

**ZONING COMMISSION
SPECIAL MEETING JUNE 22, 2011, REGARDING A TEXT CHANGE TO
SECTION 58.2, 58.4.2 AND 58.4.1 OF THE ZONING REGULATIONS
APPLICANT: WOERMER LAW FIRM,**

Joe Savarese opened the Public Hearing Meeting at 7:00 P.M. with the following in attendance:

MEMBERS:

Joe Savarese, Chair,
Diana Raczkowski, Vice Chair
Neil Mascola
Tom Mariano, Absent
Richard Cool
Sally Brouillet, Alternate

OTHERS:

Public: 0
Sheryl Kimiecik, Asst. CZEO, Absent
Steve Macary, CZEO
Attorney Edward Fitzpatrick

Joe Savarese opened the meeting with the Pledge of Allegiance, and appointed Sally as a regular voting member in place of Tom Mariano. He reminded the commission that the meeting was regarding a text change, and did not have anything to do with any applications. He asked the commission to be careful not to get wrapped up in emotion or in over regulation. Sally read a statement that she had prepared to the commission. She referenced the Wilmot Property, and Joe said that he would like to get away from specific properties and keep the discussion more generic. Richard Cool asked if they could narrow down the text change to just their property. Diana said no. Sally said that the text change has to be for all of their properties, and she continued to read the statement. Diana asked if Huntington Hills had expired. Attorney Fitzpatrick said that it is currently in litigation, and there was a pretrial on that last week. Diana asked if those homes are not built and we do adopt this then it would affect that piece of property. Attorney Fitzpatrick said that this is a consideration for a text change and not a map change, that it's up to the commission's discretion to make the text change or make a modification to it, and that it would apply to all R-65 and R-45 zones. Steve asked what a modification is then. Attorney Fitzpatrick explained that a modification means that the applicant proposal was to amend section 58, which is our age restricted zoning regulations, and the proposal is to amend that regulation to allow age restricted development in an R-45 and R-65 zones, and the commission in its discretion may approve the application, deny it, or modify it. A discussion took place regarding Huntington Hills, how the text change would affect that area, and the litigation that is currently taking place. Attorney Fitzpatrick used an example to explain the commission's options and said that if they vote to approve the application to include senior housing in R-45 and R-65 zones, you also want to include some modifications such as wider setbacks, and maybe the bulk standards should be modified. He clarified that he is not advocating for or against it, and said that this would just be the process and is what the discussion should be tonight. He said he wanted to clarify #6 on commissioner Broulette's statement that there is no question that the commission has the right to apply for a waiver from OPM and its requirements for DEP standards, and he wanted to make sure that the record was clear on that. Sally asked if they considered these areas to be low impact. Attorney Fitzpatrick said that there is no question that senior housing is deemed to be low

impact, and that it depends on the density. A discussion took place regarding density. Rick Cool asked about the negative impacts of this housing development. Attorney Fitzpatrick said that the positives and negatives, you as a commission, should evaluate from the public hearings and the information that has been compiled, and listen to your fellow commissioners as to what their positions are on the proposed text change, and the negatives should come from the commissions own deliberations based on the testimonies and information that have been supplied. Sally said that she listed two negatives, one is the fear of it failing and construction right now is at a stand still. She said it has been that way all over the country, but it always comes back. Dianna said that she had a concern in that interim until it comes back and there's a potential for it to be taken to court to change. Joe said that we can't try to speculate, we have to look at what's going to benefit the borough and look at it short term. Steve asked that if this is approved on either one of the applications that we have, then the special permit is good for five years, but after the five years do they have to come back to renew it. Attorney Fitzpatrick said that he does unless there is a statutory extension. Steve asked if, for example, Attorney Woermer comes back with an application for a special permit and he meets all of the criteria on that special permit then can the commission deny him. He said that he was always under the impression that if it met all of the criteria then the commission would have to grant it. Attorney Fitzpatrick said that there are basis for denying a special permit, and you can't obtain an automatic approval on a special permit but you can on a subdivision. Neil Mascola expressed that he didn't feel any of the commissioners could honestly vote on this because they have been tainted so much from both sides and the discussion has been about everything other than why they are here. Joe said that he would like to find out from a neutral stance what is of value and what is not of value at this point, he would like everyone to have their say, and then they will have a collection of information. Rick Cool said he agreed with Sally, that it is a good project for Naugatuck, that he disagrees with the real-estate issues about the senior housing not selling, and if they have the text change and then have the special permits then they can really tell them what they need to do and it's a good project. He said that we don't know if it could be good or bad, but who are we to say what could be successful or not, we don't have that authority. He asked what the difference is between Toll Brothers and other companies that are building here. Joe said that's exactly the point he wanted to make, what makes Toll Brothers successful and can they take that degree of success and apply it here to the R-65 and R-45's here in Naugatuck. A discussion took place regarding Toll Brothers. Sally asked what the difference was between a beautiful single family home and a beautiful adult community home. Rick said he didn't know what the down side would be. He said that you can't speculate what would sell or not. Dianna said that the one way we reduce the number of houses is by having large residential zones such as the R-65 and R-45 zones, and limiting the number of houses that go in there, and where you want the age restricted is in the denser zones where you don't want more housing. She said if you put the age restricted homes in the R-65 zones you won't get them in the lower zones because there's only so much this town can take in age restricted and how much saturation can you have in Naugatuck. There's also a potential for this to affect a great deal of acreage up in the Huntington Hills area. A discussion took place regarding the regulations and which came first the zone changes or the regulations. Diana said that the R-65 is a lower impact than the age restricted because you would have an average of 4-5 people per acre and a half

