

**ZONING COMMISSION
PUBLIC HEARINGS
February 19, 2014**

Bill Stopper opened the Public Hearings with the following in attendance:

MEMBERS:

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

OTHERS:

Steve Macary, ZEO
Wayne Zirolli, Borough Engineer
Public - 1

PUBLIC HEARINGS

6:15 P.M. PUBLIC HEARING – for a zone change from RA-1 to B-2 for property located at 46, 48 Prospect Street & 0 Golden Hill Street. Applicant: Attorney Michael McVerry

Attorney Michael McVerry said he was there on behalf of the applicants Remzi and Vesel Nasufi. He said they are the owners of 46 & 48 Prospect Street and have a contract for the purchase of property at 0 Golden Hill Street. Attorney McVerry explained the current property uses. He sent out letters to 65 adjacent property owners. He said they are seeking to re-zone the three parcels from RA-1 to B-2 which would give his client one much larger piece. He said the planning commission gave a positive referral. According to the 2013 POCD, these properties are located in an arterial corridor similar to New Haven Road and Rubber Avenue, which allow for a mixed commercial development. He said the POCD now locates Prospect Street from Route 8 to the Prospect town line in a similar district. He said they are seeking to combine the whole piece so they will end up with about $\frac{3}{4}$ acre of land with all of it being zoned B-2. If the property is re-zoned, they will be seeking to take down the two existing buildings and build one larger building, incorporating 42, 46, 48 Prospect Street and also the new piece from St. Hedwig's Church. Steve said they have a complete application. There were no public comments. There was a discussion on the number of apartments that they might be putting in. There was a discussion over changing the entire area or just beginning with the parcels before the commission right now. Bill said the public hearing will be continued to the March 19th meeting at 6:15 P.M.

6:30 P.M. PUBLIC HEARING – for a text change to Section 23.1 Schedule A, to allow by Special Permit two or more dwelling units in a B-2 zone. Applicant: Attorney Michael McVerry

Attorney Michael McVerry, offices at 35 Porter Avenue, said he was there on behalf of the applicants, Remzi and Vesel Nasufi. He said they are asking to allow in a B-2, under Section 23.1, Schedule A, two or more dwelling units within the zone by way of a special permit. He said it is relatively basic to allow mixed commercial development. He said in referring to Mr. Rosenfeld's report to the Planning Commission, it is basically a similar use like the New Haven Road Design District and the Rubber Avenue Design District. His interpretation in accordance with those is that it is an arterial corridor like the NHRDD and RADD and would match the use within the zone and allow for the mixed

commercial and residential development. There was no public comment. The public hearing was continued to March 19, 2014 at 6:30 P.M.

6:45 P.M. PUBLIC HEARING – Special Permit application for a dog grooming facility located at 947 New Haven Road. Applicant: Attorney Kevin McSherry

