

**ZONING COMMISSION
PUBLIC HEARINGS
October 21, 2015**

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

MEMBERS:

William Stopper, Chair
Sally Brouillet, Vice Chair
April Slauson, Secretary - absent
Richard Cool
Kathleen Donovan – 6:09 p.m.-7:40 p.m.
Matthew DeBarber - absent
Neil Mascola, Alternate
Wendyann Fowler, Alternate

OTHERS:

Attorney Edward Fitzpatrick
Sue Goggin, Town Planner, ZEO, WEO
Lori Rotella, Assistant ZEO
Wayne Zirolli, Borough Engineer
Public – 10 present

6:15 P.M. - PUBLIC HEARING: for extension to excavation and solar special permits for property at 280 Elm Street, Applicant: Chemtura.

Public hearing opens 10/21/15; must close by 11/25/15; decision must be made by 1/29/16.

Allen Benevides with Woodard and Curran, Cheshire CT, is here on behalf of Chemtura. Allen gave a brief overview of the project. He explained that Chemtura went through the special permit process previously and had an approval. There are no changes currently being proposed. The only possible change might be the manufacturer of the panels being installed. Allen also informed the commission the reason the project did not go forward previously was due to financing. They now have their financing in place and are looking to have all of their permits renewed in order to start construction this year. William Stopper asked if any of their other permits need to be extended and Allen replied that none of the local permits do. William Stopper asked for any public comments. Patrick Palmer, Facility Supervisor with Kuehne & Nagel, 22 Spencer Street, had a few questions. He explained he is here in place of his boss, Bruce Monahan. Patrick's questions were: will the fence be removed or changed, will the trees along the fence be cut down and what will they do about the dust created by the earth excavation on the cars and in their filters of their intake on the HVAC system. Allen explained they will not be removing the fence, some of the taller trees will be removed and new, lower trees will be planted for a buffer. The higher trees cause shade on the panels. As for the dust, the contractor will be using 2 means of dust control – water and calcium chloride. There will be someone from Woodard and Curran on site full time to monitor this process due to this being a remediation or brown field site and their concern with health and safety. Patrick also questioned the traffic coming onto the site. Allen explained most of the trucks will be coming in from Cherry St Extension. They had previously worked this out with the Police and Fire Commission. Attorney Fitzpatrick further explained there are conditions on the original approval regarding the earth excavation that the commission took into account when it was first approved. William Stopper closed the public hearing.

6:30 P.M. PUBLIC HEARING: for extension to special permit for wholesale auto sales for property at 38 Cherry Street, Applicant: 38 Cherry Street, LLC
Public hearing opens 10/21/15; must close by 11/25/15; decision must be made by 1/29/16.

Tom Baronowski, managing partner for 38 Cherry Street, LLC. Tom explained he is here to request an extension of his original special permit. There are no changes to the original special permit from 2013. He pointed out that he did not move forward previously due to the economic conditions at that time. He is now ready to move forward within the next 12 months. William Stopper asked for any public comments. There was none. William Stopper closed the public hearing.

6:45 P.M. CONTINUED PUBLIC HEARING for special permit application for earth excavation/fill of more than 5,000 cubic yards of material at 1198, 1202 & 1204 New Haven Road; Applicant: HZM Petroleum Corp.
Public hearing opened 9/16/15; must close by 10/21/15; decision must be made by 12/25/15.

Attorney McVerry, 35 Porter Avenue, Naugatuck on behalf of the applicant HZM Petroleum requested a continuance for this public hearing and also for the public hearing at 7:30 P.M. for special permit application for proposed construction of 7,500 square foot commercial building and gas station at 1198, 1202 & 1204 New Haven Road for the same applicant. He requested the public hearings be continued until a special meeting on November 9, 2015 at 6:00 P.M. and 6:15 P.M. respectively. Attorney McVerry noted that a letter for the continuance was copied to Attorney Branse. Attorney Branse has agreed to the November 9, 2015 date. He explained that he was recently retained by the applicant and needs time to prepare for the November 9th public hearings. He has requested revisions by the end of next week or the following Monday, at the latest. William Stopper noted for the record that Attorney McVerry submitted a letter dated October 16, 2015 requesting the continuance of both public hearings. Attorney Fitzpatrick explained that both parties have agreed to share evaluations done by each other and he also advised both councils to share any legal arguments with each other prior to the next public hearing. Attorney Fitzpatrick has been in contact with both parties. Susan Goggin will supply all parties with the agenda.

