

**ZONING COMMISSION
MEETING January 18, 2012**

Diana Raczkowski opened the Regular Meeting at 6:05 P.M. with the following in attendance:

MEMBERS:

Joe Savarese, Chair, absent
Diana Raczkowski, Vice Chair
Neil Mascola
Stanley Jaroneczyk
Richard Cool, absent
Sally Brouillet, alternate

OTHERS:

Public: 0

Steve Macary, CZEO
Sue Goggin, Secretary

REGULAR MEETING

1. Diana Raczkowski opened the meeting with the Pledge of Allegiance and then took attendance. At this point, it was determined that a quorum was present. Diana Raczkowski appointed Sally Brouillet a regular voting member in place of Richard Cool.
2. No Executive Session.
3. Approval of November Meeting Minutes.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Stanley Jaroneczyk to **APPROVE** the November meeting minutes as written.

4. **OLD BUSINESS:**

- A. Commission discussion for a Special Permit for the removal of more than 350 yards of earth material located at 15 East Waterbury Road. Applicant: Unimetal Surface Finishing, LLC/Land Data Engineers.

Neil Mascola read a letter from Paul Bunevich, agent for the applicant, telling the commission that they are withdrawing their application, but they still intend to resubmit it as early as next month. Diana said they will not charge them zoning fees for the resubmission due to the fact that the Wetlands Commission is requiring the applicant to get a full set of plans.

- B. Commission discussion/decision for a site plan located on 8 Radnor Avenue. Applicant: BAR Industries

Diana stated that the address above was incorrect. It should read 66 Naugatuck Drive. Roland said that two additional bays will be added to the two existing bays. The siding will be a seamless match. Diana asked what the building will be used for. Roland replied that it will be warehousing electrical supplies such as wiring and boxes. Diana stated that the addition would double the size of the building. Sally asked if there would be plantings. Roland showed them pictures of what it would look like. Mr. Schmidt said they will plant azaleas, rhododendron and possible a couple of red maples. Sally asked that the exact

plantings be on record. Diana read a letter from Wayne Zirolli regarding the plans. The following conditions must be met:

1. The siding shall match and blend seamlessly with the old.
2. An 8' flowering pear tree must be planted in the front at the owner's discretion and guaranteed through two growing seasons.
3. Shrubs and landscaping materials will be put in the mound around the sign.
4. The conditions in Wayne's report, of 1/18/12, will apply.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Stanley Jaroneczyk to **APPROVE** the site plan with the conditions as read.

C. Commission discussion/decision regarding Bronko/Finlay results.

Diana read a letter from Roman Mrozinski of Southwest Soil and Conservation that has some suggestions to alleviate the problems for the Bronko's and the Finley's. Mrs. Bronko gave Diana a letter from October 20, 2002 in which it states that Mr. Finley would reslope the back of the property within a year.

Diana read the letter to the commission. Mrs. Bronko said that since that time it has been shown that the house wasn't built in the right place. In May 2004, Mr. Finley was fined for changing the elevation, but not conforming to the regulations. This has been an ongoing process from 2002 until now. The most recent letters are from when Mr. Finley wanted to put a pool in and extend his back deck. The correspondence between Attorney Ned Fitzpatrick, the Finley's attorney and then Borough Attorney Pete Hess, dated May 21, 2007, stated that in order for him to get the permits, he had to conform to the 2 to 1 slope and since 2002 it's never happened. Diana read this part of the letter to the commission. She then read another letter from Attorney Hess to Attorney Fitzpatrick stating that Mr. Finley can pick up his permit for as deck and walkway as long as certain conditions were met within a certain time frame. Diana said the conditions were not met because it's not a 2 to 1 slope. Steve read from Roman's letter where he said they should not disturb the exposed area. A discussion ensued as to the time frame of the agreement and if a statute of limitations would apply. The zoning commission issued to the Finley's an order to correct the current drainage from the Finlay property onto the Bronko property. The following are the actions that need to be taken by the Finley's per recommendation of Southwest and the zoning commission:

1. Construct a 4' wide and 6" deep swale lined with crushed stone and check dams to divert the water back onto the Finley property along the southerly Finley/Bronko property line that goes around the back of the property or if an alternative plan is approved within 60 days by Southwest and the zoning commission that will accomplish the same goal. .
2. Stabilize all the exposed and eroded soils that were seen on the commission's site walk along their property line with hay or mulch immediately. In the spring, permanent stabilization will be accomplished with seeding.
3. The slope at the rear of the yard needs to be stabilized with hay and mulch as soon as possible. In the spring, it needs to be brought to a 2 to 1 slope with the property line and then permanently seeded and planted.