versus 6-7 with the age restricted. She said the council of governments would not entertain a change in that because we are not proving its lower impact and we are not proving an actual need for this. Sally said that all other towns are building these age restricted housing and doing it successfully. Joe asked if she had any statistics to back it up. Sally said that she could get it. She said that age restricted is far more beneficial to this town because of the dollars it will bring in and they can't ignore that. Joe said that he did a lot more research and the applicant also supplied a lot of information. He said that if they go ahead and do age restricted housing it would entail numerous regulation changes. He also mentioned undoing everything they have already done in previous zone changes and COG has not really seen a need for additional 55 and over housing in this state. He said however, community factors such as ease of access to the highways and the type of clientele that are attracted need to be considered. He asked how they are going to bring these people in and where is this market coming from. Rick said that they can't predict that. A discussion took place regarding attracting people and location. Joe said that they have to decide if this is for us now. Sally asked if it isn't for us now, then when is it for us. Joe asked what if it fails. Sally asked if they could put a requirement in that they build in phases and not build everything all at once, there are no guarantees. Joe said that would be a good idea. Steve asked if they could bond the buildings. Attorney Fitzpatrick said that according to the age restricted regulations, if they make this text change, and someone wants to put an age restricted development into an R-65 zone and they plan to build more than 50 units then they have to have a community building, they are required to pick up their own trash, and the roads are required to be private. He said that this applicant has not asked that any of that be changed, that he is requesting that he be allowed to build in R-45 and R-65. He said that the commission has had a good discussion and should consider making a motion and then continue to discuss it. Dianna said that she feels they should not gamble with Naugatuck right now, that the economy is down and nobody is really building or selling right now, and why should they gamble with grant money that we will need for economic development that will lower taxes. She said it's not keeping with the character of that neighborhood, it's against the recommendations of the Plan of Development and the regional plan and it's against the very goals that we worked on for so long. Sally said that maybe if Naugatuck had done this five or six years ago, it would be way ahead of itself by now, we cannot live by fear and that we don't have a crystal ball, we can only do what we think is right at the time. Dianna said we need to weigh the risk against the need. Sally asked how can you judge the need until they are built.

VOTED: 3-2-0 on a motion by Rick Cool and seconded by Sally Brouillet to approve the text change with modifications.

A discussion took place regarding the modifications which were proposed as follow;

1. Regulation 58.1: PURPOSE AND INTENT
Age Restricted Residential Development. The purpose of this section is:
To provide for the construction of alternative housing types to meet the needs of those aged 55 and older while recognizing that such housing has less impact than other higher density housing;

To enable the development of adult residential communities to expand housing opportunities for the elderly while allowing for the provision and preservation of open spaces, protection of wetlands, and the preservation of natural resources and property values;

Protection of the environmental character of the area and its particular suitability for the specific use and in particular, the preservation of the rural character of zones R-45 and R-65;

Employ residential uses and recreational uses which are related to and directly support the residential uses in order to maximize open space, recreational opportunities and the preservation of the environment;

Enable the Commission to select areas best suited for development and open space through modifications or conditions it may attach to its approval and based on consideration of, but not limited to, the following;

- a. The retention and protection of designated wetlands, rivers, streams, ponds, swamps, flood plains, or other designated water bodies;
- b. The protection of significant woodlands and natural buffers;
- c. The protection of hillsides, and of terrains deemed susceptible to erodibility or (the creation of) turbidity of siltation;
- d. The protection and enhancement of any other significant environmental and ecological asset;
- e. The protection, preservation and enhancement of the rural character of the R-45 and R-65 zones, as well as the protection and enhancement of any other significant environmental and ecological asset.