Attorney Kevin McSherry, 38 Fairview Avenue, said he was there for Where the Fur Flies, a local dog grooming salon currently located on Cedar Street. They are proposing to move it to 947 New Haven Road which is on the corner of Hazel Avenue. He said it is in the New Haven Road Design District and it is an allowed use by Special Permit. He said there are evergreens which screen the property from its neighbors. He said his client typically has two dogs for a period of about 2 hours. The dogs are inside the grooming shop and do not go outside. He explained the parking they are proposing. He said they are asking for the commission to grant them waivers of a grading plan because it is a relatively level site. They are already connected to the sewer system. He said they would be willing to put some lower level shrubs in front of the house that would be compatible with the existing shrubbery around the building. Kathy asked if it will be handicapped accessible. Attorney McSherry said it will be. Sally asked if they could have a plan showing the plantings. Attorney McSherry said yes. There was a discussion over the types of plantings that they will use. Sally asked about sidewalks on the plan. Attorney McSherry said they are going to ask to waive that because there are no sidewalks on the property next door and none on Hazel Avenue. He said the way the property is accessed is off Hazel Avenue. At Sally's request he will ask his client about putting in sidewalks. There was a discussion over sidewalks. Kathy liked the idea of the ornamental landscaping around the house. There was a discussion over the types of bushes. Bill said he was concerned that there were still missing items which had been addressed by Steve in an e-mail on December 11th. Bill said he is considering Steve as a gatekeeper, which means if certain things aren't accomplished it doesn't go any further and the gate's closed. He said over the years they've seen some examples of poorly prepared applications that had come before the commission and it's very hard to address them once it's in the system. Bill said he has asked Steve to be more adamant about making sure that all the details are accounted for. He said this plan has a lot of missing items on it. Kathy read a letter into the record dated January 30th addressed to Steve Macary from Law Offices of Attorney McSherry. Steve said he needed the mailings for the application. Bill asked if that addresses all the issues with it. Steve said most of them. Attorney McSherry explained that the intent is not to under submit information. He said they submitted what they thought was required and asked for waivers on the others. The commission questioned whose handwritten notes were on the map. Steve said they were his notes. Kathy asked if there was a clean copy with no notes. Steve said no. Sally asked if they were going to paint the house. She also asked if they need any lighting there. Attorney McSherry said if they were to install lighting they would be willing to put a condition that it would be full cut-off lighting. There was a discussion on waivers. There was also a discussion about what should be included on the plan. Bill said he thought it was okay to abbreviate the information that's submitted based on the simplicity of the project. He said there are a certain minimum of things that waste time and discussion that he suggests next time to just put on there so the commission can have that information in front of them. There was a discussion over the commission's authority to waive certain items. Attorney McSherry will put all the items that they wish to waive which were discussed into a list for the commission to look at. Attorney McSherry and the commission were happy with the idea of having pre-application meetings for discussion. There was a discussion on parking and the number of spaces including handicapped. Sally asked

about the sanitation pick-up. Attorney McSherry assumed at this point private pick-up. He said the perfect spot would be next to the garage. Sally said they need to be enclosed. Bill asked if there are any special requirements for disposing of fur trimmings. Attorney McSherry said he doesn't think there are any special disposal methods. There was no public comment. The Public Hearing was continued to March 19, 2014 at 6:45 P.M.

7:00 P.M. CONTINUED PUBLIC HEARING – Special Permit for two self storage buildings located at 1257 New Haven Road. Applicant: Newtown Investors, LLC

Larry Edwards, P.E., 227 Stepney Road, Easton, showed the commission the modifications to the plans. The first was that they changed the appearance of the front of the building. The second was the incorporation of additional plantings and a berm. The third was the inclusion of a fence along the rear portion of the driveway parking area from the end of the building to the end of the parking area. He said they have requested a waiver of the sidewalks. Tom Christiano introduced his partner and architect, Phil Clark. Phil explained the drawings to the commission. He also explained the exterior materials and colors. There was a more in-depth discussion on the landscaping. Sally asked that some trees that overhang the neighbor's property be taken down. Steve said they need to go through wetlands. Wayne will discuss installing sidewalks on New Haven Road with Jim Stewart and the commission and the State DOT. There were no public comments. Bill closed the public hearing.

7:15 P.M. CONTINUED PUBLIC HEARING – Special Permit for the importation (Section 42) of more than 350 yards of earth material located at 1257 New Haven Road. Applicant: Newtown Investors, LLC

There was no discussion. There was no public comment. The public hearing was closed.

REGULAR MEETING
FEBRUARY 19, 2014

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 December 18, 2013 Regular Meeting Minutes and January 15, 2014 Regular Meeting Minutes. The secretary will sign previously approved minutes. The minutes were not voted on.

4. **OLD BUSINESS:**

- A. Commission discussion/decision for a special permit for two buildings located at 1257 New Haven Rd. Applicant: Newtown Investors

VOTED: 3-0-1 on a motion by Sally Brouillet and seconded by Rick Cool to **APPROVE** the application for the special permit for two self-storage buildings located at 1257 New Haven Road, Applicant: Newtown Investors, provided with the following:

1. Trees mentioned be cut with approval from Wetlands;
2. That sidewalks be installed with permission from the state;
3. All conditions from Wetlands

For
Bill Stopper
Sally Brouillet
Rick Cool

Against

Abstain
Kathy Donovan

- 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

VOTED: 3-0-1 on a motion by Rick Cool and seconded by Sally Brouillet to **APPROVE** the special permit for the importation (Section 42) of more than 350 yards of earth material located at 1257 New Haven Road. Applicant: Newtown Investors, LLC

For
Bill Stopper
Sally Brouillet
Rick Cool

Against

Abstain
Kathy Donovan

- C. Commission discussion/decision on a special permit application for a dog grooming facility located at 947 New Haven Road. Applicant: Attorney Kevin McSherry

There was no discussion on this item.

