

**ZONING COMMISSION
PUBLIC HEARINGS
June 15, 2016**

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

MEMBERS:

William Stopper, Chair
April Slauson, Secretary
Richard Cool
Neil Mascola
Wendyann Fowler
Matthew DeBarber, Alternate - absent
Caroline Hennessey, Alternate - absent
Amanze Williams, Alternate

OTHERS:

Sue Goggin, Town Planner, ZEO, WEO
Lori Rotella, Assistant ZEO
Attorney Fitzpatrick - Borough Attorney
Wayne Zirolli, Borough Engineer
Public - 20

6:15 P.M. - PUBLIC HEARING: for special permit for earth excavation at 100 Prospect Street, Applicant: Florian Properties/Format, LLC. **Public hearing opens 6/15/2016, must close by 7/20/2016, unless extension granted.**

Attorney Kevin McSherry, 38 Fairview Avenue, Naugatuck for Florian Properties handed in the certified mailing receipts for the public hearing. Attorney McSherry explained that the old Prospect Street School building was built between 1950 and 1955. It was closed in 2012. The applicant has approval from the Police Commission with conditions that the trucks exit on Eagle Street. They also have Inland Wetland's approval with the standard conditions and also that the trucks wash their tires prior to leaving the site. Michael Lambert, Professional Engineer with Harry E. Cole & Son, 876 S. Main Street, Plantsville, reviewed the elevation of the land and how much material they will take off the site to make the parking lot level. He also stated that there are measures in place to protect the storm water system. Attorney McSherry stated they will be taking approximately 300 truckloads of material off of the site. Susan Goggin noted that the applicant received WPCA approval on May 17, 2016. William Stopper asked for any public comments:

Peter Zezima, 21 Acushnet St., questioned where the excavating will stop. He was shown on the map that they will only be doing work to the proposed parking area. If Florian needs to excavate in the area marked future parking lot, they will come back before the commission. Peter would also like the screening to be defined now.

Saskia Zezima, 21 Acushnet St., just wanted to confirm there will be no work done in the area marked future parking lot now.

Attorney McSherry explained that Florian will expand the 5 foot strip of grass to 10 feet. Matt Florian also stated that he will increase the 5 foot strip to 10 feet. Along the 20 foot buffer he will plant 6 foot arborvitaes 5 – 6 feet apart.

Peter Zezima also questioned if the existing fence will be staying along the property line. Attorney McSherry stated that if the fence is in good shape, it will be staying. If it is not, it will be taken down and not replaced at that time. Zezima believes the current chain link fence is in good shape.

Matt Florian stated he will leave the fence if it is in good shape, if not, he will replace it.

Tom Hart, 19 Acushnet St., stated that over the years the kids knocked off the brace along the top of the fence.

Matt Florian replied he will replace the fence to new condition.

Dana Karameta, 4 Endogen St., questioned if Eagle St. will be used as a thru way for trucks.

William Stopper replied that they will be using the driveway called out on the map. William Stopper closed the public hearing.

6:30 P.M. – CONTINUED PUBLIC HEARING: for special permit for proposed mixed use commercial/residential development at 100 Prospect Street, Applicant: Florian Properties/Format, LLC.

Attorney Kevin McSherry, 38 Fairview Avenue, Naugatuck, for Florian Properties explained the modifications to the plan as a result of the 6:15 p.m. public hearing for earth excavation for 100 Prospect Street. Attorney McSherry also went over renderings of what the apartments might look like if the entire building is not rented out as commercial use. The largest tenant will be the gym. There will be 1 bedroom, 1 bathroom apartments which will be approximately 550 square feet and studio apartments which will be approximately 437 square feet. There will be a maximum of 18 or 19 apartments which will not qualify for Section 8 housing because they are too small. Attorney McSherry passed out renderings of the apartments to the commissioners. He also stated he will be requesting a waiver to allow for apartments on the first floor of the building to allow them that flexibility. Justin French, 156 W. Center Street, Southington, explained the floor plan and the gym layout. Attorney McSherry also explained that the applicant would like to keep as much of the building commercial as possible. They do not have any plans for the exterior of the building at this time. Once they do, they will come back before the commission. William Stopper asked for any public comments. There was none. Bill read the waivers received from the applicant dated June 7, 2016 into the record along with regulation 33.3.11. Bill closed the public hearing.