Regulation 58.1.1: Shall remain, no changes.

2. Regulation 58.2.6: Connecting concrete sidewalks 4' wide, with handicap ramp access, shall be provided along one side of the street, and constructed according to Borough standards.
3. Regulation 58.2.5: A minimum of 1 ½ parking spaces per unit must be provided in all zones for one and two bedroom units, three bedroom units shall have two parking spaces per unit, and in the R-45 and R-65 zones which shall have 2 parking spaces per unit. All parking spaces shall be located not more than 150' from the unit.
4. Regulation 58.4.2: The maximum number of dwelling units in an R-8 zone shall be six (6) per 40,000 square feet. The maximum numbers of dwelling units in an R-15 zone shall be four (4) per 40,000 square feet. The maximum number of dwelling units in an R-30 zone shall be three (3) units per 40,000 square feet. The maximum number of dwelling units in an R-45 zone shall

be two (2) units per 40,000 square feet. The maximum number of dwelling units in an R-65 zone shall be 1.5 units per 40,000 square feet.

3. Regulation 58.4.3: No changes.
4. Regulation 58.4.4: No dwelling shall extend within less than 25 feet of any street line or 20 feet of any other property line, except in an R-45 zone no dwelling shall extend within less than 30 feet and in an R-65 zone no dwelling shall extend within less than 40 feet of any other property line; provided, however, at the request of the applicant made in writing at the time of the filing of the application, the Zoning Commission may waive the setback requirements when there is an existing structure on the tract of land which the Commission determines merits saving. Where the proposed Age Restricted Residential Development abuts a residential neighborhood, the Zoning Commission may require additional landscaping buffers, fencing or an increase in the setback requirements when along the boundaries of the residential neighborhood.
5. Regulation 58.4.5: No dwelling shall extend within less than 35 feet of any other building, except in the R-45 and R-56 zone where the setback between buildings shall be 50'. In the case of adjacent garages, this distance may be reduce to 25 feet, except in R-45 and R-65 zones where it shall be 35'.
6. Regulation 58.4.9: No building shall exceed a length of 150 feet, except in the R-45 and R-65 zones where the maximum building length shall be 120', and no exterior wall of any dwelling shall exceed 50 feet in length, in an unbroken plane without an offset of at least two feet.
 - a.) All buildings are to be of single consistent architectural style for harmony and appearance as determined by the Zoning Commission.
7. Regulation 58.4.11: The maximum allowable lot coverage as a percent of the minimum buildable area in the R-45 and R-65 zones shall not exceed 20%. The maximum allowable lot coverage as a percent of the minimum buildable area in the R-30, R-15, R-8 and RA-1 zones shall not exceed 25%. The maximum allowable lot coverage as a percent of the minimum buildable area in the I-2, B-3 and B-4 zones shall not exceed 40%. The maximum allowable lot coverage as a percent of the minimum buildable area in the B-1 zone shall not exceed 75%.
8. Regulation 58.14: Provisions for individual central air conditioning units must be provided. Window installations are prohibited.
9. Regulation 58.18 shall be added: The Commission shall make a determination as to the impact upon streets, roads, sewers, water, public safety and other municipal facilities, both on site and off site. In making

this determination, the commission may require relevant studies and information needed to determine the impact. Upon review, the Commission shall determine all on site and off site improvements required to provide facilities in accordance with standards of the Borough of Naugatuck, which shall be the responsibility of the developer. To provide for the installation of the off site improvements, the Commission may require that: (1) the developer install the improvements at their expense; (2) the developer make a payment to the Borough of Naugatuck for the cost of installation of the improvements, based upon an estimation of costs reviewed by the Borough Engineer and adjusted for anticipated inflationary costs; or (3) a combination of the above, as determined by the Commission. In their determination of the improvements required, the Commission may require a phasing of the improvements based upon the number of building permits issued within the proposed development.

FOR

Neil Mascola
Richard Cool
Sally Brouillet

AGAINST

Diana Raczkowski
Joe Savarese

ABSTAIN

VOTED: Unanimously on a motion by Diana Raczkowski and seconded by Sally Brouillet to Adjourn the meeting at 10:08 P.M.