- D. Commission discussion/decision for a zone change from RA-1 to B-2 for property located at 46, 48 Prospect Street & 0 Golden Hill Street. Applicant: Attorney Michael McVerry

There was no discussion. The public hearing was continued until March 19, 2014 at 6:15 P.M.

- E. Commission discussion/decision for a text change to Section 23.1, Schedule A, to allow by special permit two or more dwelling units in a B-2 zone. Applicant: Attorney Michael McVerry

There was no discussion. The public hearing was continued until March 19, 2014 at 6:30 P.M.

- F. Commission discussion/decision for a site plan that was submitted at the December meeting concerning the storage importation and sales of salt and mulch. This site plan is 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. Applicant: James Warren, 909 Prospect Street

Steve said the commission should read the letter from Mr. Warren's attorney. Rick asked what was wrong with their vote last month. Sally said she and Bill were at a meeting yesterday with Wayne, Jim Stewart, Steve, and Attorney Fitzpatrick. Steve said apparently Mr. Stewart and Mr. Rosenfeld don't like the way the application was handled. He said he took the assumption that under a 2/3 vote it was added to the agenda, he asked for some waivers on stuff and he got it. Steve said he doesn't have to go to wetlands because it is not applicable. He said if they decide it's not applicable, it's not. He said it is 150'-200' away from the wetlands. Steve said he's been storing salt there for 5 years. He said they voted it as long as they got a letter from Wayne saying it's okay to store the salt, but he said they have to re-vote it again. Kathy said they never had an application to approve a site plan and it is her suggestion that the commission withdraw that vote until a proper application is submitted. Steve said the commission accepted it with a 2/3 vote and he asked for waivers there. Kathy asked what waivers. Steve said he didn't know. Kathy said it's not in the record. Sally said they decided the vote was not legal for two reasons: 1. could not make it contingent on getting the report from Wayne, and 2. they did not have wetlands approval. Wayne said that according to Attorney Fitzpatrick, taking the vote the same night might have violated FOI. Steve said that Attorney Fitzpatrick said there was no violation of FOI. He did say they should not take something and vote it the same night. Bill read a copy of the letter from Attorney Ouellette who is Mr. Warren's attorney. In the letter he asked that any discussion on this item be tabled until the next zoning meeting. He also requested a copy of any report on the findings of the inspection performed by Mr. Macary and Mr. Zirolli on the subject property on February 7, 2014. He would also like advanced input on any zoning regulations that need to be addressed at the next meeting. This item was tabled until the March 19, 2014 meeting.

5. NEW BUSINESS:

A. Commission decision with ZEO on various complaints.

Steve said he has some hearings coming up for 505 Field Street, D & D Liquors and 189 Wedgewood Drive. Bill asked what the D & D Liquors was about. Steve said all the blinking, flashing lights over there.

Bill said he had a problem with the McGuint's property on New Haven Road. He asked if anyone filed a blight complaint against them. Steve said Ed Carter has a few complaints on that. He is the blight officer.

Sally said A Better Way Auto has about 8-10 banners flying. Steve said okay. Kathy said there are signs on buildings on Church Street that are falling off the buildings. Steve said he just had the guy who owns Carrie Welton's take a couple down. Sally said also Mario's pizza has some banners out. Also she said the Sunoco station across from Walmart has an open blinking sign. She said it is fine that it's on but it can't be blinking. She said on Rubber Avenue there is a gun shop with sandwich board signs. Sally asked if the Fedex sign has been taken down at Salem Square. Steve said that should be down. He hasn't been by there in a couple of ... He said the business closed.

