

ZONING COMMISSION
REGULAR MEETING May 15, 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
Sally Brouillet
William Stopper, Absent
April Slauson, Alternate, Absent

OTHERS:

Steve Macary, ZEO
Sue Goggin
Public - 16

PUBLIC HEARINGS

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

Diana said the commission has the latest draft which will be brought to the Borough Attorneys sometime this week for discussion and hopefully a final draft to be voted on at the next zoning meeting. Steve asked if Section 42.3 means quarries. Diana said there are no quarries allowed in Naugatuck. There are a couple in town but they are grandfathered. Diana said the purpose of the sand and gravel permit is that when there is earth excavation associated with a development and they have to remove over a certain amount of earth materials they need to get a topsoil, sand and gravel special permit. She said it is always associated with site development. She said this also governs anyone on their own lot if they have to remove over a certain amount of earth materials. She said there is no quarry businesses allowed. The Public Hearing was continued to June 19, 2013 at 6:00 P.M. There was no public comment.

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

Diana asked the public to keep their comments to 3 minutes per person so everyone has a chance to speak. Diana said she is asking Keith to make any changes that are suggested by the Council of Governments and meet with the attorneys to prepare a final draft of section 27. She said as the Town Planner, he has the experience and background to do this. She said hopefully they will have a final draft by their next meeting. Sam Gold, Assistant Director of the Council of Governments of the Central Naugatuck Valley, passed out draft sign regulations for the Town of Southbury, which he felt might be a model and worth reviewing. He reviewed his suggestions to the commission on the revisions to the sign regulations. The commission liked the idea to include illustrations in the regulations. Sam suggested they have a “permitted without a permit” category for real estate and campaign signs. A discussion ensued regarding permitting existing signs. It was clarified that the Naugatuck Architectural Review Board can only make suggestive findings in regards to signs. A discussion ensued regarding colors of signs, political signs, including time limits, and also Christmas lights. Sam clarified that the commission should have regulations that are enforceable from day one. A final draft will be sent to Sam for his review and input at the June 19th meeting. Diana asked for public comment. Sam

Landsman, of 220 Webb Road, asked how the revisions will affect small business signs in residential areas. Steve said signs are permitted in residential zones with certain criteria. There was a discussion on signs in residential areas. Alec Wargo, of 1058 Rubber Avenue, asked about political and temporary signs. The commission explained that they are in the discussion phase of revising the sign regulations. Louis Liguori, of 1075 Rubber Avenue extension, said people are using Christmas lights in place of larger wattage bulbs because of the economy. There was no more public comment. The public hearing was continued to the June 19, 2013 meeting at 6:15 P.M.

6:30 P.M. CONTINUED 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 minutes of discussion from the April 17, 2013 meeting after the public had left, so that the public that was present tonight could be informed of what was discussed. Diana asked any member of the public that wanted to speak to please keep their comments to 3 minutes maximum, so that everyone may speak. She said the hearing will be continued to next month. She also asked the public to direct their comments to herself, as the Chair. Sam Gold commented on the proposed zone change for one parcel at 0 Spring Street, which is the only parcel within the State's purview. He said because of the industrial and residential nature of the neighborhood, it is in conformity with the original plan. He said they didn't find any adverse impacts for the proposed change. He said the Borough of Naugatuck now has digital parcel lines for all the parcels in town, which allows the Borough to be able to conform the zoning districts to the parcel lines. He said currently some of the parcels are cut in two and this should be avoided when possible. He said in looking at the Borough's POCD and the regional POCD, the areas along Rubber Avenue and Webb Road, there are a number of parcels in two different districts. He said that in some of those cases, the parcels that are industrial in the front, but used for residential, should be made all residential. He said the parcels south of Rubber Avenue Extension that are being used for industrial are very small parcels which may or may not be able to accommodate future expansion. He said regardless of whatever action the commission takes, those current uses will be protected as a legal non-conforming use under Connecticut State Statutes. He said there might be difficulty in the future if the business wanted to expand if they have room, but the Borough cannot put them out of business by re-zoning and as long as they stay in business they will be protected. He said the Zoning Commission should follow the Regional Plan of Conservation and Development when making decisions on re-zoning. Diana said Keith Rosenfeld, Town Planner, will be at the next meeting. He will interpret the plan of development and how the commission is applying it and the reasons why. Diana read Keith's review dated 4/17/13. Diana asked for public comment. Alec Wargo, of 1058 Rubber Avenue, said if they change the zones a business can't be driven out immediately, but down the road they will be limited with a non-conforming use. He suggested that they wait to change the zones until the new POCD is finished. A discussion ensued regarding Mr. Wargo's parcels. Steve will show the parcel discussed to Keith for his recommendations. Massimo Audi, of Graham Ridge Road, said he supports the zone change for the Webb Road area. Louis Liguori, of 1075 Rubber Avenue Extension, said that the revaluation came through and revalued his house at \$35,000 less. To add insult to injury, now they want to come in and change his zoning. He said he is not happy with that. He said as it is now, it is a selling point. Diana clarified that there is a home and two garages on the property, but no business. He said he has a large two car garage and say he wanted to put a little motorcycle shop in there, he couldn't if it's residential. Diana said they will take that into

