

**ZONING COMMISSION
MEETING March 20, 2013**

Diana Raczkowski opened the Regular Meeting at 6:00 P.M. with the following in attendance:

MEMBERS:

Diana Raczkowski, Vice Chair
Neil Mascola
Richard Cool, Absent
Sally Brouillet
William Stopper
April Slauson, Alternate

OTHERS:

Steve Macary, ZEO
Sue Goggin
Fred Agee, GIS Coordinator
Attorney Ned Fitzpatrick
Public - 2

REGULAR MEETING

1. At 6:00 P.M., Diana Raczkowski opened the meeting with the Pledge of Allegiance and then took attendance.
2. Executive session with the Borough Attorney and Naugatuck Zoning Commission. Discussion Regarding Andrew Avenue and the Cagno Passway.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Sally Brouillet to go into executive session with the Borough Attorney, Ned Fitzpatrick for the discussion on an issue with the Cagno Passway.

The commission invited Attorney Fitzpatrick and Zoning Enforcement Officer, Steve Macary, to join the meeting.

The regular meeting resumed at 7:00 P.M.

3. Approval of the February 20, 2013 Regular Meeting Minutes.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Sally Brouillet to **ACCEPT** the February 20, 2013 Regular Meeting Minutes as written.

4. **OLD BUSINESS:**

- A. Commission Discussion on revising the zoning regulations regarding playhouses, playscapes, gazebos and tree houses.

This item was tabled until the May meeting.

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

Sally said at the meeting on February 25th they decided to send Giuseppe's a friendly letter telling him the sign must be removed because it is illegal and giving him the option to change it to a beautification sign. A discussion ensued regarding proper permitting for the sign. Diana asked Steve to ask Ned what are

their legal rights to ask him to take the sign down and how do they go about it. April suggested that the Borough pay for an Adopt-a-Spot sign. Diana said she didn't think Giuseppe's would go for it. Steve is going to get a legal opinion on how to proceed.

Sally said she found some typos in her revisions to the sign Regulations. She reviewed those with the commission. The commission had a discussion regarding the different districts and what is allowed in them. At the February meeting, the commission set the Public Hearing for April 17th at 6:00 P.M. Sally asked Steve to let the commission know what Ned says about Giuseppe's sign.

5. NEW BUSINESS:

- A.** Accept application, refer to Planning Commission, set Public Hearing for a text change to Section 42 (topsoil, sand and gravel) of the Naugatuck Zoning Regulations; Applicant: Naugatuck Zoning Commission

VOTED: Unanimously on a motion by Sally Brouillet and seconded by William Stopper to **ACCEPT** the application, **REFER** to Planning Commission, **SET** the Public Hearing for May 15, 2013 at 6:00 P.M. for changes to Section 42 (topsoil, sand and gravel) of the Naugatuck Zoning Regulations; Applicant: Naugatuck Zoning Commission

- B.** Accept Special Permit application, refer to Planning Commission, set Public Hearing for the excavation of more than 350 yards of earth material located at 543 Rubber Avenue, Naugatuck High School; Applicant: O & G Inc., Borough of Naugatuck

Lorel Purcell, with O & G Industries, explained that they will be working on the renovation project at Naugatuck High School. She handed out the truck routes approved by the Police commission. She explained that they have about 25,000 yards of soil and fill that's going to be coming off the project. She said most of it will be done this year. The material is being moved to install proper drainage. About 18,000 to 20,000 yards will come off this year and the rest will come off the following year. She explained the truck routes to the commission. The hours are Monday-Friday from 7:00 A.M. –5:30 P.M. and Saturdays from 8 A.M.–5 P.M. except for two specific block-out times to allow for school traffic. These are Mon-Fri, 7AM-7:45AM and 2:00PM-2:45PM, however they will be flexible based on the school schedule and this will going on from April 1st until November of this year. There will be a total of about 4,000 trips. Attorney Fitzpatrick asked if O & G coordinated the block-out times with the school. Lorel replied that they cleared it with Jan Saam. A discussion ensued as to the state of the asphalt on Rubber Avenue. Steve should check with Jim Stewart as to the Borough's plan for any damages to Rubber Avenue when the project is finished. The commission set a Special Meeting for April 11th at 6:00 P.M. Sally asked Steve to have an answer from Jim Stewart on fixing Rubber Avenue.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Neil Mascola to accept the Special Permit application, refer to Planning Commission, set Public Hearing for April 11, 2013 at 6:00 P.M. for the

excavation of more than 350 yards of earth material located at 543 Rubber Avenue, Naugatuck High School; Applicant O & G, Inc.