6:45 P.M. – CONTINUED PUBLIC HEARING: for special permit for proposed 30,000 square foot medical building & mixed commercial use and 5,000 square foot restaurant/mixed use building at 58 Maple Street (Parcel C), Applicant: Heritage Downtown, LLC. **Public hearing opened 3/16/2016, must close by 6/24/2016, extension granted to June 15, 2016. Final 9 day extension allowed to June 24, 2016, if necessary.**

Attorney Kevin McSherry, 38 Fairview Avenue, Naugatuck, on behalf of Heritage Downtown, LLC. stated that the applicant provided samples of the brick and material to be used on the second and third floors of the building. The building will have brick on all sides of the first level. The colors of the building are similar to the Neary Building, Hillside School, the post office, ION Bank and the train station. The color scheme will be similar to the bricks shown. The second and third floor of the building will be made out of dryvit or EIFS. The roof will be asphalt shingles and not a metal roof as shown on the renderings. Attorney McSherry explained the changes to the plans dated June 15, 2016 as well as the floor plan of each level of the building. The applicant feels the new color scheme and materials fit in with the downtown area. The second 5,000 square foot building has not been designed at this time and the applicant will be requesting a waiver to come back before the commission once they secure a tenant. There was a discussion about the materials of the building. Attorney McSherry explained that an increase in the cost of the building materials could possibly price the developer out of the market. John Lombard explained that they will maintain the look and landscaping of the building. He also further explained that dryvit is easier to maintain than brick. Attorney McSherry

stated that they originally filed a waiver for smaller parking spaces. They are now going with regular sized parking spaces. Wayne Zirolli explained to the commission that the developer will be using approved building materials by building code. He also stated that the building will be inspected by the building department during the construction period. William Stopper asked for any public comment.

Wendy Murphy, 32 Terrace Avenue, feels the materials being presented are a great compromise. She lives in the historic district and is a member of the Historical Society. She wants to see a shovel in the ground.

Bob Neth, 30 City Brook Road, stated that ION Bank, GDC and also Aria in Prospect are all made out of dryvit. He also mentioned that Greenwich has buildings made out of dryvit. If maintained it will always look new. He believes there should be a favorable vote tonight and this would be a positive thing for the Borough of Naugatuck.

Rocky Vitale, 180 East Waterbury Road, stated he was in the insurance business for 28 years. He has dealt with every type of building material. EIFS has been around since 1960. He feels it is superior to brick. You must be licensed to install dryvit. The look of disrepair of the GDC building is due to lack of maintenance, not the material used. He also stated veneer or solid brick looks the same.

Charles Wasokas, 37 Phyllis Drive, stated his building on Maple St was built in 1912 of solid brick and he has not done any maintenance to it. He would like the building to be built out of brick.

Don Wisniewski, 1100 Andrew Mountain Road, stated he is a builder and has used EIFS on many projects. He feels we need this project and cannot delay it any longer.

Diana Raczkowski, 1042 May Street, stated it took the applicant four months to show samples of the building materials. She does not want brick veneer. She feels it is not as strong of a material as solid brick. She does not want the town to settle for less than the neighboring towns have. She insists on first rate materials.

Marcia Puc, 17 Webb Road, feels the location of the building will set the stage for the rest of the downtown redevelopment. Cost shouldn't be a deterrent. Her home is 60 years old, made of brick and she has not had to do anything to it and looks beautiful. She would like to see the building blend in with the rest of the downtown area.

Mayor Pete Hess, 69 Mistywood Lane, feels everyone here cares about Naugatuck. He owns two buildings in town, 180 Church Street and 223 Meadow Street. He is in favor of this project and feels it fits with the new era of Transit Oriented Developments (TOD). Both the Borough Board and the NEDC approved the plans. TOD's exist from Naugatuck to New York City. He explained some of the future plans for developing Naugatuck. He is satisfied with the building. He also noted that the Borough Board voted 10 – 0 to approve this project.