The following are the action that needs to be taken by the Bronko's:

1. Stabilize all of the exposed eroded soils along their northern property line with the Finley's with hay or mulch immediately and in the spring seed for permanent stabilization.

Mr. Bronko said the 2 to 1 slope, according to the regulations, says within 15 feet of the property line. Steve said they can't have him pull that back 15 feet, because it will all wash away. Diana said she thinks it's going to have to go back anyway. She said that Mr. Finlay agreed to do this in exchange for his permit and he didn't do it and they have letters to prove it. Diana suggested that they vote to issue the order to correct the problems. Stanley asked who will deliver the order. Diana said Steve will send the Finley's a letter.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Neil Mascola to **APPROVE** the Issuance of an Order to Correct as read.

5. **NEW BUSINESS:**

A. 2012 Goals and Objectives

This item was tabled until next month's meeting.

B. Commission Discussion/ Decision regarding Sign Regulations, Adopt a Spot, Giuseppe's, New Haven Road observations.

Diana said they may want to relook the Borough's sign regulations. Sally has been working on them. Diana suggested that they might want to add or remove uses in Schedule A. Diana asked Steve to look into the RV's that have been parked on Clark Road for awhile. The commission will table this until next month's meeting.

C. Accept Special Permit Application, Set Public Hearing; refer to Planning Commission for 11 dwelling units located on 56 Terrace Avenue. Applicant: Attorney Kevin McSherry.

Attorney McSherry, on behalf of applicant, Doug Columb, explained to the commission that his client is looking to convert a former group home at 56 Terrace Avenue into 11 apartments. Nine of them would be single person apartments and 2 would be two person apartments. He said that on April 15, 2009 the commission reviewed the property and told the previous applicant they needed to apply for a special permit. Attorney McSherry asked the commission to set a hearing for February 15, 2012. He said Doug is well prepared with detailed architectural plans and a plot plan. Attorney McSherry showed the commission pictures of the property. Diana read the minutes from the April 15, 2009 meeting. Sally asked about parking. Attorney McSherry said there are 22 spaces proposed on the plan. Diana said she will accept a motion to accept the special permit application and set a public hearing for February 15, 2012 at 6:15 and refer to the Planning Commission the application of 11 dwelling units located at 56 Terrace Avenue, applicant Attorney Kevin McSherry.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Stanley Jaroneczyk to accept the special permit application and set a public hearing for February 15, 2012 at 6:15 PM and refer to Planning the application of 11 dwelling units located at 56 Terrace Avenue.

- D. Commission discussion/decision regarding a site plan for 15 East Waterbury Road. Applicant: Unimetal Surface Finishing, LLC/Land Data Engineers.

The application was withdrawn as stated under Old Business item A.

- E. Accept Special Permit Application, Set Public Hearing; refer to Planning Commission for a mix of commercial and residential use located on 1177 New Haven Road. Applicant: David P. Hughes, P.E., L.S.

David A. Hughes, introduced himself and the client's Attorney Frederick Hellish for the record. Attorney Frederick Hellish began by explaining that his client wants to increase the size of his restaurant to 2000 square feet. He wants the restaurant to go from take out to a sit down. They will be taking down a vacant house next door to expand. Diana asked if he knew the criteria of what they need to meet for a special permit. Attorney Hellish had a copy of the regulations and understood what's needed for the public hearing.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Stanley Jaroneczyk to **ACCEPT** to a special permit application, set a public hearing for Wednesday March 21, 2012 at 6:15 PM and refer to planning the application for a mix of commercial and residential use located at 1177 New Haven Road. Applicant: David A. Hughes, P.E., L.S.

6. Commission discussion for Change of Use applications.

Steve explained that Attorney Matthew Woermer wanted to put in a laundromat at 170 North Main Street. He showed them a site plan. He said that there is off street parking and also a parking lot in the back that he shares with the church. Diana asked how many machines there would be. Steve said there would be 8 washers and 8 dryers. There is a handicapped bathroom that the building department is requiring them to install. A discussion ensued regarding the parking for the business. Steve thought that there would be a lot of walk-ins. Diana agreed that the neighborhood does have a number of multi-family homes. The hours of the business will be 8 AM to 8 PM.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Sally Brouillet to **RATIFY** the change of use application with the condition that the sign meets the current zoning regulations.

The Commission took a 10 minute recess.

7. Commission discussion regarding follow-up of monthly ZEO report on an outstanding current zoning complaint.

There was no discussion on this.

8. Chairman Report.

There was no Chairman Report.

9. Adjournment.

VOTED: Unanimously on a motion by Stanley Jaroneczyk and seconded by Sally Brouillet to adjourn the meeting at 8:00 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary/sg