

**ZONING COMMISSION
CONTINUED PUBLIC HEARING MEETING SEPTEMBER 15, 2010
FOR TEXT AMENDMENT to SECTION 44 (ALCOHOLIC BEVERAGES) of
the NAUGATCK ZONING REGULATIONS.
APPLICANT: NAUGATUCK ZONING COMMISSION**

Joe Savarese reconvened the Public Hearing Meeting at 6:16 P.M. with the following in attendance:

MEMBERS:

Joe Savarese, Chair
Diana Raczkowski, Vice Chair
Neil Mascola
Stanley Jaroneczyk
Richard Cool
Sally Brouillet, alternate

OTHERS:

Public: 11
Allison Hurley, Asst. CZEO
Steve Macary, CZEO
Edward Fitzpatrick, Boro Attorney
Pat Scully, Burgess Liaison

Joe Savarese asked if anyone from the public would like to comment on the amendments to the Alcohol regulations. There were no Public comments. Diana Raczkowski stated the Commission was preparing a list of definitions to categorize the different establishments. The Commission rescheduled the Public Hearing for the October 20, 2010 meeting at 6:15 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, a

ZONING COMMISSION
CONTINUED PUBLIC HEARING MEETING SEPTEMBER 15, 2010
For a ZONE CHANGE APPLICATION FROM I-2 AND R-15 TO B-2
COMMERCIAL ZONE, LOCATED ON 0 PROSPECT ST. AKA ROUTE 68.
APPLICANT: FULLING MILL DEVELOPMENT LLC.

Joe Savarese reconvened the Public Hearing Meeting at 6:36 P.M. with the following in attendance:

MEMBERS:

Joe Savarese, Chair
Diana Raczkowski, Vice Chair
Neil Mascola
Stanley Jaroneczyk
Richard Cool
Sally Brouillet, alternate

OTHERS:

Public: 13
Allison Hurley, Asst. CZEO
Steve Macary, CZEO
Edward Fitzpatrick, Boro Attorney
Pat Scully, Burgess Liaison

Attorney Mike McVerry, representing the applicant said as they discussed last month the property is adjacent to a state highway with approximately 2000 cars a day. The current zoning is not practical for Industrial or Residential development. The B-2 zone will allow services for the neighborhood without having to go easterly into the Town of Prospect or down into Union City. Attorney McVerry noted there was a property site walk and asked if the Commission had any further questions. The Commission did not. Public Comment: Bill Allison of Prospect St. submitted pictures of the Rubber Ave. and New Haven Rd corridors showing the more vacant Business building than Businesses in Town. Mr. Allison said the New Haven Rd. corridor is 85% Business and the Prospect corridor is approximately 79% Residential and we would like to keep it residential. He feels having a business there would bring in crime to this area. Mr. Allison stated he has a petition against this which he will be submitting to the Mayor this week. He said if there are rules and laws that are in place now even though they are to be updated in a year they should still have to abide by them now. Joe Savarese asked if he was talking about the Plan of Conservation and Development. Mr. Allison said yes. Diana Raczkowski stated the PODC is not a law or regulation it is just a guideline. Bill asked the Commission to try and see the resident's side of it. Jay candy of Prospect St. stated his concerns about the time for emergency vehicles to get to this area of town. Carl Mattson of Maple Hill Rd. stated he is a License Land Surveyor, License Real Estate Broker and ran Mattson Associates in Cheshire and Wolcott with his father for 59 years. He stated at a professional level he looked at the site and it is a bad site because it is narrow, below the road and there is a 30 foot drop to the brook. Diana Raczkowski stated this public hearing is not about the construction of the site it is to change the zone of the site. She said if it gets passed the applicant will have to apply for a special permit and your concerns will be addressed then. Mr. Mattson said changing the zone will depreciate the value of the properties around the area. Mike Regan of Prospect St. asked the Commission if a decision was made to pass this or not. Joe Savarese stated no, the Commission will discuss it later in the meeting. A discussion ensued regarding the time limits of the public hearing and making a decision regarding the application. Mr. Regan stated his concerns regarding property value going down, privacy and crime. The Commission closed the public hearing.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah

**ZONING COMMISSION
REGULAR MEETING SEPTEMBER 15, 2010**

Joe Savarese opened the Regular Meeting at 6:04 P.M. with the following in attendance:

MEMBERS:

Joe Savarese, Chair
Diana Raczkowski, Vice Chair
Neil Mascola
Stanley Jaroneczyk,
Richard Cool
Sally Brouillet, alternate

OTHERS:

Public: 6
Allison Hurley, Asst. CZEO
Steve Macary, CZEO
Pat Scully, Burgess Liaison
Edward Fitzpatrick, Boro Attorney

REGULAR MEETING

1. Joe Savarese opened the meeting with the Pledge of Allegiance and then took attendance. At this point, it was determined that a quorum was present.
2. No Executive Session with Borough Attorney.
3. Approval of August Regular and Public Hearing meeting minutes and the secretary will sign previously approved minutes.
The Commission agreed to table the approval of the August minutes until next months meeting.

4. **OLD BUSINESS:**

- A. Commission Discussion/ Decision for a Text Amendment to Section 44 (Alcoholic Beverages) of the Naugatuck Zoning Regulation. Applicant: Naugatuck Zoning Commission.
The Commission discussed having a site plan using the discretion of the Commission and considering for each one the location and character of the establishment. They will also tailor the site plan to fit each application and we will have the Attorney review this. The Commission agreed to continue the Public Hearing until October 20, 2010 at 6:15 P.M.
- B. Commission Discussion/ Decision for a Zone Change Application from I-2 and R-15 to a B-2 Commercial zone, located on 0 Prospect St. Applicant: Fulling Mill Dev., LLC.
VOTED: Unanimously on a motion by Diana Raczkowski and seconded by Stanley Jaroneczyk to **APPROVE** a Zone Change Application from I-2 and R-15 to a B-2 Commercial zone, located on 0 Prospect St. Applicant: Fulling Mill Dev., LLC.
- C. Commission discussion regarding Tomo's Restaurant / history of establishment and application of non-conforming regulations.
Joe Savarese asked Mr. Macary to review the history of the establishment and the non conforming regulations. Steve Macary stated the past uses have always had a walkway/ patio with railroad ties. The ZEO said when the owner of the Tomo restaurant came to the Land Use Office he was just putting up a 2 foot fence around the existing patio, but when he went to the Building office the Building official told him he would need to install a 4 foot fence. When the fence was

installed this caused the site line view issue. Tomo was asked to move the fence back after an investigation by the Boro Engineer. According to a letter dated 9/1/10 written by Mr. Zirolli, Borough Engineer the site line issue was corrected. Mr. Pat Scully of Lines Hill Rd. stated it was a site line issue and also an extension of a non conformity issue. Joe Savarese asked the Commission members if they were satisfied with the correction. The Zoning Commission all agreed that the owner of Tomo's has received the necessary permits to comply with the Naugatuck Zoning Regulations.