William Stopper noted that the commission has not been holding up the process. They requested samples for 4 months and just received them for this meeting.

Chester Cornacchia, 53 Graham Ridge Road, stated he is in favor of the project. He does feel natural brick would be optimal. He suggested maybe they could allow the developer not to fix the sidewalks, have the town take care of them, and use the extra money towards brick on the building. He feels there will be issues with dryvit.

Wayne Zirolli explained that the town requires the developer to put in sidewalks.

Attorney Fitzpatrick explained that there is not enough time to negotiate this.

Bob Neth, chairman of the Borough Board, stated the town does not have the funds to replace the sidewalks. He also stated that if you maintain the dryvit the way you should, there will be no problems. He also mentioned that the Tuttle building is made of brick and there are issues there because it was not repointed.

Holly Murphy, 32 Terrace Avenue, stated she is doing a project for her civics class on empty land around Naugatuck. She is very interested in Parcel C and would like to get the ball rolling on this project. She stated that Naugatuck High School students see a problem and they would like to see this project started.

Richard Cool stated that no one on the commission is not in favor of the building; they just want to see the building last. Bill Stopper stated he wants to best for Naugatuck. He feels a brick building will be there for 100 years. He would like to see the best materials used. Bill read 3 waivers that were received from the applicant, into the record. Bill closed the public hearing.

7:00 P.M. - PUBLIC HEARING: for special permit for proposed restaurant at 233 Rubber Avenue (former VFW), Applicant: Mehmet Yilmaz. **Public hearing opens 6/15/2016, must close by 7/20/2016, unless extension granted.**

Brian Plourde, Pustola & Associates, 185 Meadow Street, Naugatuck representing Mehmet Yilmaz for a change of use application for 233 Rubber Avenue (former VFW). Brian handed in the certified mailing receipts to the commission chair. The applicant is seeking to put in a 1,300 square foot restaurant. There will be no work to the outside of the building except for moving one handicap parking spot closer to the existing ramp. They will be serving breakfast, lunch and dinner. They received two comments from the Land Use office; 1 Provide screening around the dumpster which they will do and 2. Existing landscaping, currently there is a small grass area where they will be relocating the handicap parking spot to and the small grass area left, they will be putting a pylon sign and landscaping around the sign. They will also be putting up another wall mounted sign. The applicant will pull the required zoning permits for all signs. Brian also explained that the applicant will be providing the standard erosion controls for the minimal amount of grading to be done. There will be less than 50 seats in the restaurant which will require 6.67 parking spots and they will be providing 8 spots; one which will be a handicap spot. They will also be using the town property across the street for additional parking. Susan Goggin explained that the regulations allows for you to use parking within 300 feet of the building. There was a discussion on what the applicant plans on doing with the rest of the building. Brian explained they will be completely renovating the area for the restaurant which is only on the single story building. Susan stated they are still waiting on WPCA and Police approval. They have received Fire approval, Planning sent a positive referral and the received an administrative approval from Wetlands. William Stopper asked for any public comments. There was none.

Public Hearing continued until the July 20, 2016 meeting at 6:15 P.M.

**NAUGATUCK ZONING COMMISSION
REGULAR MEETING
June 15, 2016**

William Stopper opened the meeting with the following in attendance:

MEMBERS:

William Stopper, Chair
April Slauson, Secretary
Richard Cool
Neil Mascola
Wendyann Fowler
Matthew DeBarber, Alternate - absent
Caroline Hennessey, Alternate - absent
Amanze Williams, Alternate

OTHERS:

Sue Goggin, Town Planner, ZEO, WEO
Lori Rotella, Assistant ZEO
Attorney Fitzpatrick - Borough Attorney
Kathleen Donovan - Burgess Liaison
Public - 20

1. At 6:08 P.M., William Stopper opened the meeting with the Pledge of Allegiance, took attendance and noted there was a quorum.
2. Executive session with the Borough Attorney.
There was no executive session.
3. Approval of the May 18, 2016 Public Hearing and Meeting Minutes. The secretary will sign previously approved minutes.

