

**ZONING COMMISSION
PUBLIC HEARINGS December 18, 2013**

Bill Stopper opened the Public Hearing at 6:30 P.M. with the following in attendance:

MEMBERS:

William Stopper, Chair
Sally Brouillet, Vice Chair
Richard Cool
April Slauson, Secretary
Kathy Donovan
Matthew DeBarber, Alternate

OTHERS:

Steve Macary, ZEO
Sue Goggin
Public - 4

PUBLIC HEARINGS

6:00 P.M. PUBLIC HEARING – Special permit for two buildings located at 1257 New Haven Road; Applicant: Newtown Investors, LLC

Larry Edwards, P.E., L.S., 227 Stepney Road, Easton, explained that currently the property has a single family residence on it. They are proposing to remove that and build the self storage facility. He said the property consists of 1.76 acres. He said they are proposing to construct 2 buildings. The bigger building will be a two story building and the smaller one story. The buildings will comprise 37,200 square feet. They are proposing 4 parking spaces and a small sales office in the front of the property. He explained the storm water quality system and the landscape plan. Larry said they are requesting to waive the sidewalks. Bill asked if they will be storing autos at the facility. Tom Christiano, the applicant, said basically it is a climate controlled building which is run like a retail operation. There will be a person manning the store the whole day and there are security cameras around the whole facility. He said most of his customers will be people who store for about 4-5 months. He said the units are not designed for contractors, but for residential use. He said that customers are not allowed to bring any contaminants into the building and there will be no outside storage. Tom said there are about 300-400 units. He said if anyone abandons things in the units he tries to donate it, but usually it gets thrown out. Sally asked about the hours. Tom said typically 9-4 the office is manned and probably a little later on Thursday night. He said the outside units have 24 hour access because of their codes but not the interior. He said the mature landscaping will stay as a buffer. They will be installing a berm along the existing stonewall. Larry said they are proposing planting some lower bushes as an additional buffer. There was a discussion about the 24 hour access. The commission will go on individual site walks. Bill asked for public comment. Debra Healey, Hackett Street, asked if the back lower building has 24 hour access. Tom said yes. There was a discussion about the vegetative buffer and maintenance of it. There was concern over headlights shining into people's backyards. The commission will look when they go on their site walks to see if it might be necessary to ask them to install a fence. Tom said he would like to work with the community. There was no further public comment. The Public Hearing was continued until January 15, 2014 at 6:15 P.M.

6:15 P.M. PUBLIC HEARING – Special permit for the importation of more than 350 yards of earth material located at 1257 New Haven Road; Applicant: Newtown Investors, LLC

Larry Edwards, P.E., L.S., 227 Stepney Road, Easton, said the project will balance out its cuts and fills for the most part. He said the amount of material that has to come on the site is just under 500 cubic yards. He said the majority of that material is construction material. There was further discussion on the 24 hour access. Tom said he will review the data from his other location to see how much traffic is there late at night. Sally asked about lighting on the outside of the buildings. Tom said they will install motion sensor lights. There was no public comment. The Public Hearing was continued until January 15, 2014 at 6:30 P.M.

REGULAR MEETING
DECEMBER 18, 2013

1. At 6:00 P.M., Bill Stopper 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 November 20, 2013 Regular Meeting Minutes. The secretary will sign previously approved minutes.

VOTED: Unanimously on a motion by Kathy Donovan and seconded by Sally Brouillet to **APPROVE** the November 20, 2013 Meeting Minutes as written.

4. **OLD BUSINESS:**

- A. Commission discussion/decision for a special permit for the importation of more than 350 yards of earth material located at 1257 New Haven Road;
Applicant: Newtown Investors, LLC

There was no discussion. The Public Hearing was continued until January 15, 2014 at 6:15 P.M.

- B. Commission discussion/decision for a special permit for the importation of more than 350 yards of earth material located at 1257 New Haven Road;
Applicant: Newtown Investors, LLC

There was no discussion. The Public Hearing was continued until January 15, 2014 at 6:30 P.M.

5. **NEW BUSINESS:**

- A. Commission decision with ZEO on various complaints.

Steve said the complainant from School Street, regarding the wood stove smoke, has filed a ZBA application to appeal the decision of the zoning commission. There was a discussion over the commission's decision to withdraw the order from Steve to stop burning the stove. The commission agreed the neighbor is within his rights to be using the wood stove.

