parking spaces will be there for the new store. Attorney Thomas said there are a total of 16 spaces including the spaces in front of the pumps. Under the current regulations they would need 45 spaces. Bob asked if there were any other solutions. Attorney Thomas said they could put the B-2 zone under section 26.5.10 and allow the Zoning Commission to determine the number of parking spaces. Harry asked if there are any architectural regulations in the State of CT. Keith said it is handled by each municipality's Zoning Commissions. There was further discussion on patron area. Keith said there are very few B-2 zones left in town. Wayne said he was concerned because they are asking for two reductions. Attorney Thomas said he thinks the B-2 zone should be put under Section 26.5.10 to allow the Zoning Commission to determine the number of parking spaces.

**VOTED: 2-0-1** on a motion by Harry Jancis and seconded by Ray Krzykowski to send a **NEGATIVE REFERRAL** to the Zoning Commission for proposed amendments to Section 24, 24.1, Schedule B, Line 5.4.

**FOR**

Harry Jancis  
Ray Krzykowski

**AGAINST**

Robert Pease

**ABSTAIN**

**VOTED:** Unanimously on a motion by Harry Jancis and seconded by Ray Krzykowski to send a **NEGATIVE REFERRAL** to the Zoning Commission for the proposed addition of Section 24.4.3a to the Zoning Regulations.

**VOTED:** Unanimously on a motion by Harry Jancis and seconded by Ray Krzykowski to send a **NEGATIVE REFERRAL** to the Zoning Commission for proposed amendments to Section 24.4.10 of the Zoning Regulation.

**VOTED:** Unanimously on a motion by Harry Jancis and seconded by Ray Krzykowski to send a **NEGATIVE REFERRAL** to the Zoning Commission for amendments to Section 26.5.8 of the Zoning Regulations.

- C. Commission discussion/decision regarding a referral from the Naugatuck Zoning Commission for a proposed community garden (Special Permit) located at Cross Street School; Applicant: Borough of Naugatuck. **Zoning Commission Public Hearing is set for June 18, 2014 at 6:30 P.M.**

Keith explained that Burgess Alex Olbrys went before the Board of Ed with the idea for a community garden on Cross Street. The Board of Ed supported the idea. He said they don't any plans right now so they are asking that they hold off their vote for tonight and they will come back before the commission next month with more information. He said the public hearing is in June. He said Alex will come back before the Planning Commission with more substantial plans. Alex summarized the idea for the community garden. The residents would rent a plot in the garden and it would pay for itself. There will be rules and regulations. The right of way will be on open space that the Borough owns. Keith said the Parks Department will be overseeing it. Bob suggested that Alex go see the ecumenical conference of churches, he might get some volunteers.

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

There were no new items.

## **6. ADJOURNMENT**

**VOTED:** Unanimously on a motion by Harry Jancis and seconded by Ray Krzykowski to adjourn the meeting at 8:00 P.M.

RESPECTFULLY SUBMITTED:

Ray Krzykowski, Secretary/sg