VOTED: Unanimously on a motion by Wendyann Fowler and seconded by April Slauson to **APPROVE** the May 18, 2016 Public Hearing and Meeting Minutes as amended.

4. **OLD BUSINESS:**

- A. Commission discussion/decision regarding for special permit for earth excavation at 100 Prospect Street, Applicant: Florian Properties/Format, LLC.

There was no discussion from the commission.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Wendyann Fowler to **APPROVE** the special permit for special permit for earth excavation at 100 Prospect Street, Applicant: Florian Properties/Format, LLC. with the following conditions:

1. A 20' buffer in back part of parking lot.
2. Add 6' tall arborvitaes 5-6' apart.
3. The 5' strip behind residential properties on Achushnet Street increased to 10'.
4. Leave or replace chain link fence as needed and with the replacement quality being equal to or better than present condition.

5. Any changes to the exterior of the building are subject to submission of architectural plans by the applicant as required by the Borough of Naugatuck Zoning Regulations.

B. Commission discussion/decision for special permit for proposed mixed use commercial/residential development at 100 Prospect Street, Applicant: Florian Properties/Format, LLC.

Attorney Fitzpatrick explained the waivers that the applicant was requesting.

VOTED: Unanimously on a motion by April Slauson and seconded by Neil Mascola to **APPROVE** the waiver for section 32.2.1 (12) regarding the building is served by the Connecticut Water Company and has public water services.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Wendyann Fowler to **APPROVE** the waiver for section 32.2.1 (15) that there are no energy distribution facilities proposed for the site at 100 Prospect Street.

VOTED: Unanimously on a motion by Richard Cool and seconded by Wendyann Fowler to **APPROVE** that the majority of the landscaping is existing and will not be modified and therefore the applicant requests a waiver, 33.2.4 as it relates to landscaping requirements. Landscaping waiver does not apply to plantings and buffers approved by commission on June 15, 2016.

VOTED: Unanimously on a motion by Richard Cool and seconded by Neil Mascola to **APPROVE** the existing structure is a building that will not be modified, waiver 33.3.3 Architectural Plans. If exterior changes are contemplated in regards to the special permit, the applicant is required to return to the commission, with the commission's review of proposed changes.

VOTED: Unanimously on a motion by Richard Cool and seconded by Neil Mascola to **APPROVE** the architectural and landscaping review board report is unnecessary as the property is an existing structure. All work being done will be interior, however, as previously stated, in the event that an architectural design of the exterior building is contemplated by the applicant, the applicant is required to submit a plan for proposed architectural change to the exterior of the building 33.3.8.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Wendyann Fowler to **APPROVE** the special permit for mixed use commercial/residential development at 100 Prospect Street, Applicant: Florian Properties/Format, LLC.

C. Commission discussion/decision regarding special permit for proposed 30,000 square foot medical building and mixed commercial use and 5,000 square foot restaurant/mixed use building at 58 Maple Street (Parcel C), Applicant: Heritage Downtown, LLC

Attorney Fitzpatrick explained the guidelines for the commission on voting for the special permit. They will vote on the waivers first and one at a time. They also require a super majority vote (four votes). After voting on the waivers, the commission may vote on the special permit but are not required to vote tonight. They have 65 days after closing the public hearing to vote on the special permit. They can approve with conditions, approve with no conditions or deny the application. He also gave the commission the scope of their authority to move forward with the vote. It was also explained that they will also be acting as the architectural review board.

VOTED: Unanimously on a motion by April Slauson and seconded by Neil Mascola to **APPROVE** the waiver of the building height Section 24.4.3.

VOTED: Unanimously on a motion by Neil Mascola and seconded by April Slauson to **APPROVE** the waiver of maximum height of 60 – 65 feet.

VOTED: Unanimously on a motion by April Slauson and seconded by Neil Mascola to **APPROVE** the waiver for the architectural design plans for the second 5,000 square foot building and the plans must be submitted prior to construction of that second 5,000 square foot building.