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

VOTED: Unanimously on a motion by Kathy Donovan and seconded by April Slauson to **ADD** Attorney McSherry to the agenda.

Attorney Kevin McSherry, 38 Fairview Avenue, Naugatuck, said he would like to submit an application for a special permit for a dog grooming facility at 947 New Haven Road. He said it is a single family house which is going to be converted into a dog grooming building. He said he saw the applicant's current location and it is impeccable inside. There is a two car garage on the property as

well as a driveway. Attorney McSherry said his surveyor can fit 7 parking spaces on the property plus the two in the garage. He asked how the commission felt about having less parking rather than more considering the type of business that it is. They would like to leave the lawn and the trees that are there now. Steve clarified that right now they are only accepting the application.

VOTED: Unanimously on a motion by April Slauson and seconded by Kathy Donovan to **ACCEPT** the application, **REFER** to the Planning Commission, **SET** the Public Hearing for February 19, 2014 at 6:45 P.M. for a dog grooming facility on New Haven Road. Applicant: Attorney Kevin McSherry

VOTED: Unanimously on a motion by Rick Cool and seconded by Kathy Donovan to **ADD** James Warren to the agenda for a site plan at 909 Prospect Street.

James Warren, owner of Capital Quarry Materials on Route 68 in Naugatuck, said he talked to Steve Macary a couple of times regarding what they are doing. He said they've been selling mulch, sand/salt and salt mix and didn't know if he needed a different kind of a permit to sell that (sand/salt and salt mix) also. He said he has a sand and gravel operation that's been in existence since 1930 or 1940, but they do sell mulch in the summer. He said he talked to Steve about it and he said he should come in and talk to the commission to see if he needed an additional permit to sell things other than just the sand and gravel. Bill asked what other kinds of things he wanted to sell. James said mainly earth materials stuff which is mulch, they advertise in the newspaper. They have three or four different color mulches. He said he brought a couple of pictures and that they have all the bins set up. They have a big huge hut set up on top of mafia blocks and all the salt and sand/salt stays stored in there on a concrete pad. He said they have been selling it already but it came to his attention that maybe they need a permit. Bill asked what the types of materials that he supplied are. James said everything that have to do with sand and gravel, like topsoil, sand, crushed and processed stone. James Warren said the mulch and stuff they don't make there so they have to bring it in and also the salt, obviously, they don't make so they bring that in. Sometimes they bring in a real fine mason sand or sandbox sand. Bill asked him if he previously had permits to do what he was doing. James agreed and he said it is a little bit of a grey area. He said he didn't know if that needs to be addressed separately than the sand and gravel. Rick Cool asked what the regs say. Kathy Donovan said salt is treated differently than sand and gravel. She said she thinks Mr. Macary should do an investigation into the requirements of storing salt. James said they are a registered quarry with the Mine Safety and Health Administration (MSHA) and the DEEP, so they already get regular visits from them and that's why it's under a big huge hut and on a concrete pad. He said they come to his site every year, sometimes two or three times after storms, even though the wetlands commission doesn't come out or Steve will come out or call us if there happens to be a complaint. He said normally they get their visits from the DEEP. He said they come down for water pollution control. He said they already have an engineered plan for that which they require them to hold and keep monitored. He said they already have temporary water ponds for the DEEP's regulations. He said they also have the DEEP come out for air quality control. They come out for the day and make sure they are not putting too many particles in the air when they are crushing