Public Hearing continued until Special Meeting on November 9, 2015 at 6:00 P.M.

7:00 P.M. CONTINUED PUBLIC HEARING- for special permit application for proposed auto park on Lots 18 & 30 Raytkwich Road, Applicant: A Better Way Auto, LLC.
Public hearing opened 8/19/2015; 36 day extension granted – must close by 10/29/15 – one more extension of up to 29 days may be allowed (11/27/15); decision must be made by 1/2/2016.

Attorney McSherry, 39 Fairview Avenue, Naugatuck here on behalf of A Better Way Auto, LLC briefly explained some of the changes being made to the site plan. Mike Lambert, Harry E. Cole & Sons, 876 S. Main Street, Plantsville explained in detail the changes made to the site plan based on the commissions previous comments. Mike handed out cross section plans to the commission and also explained them. He noted that the lighting plan was also updated. The commission has several questions regarding the

parking of the used cars, the elevation of the building, the lighting plan and their signage. Mike addressed their questions. Kathleen Donovan noted she appreciated all of the work Mike did addressing the commissions comments. Sally questioned if the amount of landscaping going in was enough. Mike understands that the neighbors have a concern with their wells and explained that once they receive all town approvals he will have to submit plans to DEEP. Sally wanted to confirm that they will comply with all sign regulations. Attorney McSherry explained A Better Way Auto's policy on selling cars and who is allowed on the lot. The buyers look online not walking around the lot. The sales people get the vehicles off the lot for the potential buyer. Sally questioned the hours of operation. Attorney McSherry clarified for the commission the hours of operation would be from 9:00 a.m. – 7:00 p.m. Outside activity ends at 7:00 p.m. There might be someone in the building after that time doing paperwork. He also reiterated there will be 24 hour security on the site. William Stopper submitted 3 documents for the record, received from the applicant's engineer 1) a copy of the General Permit for the Discharge of Stormwater Associated with Commercial Activity, Issuance Date: May 1, 2014 and Expiration Date: April 30, 2017; 2) Planning and Zoning Meeting Outline HEC1257 GR Engineering Naugatuck dated 10/07; 3) the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, Issuance Date: August 21, 2013 and Effective Date: October 1, 2013. Susan Goggin noted for the record that the Wetlands Commission has not approved yet. They have not yet seen this copy of the plans and also Southwest Conservation. Roman Mrozinski has only received the original plan and needs to be given a revised plan. The Wetlands Commission is waiting for Roman's review. Mike explained he tried to submit a copy of the revised plans to the commission yesterday in order to give them 24 hours to review but was called into meetings. If there were any comments or revisions at tonight's meeting, Mike would make them the next morning and resubmit the plans to Wetlands and to Southwest Conservation. William Stopper was concerned with the timing of the Public Hearing's end date of October 29, 2015. Susan explained that the applicant granted a 36 day extension at the September 2015 meeting, which brought them to October 29, 2015. William read a letter from A Better Way Auto into the record extending the Public Hearing another 28 days until November 18, 2015. Susan explained the next Zoning Meeting is November 18, 2015 and the Public Hearing must close by November 26, 2015. William asked for the public's comments. Joseph Regan, resident of Jolie Road, had a concern with the safety of the wells. Joseph had questions regarding how much of the lot will be paved. Attorney McSherry explained how much of the lot is proposed to be paved and how much will be just gravel. Joseph had questions regarding the General Permit and whether this should fall under commercial or industrial. He believes this should be industrial due to the number of cars going to be parked on the lot. Mike explained that when they apply for the building permits, then they will apply for the commercial use, but if DEEP believes this should be industrial use, they will go by those regulations. Joseph believes this project has a higher pollution load. Attorney McSherry explained that the DEEP reviews the project after the local zoning approvals. That is another level of protection. They will comply with whatever DEEP wants them to do. Susan explained that the plan for the industrial park expired in 2011, according to Borough Counsel and the regulations. Wayne Zirolli stated he will also be reviewing the plans to confirm that they meet storm water requirements.