The commission had a discussion on the materials being used on the building. Bill would like to see brick on the first and second floors of the building and clapboard on the third floor. Rick would like to see brick on the bottom. Bill noted that 3 of the commissioners were happy with the building as is and 2 did not like the materials being used.

VOTED: 3-2-0 on a motion by April Slauson and seconded by Neil Mascola to **APPROVE** the special permit for proposed 30,000 square foot medical building and mixed commercial use and 5,000 square foot restaurant/mixed use building at 58 Maple Street (Parcel C), Applicant: Heritage Downtown, LLC with the following conditions:

1. Architectural plans must be submitted prior to construction of the 5,000 square foot second building.
2. Architectural plans for current building of 30,000 square feet need to be submitted with architectural seal.

FOR

Neil Mascola
April Slauson
Wendyann Fowler

AGAINST

William Stopper
Rick Cool

ABSTAIN

William Stopper voted against the project based on his concern for the durability of the materials being used for the structure.

Rick Cool voted against the project based on his concern with the durability of the materials but loved the project.

April Slauson voted for the project and felt the building will be maintained. The developer made some of the changes the commission requested and she felt the project is needed to move the town forward.

Neil Mascola voted for the project because he felt the developer made enough concessions to move forward. The building will be inspected during construction phase.

Wendyann Fowler voted for the project and felt the developer, his attorney and all people that were positive for the project went above and beyond. She felt the materials were fine and agrees with Neil as long as the project is monitored during the construction of the building, it will move along fine.

Meeting recessed - 8:54 p.m.

Meeting reconvened - 9:04 p.m.

- D.** Commission discussion/decision regarding special permit for proposed restaurant at 233 Rubber Avenue (former VFW), Applicant: Mehmet Yilmaz

There was no discussion.

5. NEW BUSINESS

- A.** Commission ratification of administrative approval for site plan modification at 66 Church Street, Applicant: LEMI, LLC

Susan Goggin explained to the commission that they approved a site plan last month for the outdoor patio seating area. The applicant is proposing to put up a canopy in the back to protect the bar area. Sue showed the commission the area on a map dated June 15, 2016 where the canopy will be located and that they meet the 8' setback from the rear property line. They will not be covering the whole patio.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Wendyann Fowler to **RATIFY** the administrative approval for site plan modification at 66 Church Street, Applicant: LEMI, LLC

- B.** Commission discussion/decision regarding certificate of location application for auto repair & sales at 880-886 New Haven Road, Applicant: Vincent Delia

Vincent Delia, 880-886 New Haven Road explained that this location was formerly an auto repair and sales business and the new business will be the same. Susan Goggin stated a map was submitted showing what was there in the past. She also explained that the DMV application, per the State Statutes, requires the Zoning Commission to approve a Certificate of Location for any car dealership.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Wendyann Fowler to **APPROVE** the certificate of location for 880-886 New Haven Road.

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

VOTED: Unanimously on a motion by April Slauson and seconded by Neil Mascola to **ADD** to the agenda and to **ACCEPT** Jim Warren's Fulling Mills Development LLC application for an extension and to **SET** the public hearing for July 20 at 6:00 p.m.

Susan Goggin explained to the commission that PDD-11 was approved in 2010. The expiration date is August 18, 2016. You can apply for an extension, but only in 1 year increments.

6. Chairman Report
There was none.

7. ZEO Report
There was none.

8. Public Comment

Dana Karameta, 4 Endogen Street, explained to the commission that their neighbor at 40 Lines Hill Street had a white picket fence that they covered with a black tarp on the side facing their neighbors, the Karameta's. The Karameta's came into the Land Use office to complain that the good side was not facing them. The Zoning Enforcement Officer sent a letter to Maureen Kennedy at 40 Lines Hill Street explaining the regulations and requesting that she remove the tarp. Maureen Kennedy removed the tarp and pulled a permit to erect another fence outside of the white picket fence and put the tarp on the inside of the new chicken wire fence. The Zoning Commission made an interpretation that the tarp has to be removed and felt the second chicken wire fence was erected as a spite fence. Susan Goggin will notify Maureen Kennedy that the second chicken wire fence needs to be removed.

9. Adjournment

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

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/lr