5. NEW BUSINESS:

- A. New Business: Commission discussion regarding content, presentation and Follow-up of monthly ZEO Report.
The Commission reviewed the current zoning complaint spreadsheet.
- B. Commission Discussion regarding a request for an extension of the Special Permit Application approval for Fox Hollow Active Adult, located at 0 Mill St. Applicant: CDIFund, LLC.
Attorney Michael McVerry representing the applicant reviewed some of the outstanding conditions that have not been applied. He said he plans to meet with Mr. Macary and Mr. Zirolli to review the items and how long they will need an extension to complete them.
VOTED: Unanimously on a motion by Diana Raczkowski and seconded by Neil Mascola to **ACCEPT** the extension application regarding a Special Permit Application and Bond approved on December 14, 2005 for Fox Hollow Active Adult, located at 0 Mill St. Applicant: CDIFund, LLC to be discussed at the October 20, 2010 meeting.
- C. Accept Special Permit Application, Set Public Hearing; refer to Planning Commission regarding a Communication Faculty located on maple hill school Applicant: Clearwire/ Tom Flynn
VOTED: Unanimously on a motion by Rick Cool and seconded by Neil Mascola to **ACCEPT**, refer to the Planning Commission and set the Public Hearing for a Special Permit Application regarding a Communication Faculty located on Maple Hill School Applicant: Clearwire/ Tom Flynn. The Public Hearing date is scheduled for October 20, 2010 at 6:45 P.M.
- D. Commission Discussion regarding The New Blight Ordinance Applicant: Naugatuck Zoning Commission.
Attorney Ned Fitzpatrick explained to the Commission the process of the Blight Ordinance and how it is not a bad thing that the ordinance overlaps some of the oning regulations. He said it really comes down to judgment. Diana Raczkowski asked for clarification on items in section 10-68 Blighted premises, n. over grown shrubs, #4, #6, m. abandoned vehicles, and attractive nuisance if this would apply to building sites. Attorney Fitzpatrick said it could and explained to the Commission. Sally Brouillet who sat on the Blight Committee said there would be a three person Appeals Board. Attorney Fitzpatrick stated the group of people that came up with the well draft document of this quality and scope is remarkable. Diana Raczkowski said she couldn't agree more and stated we should highly praise them for their work.

E. Accept Application refer to Planning Commission Set Public Hearing for Text Change to Section 29/Floodplain of the Naugatuck Regulations. Applicant: Zoning Commission.

VOTED: Unanimously on a motion by Rick Cool and seconded by Diana Raczkowski to **ACCEPT**, refer to the Planning Commission and Set a Public Hearing for a Special Permit Application regarding a Text Change to Section 29/Floodplain of the Naugatuck Regulations.

6. Commission Discussion for Change of Use applications.

Agnes Dann stated the new use will be a live community theater located at 686 Rubber Ave. She said there will be approximately 6 shows a year and it will seat 68 people. Steve Macary stated it was a family entertainment center called Fun Zone. The Commission agreed to Ratify the Change of Use Application for the Phoenix Stage Company located at 686 Rubber Ave. Naugatuck. Applicant: Agnes Dann.

7. Public Comment.

Pat Scully of 21 Lines Hill Rd stated this property is a Residential zone being used as business, therefore it is a non conforming use according to the Naugatuck Zoning Regulations and as the Zoning Commission you are required to enforce them. Mr. Scully said on May 2010 he sent a letter addressed to Mr. Macary, ZEO and Joe Savarese, Chairman that this is a safety issue and requested the fence be removed, not moved. Pat stated prior to issuing a permit it is the responsibility of the ZEO to see if all construction meets the zoning regulations. Mr. Scully claims this was not done. Mr. Scully further contends that expansion of this property is a violation of Section 43. Mr. Scully said on May 3rd that Wayne Zirolli, Boro Engineer inspected the site and in a letter to the ZEO, Mr. Zirolli requested all improvements to be removed . Mr. Scully said he attended the July 13th Police Commission meeting because the Zoning Commission told Mr. Macary to bring the issue in front of them to handle. Pat Scully said the patio is pre-existing and showed pictures to the Commission. Brian Leighton owner of 174-182 Prospect St. Said it has been a Bar and Restaurant in the past. He has invested a lot of money into the buildings. Mr. Leighton stated the neighbors have no problems with the Tomo Restaurant and are very happy there is no longer the Bar. He feels Mr. Scully is harassing him and that the owner,Gyn of Tomo's, has done everything he was asked to do. Gyn , owner of Tomo's,submitted a petition stating they do not feel the current patio railing is a hindrance to their vision when exiting Lines Hill Rd. onto Route 68. Gyn said he has gone by the rules and all he is trying to do is run a business.

8. Additional items to be discussed require a 2/3 vote to be added to the agenda.

9. No Chairman Report.

10. Adjournment.

VOTED: Unanimously on a motion by Stanley Jaroneczyk and seconded by Neil Mascola to adjourn the meeting at 8:55 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah