

**DRAFT**

**ZONING COMMISSION  
PUBLIC HEARING MEETING JANUARY 21, 2009  
SPECIAL PERMIT APPLICATION FOR AN AUTO DEALERSHIP AND  
REPAIR FACILITY LOCATED ON 628 PROSPECT STREET,  
NAUGATUCK, CT, APPLICANT: GTS AUTO SALES LLC.**

Mike Ciacciarella opened the Public Hearing Meeting at 6:30 P.M. with the following in attendance:

**MEMBERS:**

Mike Ciacciarella, Chair  
Diana Raczkowski, absent  
Stanley Jaroneczyk arrived at 6:30  
Neil Mascola  
Matthew Katra  
Jeffrey Litke, alternate  
Joseph Savarese, alternate, absent

**OTHERS:**

Public: 24  
Steve Macary, CZEO  
Allison Hurley, Asst. CZEO  
Jim Stewart, Boro PE

Mike Ciacciarella appointed Jeffrey Litke a regular voting member in place of Diana Raczkowski. Mike Ciacciarella asked Steve Macary if the application was complete. Steve stated that it was. The Commission discussed the number of parking spaces and that lines should be painted after asphalt is completed along with marking the spaces. Mike Ciacciarella asked about the lighting. Steve Macary stated note number 8 on the plans took care of that already. The Borough Engineer stated note number 8 was missing from the plans. Mike Ciacciarella said if approved; note #8 would need to be added as a condition of approval. Gary Santarsiere of 409 Union City Rd. stated he bought the property as is with the new building on it. Mike Ciacciarella asked what kind of activities will take place there. Mr. Santarsiere answered general auto repairs and used auto sales. The Commission asked how many cars he would have on the lot. Mr. Santarsiere stated 22 maximum. Mike Ciacciarella question where the pump station was. Steve Macary stated he did not even look at that because Valley Health will handle the sign off of it. Mr. Macary asked the applicant if the prior owner has already received the sign off from Valley Health. Gary Santarsiere stated he believes so. Matthew Katra asked if the applicant would have an oil burner or separator for the oil changing. The Applicant stated he would have a company removing the oil from the site. Jim Stewart asked if there was a sign proposed for the property. Mr. Santarsiere said probably on the building. Steve Macary said if the applicant puts one in the ground he would need DOT approval because it is state property. The Commission agreed closed the Public Hearing.

**RESPECTFULLY SUBMITTED:**

Neil Mascola, Secretary, ah

**ZONING COMMISSION  
CONTINUED PUBLIC HEARING MEETING JANUARY 21, 2009  
SPECIAL PERMIT APPLICATION FOR A  
COMMERCIAL STORAGE FACILITY AND EARTH EXCAVATION  
ACTIVITIES IN THE LOCATION OF CLARK ROAD AND NEW HAVEN  
ROAD. APPLICANT: NICHOLS REALTY.**

Mike Ciacciarella reconvened the Public Hearing Meeting at 6:35 P.M. with the following in attendance:

**MEMBERS:**

Mike Ciacciarella, Chair  
Diana Raczkowski, absent  
Stanley Jaroneczyk  
Neil Mascola  
Matthew Katra  
Jeffrey Litke, alternate  
Joseph Savarese, alternate, absent

**OTHERS:**

Public: 24  
Steve Macary, CZEO  
Allison Hurley, Asst. CZEO  
N.Warren Hess, Boro Attorney  
Jim Stewart, Boro PE

Mike Ciacciarella had Neil Mascola read a letter from the Connecticut Water Co. dated January 20, 2009 into the record. Steve Macary stated that he had received a second report today from the Borough Engineer. Mike Ciacciarella asked Jim Stewart what the difference was between the two reports. Jim Stewart said that the 1<sup>st</sup> report was based on the comments and plans from the December meeting and the 2<sup>nd</sup> report dated 1/21/09 was based on the plans submitted to the Land Use office on Jan. 20<sup>th</sup>, and a compiling of issues remaining, issues brought up in the CT. Water Co. letter and also items that he thinks should be discussed as possible conditions. Terry Meyer, Engineer for the applicant stated he had received comments through an e-mail from Cindy Gaurdino, CT. Water Company. Mr. Meyer had sent her plans in December and received 3 or 4 different comments which we have responded to. He then received The Borough Engineer's first set of comments dated 1/16/09 and submitted a letter which should be in the record responding to those comments and submitted new plans. Mr. Meyers then proceeded to review all the comments for the Commission. Attorney Franklin Pilicy, representing the applicant stated at this point he believes that the Engineer has been brought up to speed. All requirements, comments, items of concern expressed by the Borough Engineer and the CT. Water Co. have been added to the plans. Attorney Pilicy said the conditions recommended for approval from the Borough Engineer are all acceptable by the applicant at this point he feels the application, as revised is as complete as anyone has asked them to make it. Mike Ciacciarella he had one question pertaining to bedrock. He said that one of the items that the DEP had recommended was that there is a 10 foot distance between bedrock and excavation. Mike Ciacciarella asked if the ground water data or water profiles will show bedrock or how it will be determined. Terry Meyers stated that no one has hit any bedrock in this area. He stated they can go 10 feet below the proposed with the boring, if that's what the Commission would like. Mike Ciacciarella asked Jim Stewart if he was o.k. with that. Mr. Stewart replied yes.

