

**ZONING COMMISSION
PUBLIC HEARINGS August 21, 2013**

Diana Raczkowski opened the Public Hearing at 6:00 P.M. with the following in attendance:

MEMBERS:

Diana Raczkowski, Acting Chair
Neil Mascola
Richard Cool
Sally Brouillet
William Stopper
April Slauson, Alternate
Matthew DeBarber, Alternate

OTHERS:

Steve Macary, ZEO
Sue Goggin
Public - 13

PUBLIC HEARINGS

6:00 P.M. CONTINUED PUBLIC HEARING – Text change to Section 42 (Topsoil, sand and gravel) of the Naugatuck Zoning Regulations; Applicant: Naugatuck Zoning Commission

Diana handed out a new copy of the changes to Section 42. She then went through each change since the last draft. There was no public comment. Diana closed the public hearing.

6:15 P.M. CONTINUED PUBLIC HEARING – Text change to Section 27 (Signs); Applicant: Naugatuck Zoning Commission

Sally said all the changes requested were made. She then read the changes. There was discussion on 27.12.4. The regulation was changed to read “Advertising flags, banners, streamers, pennants, searchlights, string or festoon lights, solar lights, tethered balloons, umbrellas, inflatable signs, statues, objects or similar device unless temporary permit for special events granted by the Zoning Enforcement Officer.” Section 27.15.1 was changed to read “All Grand Openings and Going out of Business Signs shall require a temporary permit issued by the Naugatuck Zoning Enforcement Officer. The permit shall limit the time for such signs to 3 months for Grand Openings and 6 months for Going out of Business Signs.” Diana asked about pre-existing signs that fall under Section 27.12.3. She said there are new signs where the image on the screen changes. Sally said they are not allowed new, but they are allowed as pre-existing. Diana asked for public comment. Alec Wargo, 1058 Rubber Avenue, commented that the sign at the high school is the type of sign that Diana was commenting on. There was no further discussion.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by that the proposed revisions of sign regulations dated July 19, 2013 be forwarded to the Planning Commission with the changes that were noted and the Public Hearing will be continued to September 18, 2013 at 6:15 P.M.

6:30 P.M. PUBLIC HEARING – For a zone change to the current zoning map so it may adhere to the Plan of Conservation and Development. Applicant: Naugatuck Zoning Commission

Diana read a report from Keith Rosenfeld, Town Planner, dated August 12, 2013. She also said the public hearing was noticed on August 9th and 16th. Diana then read an e-mail from Sam Gold of Council of Governments. There was a discussion on what is allowed in the RADD zone. Diana asked for public comment. Stella Walkuski, 113 School Street Extension, said there are approximately five houses on her street right now. Two of them have city water and sewers and the others have wells. She said the wells have run dry many times and the houses with the city water help them. She wanted to know if the town would have to run water to the street if more houses were built. She said there is not enough water there to support wells on the size lots that are allowed in the R-15 zone. Diana said wells are not allowed in that zone. Steve said city water is required in the R-15 zone. Diana clarified that they would have to have 1 acre of land to put in a well. Harvel Brooks, 150 School Street, said he is trying to find out the benefit to him if the zone changed from industrial to residential. Diana said it would keep his neighborhood residential. Mr. Brooks said his whole side of the street is industrial and based on the nature of his business he doesn't want the zone changed. He said he repairs commercial laundry equipment and he would like to put a garage in his back yard so he can work from home. Diana said the changes are being made to conform to the local and regional Plan of Development. Diana said they are considering all the comments made by the public. Elaine Fiermonte, 108 Lorann Drive, said she owns property at 40 Mallane Lane. She said her zoning right now is residential and asked if it is going to change to industrial. Diana said they have that property as being industrial. Diana assured her that they would not be changing anything to industrial. Alec Wargo, 1058 Rubber Avenue, said he wanted to clarify that everything that's been discussed at the previous public hearings carries over into this meeting. Diana said yes it is all part of the record. Alec said that at previous meeting she had stated that anything that was being used for industrial that they weren't going to change. Diana said they may change the zone but they are not prohibiting them from continuing the use. Alec said they are prohibiting the use. Diana said they are prohibiting expansion but not the use. A discussion ensued regarding expansion and non-conformities. Alec said if they make it a non-conforming business, his building has no value when he is done using it. Diana said if it is used for the same purpose it would be allowed. They determined that the Borough Attorney would need to be consulted. There was confusion as to what zone Alec's house is in, R-30 or R-65. Steve said Keith went through this, with the Plan of Conservation and Development, and decided that it should be R-65. Diana said this is why Keith should be here. Diana said they will not be able to vote on this because this needs to be addressed. Diana said they need Keith here to address this. She told Alec he should go in and meet with Keith and find out exactly what the two parcels in question are zoned. She said they need to know if it is I-2 going to R-65 as it says and why is it going to R-65 if it's R-30. The first parcel id in question is 070-5700. Diana said Mr. Wargo currently resides in that house and he is claiming it is in an R-30 zone. She asked if it can stay R-30 or must it be R-65. Diana said the second parcel in question is not numbered on the map, but land use is claiming that it is part of 056-2261. She said they want to know if the existing house and the square that's marked in orange is part of that lot. She would like to know what that number is and for Keith to give a recommendation and why they are recommending that. Diana said she would like Attorney Fitzpatrick and Keith to come to the next meeting. Diana said they need to check the acreage of Mr. Wargo's properties. She would like Sue to make a note that Mr. Rosenfeld is to meet with Mr. Wargo before next Tuesday and go over each one of these properties and present a report at the September meeting as to why it should or should not be changed or any changes to what he has in the application. Diana asked that Attorney Fitzpatrick give the commission a letter regarding non-conformity and continuation of use if the property is sold to someone else

and also expansion of a non-conformity. Alec said he would not be able to be at the September meeting and formally requested to continue the public hearing to the October meeting. Diana asked him to write a letter asking them to continue the public hearing and include any comments he would like read into the record at the next meeting. Alec said that the Preta's also do not want their property changed. Stylin Woodard, 42 Crofut Road, asked how this change would affect his property. Steve said he believes part of their yard is industrial and part residential. He said they are just going to make it conform to the rest of his property. He asked if they would be able to expand their house. Diana said as long as they meet the zoning regs for that zone. There was no more public comment. Diana asked Sue to check for room availability after September 24 and before the October meeting. Sue will send some dates out to the commission to make sure there is a quorum. Louis Liguori, 1075 Rubber Avenue, said he would like to stay I-2 but if they are going to change his zone he would like it to be RADD. Diana would like to know from Keith why Mr. Liguori's property is not included in the RADD. The parcel id is 046-7202 for that property. The public hearing was continued to September 18th at 6:30 P.M. Diana would like Attorney Fitzpatrick and Keith Rosenfeld at the next meeting.

REGULAR MEETING

1. At 6:00 P.M., Diana Raczkowski opened the meeting with the Pledge of Allegiance and then took attendance and noted there was a quorum.
2. There was no Executive session.
3. Approval of the July 17, 2013 Regular Meeting Minutes. The secretary will sign previously approved minutes.

VOTED: 5-0-1 on a motion by Neil Mascola and seconded by Sally Brouillet to **APPROVE** the July 17, 2013 Regular Meeting Minutes as written.

FOR

Neil Mascola
Richard Cool
Sally Brouillet
Bill Stopper
April Slauson

AGAINST

ABSTAIN

Diana Raczkowski

4. **OLD BUSINESS:**

- A. Commission discussion/decision for a text change to Section 27 (Signs);
Applicant: Naugatuck Zoning Commission

There was no further discussion on this item.

- B. Commission discussion/decision for a text change to Section 42 (topsoil, sand and gravel) of the Naugatuck Zoning regulations; Applicant: Naugatuck Zoning Commission

VOTED: 6-1-0 on a motion by Sally Brouillet and seconded by Rick Cool to **APPROVE** Section 42, Earth Excavation, Fill and Re-grading (topsoil, sand and gravel) of the Naugatuck Zoning Regulations; Applicant: Naugatuck Zoning Commission, the copy that is dated August 21, 2013 and reviewed effective as of September 17, 2013.