and screening. James said another reason why he there is that they are going to be building the plaza, which he already has all approved, on Route 68. He said they are hoping that they are going to put in a bigger store to sell different things to contractors. Steve said it is a B-2 zone out there. James said the road is B-2 and the inside is industrial, PDD#11. Steve clarified that James wants to do a store, bring mulch in and sell it. He asked if he's going to sell shovels, wheelbarrows and things like that. Mr. Warren said he doesn't think at this time. He said maybe hay only because his family... Steve said if he does that it's just a lumber/building material yard which is just a simple site plan. He said it's just one check for \$300 and one for \$60, a site plan review and we go over it. Steve said that Mr. Warren has an existing quarry and he's been bringing the material in and selling it for years. He said he sees that in the I-1 as a site plan. Sally asked Steve if there's anyone he should check with to make sure none of the material is dangerous. Steve asked if she meant the salt. Sally said she doesn't know anything about it. Steve asked if she meant the mulch being dangerous. Rick said he thinks she means the salt. Steve said he doesn't know much about the salt. Sally said maybe he should check on it. Kathy said he should investigate the salt, as far as meeting the zoning regulations. Mr. Warren said it is very, very minimal as far as the salt. He said it is only a couple of tri-axle loads a year and it gets mixed up with sand. Kathy asked if it is for plowing. Mr. Warren said it is just for plowing. Steve asked if it is the same sand that the Borough uses next to the stream over there. Mr. Warren said the State uses it and the Borough uses it. Steve said it runs off and goes into the waterways and he doesn't think it's per se toxic if that's what the commission means, but he can certainly look into it. Sally asked if it is Wayne who would look into it. Steve said yes. Bill asked exactly where this is- #909 on Route 68. Steve said it is way inside and you can't see it from the road. Rick said it is about 300 yards past Maple Hill Road and it is in the back. Rick said he wants to put that plaza in that area. Sally asked how that is coming along. Mr. Warren said good. They already did the sewer and they have the contract for them to bring in the water and they already did all the catch basins to get into the property and they have all their state approvals. He said hopefully after the winter they are going to start doing the plaza. Mr. Warren said now that Lineweber's closed down he has a lot more smaller contractor's that are looking to get certain supplies that can't be bought in our town. Sally asked if he was going to start with the gas station. Mr. Warren he is doing the plaza and that is his brother is doing the gas station. Sally asked if the plaza will come first and then the gas station. Mr. Warren said they might be simultaneously. He said he brought them a map. He showed the commission the map and explained it. He said the bins are already there and the parking is already there. They have a really big truck scale. Steve asked how long it's been there. Mr. Warren said since 2008. Steve asked Mr. Warren if he knows anything about the salt. Mr. Warren said it is biodegradable and it is the same salt that is carried by the state and every single municipality. Sally was concerned about it running into the waterways. Mr. Warren said they have a storm pollution control plan with the DEEP, which they have their own basins. Sally said she has no objections but wants Steve to check to make sure that they are not ?? Steve said he doesn't mind but he is DEEP approved to put it there, but he can certainly ask Wayne. April asked if the state regulates it. Steve said yes. April said if the state didn't approve it, then he wouldn't be able to sell it. Steve said what bugs him is when it melts and it goes all over the catch basins and right into the water. Sally asked

Steve to double check with Wayne. Mr. Warren said it won't increase traffic because they've already been doing it and wasn't aware they needed an additional permit to bring stuff in and sell it. He said it's kind of like stuff that they did there since the place opened. He said when they first got it grandfathered in as a quarry, they had all the documentation, which might still be on file, because in the Flood of '55 they brought up all the bridges, so they had documentation from the Army Corp of Engineers and Air Army National Guard and stuff all the way back to the '30's and '40's. Steve said he had to do a lot of research on that property. He said he went back to at least 1930 or '40. Rick asked if he needs a permit. Mr. Warren said being a little bit of a grey area, he didn't know if he needed a permit or not. Kathy asked if he meant for the salt. He said for the mulch and he salt. Steve said he's not concerned about the salt because that's DEEP. It's the hauling in of the material and mulch and selling it off site is what was brought to his attention, he assumed by one of his competitors. Kathy asked him to just research it and let them know. Steve said in the regulations it just says a site plan which he has. He said that's under lumber and building material yards. He said building contractor yards. He said that's the only thing he could find in the industrial zone. Steve asked if it's in an I-1 zone. Mr. Warren said it's an approved PDD but right now it's I-1. Steve said that's on page 51 of the regulations. Steve said he doesn't even know what to put it under. Steve said he has a site plan there and if the commission wants to accept it, they can vote to accept the site plan for him to sell mulch. Bill said his original intent was to see if he needed more permits than what he has currently. Steve said he would issue him a zoning permit after the commission approves it. April clarified that if they approved it, Steve would give him a permit to sell the different types of mulch. Sally said she just doesn't understand about the salt, if it can cause any runoff into the places it shouldn't. Mr. Warren said everything is contained on their land under the DEEP. Sally said she doesn't know enough about it to give an opinion which is why she would like Wayne Zirolli to look at it. Steve said if they want to they can approve it with a contingency. Sally didn't think they could do that. Steve said sure they can. He said not on a special permit but on a site plan they can approve with a letter from Wayne. Sally said if they can do it fine. Steve said not on a special permit you can't make those requirements. Steve asked what it is Sally wants him to ask Wayne. Sally said she just wants to be sure it's safe, where it's piled and if it gets wet what happens to it. Mr. Warren said it dissolves just like table salt. Sally asked where it is going to go. Mr. Warren said it is on a concrete pad. Sally said she's sure that it's fine, but because she's not positive she wants to be sure. Mr. Warren said they already answer to the gods because the DEEP comes down. He said they do have theirs covered in a hut and when Lineweber's were open they just had it piled on the ground underneath the railroad tracks. He said he didn't know what permits they had to get. He said they had a store with a little building with some block and concrete and stuff in it, which they are hoping to do when the plaza gets built. He said they have theirs under cover and it is on a cement pad. Steve said he will check it out for Sally. April asked Steve if they should approve it so he can issue the permit, contingent on Wayne checking it out whatever he needs to. Steve said they have to add it to the agenda with a 2/3 vote. Then they accept the site plan provided by the applicant and approve it with a letter from Wayne Zirolli on where the salt is piled and how it's going to melt off. Steve asked Mr. Warren if his salt is there 4 months

out of the year. Mr. Warren said not even, probably 90 days. Steve said it is up to the commission what they want to do, it's not up to him.

VOTED: Unanimously on a motion by Rick Cool and seconded by Kathy Donovan to **ADD** James Warren to the agenda for a site plan at 909 Prospect Street.

VOTED: Unanimously on a motion by April Slauson and seconded by Kathy Donovan to **APPROVE** the site plan contingent on a letter from Wayne Zirolli stating that the salt is environmentally safe the way it's stored and where it's going to sit and that it complies with the Borough's Zoning Regulations and then Steve Macary will be able to issue Mr. Warren the necessary permits to sell the mulch and the material coming in.

Mr. Warren said to Steve he brought the checks in. Steve said he will give Mr. Warren a buzz tomorrow. Mr. Warren said as far as what Wayne needs, he can get copies from gateway, where he gets the salt. Steve said he will talk to Wayne.

- C. Accept application, refer to Planning Commission, set public hearing for a zone change from RA-1 to B-2 for property located at 46, 48 Prospect Street and 0 Golden Hill Street. Applicant: Attorney Michael McVerry

Attorney McVerry, 35 Porter Avenue, said he was there on behalf of the applicants, Remzi and Vesel Nasufi, owners of Vinnie's Pizza on Prospect Street. He said it is an application for 46 which is the restaurant building and 48 which is the parking lot next to it, as well as a strip of land owned by St. Hedwig's School which is under contract for sale. They would like to change the zoning designation from RA-1 to B-2. He said they have another application for a proposed text change to allow, by special permit, 2 or more dwelling units in the B-2 zone. He said they are asking the commission to consider both applications together.

VOTED: Unanimously on a motion by Rick Cool and seconded by Kathy Donovan to **ACCEPT** the application, **REFER** to the Planning Commission and **SET** the Public Hearing for February 19, 2014 at 6:15 P.M. for a zone change from RA-1 to B-2 for property located at 46, 48 Prospect Street and 0 Golden Hill Street. Applicant: Attorney Michael McVerry

- D. Accept application, refer to Planning Commission, set public hearing for a text change to Section 23.1, Schedule A, to allow by Special Permit, 2 or more dwelling units in a B-2 zone. Applicant: Attorney Michael McVerry

VOTED: Unanimously on a motion by Rick Cool and seconded by Kathy Donovan to **ACCEPT** the application, **REFER** to the Planning Commission and **SET** the Public Hearing for February 19, 2014 at 6:30 P.M. for a text change to Section 23.1, Schedule A, to allow by Special Permit, 2 or more dwelling units in a B-2 zone. Applicant: Attorney Michael McVerry

- 6. There was no Chairman Report.

7. There was no Public Comment.

8. Adjournment

VOTED: Unanimously on a motion by Rick Cool and seconded by Kathy Donovan to adjourn the meeting at 7:31 P.M.

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/sg