

**ZONING COMMISSION
PUBLIC HEARINGS
March 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
Kathy Donovan
Matthew DeBarber, Alternate, Absent
Neil Mascola, Alternate

OTHERS:

Steve Macary, ZEO
Wayne Zirolli, Borough Engineer
Sue Goggin, AZEO
Attorney Edward Fitzpatrick
Attorney N. Warren Hess
Public -

PUBLIC HEARINGS

6:15 P.M. CONTINUED 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: Remsi & Vesel Nasufi

Attorney Michael McVerry, offices at 35 Porter Avenue, said the properties located at 46 and 48 Prospect Street are currently zoned R-8 and they are seeking a zone change to B-2, along with property at 0 Golden Hill Street which is a 35' wide strip of land currently owned by St. Hedwig's Church and runs along the back of the property. He said his clients own 42 Prospect Street which is currently zoned B-2. They would like one much larger piece zoned B-2 for future development. There was no public comment. The public hearing was closed.

6:30 P.M. CONTINUED 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: Remsi & Vesel Nasufi

Attorney Michael McVerry said they are seeking a text change to allow by special permit second floor residential dwelling units (two or more) in a B-2 zone. He said there were affirmative recommendations from the planning commission in which the new Plan of Conservation and Development was referenced. He said the POCD indicates Prospect Street, from the bridge out to the Prospect town line, as a commercial corridor for development purposes. Attorney McVerry said this is the first of many steps. He said they will have to go through the special permit process. It was clarified that the change would only apply to this particular parcel. There was no public comment. The public hearing was closed.

6:45 P.M. CONTINUED 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, passed out the requested waivers for their application. Bill said it would be best to address each waiver request individually. Attorney McSherry said it is on .8 acres and the house was built in 1957. He said it is serviced by the CT water Co. so there is no well issue and it is also connected to the sanitary sewer. They are going to build on the interior a grooming salon for dogs. He said

the commission has the ability to waive the submission of all or part of the information. He said they will not be having any outdoor storage so they are asking for a waiver. He said all the improvements are going to be done primarily on the inside of the building. On the outside they are going to put up vinyl siding as well as putting up full cut off lights on the side of the building. Attorney McSherry said the next waiver relates to the sewer system. They are connected to the sewer system confirmed by the March 11, 2014 report by the Borough Engineer. He said the next waiver they are asking for relates to the CT Water Co. and the public water services. He said they are already in place. He said the next item relates to the existing property and fire and other emergency zones are existing and no fire hydrants are going to be added. He said he believes the ZEO may have received an e-mail from the Fire Department. He said the interior work will be reviewed during the construction process. He said there are no energy distribution facilities proposed for the site so they are asking for a waiver on that. He said the next waiver is in regards to retail sales, but there will not be any retail sales. He showed the commission where the shrubs are on the property and if they get a dumpster where it would be located. Lee Reynolds, of 120 Tawny Thrush Road, said currently she has one little bag of garbage a day and she usually takes it home and throws it in her garbage can at home. She said if the town issues her a container like what she has at home, she will probably just use that, but if she doesn't get one, she will just take it home and throw it in her garbage. Attorney McSherry said to build out the interior is about 30 days so they are requesting a waiver of an estimated project construction schedule. He said there are no regional or state permits required. He said there are no sidewalks in the area so they are asking for a waiver of sidewalks. He said, per the Borough Engineer's report, they would be required to go through the State of Connecticut to get approval to put a sidewalk in the right-of-way. Attorney McSherry said there will not be any retail sales. He said the home is not going to be modified in any way and the existing structure is going to remain the same. They will add the vinyl siding and the lighting and the rest will be interior work. They are asking for a waiver of the fire report as well. They will comply with the fire code of the State of Connecticut. He said they are asking for waivers of the WPCB and the Police Commission reports. He said they are requesting a waiver of the landscaping plan and the Soil Erosion and Sedimentation Control Plan. He said New Haven Road is an arterial district and in the Plan of Conservation and Development they talk about the arterial district and neighborhoods. He said they specifically talk about sidewalks being important in neighborhoods, but arterial districts are not referenced. He said it would be counter to put sidewalks in on New Haven Road or Rubber Avenue because it's not called for in the plan. He said the properties adjacent to this parcel there are no sidewalks and he doesn't think the neighbors would be adversely affected by not having sidewalks. He said the largest sidewalk on that road is Peter Paul and that was put in so that their people could get from the front of their building to the parking lot. Sally said under 33.2.4, in the New Haven Road Design District, says that sidewalks shall be required on all site plans. The commission shall determine the extent and location of the sidewalks. She said the sidewalks are for public safety and it is required specifically on New Haven Road and Rubber Avenue. She said she definitely wants to work with the business owner to get her there but she said she cannot compromise her vote when it comes to the safety of people. Rick said he doesn't think it is a safety issue. Sally said eventually there is going to be a lot of business there. Rick said they didn't require it for the Chinese restaurant. Sally said they should have. Rick asked for everyone's opinion. April said there are barely any sidewalks on New Haven Road. There was a discussion on the location of sidewalks. No one knew why. Wayne suggested that the commission may choose to do a little more study on the sidewalk issue. He said that the small frontage that this property has would not make a difference either way as far as installing sidewalks.

Sally said that as these properties get sold, they are all going to be commercial and be required to install sidewalks. She said the reason for this is safety and she does not want that on her conscience if anyone got hurt. She said they do get a lot of walkers there and they're walking on the very busy street. She said sidewalks are required on all of New Haven Road on the site plan. She agreed that they can void them, but they have to have a good reason for voiding them. She said just because someone doesn't want to put them in or can't afford them is not a good reason. Rick said he thinks it's going to look out of place. He doesn't think they are going to get sidewalks all the way down New Haven Road. Kathy asked Steve if he knew why the sidewalk requirement was put in the New Haven Road Design District when it was created. Steve said it was put in there by Dick Harrell and they put it in there, he guessed, to have people walk. Steve said in his mind it adheres to new construction. Sally said it is not for new construction. Steve said it is hard to make someone put in sidewalks on such a small area. He said if the car wash was sold and they came in with a site plan they would have to bring in 4 or 5 or 600 yards of material just to get a sidewalk established there. He said that's why there are sections in the regulations that the commission may waive that requirement. Kathy said it doesn't seem that you can get a continuous section of sidewalk down New Haven Road and that's why she's asking why it was put in there. Steve said it was put in there and voted by the commission at the time. Sally reiterated that it's a safety feature. April said the other side of the coin is that they want business to come to Naugatuck or stay in Naugatuck and requiring her, as a small business when she's doing all this other work, will make her spend more money. Attorney McSherry said economics is always a factor for a small business, but in addition it's a safety factor. He said if they do a hodge podge of sidewalks and it's not totally connected there will be people crossing the street putting themselves in more jeopardy trying to get from sidewalk to sidewalk. He said in the most recent Plan of Conservation and Development speaks to arterial areas and it doesn't specifically say sidewalks anymore but it does in other areas. He said the regulations haven't been changed, but the zoning regulations are supposed to carry out the comprehensive POCD, so he thinks a waiver provision is most appropriate to be granted on especially the sidewalks. Sally said she will not vote against a safety feature. Bill asked if there was any public comment. There was no public comment. Bill said there are a total of sixteen waiver requests. There was a discussion over setting a precedent by not having the applicant put in sidewalks. Sally said she didn't understand how they could make the self storage facility applicant put in sidewalks and then another person not have to put them in. It was determined that the commission was waiting for the state regarding the sidewalks. Sally said she wanted to do the same thing here. Rick said the commission should vote on it. Bill said regarding the self storage facility, the commission said they wanted them to put in sidewalks provided they comply with the state's requirements. There was a discussion over past applications and asking for sidewalks. Bill asked if there were any other comments on any of the other waivers.

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. Executive session with the borough Attorney and the Zoning Commission.

VOTED: Unanimously on a motion by Bill Stopper and seconded by Rick Cool to go into executive session at 6:11 P.M. inviting in Borough Attorney Fitzpatrick and Steve Macary, ZEO.

The meeting resumed at 6:45 P.M.

3. Approval of the December 18, 2013 Meeting Minutes, the January 15, 2014 Meeting Minutes, the February 19, 2014 Meeting Minutes and the February 26, 2014 Special Meeting minutes. The secretary will sign previously approved minutes.

VOTED: Unanimously on a motion by Rick Cool and seconded by April Slauson to **APPROVE** the December 18, 2013 Meeting Minutes, the January 15, 2014 Meeting Minutes, the February 19, 2014 Meeting Minutes and the February 26, 2014 Meeting Minutes with changes as discussed.

4. **OLD BUSINESS:**

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

VOTED: 4-1-0 on a motion by Kathleen Donovan and seconded by Rick Cool to **APPROVE** the Special Permit for a dog grooming facility located at 947 New Haven Road. Applicant: Attorney Kevin McSherry representing Lee Reynolds, in addition the approval of the waivers as reviewed by Attorney McSherry and presented to the commission on the waiver request for Where the Fur Flies with the stipulation that if a trash receptacle be put on the premises it will be enclosed.

FOR

Bill Stopper
Rick Cool
April Slauson
Kathleen Donovan

AGAINST

Sally Brouillet

ABSTAIN

- B. 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: Remzi & Vesel Nasufi

Bill Stopper said the proposal is to change the whole piece of the property to a B-2 zone. There was no further comment.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by April Slauson to **APPROVE** a zone change from RA-1 to B-2 for property located at 46, 48 Prospect Street & 0 Golden Hill Street. Applicant: Remzi & Vesel Nasufi

- C. 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: Remzi & Vesel Nasufi

There was no discussion.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Rick Cool to **APPROVE** 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: Remzi & Vesel Nasufi

- D. 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

Attorney Bill Ryan, representing Capital Quarry and the Warren's, said his understanding is that Mr. Warren submitted a site plan at the December 8th meeting and the issue was placed on the December 8th agenda. It was subsequently voted and approved, subject to review by the town engineer regarding the issue of salt storage on the site. He said he reviewed a letter from Mr. Zirolli, dated February 12, 2014, in which he indicated that the salt storage was in compliance. Mr. Zirolli did request that the quarry provide an indication on the map of whether or not there are any wells and also a note on the map indicating compliance with the 2004 Connecticut Stormwater Quality Manual. Paul Benevich, PE, LS, passed out a site plan for the quarry. Steve said it's already been approved. He said they already have a site plan downstairs and a special permit on file for that. He said they are here for the storage of the salt. Bill said that Mr. Zirolli and Mr. Macary already visited the property and confirmed that it is a covered area and there is a concrete base and it is beyond the distance that they were concerned about from any wells or Fulling Mills Brook. Wayne confirmed that information. Bill said there was a letter submitted by one of the bordering properties that couldn't be at the meeting. Attorney Ryan said in his opinion it is not appropriate to accept any materials relevant to this particular issue because the commission has already voted on this. Attorney Fitzpatrick asked if new maps had been submitted. Bill said yes. It was clarified that the new maps were submitted to comply with the requests by the engineer. He said there is nothing that has changed on the site as far as the structures or operations it is only informational. Bill asked if this satisfies Wayne's request. Wayne said he thinks the plan is fine. He left the room to retrieve some information from his office. April read Wayne's comments from his report dated February 12, 2014, specifically #3 & #4. Bill said for the record, the site plan that was submitted by Attorney Ryan, representing Capital Quarry, was reviewed by Wayne Zirolli, Borough Engineer, and approved and accepted and in agreement with his requests

5. NEW BUSINESS:

- A. Preliminary discussion for property located at Scott Street and Andrew Avenue (Risdon Property) for A Better Way Auto Wholesalers to park cars temporarily until a new facility is constructed. Attorney McSherry will speak for the applicant, A Better Way Auto. Attorney Hess will speak for the Borough.

At 8:07 P.M., Attorney Fitzpatrick left the meeting.

Attorney Hess said he is working on a downtown development project, specifically Parcel C and Parcel B and the General Datacom property, with Ron Pugliese, Economic Development Director. He said the borough Board has made it clear to him that they want the automobiles that are currently leasing property on Parcel B moved prior to April 1st, in order to help the Borough market the property and encourage the development of that property. He said currently there are lots for sale in the industrial park and A Better Way Autos has submitted a contract to buy 2 of the lots in order to relocate and build a new facility there and ultimately store all of their cars there. He said they have a timing problem because the Borough wants them off of the GDC property immediately and it will take them about 18 months to purchase and prepare the new site. The Borough suggested to A Better Way that maybe they could go to the Risdon property on an interim basis. Attorney Hess said A Better Way used to be located on the Risdon Site for about a year. Regarding the Risdon property there is some pending litigation concerning the assessment that goes back to when the building was demolished and there are back taxes that are affected by that. The Borough has an interest in resolving the litigation, collecting the back taxes, working with the owner of the Risdon property in order to get that developed and to hopefully, ultimately, relocate the recycling center from Rubber Avenue to another location to help beautify Rubber Avenue. He said what the Borough of Naugatuck wants is for this business to move immediately and to ultimately go to the industrial park and to go to this Risdon site while all this is happening. He said they want to make sure that there won't be any problems in the interim as far as wetlands, zoning commission and everything. Attorney Hess said they have told A Better Way some parameters that they will have to follow such as proximity to the brook and that they do have to go to wetlands, which they've already applied to. They also will have to get a site plan approved and comply with all of the zoning regulations. They are asking to be allowed to go on the Risdon property on a temporary basis until such time as their site plan is fully approved by the zoning commission and wetlands. Attorney Kevin McSherry for A Better Way Wholesale Autos, Inc. said he has a letter which he thinks can be used as an application for a temporary certificate of use. He passed it out to the commission. Attorney McSherry said that prior to moving to Parcel B had been storing the same number of cars, maybe even more, on the property that Risdon owns. There was a question over what permits were issued in the past for them to park there. Rick said he remembers giving them permission to park there. Attorney McSherry explained the map that he had given the commission. He said the cars will be parked at least 126 feet from the brook. He said when they go to wetlands, they are going to propose a barrier to protect the brook from the parking lot. He said the parking lot is broken up and is almost like gravel so the water just drains into the ground. There are means of egress on both Arch Street and Andrew Avenue and

they may use both of them. This would eliminate a lot of the traffic going back and forth on Rubber Avenue. Attorney McSherry said it will only be a parking lot and that they will not be selling anything there or servicing cars there. Bill asked what the anticipated temporary storage time is. According to the zoning regs, a temporary permit can go for 6 months and it can be renewed for an additional 6 months. He said depending on how long the process takes when they come before the zoning commission for the special permit for the industrial park it could take up to 18 months. He said they may have to come before the commission with a site plan for the Risdon site and present the site plan pursuant to Schedule A of the zoning regulations, page 50 of the regulations for a commercial parking lot. Bill asked where the recycling center would move to. Attorney Hess said the original plan was an agreement with the owner of the Risdon property that the recycling center would be moved at the expense of the former owner of the property to the Chemtura property on an area of open space that is coming to the Borough through a subdivision approval. That plan is being revisited. He said also in the mix with the Risdon piece is that they're the owner of the parking lot for the little league field so the town wants to acquire that parking lot. He said what they really want to do with the new owner of the Risdon piece is 1) encourage him to develop it and 2) in developing it, relocate the recycling center, acquire the little league parking lot for the little league, get the back taxes paid and get the litigation resolved. Bill said it sounds like the items on the town's wish couldn't take place until 18 months. Attorney Hess agreed. Attorney McSherry said the purchase of the lots has been referred to the Planning Commission for their 8-24 approval. He said the applicant can get the Risdon site ready to occupy in about 2 weeks. Bill asked if he was relocating the Rubber Avenue facility. Attorney McSherry said they are keeping the Rubber Avenue facility open and they are adding the facility in the industrial park. He said they are asking the commission to authorize the ZEO to issue a temporary certificate of zoning compliance for 6 months to store the cars.

VOTED: Unanimously on a motion by Kathy Donovan and seconded by April Slauson to **APPROVE** a temporary certificate of zoning compliance for a period of 6 months to temporarily park their cars on the new facility effective April 2, 2014.

8:32 P.M. Attorney Fitzpatrick returned to the meeting.

B. Commission discussion/decision to release erosion and sediment control performance bond located at the Naugatuck Glass Company.

Steve said this was approved in 2008 and they gave the Borough a Soil & Erosion Bond. This was for the Roxidizer at the glass company. The bond was \$5,000 for a silt fence going around it to prevent runoff from going into the stream and the trees. Steve said they asked for their money back. He said it's been done since 2009. Steve said the commission can vote for him to release it to them or they can go out and look at it. Steve showed the commission pictures of it.

VOTED: Unanimously on a motion by April Slauson and seconded by Kathy Donovan to **APPROVE** the release of the performance bond located at Naugatuck Glass Company in the amount of \$5,000.

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

VOTED: Unanimously on a motion by Kathy Donovan and seconded by Sally Brouillet to **ADD** Attorney Fitzpatrick to the agenda with a purpose of discussion of administrative procedures.

Attorney Fitzpatrick discussed administrative procedures between Land Use and the commission involving applications. He said that the commission should be more informed as to what's involved in an application and the process in which they are reviewed screened and presented to the commission.

6. There was no Chairman Report.

7. Public Comment.

8. Adjournment

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Rick Cool to adjourn the meeting at 9:45 P.M.

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/sg