consideration. Attorney Robert DeLeon, representing Mr. Valentino, who owns property located in both the I-2 and R-30 zones. He owns Mattatuck Manor which abuts the I-2 zone on the north part of Spring Street. He asked how the zone change would affect Mr. Valentino's use of the industrial property he owns in the I-2 zone, which he currently uses to store equipment for maintenance at Mattatuck Manor. He is considering putting up a storage facility for this equipment. He said their concern is if he will be able to store his equipment on his own land if there is a zone change. Diana said they will be discussing these questions with the Town Planner and the Town Attorney and hopefully they will be addressing them at the next zoning meeting. Dave Rogers, of 100 Hill Road, said he found Mr. Gold's comment about the area of Webb Road and Rubber Avenue Extension as rural very appropriate. He said he would like the commission to take that into consideration. He said about it being industrial there isn't really structural support for industrial use out there. He said he has 15 names in favor of the zone change. Diana said the Webb Road location is in a flood plain area and there are wetlands there. Joe Preta, of 1052 Rubber Avenue Extension, said he disagrees with the assessment that the area is rural. Roger Dandeneau, of 50 Hill Road, said he lived there for 48 years and would like to see the whole Webb Road area changed to R-30. Mark Dandeneau, of 70 Galpin Street, said he is a part owner of 50 Hill Road and he supports the change because it is a nice rural area. Sam Landsmen, of 220 Webb Road, said he is undecided because he would like to see the zone change on parts of the property and not on other parts. A discussion ensued about future uses if the zone changes. Chester Cornacchia, of Graham Ridge Road, said the industrial property owners have valid concerns. He thinks it should turn residential because in the last 50 years, the area has changed. He said there are about 300 homes in the area and they moved there for the rural nature of the area. He said it is the west side of Naugatuck, there are larger lots and people paid a great deal of money for their property. Louis Liguori, of 1075 Rubber Avenue Extension, said he is in favor of the Webb Road zone change, but not in favor of the Rubber Avenue Extension zone change. Alec Wargo asked about the lower section of Rubber Avenue. Steve said he recommended putting that strip in the Rubber Avenue Design District. The Public Hearing was continued to June 19, 2013 at 6:30 P.M.

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 March 20, 2013 and April 17, 2013 Regular Meeting Minutes and the April 11, 2013 Special Meeting Minutes. The secretary will sign previously approved minutes.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Rick Cool to **APPROVE** the March 20, 2013 Regular Meeting Minutes as written.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Rick Cool to **APPROVE** the April 11, 2013 Special Meeting Minutes as written.

VOTED: 3-0-1 on a motion by Sally Brouillet and seconded by Rick Cool to **APPROVE** the April 17, 2013 Regular Meeting minutes as written.

FOR
Neil Mascola
Rick Cool
Sally Brouillet

AGAINST

ABSTAIN
Diana Raczkowski

4. **OLD BUSINESS:**
 - A. Commission discussion regarding a legal opinion on Giuseppe's sign located on town property.

Steve said he applied for a zba application. Steve spoke with Attorney Hess and will meet with him show him the application next week. Steve said Giuseppe's is not going for location. He is going against Steve's decision.
 - B. Commission discussion/decision for a zone change to the current zoning map;
Applicant: Borough of Naugatuck

There was no discussion.
 - C. Commission discussion/decision for a text change to Section 27 (Signs);
Applicant: Naugatuck Zoning Commission

There was no discussion.
 - D. Commission discussion/decision for a text change to Section 42 (topsoil, sand and gravel) of the Naugatuck Zoning regulations; Applicant: Naugatuck Zoning Commission

There was no discussion.

5. NEW BUSINESS:

- A. Commission discussion with Council of Governments (Sam Gold).

There was no discussion.

- 6.** Commission discussion for Change of Use Applications.

There were no new applications.

- 7.** Commission discussion/ZEO permits and various complaints.

Diana asked Steve if he had any permits or complaints that need to be discussed. Steve said he is having 3 citation hearings for businesses in residential zones. Steve said he sent out some violations today for signs. The Family Market on Rubber Avenue is one of them. Steve said he sent them a fine of \$1800 and the owner called and said he cleaned them all up. Diana asked what kind of signs. Steve said he had his whole entire façade covered with “bread, milk, beer”. He said they are allowed 10% coverage under the existing regulations. Steve said he will stop out there on Monday. He said he also has some stuff on Union City Road, City Hill, Morris, Park Avenue, Quinn. He said he has a lot. He said the sign stuff is coming along and that everyone is being pretty cooperative. Steve said he is going to call the State for the stuff on Route 63, because it is a state highway and they regulate that.

- 8.** Chairman Report

Diana asked the commissioners to go back and read “What’s Legally Required” as a refresher.

- 9.** Adjournment

VOTED: Unanimously on a motion by Neil Mascola and seconded by Sally Brouillet to adjourn the meeting at 7:54 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary/sg