- C. Commission discussion/decision for a zone change to the current zoning map so it may adhere to the Plan of Conservation and Development. Applicant: Naugatuck Zoning Commission

There was no discussion on this item. It was continued to the next meeting.

5. **NEW BUSINESS:**

- A. Update regarding the Finlay/Bronko work.

Diana read a report by Sue Goggin, AZEO, into the record. She said Sue is going to send Mr. Finlay a certified letter asking to inspect the run-off within

the next two weeks. She is also going to ask the Bronko's to inspect their property. Diana said Attorney Savarese will be at the next meeting. There was no further discussion. This item was tabled until September 18, 2013.

- B.** Accept Special Permit application, refer to Planning Commission, set Public Hearing for wholesale auto sales at 38 Cherry Street; Applicant: 38 Cherry Street, LLC

Diana questioned whether the application needed ZBA approval. Steve said that was in the old regulations and it's not required any more. Diana told the commission and Steve to cross it off on their copies of the application. Diana said it was approved by the Wetlands Commission with conditions. Steve said they will make those conditions part of the Zoning Commission's approval. Diana said there will be no outside storage of vehicles and no working on cars or washing of cars. There was no further discussion on this item.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Neil Mascola to **ACCEPT** Special Permit application, **REFER** to Planning Commission, **SET** Public Hearing for September 18, 2013 at 6:00 P.M. for wholesale auto sales at 38 Cherry Street; Applicant: 38 Cherry Street, LLC

- C.** Additional items require a 2/3 vote of the Commission.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Bill Stopper to **ADD** Attorney McSherry and the proposed apartments on Church Street to the agenda for discussion.

Attorney Kevin Mcsherry, 38 Fairview Avenue, Naugatuck, said he was there to discuss putting in apartments at 100 Church Street. He said there have been businesses on the ground floor recently and the second and third floors are currently vacant. He said the building was originally built in 1887 and it was commercial on the bottom and apartments upstairs. It stayed this way until the 1940's when bowling alleys were put in on the second and third floors. He said the third floor is still a bowling alley and the second floor is an open space which was used for tae kwon do and things like that. He said the POCD talks about having businesses on the bottom floor and apartments above. He said there are other buildings on Church Street that meet this qualification. Diana clarified that apartments are allowed in the B-1 zone. The number of apartments allowed depends on the amount of square footage of the lot. Diana said they may need to apply for a variance if there's not enough land area. Attorney McSherry and architect, Earl Lindgren, showed the commission pictures of the inside of the building and a drawing of the property. There was a discussion on current apartments in the downtown area and around town. Attorney McSherry will come back before the commission with a more complete plan.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Neil Mascola to **ADD** to the agenda modification of site plan for G's Burgers.

Steve said they would like to add parking to their lot. Diana asked if it's paved. Steve said he does not know if they are going to pave it or stone it. There are a

number of questions that the commission needs answers on. Diana said they need to come to the next zoning meeting and show the following:

- Is paving required and if not, the amount of gravel to be used for the parking lot- the Zoning Commission suggests paving the lot
- How are parking spaces going to be designated?
- Landscaping and trees to buffer between the properties, especially on the Mezzio side
- Show the house on the plan
- Lighting
- Type of fence, including height and material being used
- Is more handicapped parking required by state statute because they are increasing the number of spaces?
- Employee parking must be marked

Steve said the Borough is replacing the playground at Central Avenue School. He showed them the layout of the playground equipment. Diana said the town is not exempt from permits. She suggested that Steve might want to send a reminder about that to the Parks Department, Street Department and whoever else might need a reminder. There was no further discussion.

VOTED: Unanimously on a motion by Diana Raczkowski and seconded by Neil Mascola to **ADD** the application for amending the regulation on tree houses, Section 25, to the agenda, **REFER** to Planning and **SET** a Public Hearing for October 16, 2013 at 6:00 P.M.
Steve will notify Council of Governments.

6. Commission discussion/ZEO permits and various complaints.

There was no discussion.

7. Chairman Report

There was no discussion.

8. Public Comment

There was no public comment.

9. Adjournment

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Bill Stopper to adjourn the meeting at 9:00 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary/sg