William Stopper extended the Public Hearing until November 18, 2015 at 6:45 p.m.

Kathleen Donovan left the meeting at 7:40 p.m. William Stopper made Neil Mascola a regular voting member in place of Kathleen Donovan.

7:30 P.M. CONTINUED 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 opened 8/19/2015; 36 day extension granted – must close by 10/29/15 – one more extension of up to 29 days may be allowed (11/27/15); decision must be made by 1/2/2016.

Continued until Special Meeting on November 9, 2015 at 6:15 P.M.

**NAUGATUCK ZONING COMMISSION
REGULAR MEETING
October 21, 2015**

William Stopper opened the meeting with the following in attendance:

MEMBERS:

William Stopper, Chair
Sally Brouillet, Vice Chair
April Slauson, Secretary - absent
Kathleen Donovan – 6:09 p.m. – 7:40 p.m.
Richard Cool
Matthew DeBarber – absent
Neil Mascola, Alternate
Wendyann Fowler, Alternate

OTHERS:

Attorney Edward Fitzpatrick
Sue Goggin
Lori Rotella
Wayne Zirolli, Borough Engineer
Public – 10 present

1. At 6:04 p.m., William 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 April Slauson and Neil Mascola was made a regular voting member for Kathleen Donovan

2. Executive session with the Borough Attorney and the Zoning Commission.

There was no executive session.

3. Approval of the August 19, 2015 and September 16, 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 Neil Mascola to **APPROVE** the August 19, 2015 Public Hearing and Meeting Minutes.

VOTED: Unanimously on a motion Sally Brouillet and seconded by Wendyann Fowler to **APPROVE** the September 16, 2015 Public Hearing and Meeting Minutes.

4. **OLD BUSINESS:**

- A. Set effective date of November 1, 2015 for zone change from R-15 to B-1 for property located at 100 School Street, Applicant: Polish Falcons/Crystal Room

VOTED: Unanimously on a motion by Richard Cool and seconded by Neil Mascola to **SET** the effective date of November 1, 2015 for the zone change from R-15 to B-1 for property located at 100 School Street, Applicant: Polish Falcons/Crystal Room

- 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. **Public hearing continued to 1/20/16 at 6:15 p.m.**

There was no discussion.

- 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; **Decision must be made by 10/23/15.**

William Stopper read Joseph Migani's withdrawal of his application for the Art 6 project into the record. Attorney Fitzpatrick noted for the record, that the commission does not have to vote on this due to the applicant withdrawing.

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

There was no discussion.

- E. 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.

There was no discussion.

- F. Commission discussion/decision regarding special permit for the addition of more than 5,000 cubic yards of material at 1198, 1202 & 1204 New Haven Road, Applicant: HZM Petroleum Corp.

There was no discussion.

- G. Commission discussion/decision regarding request for extension to excavation and solar special permits for property at 280 Elm Street, Applicant: Chemtura

VOTED: Unanimously on a motion by Richard Cool and seconded by Kathleen Donovan to **APPROVE** extension to excavation and solar special permits for one year for property at 280 Elm Street, Applicant: Chemtura

- H. Commission discussion/decision regarding request for extension to special permit for wholesale auto sales for property at 38 Cherry Street, Applicant: 38 Cherry Street, LLC.

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by Wendyann Fowler to **APPROVE** extension to special permit for wholesale auto sales for one year for property at 38 Cherry Street, Applicant: 38 Cherry Street, LLC

Attorney Fitzpatrick left the meeting at 6:11 p.m.

5. NEW BUSINESS

- A. Accept application, refer to planning commission, set public hearing for proposed zone change from I-1 & I-2 to B-1 for property at 195 Water Street, Applicant: Naugatuck Train Station, LLC

Susan Goggin gave brief overview of the application.

Attorney Michael McVerry, 35 Porter Street, Naugatuck for the applicant Naugatuck Train Station LLC explained the reason for having the property rezoned from I-1 & I-2 to B-1.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Kathleen Donovan to accept the application, refer it to the planning commission and to set a Public Hearing for November 18, 2015 at 6:30 p.m. for property at 195 Water Street, Applicant: Naugatuck Train Station, LLC

Attorney Fitzpatrick returned the meeting at 6:16 p.m.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Sally Brouillet to withdraw Neil's previous motion.

William Stopper noted that Kathleen Donovan is now a regular voting member and Neil Mascola is back to being an Alternate member.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Richard Cool to accept the application, refer it to the planning commission and to set a Public Hearing for November 18, 2015 at 6:30 p.m. for property at 195 Water Street, Applicant: Naugatuck Train Station, LLC

Attorney Fitzpatrick left the meeting at 6:18 p.m.

Attorney Fitzpatrick returned to the meeting at 6:19 p.m.

- B. Commission discussion/decision regarding site plan application for proposed expansion to existing loading dock at 1372 New Haven Road, Applicant: Charles Pugliese/Sperry Automatics Co., Inc.

Attorney Michael McVerry, 35 Porter Avenue, Naugatuck on behalf of the applicant Sperry Automatics Co., Inc. summarized the location of the building and the need to expand the existing loading dock. The applicant received Wetlands Commission approval last month. Attorney McVerry passed around photographs of the current loading dock and a drawing of where the expansion will be located. David Pugliese, Vice President of Sperry Automatics stated the building has been there since 1970 as well as the business. He further explained that they cannot leave deliveries outside, exposed to the weather. Dave stated it should take 2 – 3 months to build, but they will not be starting this year.

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by Wendyann Fowler to **APPROVE** the application for proposed expansion to existing loading dock at 1372 New Haven Road, Applicant: Charles Pugliese / Sperry Automatics Co., Inc.

- C. Commission discussion/decision regarding site plan application for addition to existing building at 15 Raytkwich Road, Applicant: Borghesi Building & Engineering Co.

Alan Borghesi with Borghesi Building & Engineering Co., Registered Civil Engineer and Chairman, stated that his application had a few errors on it. The hours of operation are 8:00 a.m. – 5:00 p.m. but did not mention that was Monday through Saturday. The second error was the square footage of the building should be 23,500 square feet and not 33,000 square feet. Alan gave a history of the business and overview of the original building. He explained that the business continues to grow. He summarized the details of the expansion plans. Alan also explained before he came to the meeting he received comments regarding the plan he submitted. Alan read a letter into the record that he received from Susan Goggin with her comments and responded to them before the commission. Susan explained to the commission that they can approve the application with conditions due to the fact that this is a site plan and not a special permit. A Public Hearing is not required. Alan also responded to Wayne Zirolli's comments. Wayne and Alan discussed storm water issues on the plan and will work out the details. Alan explained they would like to get started on the project this fall. Jim Barber, owner of the company, explained that they manufacture rakes to clean beaches. They have been at this site since 1989 and he also gave a history of the business. Next year will be 50 years in business. Susan Goggin and Wayne Zirolli were out to the site today and suggested that the company can put a couple of plantings around the sign. Jim Barber noted they will be putting up a new sign and will put the plantings around it.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Sally Brouillet to approve the site plan application for addition to existing building at 15 Raytkwich Road, Applicant: Borghesi Building & Engineering Co.

Susan Goggin asked that a few conditions be added to the motion. Neil Mascola withdrew his motion.

VOTED: Unanimously on a motion by Sally Brouillet and seconded Wendyann Fowler by to approve the site plan application for addition to existing building at 15 Raytkwich Road, Applicant: Borghesi Building & Engineering Co. with the following conditions: 1. Plantings will be put around 3 sides of the dumpster to hide it from view 2. A new sign will be installed with plantings around the sign 3. Modifications to the storm water provisions per the town engineer's recommendations.