Public comment: Attorney William Ryan, representing Gerald and Carol Gendron owners of the Mobile home Park discussed a fundamental issue concerning this application. The issue being what regulations of the Commission is applicable to this application. Attorney Ryan handed out copies of Section 8.2h of the State Statute that apply. He highlighted concerns in part (a) of this section. Attorney Ryan stated that the applicant delivered the application on Dec.21, 2004 then new regulations were active on January 1, 2005. Attorney Ryan questioned whether the application that was filed on Dec. 21, 2004 was in conformance with the applicable zoning regulation at the time. His answer is that the application was not in compliance with your existing regulations, specifically Section 31. He handed out copies of this section that were in affect at that time. He stated that earth removal was allowed with a special exception unless it fell under a special exemption; he then reviewed section 31.2 exemptions and also 31.2.1 building construction and showed the Commission a copy of the original plans filed by the applicant showing no building. Attorney Ryan stated this application did not fall under any exemption at the time it was submitted, so the application was required to form to the special permit regulations of your zoning regulations at that time. He also read Sections 31.4.6 and 31.4.8. Attorney Ryan said the application must conform to the new regulation that the Commission put into affect January of 2005. It is a fundamental issue and it bears review by Attorney Hess and the commission. He stated that the Commission should not take any action until the issue is resolved and asked that the Commission continue the Public Hearing. Attorney Ryan would like to have the opportunity to review the changes and the recommendations by the Borough Engineer with his Engineer and allow time for Attorney Hess to look at the issue of what regulations apply. Attorney Stephen Berg representing Meadowland Estates Condominium Association stated that he joins in with Attorney Ryan in the request to continue the Public Hearing. Theodora Matan of 108 Clark Rd read a letter regarding the blasting from the query which is a mile away and how it affects them. She had concerns about blasting at this location. Terry Meyers stated that there would not be any blasting.

Attorney Pilicy stated the applicant has gone out of his way to adhere to the regulations. Regarding the request of time for the proceedings Attorney Pilicy would object to that. He stated that this proceeding is a result of a court order that started May 20, 2008. The applicant has waited patiently from May to Dec for the meetings to reconvene and feels that he has brought positive response to this Commission for every item of concern by the CT. Water Co. and this staff. Attorney Pilicy stated they went well beyond any reasonable expectation and that the Commission ought to hold this hearing open for additional testimony. Particularly on these issues that were discussed heavily over 3 or 4 years ago. So he strongly objects to any further delay or extension of this Public Hearing. Attorney Pilicy asked the Commission to close the public hearing and vote tonight, He said if the commission would like to take a break to speak with the Town Attorney before or after the close of the hearing they would have no objection to that. Attorney Pilicy stated that the plans before this commission right now meet the new and the old regulations. Attorney Ryan stated the fact that this is a re-hearing has no bearing on the commission's responsibility. The Commissions responsibilities are to determine whether or not this special permit application meets the zoning regulations. The Commission recessed the Public hearing at 7:55 P.M. for 5 minutes.

Mike Ciacciarella reconvened the Public Hearing at 8:00 P.M. asking Attorney Hess to comment. Attorney Hess asked the Applicant if they would consent to a 2 week extension of the Public Hearing from today's date. The reason being that He is not going to make a determination tonight on the legal issues brought up by Attorney Ryan and depending on the out come of that issue we are also going to have to look at the engineering issues under the old and new regulations to determine whether or not there is compliance. Attorney Hess said if the applicant does not consent to an extension and does not comply with the new regulations; if they apply there would be an issue. Attorney Pilicy does not think the issues are pertinent to what is being discussed tonight. He asked for a 5 minute recess to discuss this with his client.