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

Steve requested a 2/3 vote to add an item to the agenda for Dp-Mart. Kathy said when they get a completed application then it can be put on the agenda. Julia Ashraf, owner of Dp Mart, said they owned their business on New Haven Road and were forced to move into a different location on New Haven Road. She said they had a beer permit at the old location but when they moved they had to give it up. She thought that when they moved they could keep the permit but they were told that it stays with the property, so they had to apply for a new license. She said they need the zoning commission's approval so they can get the state's approval. She said selling beer is a major part of their business. She said it has been four months since they have moved and it is hurting their business. Bill asked why it took four months. Steve said he got their survey on February 4th and had every intention of writing a report and getting it on the agenda. He said they were told by his department head, Keith Rosenfeld, that this would be sufficient. Then Keith sat down with him on this and said it's missing this, this, this... Keith said he wanted a landscaping plan, sidewalks and lighting and that changed everything. Kathy asked if they had to go to the planning commission first. Steve said no Keith is his supervisor. He said at one time it was fine and then the tune got changed where all of a sudden it wasn't. He called the applicant and said they can't do it like this because the Town Planner is calling for sidewalks, New Haven Road Design District, lighting plan, sewer & water connection. Kathy thought it's the commission's decision on those issues. Steve said he gets put between a rock and a hard place. Kathy apologized to the applicant and said they are going to do what they can to get this process done and in the most efficient way possible. Steve said this can be handled in one of two ways. They can have a special meeting, wait until next month or these people can come in tomorrow fill out the application, he can get their fees for it, look at the site plan, go to the section where they are allowed to waive certain things. He said this thing is an existing structure. He said it went from an insurance company to a convenience store so the parking has not changed at all.

The commissioners all agreed to have a special meeting. Bill told the applicant to meet with Steve and get the application completed. Steve said if you look at Section 32 it is missing a ton of stuff and he knew that when he got it. Bill wants Steve to go down the list and put N/A or if they are asking for waivers and then they can just vote on it at the meeting. Kathy said to just present it to the commission and then they will go through it with the applicant. The commission set a special meeting for Wednesday February 26, 2014 at 6:30 P.M.

6. There was no Chairman Report.

7. Public Comment.

Michael Rollo, 6 Spring Road, Prospect, said his driveway is a private right-of-way which is an entrance which goes into Naugatuck to the quarry. Bill said before Mr. Rollo went any further, Mr. Warren's lawyer, asked to extend the meeting regarding this subject to next month (March 24th), so the commission cannot comment on anything. Mr. Rollo said he also owns two acres on the left hand side of the gate and the right-of-way to it is blocked. He said he addressed this last year. He has owned the property for 13 years and he cannot access his second parcel of land. He said he would like to know what his rights are with his right-of-way being blocked off. Rick asked who he addressed it with last year. Mr. Rollo said Mr. Macary and Mr. Zirolli addressed it last year. He said the right-of-way to access his and his neighbor's property has been dug up and there is a gate blocking the access way. Mr. Rollo gave Steve a copy of Section 43 with notes that he made. He said the pins have been moved in on his property. He showed the commission pictures. Bill said Capital Quarry will be coming to the March 24th meeting, because they were unavailable for tonight's meeting and there is nothing they can do without them being present. Mr. Rollo said he will not be available for the March 24th meeting and he would like that noted. He would like the commissioners to all look at the pictures he submitted. He said he knows that Capital Quarry is supposed to stay a minimum of 15 feet from his property. Steve asked where it says he needs to be 15 feet from Mr. Rollo's driveway. Mr. Rollo said in Section 43. Steve said that is associated to site development and new construction. He said there are no regulations for a quarry. He said Section 42 you apply to site development. Steve said he thinks Mr. Rollo should come to the next meeting and if he can't make it he should write a letter. Mr. Rollo asked how close to the property line they can dig. Steve said they don't have regulations for quarries. Kathy Donovan clarified that this was extended to the next meeting. Bill said the best thing to do is to keep the photos and review them before the next meeting and address it at the next meeting. Mr. Rollo said John Brennan is out there digging also and he doesn't know why. Bill said this may be a civil matter. Mr. Rollo wanted it stated that John Brennan Company is out there digging. Bill said he doesn't know how they have control over that. Mr. Rollo asked why the bridge wasn't built. Steve told him to call the office tomorrow and he will look up the expiration date in the file.

8. Adjournment

VOTED: Unanimously on a motion by Kathy Donovan and seconded by Rick Cool to adjourn the meeting at 8:36 P.M.

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/sg