C. Commission discussion/decision for a site plan located on New Haven Road (Hunan Wok); Applicant: David Hughes

David Hughes, 57 Norway Street, said they had some revisions to their plan. Diana read a letter from David, requesting a modification to their Special Permit. The revisions include having a one story building for just businesses, not adding a second floor, which was to be for apartments. Also, instead of a basement, they will be putting the building on a slab. David introduced Joe Pisani, 360 Prospect Street, general contractor for the project. A discussion ensued regarding grading and elevation changes. The commission would like Wayne Zirolli, Borough Engineer, to look over the revised plans. Joe Pisani handed out a rendering of the proposed building with the revisions. The commission expressed distaste with the look of the new building. They asked why the pillars were removed. Joe said they were not needed for structural use, so they removed them to make more room on the sidewalk. A discussion ensued regarding the change to use metal and brick on the outside of the building. David explained that there is metal siding and roofing on other buildings in the area. The commission discussed options to the metal siding and roof, such as vinyl. Joe showed the commission a brochure with sample pictures of metal buildings. The commission would like all three businesses signs to be uniform. The commission said they are okay with the metal roof and sides, but would like them to dress up the building. Joe will add a cupola and columns and submit a rendering to Steve Macary as soon as possible. Commission discussion on this item was continued to the April 17, 2013 regular meeting.

D. Commission discussion to change the current zoning map to adhere to the Plan of Conservation and Development.

Steve Macary said they are looking to change the zones in some areas of town that are currently zoned industrial. They are looking to change them to residential to adhere to the Plan of Conservation and Development. Fred Agee, GIS Coordinator for the Borough of Naugatuck, showed the commission maps and explained where the zone changes are located. A discussion ensued. Diana said they don't want to make any property non-conforming. Alec Wargo, a property owner, said the change would make his lot non-conforming. He said he doesn't want his property changed from industrial. A discussion ensued regarding his residential property and the zoning involved with it. Diana asked Steve to visit the properties in question and identify any parcels with manufacturing on it. Steve will have this information at the April meeting. Diana asked Fred to verify the correct parcels and their boundaries and show them on a map. The commission will accept the application at the April 11th meeting and open the Public Hearing for the May 15th meeting.

E. VOTED: Unanimously on a motion by Neil Mascola and seconded by Sally Brouillet to **ADD** Mr. Ruggieri to this evening's minutes regarding his request.

Mr. Ruggieri asked what was discussed with the Borough Attorney. Diana explained that they were in executive session and can't talk about it outside of executive session. Diana asked Mr. Ruggieri what he wanted to come there for. Mr. Ruggieri explained that he purchased a house in 2008 and the passway was not a legal road. He said when they moved there, they had no legal right to use it and nobody maintained it. He showed the commission a transcript saying that the Ruggieri passway has not been accepted by the Borough, which means the town has no jurisdiction on that road. He said they lived there for 5 years without maintenance, without fire trucks, ambulance, oil trucks and they had no homeowners insurance. So now they are coming and saying that the Cagno's is not a public road. He said the town doesn't have a public road go all the way out to Andrew Avenue. He's said that's all owned by the Cagno's. He said the town maintains a portion of that road to the Cagno's driveway. He said they plow it, they paved it recently and there are lights and sewers and they stopped- we're not citizens, but the town charges him taxes. Diana asked if he had a lawsuit against the town regarding this street. Mr. Ruggieri showed Diana the lawsuit and said the town said they're not responsible for anything. Diana said it needs to be settled in court. It was determined that Mr. Ruggieri had the decision from the court in his possession which said the town has no jurisdiction. Diana asked if he was there regarding the lawsuit. Mr. Ruggieri said he was there because they want to fix the road now and its five years too late. A discussion ensued as to what Mr. Ruggieri is seeking from the Zoning Commission. Mr. Ruggieri said they can't do anything because the town has no jurisdiction on the passway. Diana said there's nothing that they can do. Mr. Ruggieri said he is a senior citizen living there by himself with no neighbors, no fire trucks, ambulances, doctors. He said a doctor told him not to use the road, that it's too dangerous. He said they could line it with gold bricks, but he will never use that road. He said whether they do or they don't he has another lawsuit that the whole property is contaminated and he has the proof. He said he will file a lawsuit against the town for the death of his wife. He said there were two people that lived there and two of them died at 52 years old of cancer. Diana suggested that he consult his attorney. There was no further discussion.

Attorney Fitzpatrick left the meeting at 8:00 P.M.

6. Commission discussion for Change of Use applications.

There were no Change of Use applications.

7. Commission discussion/ ZEO permits and various complaints.

This item was tabled until the April meeting.

8. Chairman Report

The Chairman had nothing to report.

9. Adjournment

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Neil Mascola to adjourn the meeting at 8:48 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary/sg