The Commission recessed for 5 minutes. At 8:08 P.M. the Commission reconvened the Public Hearing. Attorney Pilicy stated that the Applicant does not request or consent to an extension of the Public Hearing. The Commission closed the Public Hearing.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary

**ZONING COMMISSION  
REGULAR MEETING JANUARY 21, 2009**

Mike Ciacciarella opened the Regular Meeting at 6:06 P.M. with the following in attendance:

**MEMBERS:**

Mike Ciacciarella, Chair  
Diana Raczkowski, absent  
Stanley Jaroneczyk arrived at 6:30  
Neil Mascola  
Matthew Katra  
Jeffrey Litke, alternate  
Joseph Savarese, alternate, absent

**OTHERS:**

Public: 24  
Steve Macary, CZEO  
Allison Hurley, Asst. CZEO  
N.Warren Hess, Boro Attorney  
Jim Stewart, Boro PE

**REGULAR MEETING**

1. Mike Ciacciarella opened the meeting and took attendance. At this point, it was determined that a quorum was present. He appointed Jeffrey Litke as a regular voting member in place of Stanley Jaroneczyk.

2. No Executive Session.

3. Approval of minutes and the secretary will sign previously approved minutes.

**VOTED:** Unanimously on a motion by Neil Mascola and seconded by Jeffrey Litke to **APPROVE** the December 17, 2008 Regular and Public Hearing meeting minutes.

At 6:20 the Commission took a 10 Min. Recess.

4. **OLD BUSINESS:**

A. Commission Discussion/Decision for a Special Permit Application for an auto dealership and repair facility located on 628 Prospect Street, Naugatuck, CT, Applicant: GTS Auto Sales LLC.

**VOTED:** Unanimously on a motion by Matthew Katra and seconded by Jeffrey Litke to **APPROVE** a Special Permit Application for an auto dealership and repair facility located on 628 Prospect Street, Naugatuck, CT, Applicant: GTS Auto Sales LLC with the following conditions:

1. The Applicant marks the parking space with painted lines when the asphalt is complete. The asphalt should be completed prior to June 30, 2009.
2. The Applicant shall put note #8 regarding lighting should be added to the submitted plans.
3. The site plan meets the conditions of the previous approved site plan, approved February 21, 2007.

B. Commission Discussion/Decision for a Special Permit application for Commercial Storage facility and earth excavation activities in the location of Clark Road and New Haven Road.

The Commission tabled their decision until February 18, 2009 meeting.

C. Discussion for possible zoning violation located on Elm St.  
The Commission received a request from Attorney Fitzpatrick asking to table the discussion regarding a possible zoning violation located on Elm St. until the March meeting.

D. Commission Discussion/Decision regarding sign regulations.  
The Commission has received the final draft of the proposed sign regulations from the Borough Engineer.

**VOTED:** Unanimously on a motion by Jeffrey Litke and seconded by Matthew Katra to **Accept/ refer to Planning and set the Public Hearing** regarding the Amendments to the Sign Regulation, Section 27 of the Naugatuck Zoning Regulation. Applicant: The Naugatuck Zoning Commission. The Public Hearing is set for **March 18, 2009 at 6:30 P.M.**

5. **NEW BUSINESS:**

A. Request to Discuss with the Commission a parking issue and snow removal for Annadonte's Restaurant located at 384 North Main St. Applicant: Donna Grillo  
The Applicant did not attend the meeting therefore the Commission table this item until next Month's meeting.

6. Steve Macary stated there were no new Change of Use applications.

7. No Public Comment.

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

**VOTED:** Unanimously on a motion by Matthew Katra and seconded by Jeffrey Litke to **ADD** to the agenda an Text Amendment Application regarding the schedules of the Naugatuck zoning Regulation to the RADD and the NHRDD zones. Applicant: Attorney Edward Fitzpatrick.

**VOTED:** Unanimously on a motion by Matthew Katra and seconded by Jeffrey Litke to **Accept/ Refer to Planning and Set a Public Hearing for February 18, 2009 at 6:45 P.M.** for Text Amendments to the NHRDD and RADD, Two and Multi-Family Residential Dwelling Units Section 23.1 Schedule A of the Naugatuck Zoning Regulation. Applicant: Attorney Edward Fitzpatrick.

9. Steve Macary stated he had no Report.

10. **VOTED:** Unanimously on a motion by Matthew Katra and seconded by Neil Mascola to adjourn the meeting at 8:17 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah