

**ZONING COMMISSION
PUBLIC HEARINGS
August 19, 2015**

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

MEMBERS:

William Stopper, Chair
Sally Brouillet, Vice Chair
April Slauson, Secretary
Richard Cool - absent
Kathleen Donovan - arrived 6:12 p.m.
Matthew DeBarber - absent
Neil Mascola, Alternate - left 10:12 p.m.
Wendyann Fowler, Alternate

OTHERS:

Attorney Edward Fitzpatrick
Sue Goggin, Town Planner, ZEO, WEO
Lori Rotella, Assistant ZEO
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Attorney Fitzpatrick stepped out of the meeting at 6:28 p.m.

6:15 P.M. PUBLIC HEARING: for special permit application for proposed auto park on Lots 18 & 30 Raytkwich Road, Applicant: A Better Way Auto, LLC. **Public hearing opens 8/19/15; must close by 9/23/15; decision must be made by 11/27/15.**

Attorney Kevin McSherry has green cards and certified mail receipts. He explained where the property is located. A Better Way Auto has a license from motor vehicle for the two lots – 18 & 30 Raytkwich Road and also for 49 Raytkwich Road for operating a used car lot. He also explained the site has been reworked to minimize the amount of material coming off the site from 78,000 cubic yards to under 10,000 cubic yards. They have received approvals from the Police and Fire Commissions. They are waiting for WPCA approval. Attorney McSherry also gave a history of when the industrial park was established and also gave a history of A Better Way's locations over the past few years. Mike Lambert, Harry E. Cole and Son, Main Street, Plantsville, CT explained the location of the lots and where wetlands are located on the parcels. The parcels also have gas and sanitary sewer easements located on them. Mike went over the changes he made to the site plan from the original plan. Some changes were that he pulled the parking lot in from the wetlands and reduced the parking spaces to 805. The parking lot will consist of a paved parking area for the customers and employees and gravel parking area for the cars to be sold. There will be 3 oil separators on site. Sally Brouillet requested a rendering of the building. Attorney McSherry said they have nothing drawn up at this time, but it will be similar to the one on Rubber Avenue. Mike said it will be a 2 story building, approximately 22,300 feet and will look similar to a residential home. They will be using 49 Raytkwich Road for their repair facility and 18 & 30 Raytkwich will be for sales. Attorney McSherry said A Better Way Auto is currently under contract to purchase 49 Raytkwich Road and hopefully they will be closing by the end of this month. Sally asked if they will be closing the business on Rubber Avenue. Attorney McSherry said they will not. Neil Mascola questioned where the wetlands are located. Attorney McSherry addressed where the wetlands are. Kathleen Donovan asked if the driveway is 24' wide and will it accommodate a car carrier. Mike said they will be able to get the trucks on and off the site. Kathleen also asked if there will be a significant buffer for the residents living behind the area. Susan Goggin explained where the proposed plantings will be going. Kathleen wants to ensure there is enough of a buffer between the residents and A

Better Way. Mike explained there will be a 20' retaining wall to be constructed. He is working with a structural engineer. Kathleen would like to see a second buffer to be fair to the property owners abutting the sites. Kathleen would like to see the revisions to the plan ready for the next meeting. William Stopper asked for any public comment. Nella Canale, 87 Jolie Road – is concerned with the noise, lighting and privacy. She believes that they started taking down trees without any permit and that they took down too many trees. Fred Perugini, 47 Jolie Road – Would like to know how the town sold property without knowing what is going there. William Stopper told Fred that is a question for the NEDC. William can invite someone from the NEDC to attend our next meeting. Fred Perugini also has a concern with the noise and lights. He feels they could have sold them a different lot in the park that would not affect property owners. Attorney McSherry requested the commission to do a site walk.

Site walk scheduled for 8/26/15 at 6:30 p.m. They will be meeting at 49 Raytkwich Road. Public hearing continued until 9/16/15 at 7:00 p.m.

Attorney Fitzpatrick returned to the meeting at 7:03 p.m.

6:30 P.M. PUBLIC HEARING- for special permit application for proposed construction of 17,100 square foot building at 1188 New Haven Road, Applicant: 1224 New Haven Road, LLC. **Public hearing opens 8/19/15; must close by 9/23/15; decision must be made by 11/27/15.**

Attorney Kevin McSherry has green cards and certified mail receipts. He explained to the commission the location of the proposed building and the previous uses of this parcel. Kyle Bogardus, Engineer with Langan Engineering also pointed out on the map where the property is located and where the current 10,000 square foot Planet Fitness building is. Kyle showed pictures of the way the property looks now and the way the new building will look. He also showed a rendering of the proposed building and what materials the building will be constructed of. Sally Brouillet asked if the building will be the same colors as the current building, purple and yellow. Kyle explained they will be using new colors, earth tones, to go along with their new branding. The logo colors have not changed though. Sally asked if there are sidewalks on their plans. Kyle explained they will be requesting a waiver for sidewalks. They were not planning on putting in sidewalks with this project but would put them in when they received plans to redevelop the old Planet Fitness building. William Stopper asked if they knew who the new tenant will be for the building. Kyle explained they are in negotiations with an occupational therapist to occupy the space. Kyle said that Haynes would like to start building this fall after receiving all of their approvals and open in the spring. There will be no transfer of ownership; Haynes will lease the space to Planet Fitness. Attorney McSherry explained that they will begin to renovate the current Planet Fitness building once the negotiations are complete. At that time they will be back to the commission with a site plan. Kathleen Donovan does not want to wait for the sidewalks, would like them done now. There was a discussion of the materials being used for the new building. Sally would like a time limit as to when the sidewalks will go in. Kyle would like 18 months to negotiate with new tenant of old building. If no tenant then, Haynes will come back in with a plan to install the sidewalks. There was also a discussion on the location and color of the sign. William Stopper asked for public comment. Octavio Gongalves owns property at 1192 New Haven Road. He supports Planet Fitness but his concern is with safety and the site line when exiting his property and Planet Fitness. This is also the location of a bus stop. Kyle explained he did do a site line analysis and it did meet DOT requirements. Octavio

stated there is currently a chain link fence with good visibility and he would like that current visibility maintained. Kyle will revisit the visibility concern. Octavio also had a concern about water runoff from the Haynes property onto his. Kyle explained the water storm treatment design. There were no other public comments.

Public hearing continued until 9/16/2015 at 7:15 p.m.

6:45 P.M. PUBLIC HEARING- for special permit application for proposed construction of 7,500 square foot commercial building and gas station at 1198, 1202 & 1204 New Haven Road; Applicant: HZM Petroleum Corp. **Public hearing opens 8/19/15; must close by 9/23/15; decision must be made by 11/27/15.**

Michael H. Horbal, registered land surveyor with an office at 52 Main Street, Seymour. Mike explained where the property is located and what will be housed there. They are proposing a gas station with a convenience store and two retail stores on each end of the building. They have received approvals from the WPCA and the Fire Commission. They also have plans into the DOT. There are no wetlands on the property. The nearest wetlands are 160 feet away from the property. Mike showed on the map where the proposed buildings will be located. Landscaping and ADA requirements have also been met. William Stopper questioned what the drive-up window will be used for. Mike explained they are planning on having a financial institution go in there. Mike explained they have answered and revised plans based on Wayne Zirolli's comments. Sidewalks will go across the whole length of the property. Seung H. Park with an office at 1001 Main St. # 27, Bridgeport is the architect on the project. He explained the materials that will be used in the construction of the building. They can change the color of the building based on the commissioner's opinion. Mike Horbal explained that there is only a slab left on the site from the previous building and the only tenant they have so far is for the convenience store. Rick Mangoni, general contractor, said at this time they are not sure what brand gas station will be going in yet. One side of the retail will be for a banking institution. They also discussed the size of each of the stores. William Stopper asked for public comment. Susan Goggin wanted noted she received a letter from Arthur and Maria James of 1207 New Haven Road. They are strongly opposed to the building of this project and requested that the commission deny this application. There were no other public comments. Kathleen Donovan asked when the traffic study was done. Kermit Hua at 277 Reservoir Ave, #1101, Meriden, CT 06452, registered professional engineer. He explained when and where the traffic study was conducted. It was prepared in June 2015. Kathleen asked for the analysis to be done in the morning between 7:00 – 9:00 a.m. Kermit used data from the DOT analysis. Kathleen does not believe the DOT data is correct and should obtain records from the Naugatuck Police Department. Kermit went through key findings in his report for the commission. The commission expressed their concern with the traffic on this road. Sally Brouillet had a traffic study from a three year period prior to Kermit's study. Attorney Fitzpatrick confirmed what section of New Haven Road the traffic study was done on. Bill Stopper confirmed with HZM the additional information that Kathleen is requesting: the traffic study done in the morning between 7:00 a.m. – 9:00 a.m. and also a detailed rendering of the building including landscaping, and where the gas pumps and drive thru will be located. Mike Horbal stated the hours of operation will be from 5:00 a.m. – 10:00 p.m. 7 days a week. Bill Stopper requested the public for any questions or comments. There was none.

Public hearing continued until 9/16/2015 at 7:30 p.m.

7:00 P.M. CONTINUED PUBLIC HEARING- for proposed zone change from R-15 to B-1 for property located at 100 School Street, Applicant: Polish Falcons/Crystal Room. **Public hearing opened 7/15/15; must close by 8/19/15; decision must be made by 10/23/15.**

Attorney Michael McVerry, with an office at 35 Porter Avenue, Naugatuck on behalf of Crystal Room LLC and the Polish Falcons 65 United for the property located at 100 School Street which consists of 11.4 acres. The hearing commenced last month. The parcel was rezoned to R15 in 2013. Attorney McVerry referred to previous Zoning meeting minutes as to how the change came about. The building is currently being used as a catering hall and the Crystal Room is trying to protect their business by erecting an adjacent building in the rear yard where there is currently a gazebo. They are looking to build a non-denominational chapel. Section 51.4 states that the Zoning Board of Appeals cannot grant a variance for a use not allowed in that district. They was also a discussion about a floating zone but under Section 34 this zone requires a minimum of a 20 acre plot size. They are now proposing a zone change to B1 which is the least intrusive. There was a site walk done after the last zoning meeting. Attorney McVerry explained all of the current property uses in the area. Attorney McVerry continued to refer to previous zoning commission meetings from 2013 that stated the commission did not want to make any property non-conforming. Attorney McVerry again states that the B-1 zone is the least intrusive and is very similar to R-15. The area in question is not conducive of retail due to the location of the property and the access to it. There was a discussion amongst the commissioners regarding the chapel. Attorney McVerry explained they are just trying to preserve his business and cannot do so without the zone change. He also explained that anything being done there would have to come before the commission for approval. William Stopper asked for any public comment. Angela Rovaneli, 109 School - has no objections to a chapel just to the zone change. Harvel Brooks, 150 School St – opposes zone change, he feels neighborhood is too small and not appropriate for a B-1 zone. Dilip Lahiri, 143 School St – opposes zone change to B-1, this is a quiet neighborhood and wants it to stay that way. Debra Mackin, 125 School St – concerned that if zone is changed and Crystal Room goes out of business, what will go in there. Susan Goggin said the planning commission gave a positive referral. Attorney Fitzpatrick explained how the zoning regulations are set up. There was a discussion on the properties previous zone changes throughout the years. Attorney McVerry stated the neighbors have no problem with a chapel being built here. He also noted that there is only one Crystal Room and has been in a local establishment for 30 years. The only way to expand the business is with the zone change. Kathleen Donovan requested a rendering. Attorney McVerry explained we are not there yet, if this request is granted then they will start with the normal site plan process. April Slauson asked if you can do a temporary zone change.

William Stopper closed the public hearing.

7:15 P.M. CONTINUED PUBLIC HEARING- for proposed text amendments to allow for the creation of Prospect Street Design District and a zone change to the current zoning map for properties along Prospect Street, Applicant: Borough of Naugatuck. **No time restrictions because it is a Borough initiated zone change.**

Susan Goggin explained there are no changes. A discussion ensued regarding a traffic study for the area of Prospect Street near Golden Court and if the DOT had any long term plans for that road. Susan said based on NVCOG there are no plans for DOT to do a study and there are no plans yet to modify Prospect St. Attorney Fitzpatrick said the level

of service for that area was A and B which is the most minimal of waiting time. He would also like the consultants to supply what the level of service and traffic count is by the Industrial Park entrance. William Stopper asked for public comments. Kevin Tulp, 274 Wooster Street – has concerns with Rt 68 being designated a heavy haul zone due to the work being done on I84. He also wanted to know the cost of the consultants and that he was not happy the way the public was notified of the zone change. He would like more clarity on the process. Attorney Fitzpatrick explained this is the process of a zone change and the public hearing. Patrick J Scully, 21 Lines Hill Street – requested a copy of the consultant’s bill and the 2012 traffic study done at Vinny’s. Pat had concern regarding sidewalks, stating the plan called for sidewalks, but there is no room for them. Pat explained 50 people against this zone change and there are none for the change. William Stopper this is not our plan. It is the Plan of Conservation and Development. Pat explained he is against the zone change. Attorney Fitzpatrick explained the arterial zone change and what it encompasses. Staff is listening to comments and working with the consultants on those changes. Pat Scully was worried why his property was taken out of the zone change. Attorney Fitzpatrick explained how a plan is modified as it goes along. William Stopper asked if there were any other public comments.