- D. Commission discussion with Borough Attorney regarding expiration of special permits/site plans.

Attorney Fitzpatrick explained that site plans in Naugatuck are good for 5 years. There are some provisions in the statutes for extensions of the site plans depending on when they were approved. Currently special permits expire after 2 years but could possibly get a 1 year extension. The question being asked is does the local zoning commission have the authority to expire a special permit in less time than a site plan established by state law. Naugatuck currently has special permits and site plans integrated. Attorney Fitzpatrick explained that if you do not want to be subject to appeal you may want to separate the applications for special permits and site plans. Special permits set safe guards which is a reason to keep that a shorter time frame to expire than the site plan. William Stopper asked if there was a reason to have the 2 different expiration times. Attorney Fitzpatrick explained the difference between the two. The zoning commission has agreed to have the special permit expire at 2 years with a possible 1 year extension with additional conditions to the extension, if need be. The staff will create two separate applications, one for a site plan and one for a special permit.

E. Commission discussion/decision regarding site plan for proposed open space recreational field at Apple Hill Estates, Applicant: Borough of Naugatuck

William Stopper was given a letter from Apple Oil Company. Susan Goggin explained that the commission was given a new plan tonight, revised by Wayne, regarding the open space given to the town as part of the subdivision process. The town determined what is needed is a ball field. The letter from Apple Oil explains they are working with public works on the ballfield. Sally questioned if it will be closed at a certain hour at night. She has concerns with illegal activity. Wayne Zirolli explained what was required for the subdivision approval. Wayne is working with public works and Apple Hill Estates to bring in fill to have a regulation size baseball field. Apple Hill Estates graded the field, loamed, seeded and hayed it and also graveled a parking area. Public Works also requested to install lighting in the future. Apple Oil is looking to finish this project and have the properties around the area occupied. Wayne Zirolli explained that this has already been preapproved; they are only looking for approval to expand the field and possibly adding lights in the future. Wayne will put some comments together and review with Jim Stewart before the next meeting.

Continued until November 18, 2015

F. Ratify change of use application for restaurant and take-out at 63 Rubber Avenue.

Susan Goggin gave the commission a brief overview of the location and past uses of 63 Rubber Avenue. The current owner has submitted a change of use application in order to accommodate a restaurant with take out on one side of the building. The building was always used for commercial on the first floor. It is located in a B-1 Zone which allows for a restaurant, with a site plan. She explained she has the authority to give an administrative approval and then the commission needs to ratify her approval. Attorney Fitzpatrick suggested they

provide a hand drawing of their intentions and not an A-2 survey. The current owner is also looking to put a convenience store on the other side of the building. Our regulations require a special permit for the convenience store. Sue expressed to the commission her concern with the change of use process. The commission discussed the past uses of the building. Neil Mascola questioned if the Board of Health would get involved with the restaurant. William Stopper questioned the correct address of the property. The drawing says 65 – 67 Rubber Avenue. Sue explained you could ratify with the condition that the applicant correct the address to 63 – 65 Rubber Avenue.

VOTED: Unanimously on a motion by Richard Cool and seconded by Wendyann Fowler to **RATIFY** the change of use application for restaurant and take-out at 63 - 65 Rubber Avenue.

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

VOTED: Unanimously on a motion by Neil Mascola and seconded by Sally Brouillet to add to the agenda the proposed 2016 Meeting Schedule.

VOTED: Unanimously on a motion by Wendyann Fowler and seconded by Neil Mascola to **APPROVE** 2016 Meeting Schedule submitted by the Land Use Office as printed.

6. Chairman Report
There was none.

7. ZEO Report
There was none.

8. Public Comment
There was none.

9. Adjournment

VOTED: Unanimously on a motion by Richard Cool and seconded by Wendyann Fowler to adjourn the meeting at 8:34 P.M.

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/lr