Public hearing continued until 9/16/2015 at 6:15 p.m.

7:30 P.M. CONTINUED PUBLIC HEARING- for special permit application for proposed artist housing, retail, and commercial uses at the former GDC building located at 6 Rubber Avenue, Applicant: Borough of Naugatuck, Joseph Migani, Agent. **Public hearing opened 5/20/2015; extension granted by applicant – public hearing must close by 8/21/2015; decision must be made by 10/25/2015.**

William Stopper noted for the record the public hearing regarding special permit application for proposed artist housing, retail and commercial uses at the former GDC building located at 6 Rubber Avenue, Applicant: Borough of Naugatuck, that the public hearing is closed due to the timing being up. Susan Goggin noted that a decision needs to be made before October 25, 2015 so this this will stay on the agenda.

**NAUGATUCK ZONING COMMISSION
REGULAR MEETING
August 19, 2015**

William Stopper opened the meeting with the following in attendance:

MEMBERS:

William Stopper, Chair
Sally Brouillet, Vice Chair
April Slauson, Secretary
Kathy Donovan - 6:12 p.m.
Richard Cool – absent
Matthew DeBarber - absent
Neil Mascola, Alternate
Wendyann Fowler, Alternate

OTHERS:

Attorney Edward Fitzpatrick
Sue Goggin
Lori Rotella
Public - 20

1. At 6:10 p.m., Bill Stopper opened the meeting with the Pledge of Allegiance and then took attendance and noted there was a quorum. Wendyann Fowler was made a regular voting member for Kathy Donovan and Neil Mascola was made a regular voting member for Richard Cool.
2. Executive session with the Borough Attorney and the Zoning Commission. There was no executive session.
3. Approval of the July 15, 2015 Public Hearing and Meeting Minutes. The secretary will sign previously approved minutes as written.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by April Slauson to **APPROVE** the July 15, 2015 Public Hearing and Meeting Minutes.

Kathleen Donovan arrived at the meeting at 6:12 p.m. and Wendyann Fowler was made an alternate member.

4. **OLD BUSINESS:**

- A. Commission discussion/decision regarding proposed zone change from R-15 – B-1 for property located at 100 School Street, Applicant: Polish Falcons/Crystal Room

No additional comments or questions from the commission.

- B. Commission discussion/decision for proposed text amendments to allow for the creation of Prospect Street Design District and a zone change to the current zoning map for properties along Prospect Street, Applicant: Borough of Naugatuck

No additional comments or questions from the commission.

- C. Commission discussion/decision regarding the special permit application for proposed artist housing, retail and commercial uses at the former GDC building

located at 6 Rubber Avenue and 0 Maple Street, Applicant: Borough of Naugatuck, Joseph Migani, Agent

No additional comments or questions from the commission.

5. **NEW BUSINESS**

- A. Commission discussion/decision regarding special permit application for proposed auto park on Lots 18 & 30 Raytkwich Road, Applicant: A Better Way Auto, LLC

No additional comments or questions from the commission.

- B. Commission discussion/decision regarding special permit application for proposed construction of 17,100 square foot building at 1188 New Haven Road, Applicant: 1224 New Haven Road, LLC

No additional comments or questions from the commission.

- C. Commission discussion/decision regarding special permit application for proposed construction of 7,500 square foot commercial building and gas station at 1198, 1202 & 1204 New Haven Road, Applicant: HZM Petroleum Corp.

No additional comments or questions from the commission.

- D. Accept application, refer to planning commission, set public hearing for special permit application for the addition of more than 5,000 cubic yards of material at 1198, 1202 & 1204 New Haven Road, Applicant: HZM Petroleum Corp.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Neil Mascola to **APPROVE** HZM Petroleum Corp's application, **REFER** to planning commission, **SET** public hearing for special permit application for the addition of more than 5,000 cubic yards of material at 1198, 1202 and 1204 New Haven Road. A Public Hearing was set for September 16, 2015 at 6:30 P.M.

- E. Accept application, refer to planning commission, set public hearing for special permit for proposed renovation of existing garage into a hair salon at 24 Golden Court and 451 North Main Street, Applicant: Vesel Nasufi

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by April Slauson to **APPROVE** the Vesel Nasufi's application, **REFER** to planning commission, **SET** public hearing for special permit application for the proposed renovation of existing garage into a hair salon at 24 Golden Court and 451 North Main Street. A Public Hearing was set for September 16, 2015 at 6:45 P.M.

- F. Commission discussion regarding interpretation of the term carport for permitting purposes.

Susan Goggin explained there is no definition for carport in our regulations. There is nothing which discusses the permitting of carports. Sue received a complaint for a carport and would like the commission's thoughts on how to permit. Sally Brouillet suggested using the same setbacks as attached and detached garages. Kathleen Donovan would like the definition of carport from Attorney Fitzpatrick and will discuss at a later time. Attorney Fitzpatrick will get back to the commission on this issue.

G. Commission discussion regarding Borough & community signs and methodology for permitting. Possible creation of common area(s) for signs.

Susan Goggin passed around pictures of signs going up throughout town and explained she is receiving many complaints regarding illegal signs. Kathleen Donovan suggested putting a public notice in the newspaper first. If signs aren't removed, follow up with a letter. April Slauson felt some of these signs are for valid fund raisers. Sue explained she is not objecting to them but she is getting complaints that she would like to know how to enforce the regulations. Kathleen asked if there is a penalty Susan explained there is currently a regulation in place for temporary signs which has no fee for. Attorney Fitzpatrick explained the rules should apply to everyone; the problem is enforcing the regulations. A discussion ensued regarding what the signs are and who they benefit and how do you treat everyone fairly and equally. Attorney Fitzpatrick feels the problem with signage is enforcement and where on the priority list for staff does it go. These issues are faced by many towns. William Stopper would like to know if the 18-20 page document that they wrote is adequate. Susan thinks there may be room for revisions. Sue explained the office is very busy at this time.

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

VOTED: Unanimously on a motion by Neil Mascola and seconded by April Slauson to add to the agenda discussion on the athletic storage building at Naugatuck High School.

Susan discussed the plan submitted by Kaestle Boos. They would like to construct one building between the high school and the track instead of the two buildings in the original plan. This was discussed between Kaestle Boos, William Stopper and Susan Goggin but would like to have an official vote. Bill Stopper noted the 100' X 20' building encompasses the 2 buildings into one. The building will be located where one of the original buildings was located. Attorney Fitzpatrick discussed the steps to take to approve this. It is a separate zoning question. The Naugatuck High School building committee has already looked at this and evaluated this new plan. The building committee is in the day to day progress with this project. Susan explained they would like to get this finished up before the new school year begins. Susan assumed that when Kaestle Boos brought this modified plan to us it was already cleared with the Board of Education. Susan does not receive any letters with any changes. Attorney Fitzpatrick explained this modification is not a significant modification that would not allow you to vote on this tonight. You can also table this to see what the building committee's comments are. The commission decided to wait to decide on this until the end of the meeting. They were waiting for a call back from Bob Neth. There was no call or email back from Bob Neth but Attorney Fitzpatrick did receive a call from Mayor Mezzo confirming the building committee

did vote in favor of the new building. April Slauson also received information from her husband Scott who is on the Board of Education. The BOE does not traditionally vote on these type of things but they do want the building also.

VOTED: Unanimously on a motion by Neil Mascola and seconded by April Slauson to approve the addition to renovations to the Naugatuck High School athletic storage building as referenced on the plans stamped August 18, 2015.

6. Chairman Report
There was none.

7. ZEO Report

Susan Goggin said we received a letter tonight from a resident in town who would like his letter heard at the meeting tonight. William Stopper read Mr. Ruggiri's letter into the record. Attorney Fitzpatrick explained to the commission that they do not have the authority to condemn a property. Mr. Ruggiri explained 421 Andrew Avenue was purchased in 2008 by Cynthia Ruggiri (his wife). After closing on the property, Mayor Mezzo did a title search and discovered there was no legal access to a property they purchased. Mr. Ruggiri expressed his concern with no access to the property he has no access to the fire department, police department, and ambulance or oil deliveries. The Cagno's who own the property are not willing to give Mr. Ruggiri an easement unless he pays fair market value for the property. Mr. Ruggiri sued the title company and won. Attorney Fitzpatrick asked what Mr. Ruggiri is asking the commission to do for him. He explained he stayed with friends last year and when he returned the house was destroyed and he is now homeless. He would like the road condemned. William Stopper explained to Mr. Ruggiri that this commission does not have the authority to condemn the road. Mr. Ruggiri gave William Stopper a letter previously written by Steve Macary and read that into the record. Attorney Fitzpatrick explained that the Borough does not own that road and cannot legally improve it, only the owner of the private road has a right to do that. He also said this is a private legal issue.

8. Public Comment
There was none.

9. Adjournment

VOTED: Unanimously on a motion by April Slauson and seconded by Kathleen Donovan to adjourn the meeting at 10:25 P.M.

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/lr